User Guide

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Security sector reform (SSR) is increasingly prioritised by governments, and on the agenda of international development, peace and security communities. SSR opens a window of possibility to transform security policies, institutions and programmes, creating opportunities to integrate gender issues.

The integration of gender issues is being recognised as a key to operational effectiveness, local ownership and strengthened oversight. For example, increasing the recruitment of female staff, preventing human rights violations, and collaborating with women's organisations contribute to creating an efficient, accountable and participatory security sector, which responds to the specific needs of men, women, girls and boys.

Despite this recognition of the importance of integrating gender issues in SSR, there has been a lack of resources on the topic. This Toolkit is an initial response to the need for information and analysis on gender and SSR. It is designed to provide policymakers and practitioners with a practical introduction to why gender issues are important in SSR and what can be done to integrate them.

Each SSR context is unique. As such, the strategies and recommendations provided in the Toolkit may not always be directly applicable, and should always be adapted to the local context.

The Gender and Security Sector Reform Toolkit includes:
- 12 Tools (20 pages)
- 12 Practice Notes (4 pages, based on the Tools)
- Annex on International and Regional Laws and Instruments related to SSR and Gender

The topics of the Tools and corresponding Practice Notes are:

1. **Security Sector Reform and Gender**
2. **Police Reform and Gender**
3. **Defence Reform and Gender**
4. **Justice Reform and Gender**
5. **Penal Reform and Gender**
6. **Border Management and Gender**
7. **Parliamentary Oversight of the Security Sector and Gender**
8. **National Security Policy-Making and Gender**
9. **Civil Society Oversight of the Security Sector and Gender**
10. **Private Military and Security Companies and Gender**
11. **SSR Assessment, Monitoring and Evaluation and Gender**
12. **Gender Training for Security Sector Personnel**

Office for Democratic Institutions and Human Rights

osce ODIHR

instraw united nations

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

What is the purpose of the Toolkit?

The Toolkit was developed in order to increase the knowledge, capacities and exchange regarding the gender aspects of SSR amongst security sector reform policymakers, practitioners and researchers.

The Toolkit aims to:

- Set out why gender is important to SSR processes.
- Present practical strategies for integrating gender into SSR assessment, implementation, monitoring and evaluation, drawing upon experiences from different SSR contexts and different security sector institutions.
- Provide material to guide the development of gender-responsive SSR policy, at both international and national levels.
- Provide material from which training on gender issues for security sector personnel and SSR practitioners can be developed.
- Be a references guide on international laws and standards governing women's rights and gender equality, pertinent to security sector reform and security sector institutions.

This Toolkit is not an exhaustive guide to gender and SSR, but a first step in compiling information and practical guidance in a useful format for a wide range of SSR practitioners and policymakers. We hope that the Toolkit is a starting point for the development of more targeted and practical policy and training materials on gender and SSR by security sector agencies and others working in the area.

Who is it for?

The Toolkit is designed to provide an introduction to gender issues for a broad range of people working on security sector reform issues. They include policymakers, programme officers and consultants working on SSR within:

- National governments
- Security sector institutions
- International and regional organisations
- Donor governments
- Civil society organisations, including women's organisations

Although the Toolkit targets SSR specialists rather than gender experts, the Tools and Practice Notes can also be a helpful resources for personnel responsible for gender issues who want to learn more about how their work links to SSR.

In addition, there are other target audiences for each of the specific Tools/Practice Notes, for example:

Parliamentary Oversight of the Security Sector and Gender – parliamentarians, parliamentary staffers, and members and staff of regional parliaments.

Private Military and Security Companies and Gender – private military and security companies (PMSCs), PMSC industry associations and clients of PMSCs.

What is the structure and content of the Toolkit?

The Tools and Practice Notes generally follow the same structure, containing information under set headings (aside from Tool 11 and 12). For example, the Tool on Police Reform and Gender has the following structure:

1. *Introduction*
2. *What is police reform?*
3. *Why is gender important to police reform?*
4. *How can gender issues be integrated into police reform?*
5. *Integrating gender into police reform in specific contexts*
    a. *Post-conflict countries*
    b. *Transitional countries*
    c. *Developing countries*
    d. *Developed countries*
6. *Key recommendations*
7. *Additional resources*

The structure of the Practice Note on Police Reform and Gender is:
1. *Why is gender important to police reform?*
2. *How can gender issues be integrated into police reform?*
3. *Post-conflict challenges and opportunities*
4. *Questions for police reform*
5. *More information*

The specific content of the Tools and Practice Notes vary depending upon the topic. However, each includes conceptual information such as the definitions of gender and why gender issues are important, as well as practical information such as case studies, tips and checklists. The authors have strived to include a balance of case studies and examples from different parts of the world and from different country contexts (post-conflict, transitional, developing and developed).

How is SSR defined?

There is no generally accepted definition of the security sector or security sector reform. Different actors embrace broader or narrower understandings of SSR and a variety of terms are often used interchangeably. However, this Toolkit uses the definition put forward by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC), around which there appears to be some convergence:

> **Security sector reform** means transforming the security sector/system, '*which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework*'.[1]

The **security system/sector** can be understood as comprising all state institutions and other entities with a role in ensuring the security of the state and its people. These include:

- **Core security actors***: armed forces (including international and regional forces), police, gendarmeries, paramilitary forces, presidential guards, intelligence and security services, coast guards, border guards, customs authorities, and reserve and local security units.

- **Security management and oversight bodies:** parliament/legislature and its relevant legislative committees; government/the executive, including ministries of defence, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies; and civil society actors, including the media, academia and non-governmental organisations.

- **Justice and rule of law institutions**: justice ministries, prisons, criminal investigation and prosecution services, the judiciary (courts and tribunals), implementation justice services (bailiffs and ushers), other customary and traditional justice systems, human rights commissions and ombudspersons.

- **Non-statutory security forces:** liberation armies, guerrilla armies, private body-guard units, private security companies, private military companies and political party militias.[2]

- **Non-statutory civil society groups**: professional groups, the media, research organisations, advocacy organisations, religious organisations, non-governmental organisations and community groups.[3]

For a longer discussion of the concept of SSR, please see Tool 1 on SSR and Gender.

How were the topics for the Toolkit chosen?

SSR includes a wide range of actors and processes, and there are a multitude of gender issues that are important in SSR. This Toolkit focuses on common areas of SSR where existing resources and expertise on gender are not being taken into account. There are other areas of SSR where resources on gender are needed. For example, the Toolkit does not contain a tool on integrating gender into reform of intelligence services, due to the current scarcity of information on the topic. We hope that the Toolkit will be a useful resource for others to further develop work on gender and SSR, including in those areas beyond the scope of this Toolkit.

There is no separate tool on disarmament, demobilisation and reintegration (DDR) and gender because numerous excellent resources already exist on this topic. Thus, DDR is discussed in the Tools on Defence Reform and Parliamentary Oversight of the Security Sector as one issue among many.

Is the Toolkit about gender or women?

The terms 'gender' and 'women' are frequently confused and/or used as synonyms. This Toolkit focuses on gender rather than women, in part by including information and examples related to men and masculinities. However, there is as yet little information on men, masculinities and SSR, and more research is needed.

The definition of gender that we have used in the Toolkit is the following:

> **Gender** refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

For a longer discussion of gender definitions and conceptual approaches to integrating gender into SSR, please see the Tool on SSR and Gender.

Why are lesbian, gay, bisexual and transgender (LGBT) issues included?

Gay, lesbian, bisexual and transgender people often face discrimination and violence because of their perceived non-conformity with gender roles. On this basis, the Toolkit includes, where possible, examples and information on security sector initiatives to address the particular needs of LGBT people.

How are the different country contexts defined?

The Toolkit examines SSR in four types of country contexts, to explore whether there are commonalities in challenges and opportunities for the integration of

gender. Using categories set out by the United Nations Statistics Division, the Tools (aside from Tool 11 and 12) have a section focused on:

Transitional countries – countries in transition from centrally planned to market economies, such as Croatia, Georgia, Russian Federation, Tajikistan and Ukraine.

Developing countries – countries with low gross national incomes. Africa, the Caribbean, Central America, South America, Asia (excluding Japan) and Oceania (excluding Australia and New Zealand) are described as 'developing regions.'

Developed countries – countries that have a high gross national income, such as Western and Northern Europe, Canada, United States and Israel.[4]

The Tools also include a focus on integrating gender in SSR in *post-conflict countries*, where SSR tends to have particular characteristics less present or absent in non-conflict affected settings.[5] Examples of post-conflict countries discussed in the Toolkit include Haiti, Liberia, Sierra Leone and Timor Leste. Of course, post-conflict countries may also be transitional or developing, and it is not clear when a country that has experienced armed conflict ceases to be 'post-conflict'. Still, the Tools show that there is great scope for lessons learnt in some post-conflict contexts to be adapted to others.

Why are developed countries included?

Although the concept of SSR is not commonly used in relation to developed countries, reform of security sector institutions occurs frequently and at a variety of different levels. In many developed countries the security sector has yet to effectively prevent and respond to gender-based violence or attain gender parity for men and women employed in security institutions. Developed countries too should thus look to implementing gender-responsive reform in their security sector.

How was the Toolkit developed?

In 2005, the United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) developed the concept for this Toolkit, in response to the clear need for research and practical guidance on gender and SSR. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) became the third project partner.

In August 2006, DCAF and UN-INSTRAW established a Gender and SSR Working Group, bringing together SSR practitioners and researchers from around the world, as well as representatives from the OECD-DAC, DPKO, UNDP, UNIFEM, the Council of the European Union and ECOWAS. The Gender and SSR Working Group acted as a project advisory body.

Development of the Toolkit commenced in February 2007, with funding from the Norwegian Ministry of Foreign Affairs and OSCE/ODIHR.

DCAF commissioned Tools 2-10 from recognised experts in both the fields of gender and security. The Tools on Gender Training for Security Sector Personnel and SSR Assessment, Monitoring and Evaluation and Gender were developed by UN-INSTRAW, based upon a series of e-discussions between SSR and gender experts held in mid-2007. Drafts of each of the Tools were externally reviewed by a range of SSR practitioners, security service personnel, gender experts, academics and interested individuals. Some 60 people provided valuable comments and suggestions on drafts, including practitioners from Africa, Asia, Eastern Europe and Latin America. In addition, the draft tools were discussed by the tool authors, external reviewers and policymakers during a two-day Gender and SSR Expert Workshop held in Geneva in August 2007. The Practice Notes were prepared by UN-INSTRAW and DCAF based on the Tools. DCAF reviewed and edited the Tools and Practice Notes and produced the Toolkit.

DCAF, OSCE/ODIHR and UN-INSTRAW would like to thank each of the many people who helped to shape the Toolkit.

What next?

The Gender and Security Sector Reform Toolkit was launched in March 2008 and widely distributed in both print and CD ROM format and online.

DCAF, OSCE/ODIHR and UN-INSTRAW have a number of follow-up projects planned for 2008 and 2009 that will operationalise the Toolkit. The Toolkit will be initially translated into Russian, and it is hoped that resources will become available to make it accessible in other languages. Additional materials, including training materials, will be developed in order to meet the needs of different SSR practitioners in particular countries and regions. We look forward to further collaboration in developing and documenting good practice in integrating gender in SSR.

[1] OECD-DAC, *Security System Reform and Governance,* DAC Guidelines and Reference Series, (OECD: Paris), 2005, p.20.
http://www.oecd.org/dataoecd/8/39/31785288.pdf
[2] OECD-DAC, pp.20-21. Also see Hänggi, H., 'Making Sense of Security Sector Governance, '*Challenges of Security Sector Governance'*, eds. Hänggi, H. Winkler, T.H., (DCAF: Geneva), 2003.
[3] Ball and others, cited in the *United Nations Development Report 2002* (UNDP: New York), 2002, p.87.

[4] United Nations Statistics Division, 'Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings,' revised 28 August 2007.
http://unstats.un.org/unsd/methods/m49/m49regin.htm#developed
[5] See discussion in Law, D., 'The Post-Conflict Security Sector', DCAF Policy Paper No. 14, (DCAF: Geneva), 2006:
http://www.dcaf.ch/_docs/PP14_post_conflictss.pdf, p.2-3>, which is based on case studies of Afghanistan, Bosnia-Herzegovina, Haiti, Kosovo, Sierra Leone and Timor-Leste.

Security Sector Reform and Gender

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Security Sector Reform and Gender

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The Gender and SSR Toolkit
This Tool on Security Sector Reform and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1.   Security Sector Reform and Gender
2.   Police Reform and Gender
3.   Defence Reform and Gender
4.   Justice Reform and Gender
5.   Penal Reform and Gender
6.   Border Management and Gender
7.   Parliamentary Oversight of the Security Sector and Gender
8.   National Security Policy-Making and Gender
9.   Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

Cover picture © Jewel Samad/AFP/Getty Images, 2007.

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ACRONYMS

CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration
EU	European Union
GBV	Gender-Based Violence
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
LGBT	Lesbian, Gay, Bisexual and Transgender
M&E	Monitoring and Evaluation
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
OECD DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
SSR	Security Sector Reform
UK	United Kingdom
US	United States
UN	United Nations
UNFPA	United Nations Population Fund
WHO	World Health Organization

Security Sector Reform and Gender

1 Introduction

Scarcity of Afghan policewomen a threat to national security

'At present the province of Uruzgan counts two policewomen, who are based at the Governor's office in Tarin Kowt. Interviews with new male recruits for the Afghan National Police in the province illustrated the need for an increase in the number of policewomen at both police stations and checkpoints … security at checkpoints was jeopardized by men belonging to the Opposing Military Force dressed up in a burkah like an Afghan woman. Performing a body search was simply out of the question, due to the lack of female colleagues.'

Margret Verwijk, Senior Policy Officer, Netherlands Ministry of Foreign Affairs (2007)

Security sector reform (SSR) is increasingly prioritised by governments, and on the agenda of international development, peace and security communities. SSR opens a window of possibility to transform security policies, institutions and programmes, creating opportunities to integrate gender issues. Rather than an exercise in political correctness, the integration of gender issues is being recognised as a key to operational effectiveness, local ownership and strengthened oversight. For example, increasing the recruitment of female staff, preventing human rights violations, and collaborating with women's organisations contributes to creating an efficient, accountable and participatory security sector, which responds to the specific needs of men, women, girls and boys.

This tool is designed to provide a basic introduction to SSR and gender issues for the staff of national governments (including in donor countries), security sector institutions, and regional and international organisations, responsible for the development of SSR policy and programming. Civil society organisations, academics and researchers working on gender and security matters will also find it useful.

This tool includes:

- An introduction to SSR and gender
- The rationale for why integrating gender issues strengthens SSR processes
- Practical ways of integrating gender into SSR policy and programme cycles
- An overview of specific gender and SSR issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

For more detailed information, see the institution-specific Tools in the *Gender and Security Sector Reform Toolkit.*

2 What is security sector reform?

Though the concept of security sector reform emerged in the late 90s, there is no generally accepted definition of the security sector or security sector reform. Different actors embrace broader or narrower understandings of SSR and a variety of terms are often used interchangeably: security sector reform, security system reform, security sector modernisation, security sector transformation, etc. However, there appears to be some convergence around the definition put forward by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD DAC):

Security sector reform means transforming the security sector/system, '*which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework*'.[1]

SSR is a system-wide approach that emphasises the interconnected nature of security sector institutions and has two main objectives. First, to ensure democratic and civilian control of the security sector, for example by strengthening the management and oversight capacity of government ministries, parliament and civil society organisations. Second, to develop an effective, affordable and efficient security sector, for example by restructuring or building human and material capacity.[2]

The **security system/sector** can be understood as comprising all state institutions and other entities with a role in ensuring the security of the state and its people. These include:

- **Core security actors***: armed forces (including international and regional forces), police, gendarmeries, paramilitary forces, presidential guards, intelligence and security services, coast guards, border guards, customs authorities, and reserve and local security units.
- **Security management and oversight bodies:** parliament/legislature and its relevant legislative committees; government/the executive, including ministries of defence, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies; and civil society actors, including the media, academia and non-governmental organisations.
- **Justice and rule of law institutions**: justice ministries, prisons, criminal investigation and prosecution services, the judiciary (courts and tribunals), implementation justice services (bailiffs and ushers), other customary and traditional justice systems, human rights commissions and ombudsmen.
- **Non-statutory security forces:** liberation armies, guerrilla armies, private body-guard units, private security companies, private military companies and political party militias.[3]
- **Non-statutory civil society groups**: professional groups, the media, research organisations, advocacy organisations, religious organisations, non-governmental organisations and community groups.[4]

Security sector reform processes are designed to address a variety of problems within the security sector such as corruption, lack of technical capacity, human rights violations, lack of transparency and oversight, as well as broader social problems such as crime and armed violence. In operational terms, SSR covers a wide range of activities, which can be grouped into four broad categories:[5]

1. **Strengthening civilian control and oversight of the security sector** including: reforming ministries of defence and internal affairs; enhancing the oversight capacity of legislators through training; establishing independent ombudspersons' offices; initiating public sector reviews of military expenditures; and building the capacity of civil society organisations to oversee the security sector.

2. **Professionalisation of the security forces** including: programmes designed to train soldiers, police and other security sector personnel on democratic accountability, gender issues, human rights, international humanitarian law and ethnic sensitivity; technical skills training; promoting community policing; upgrading of military or police equipment; and drawing up professional codes of conduct.

3. **Demilitarisation and peace-building** including: programmes to reduce the availability and misuse of small arms and light weapons; disarmament, demobilisation and reintegration of combatants; and strengthening regional security measures.

4. **Strengthening the rule of law** including: establishing a strong, independent legal framework that provides critical civil-democratic oversight and a better functioning penal system; capacity building for the judiciary; and establishing an independent judiciary.

Security sector reform processes vary from country to country, and each SSR context is unique. Although international or regional organisations or bilateral donors may support SSR, local and national ownership of any reform process is essential. According to the OECD DAC, SSR should be:

- *People-centred, locally-owned and based on democratic norms and human rights principles and the rule of law, seeking to provide freedom from fear and measurable reductions in armed violence and crime.*

- *Seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations, through more integrated development and security policies and through greater civilian involvement and oversight.*

- *Founded on activities with multi-sectoral strategies, based upon a broad assessment of the range of security and justice needs of the people and the state.*

- *Developed adhering to basic governance principles such as transparency and accountability.*

- *Implemented through clear processes and policies that aim to enhance the institutional and human capacity needed for security policy to function effectively and for justice to be delivered equitably.[6]*

Although often associated with post-conflict contexts, SSR also takes place in developing countries and in countries in transition from a more authoritarian regime. In addition, reform processes within security sector institutions take place in developed countries, though they are not usually labelled SSR.

General challenges in implementing SSR include:

- The highly political nature of SSR processes, especially in regard to the armed forces, involving many vested personal, national and international interests.
- The need to coordinate many different actors and to include expertise from a range of different governmental departments and non-governmental organisations.
- SSR includes a wide range of activities, and can be initiated in support of a number of different objectives. This can often lead to inconsistencies

Box 1	Men, masculinities and the military

In many countries, the institutional culture of the armed forces enforces certain 'masculinised' values and behaviours, which in turn impact on the whole society's notion of masculinity. For instance, during the 1980s "The SADF [South African Defence Force] was a crucial source of ideas about what behaviour was appropriate for white South African men. A number of SADF conscripts have emphasised that the core of military training was to inculcate aggressiveness and equate it with masculinity."[9]

Military training, or 'boot camp', is often a tightly choreographed process aimed at breaking down individuality and building official military conduct and group loyalty. This process of socialisation is intimately gendered, as being a soldier is purposefully linked to being a 'real man.'

In Canada, researchers claim that new recruits face humiliation and degradation during boot camp in the form of physical brutalisation, threats of violence or verbal assaults - such as calling female recruits 'whores', and male recruits 'ladies', 'faggot', or 'nigger'. These racial, homophobic and sexist insults reflect an institutional culture that condones and perpetuates a certain form of violent masculinity.[10]

Another example is Israel which has three years of mandatory military service for men. According to the researcher, Danny Kaplan, 'the military attempts to mould all men in a uniform guise of masculinity. It does so through an organizational culture that encourages ideal assets of soldiery such as physical ability, endurance, self-control, professionalism, sociability, heterosexuality and the Arab enemy. These traits tap on masculine performance by contrasting them with images of "otherness" such as femininity, homosexuality and the Arab enemy.'[11]

and unevenness in implementation, and *ad hoc* initiatives.[7]

- SSR is a long-term process, which can lead to problems with sustainability, including adequate funding.

While these may be significant challenges, SSR has the potential to reduce the risk of armed conflict, promote development and strengthen human security. The creation of a professional security sector that is democratically accountable and well-managed can lead to better provision of security and justice for all segments of the population.

3 What is gender?

'**Gender**' refers to the socially constructed roles and relationships between men and women. Rather than being determined by biology, gender is learned. In other words, men and women are taught certain roles and appropriate behaviours according to their sex. One example is how in many European cultures, women are traditionally responsible for food preparation. Women are not biologically predestined to cook, rather it is part of the gender role that most women learn. Gender roles, such as these, are not static and can change over time and vary widely within and across cultures.

In contrast to gender, '**sex**' refers to the biological differences between females and males. These biological characteristics, such as hormones, reproductive organs and genetic differences, are commonly used to differentiate humans as female or male. Examples of the correct usage of the term 'sex' may be found on customs or application forms (sex: male or female), or when referring to statistics which

are divided into female and male as 'sex-disaggregated statistics'.

Gender roles are influenced by many different factors in addition to culture, such as class, nationality, ethnicity, sexual orientation and age. For instance, a middle-class, white, homosexual, Canadian model of masculinity will be very different from an upper-class, black, heterosexual, Liberian model of masculinity. The plural '**masculinities**' and '**femininities**' are used in order to recognise that masculinity and femininity mean different things to different groups of men and women at different times.[8] Within each society there are multiple definitions of masculinity and femininity, however some are more valued than others (see Box 1).

Women, men, girls and boys have different security experiences, needs, priorities and actions depending upon both their gender and sex. There are certain forms of violence which are based on the socially ascribed differences between males and females, what is known as '**gender-based violence**' (GBV).[12] GBV is not only violence against women; men and boys can also be victims. For instance, men, boys, women and girls can all be victims of rape. As rape is linked to issues of power and gender identity, it is a crime that is classified as GBV. Violence against gay, lesbian and bisexual people on the basis of their sexual orientation, and against transgender people on the basis of their gender identity, is also understood to be a form of GBV, as it is based on perceived non-conformity with gender roles.

Some forms of gender-based violence affect men and boys more than women and girls (see Box 2). However, in many cases women and girls constitute the majority of victims. In the case of childhood sexual victimisation, for instance, international studies give a rate of 20% among girls and 5 to 10% among boys.[13]

Box 2	Examples of gender-based violence

Women and girls	Men and boys
Domestic violence *A 2005 multi-country study by the World Health Organization (WHO) found that in most countries between 29% and 62% of women had experienced physical or sexual violence by an intimate partner.*[14]	**Gun violence** *Globally, it is estimated that every year over 1,000,000 people are injured by guns, over 200,000 are gun homicide victims and 50,000 are gun suicide victims.*[15] *According to WHO, 90% of the casualties attributed to firearms are male.*[16] *See Box 7 for more information.*
Human trafficking *Annually, 500,000 to 700,000 women and girls are trafficked across international borders.* [17]	**Child abuse** *WHO cites international studies that document sexual abuse of boys at a rate of 5-10%.*[18]
Sexual violence *Increases in sexual violence have been documented before, during and after armed conflicts; for instance in Rwanda where estimates of the number of women and girls raped range from 15,700 – 500,000.*[19]	**Rape** *A 2000 survey of inmates in seven US men's prison facilities showed that 21% of the inmates had experienced at least one episode of pressured or forced sexual contact and at least 7% had been raped.*[20]
Genital mutilation *According to the United Nations Population Fund (UNFPA), 130 million girls and women have undergone female genital mutilation, and 2 million girls are at risk every year.*	**Sex-selective massacres** *The Srebrenica massacre of July 1995, involved the killing of an estimated 8,000 Bosnian Muslim males.*
Anti-gay violence *A study by the Russian Lesbian, Gay, Bisexual or Transgender Network of over 3,500 gay and lesbian participants revealed that 26.5% of respondents had been victims of physical violence motivated by hatred based on sexual orientation.*[21]	

4 Gender strategies for security sector reform

Two complementary strategies can be used to integrate gender issues – the particular needs and roles of men, women, boys and girls – into SSR and security institutions: gender mainstreaming and promoting the equal participation of men and women. These strategies can be applied both to the SSR process itself (e.g. by ensuring gender training for personnel responsible for SSR policy and planning) and to the institutions undergoing SSR (e.g. by including gender training for new recruits as part of a police reform process).

4.1 Gender mainstreaming

'Understanding the role of women is important when building stability in an area… If women are the daily breadwinners and provide food and water for their families, patrolling the areas where women work will increase security and allow them to continue. This is a tactical assessment… Creating conditions for a functioning everyday life is vital from a security perspective. It provides a basis for stability.'

Brigadier Karl Engelbrektson, Force Commander of the Nordic Battlegroup [22]

Gender mainstreaming is 'the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that women and men benefit equally and inequality is not perpetuated.'[23]

Gender mainstreaming means that the impact of all SSR policies and programmes on women, men, boys and girls should be considered at every stage of the programme cycle, including assessment, planning, implementation, monitoring and evaluation. For example, mainstreaming gender into an SSR assessment involves including questions to identify the different insecurities faced by men, women, girls and boys. The results of the assessment might in turn highlight the need to include 'gender initiatives', and/or initiatives that address the particular security needs of women, men, boys or girls within the SSR process.

Gender initiatives focus on enhancing the security sector's awareness of and response to the different security experiences, needs and roles of men, women, girls and boys.

Examples
- Integrating gender issues into the core training for justice sector personnel including lawyers, judges and administration staff.
- Initiating a gender budget analysis of government public security spending to ensure that funds are being equitably allocated.

- Employing a gender expert as part of the SSR assessment team.
- Supporting a code of conduct for the armed forces that explicitly prohibits and sanctions GBV.

Men, women, boy and girl-specific initiatives are designed to deal with the particular security needs of each group.

Examples

- Funding the establishment of women's police units or stations.
- Training prison staff to prevent the rape of male prisoners.
- Encouraging collaboration with women's organisations to improve services to trafficked women and girls identified at borders.
- Conducting an assessment of measures to prevent and respond to male youth violence.

4.2 Promoting the equal participation of men and women

'Searching for weapons was a regular task in Kosovo… This is almost impossible without women in the team. If you suspect that weapons have been hidden in a village, going into houses is much easier in teams of both women and men. The female soldiers can talk to the women in the house because they often have more trust in other women, and this reduces the risk for escalation.'

Lars Wetterskog, Swedint [24]

Measures to promote the equal participation of men and women (also known as gender balance) seek to uphold men and women's right to participate in decision-making on SSR and security in general. As men are highly over-represented within SSR processes and security sector institutions, this strategy usually focuses on increasing the recruitment, retention and advancement of women, and ensuring the participation of civil society organisations, including women's organisations.

Examples

- Reviewing the terms of reference for SSR policy and programme positions to ensure that they are not discriminatory.
- Including separate focus groups for women and girls in SSR assessments.
- Developing gender-responsive and family-friendly human resource policies within security agencies, such as equal pay, benefits and pensions; flexible work hours; and adequate maternity and paternity leave.
- Supporting the creation of female staff associations or women's networks in security and justice institutions, such as associations of women judges and a parliamentary women's caucus.
- Funding local citizen security councils that include representatives from women's organisations.

Warning: Being a woman does not automatically make someone a 'gender expert', and increasing the number of women in the room does not necessarily guarantee gender-responsive policy and programming. However, a balance of women and men at all levels of institutions creates greater possibilities for identifying and addressing the different impacts of policy and programming on women and men.[25] In many cases, having both male and female personnel is an operational necessity (see Section 5.2).

Box 3	Modernisation of the Nicaraguan Police Force [26]

The modernisation of the National Police Force of Nicaragua demonstrates the beneficial impact of initiatives to mainstream gender and increase the participation of women. A broad range of gender reforms of the Nicaraguan police were initiated in the 1990s, following pressure from the Nicaraguan women's movement and from women within the police. As part of a project backed by the German development organisation (GTZ), specific initiatives were undertaken including:

- Training modules on GBV within the police academies
- Women's police stations
- Reform of recruitment criteria including female-specific physical training and the adaptation of height and physical exercise requirements for women
- Transparent promotion requirements
- Family-friendly human resource policies
- Establishment of a *Consejo Consultivo de Género* as a forum for discussion and investigation into the working conditions of female officers

Today, 26% of Nicaraguan police officers are women, the highest proportion of female police officers of any police force in the world. Nicaragua's police service has been described as the most 'women-friendly' in the region, and is hailed for its successful initiatives to address sexual violence.

Nicaragua's modernisation programme has set an example for other state institutions, and a number of police forces in the region are seeking to replicate it. The reforms have helped the police gain legitimacy and credibility in the eyes of the general public: in a recent 'image ranking' of Nicaraguan institutions the police came in second, far ahead of the Catholic Church.

Box 4	Compliance with obligations under international laws and instruments

Integrating gender into security sector reform is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *The Beijing Declaration and Platform for Action* (1995)
- *United Nations Security Council Resolution 1325 on women, peace and security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

5 Why is gender important to security sector reform?

The integration of gender issues into SSR processes, in addition to being mandated by international and regional laws and instruments (see Box 4), enhances local ownership, effective service delivery, and oversight and accountability.

5.1 Local ownership

'The imperative of local ownership is both a matter of respect and a pragmatic necessity. The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained. In the absence of local ownership, SSR is bound to fail.'

Laurie Nathan [27]

In practical terms, local ownership means that 'the reform of security policies, institutions and activities in a given country must be designed, managed and implemented by local actors rather than external actors'.[28] Women's civil society organisations, and organisations working on gender issues, are key local security actors whose participation can help ensure local ownership of SSR. Local ownership of SSR processes is about horizontal (across government bodies and political parties) and vertical (involving civil society organisations) inclusion. Adopting local ownership as a guiding principle for SSR initiatives enhances legitimacy and trust in the SSR process; builds an SSR process that directly responds to local needs, dynamics and resources; creates a democratic process; and has a better chance of sustainability and success.[29]

There are countless women's organisations worldwide, working at the grassroots, national and international level. Women's organisations may be security providers, for example, providing shelter and support to female and male victims of torture, or domestic or sexual violence. Working directly with local communities means that women's organisations often have access to detailed information regarding the security needs of individuals and communities, especially of marginalised groups. As such, women's organisations can serve as crucial bridges between local communities and security policymakers, strengthening local ownership (see Box 5). They also often have expertise in designing and implementing community-level security-related programming, for instance on the prevention of gang violence or human trafficking, and skills in delivering training on gender and human rights issues.

Box 5	Women's organisations and the South African defence review process [30]

One of the most important initiatives to ensure local ownership of SSR is to conduct a participatory consultation to understand the security context, actors, needs and priorities. The participation of women's organisations in the 1996-98 South African Defence Review process is an example of how their involvement can build consensus and legitimacy for security reform processes.

The objective of the defence review was to outline operational details such as doctrine, force design, logistics, armaments, human resources and equipment. At the insistence of women parliamentarians, the Parliamentary Joint Standing Committee on Defence called for a national consultation as part of the defence review process. A variety of measures were taken to ensure public participation, including using military planes and buses to transport religious and community leaders, NGO activists and representatives of women's organisations to regional meetings and workshops.

Grassroots women's organisations were vital in drawing attention to previously ignored issues such as the plight of dispossessed communities whose land had been seized for military use, the environmental impact of military activities and the sexual harassment of women by military personnel. To respond to these issues, two new sub-committees were formed within the Defence Secretariat. After a two year process, the participatory defence review had helped build national consensus around defence issues and generated public legitimacy for the new security structures.

Box 6	Increasing the recruitment and retention of women in the armed forces of Hungary [41]

Hungary successfully raised the participation of women in its armed forces from 4.3% in 2005 to 17.56% in 2006, which is the second highest rate of all NATO countries (Latvia is the highest with 18.2%).

After combat positions were opened to women in 1996, women are now able to occupy any position within the Hungarian armed forces. Hungary's strategies to increase recruitment, retention and deployment of women include:

- Military Service Law that upholds the equal rights of men and women and guarantees non-discriminatory promotion based on professional skill, experience, performance and service time.
- An Equal Opportunity Team and Equal Opportunity Plan created within human resources.
- A Committee on Women of the Hungarian Defence Forces established in 2003 to ensure equal opportunities for men and women. The Committee conducts research and holds meetings with servicewomen to gather experiences, from which they prepare analyses of the status of gender equality, including problems and recommendations for change.
- A network of women's focal points established at unit level.
- Steps to improve resting and hygienic conditions in the units.

Increasing local ownership of SSR, women's organisations have the capacity to:

- Identify security threats and issues facing individuals and communities, especially 'marginalised groups'.
- Facilitate dialogue and negotiation between local communities and SSR policymakers and practitioners.
- Provide security policy and programming advice and technical expertise.
- Implement SSR-related initiatives as a security service provider.
- Raise awareness of security policy and SSR processes.

See Tool on Civil Society Oversight of the Security Sector and Gender

5.2 Effective service delivery

Although national legislation and policy dictate the specific mandates of security sector institutions, their underlying purpose is the provision of security and justice to individuals, communities and the state. One of the central objectives of SSR is to improve this delivery of justice and security. Integrating gender issues increases the effectiveness of service delivery by:

- Creating more representative security sector institutions
- Strengthening responses to GBV
- Benefiting from collaboration with women's and men's organisations

More representative security sector institutions

'Barriers to the participation of women in the sector should be identified and addressed. Increasing their participation, especially at decision-making levels, will change the climate and culture of the organisation, reduce the incidence of discrimination against female police officers, and increase police responsiveness to women's security issues.'

OECD DAC Handbook on Security System Reform [31]

A representative security institution is one that reflects, at all levels of the organisation, the population it seeks to serve in terms of ethnicity, geography, religion, sex, and language. The benefits of a representative security sector include increased ability to deliver security and justice to a diverse constituency, and improved civilian trust and local ownership. Representative security agencies are also a key indicator of democratic governance, especially in the aftermath of intra-state conflicts.[32]

Security sector institutions, from relevant ministries to the armed forces, police, border authorities and private security companies, predominantly employ men. Even in countries where women have been given the equal right to participate in all positions within the security sector, including combat, women continue to be underrepresented and often relegated to low-status administrative positions. Higher rates of female participation do not necessarily correlate with levels of development, as can be seen by the low percentage of female police in Italy (0.4%) and the relatively high percentage in Zambia (17.09%). Even in countries with generally high gender parity in the workforce, women remain underrepresented: in Norway women represent just 6.4% of the police and 21.07% of the armed forces.[33] This over-representation of men also exists within United Nations (UN) peacekeeping operations, where women comprise less than 2% of the military personnel and less than 5% of police.[34] Within government, women are rarely appointed Ministers of Defence or Justice: in

2005, only 6.6% of Ministers of Defence and Veteran Affairs were female, and only 15.8% of Ministers of Justice.[35]

However, there is growing recognition that increased female participation in the security sector is viable, necessary and operationally beneficial (see Box 6). At a general level, fully opening all positions to women and other under-represented groups increases access to additional human resources and creates the potential to select better qualified staff. The benefits of increased participation of women in policing are well documented:

> *'Research conducted both in the United States and internationally clearly demonstrates that women officers rely on a style of policing that uses less physical force, are better at defusing and de-escalating potentially violent confrontations with citizens, and are less likely to become involved in problems with use of excessive force. Additionally, women officers often possess better communication skills than their male counterparts and are better able to facilitate the cooperation and trust required to implement a community policing model.'[36]*

Not only do women often possess a useful skill set, but in certain contexts their inclusion is not only desirable but an operational imperative, as they can carry out critical tasks that men can only take on with difficulty, if at all. In the context of multidimensional peacekeeping operations, this includes:

- Screening of female ex-combatants
- Widening the net of intelligence gathering
- Performing the cordon and search of women
- Assisting in the aftermath of sexual violence [37]

Anecdotal evidence also points to women peacekeepers as better able to:
- Gain the trust of civilians
- Ensure the full involvement of local women
- Exercise communication and crowd control skills

Women are also thought to have a positive impact on morale and behaviour within peacekeeping units, and to provide role models for increased women's participation in national security sector institutions.[38] For instance, UN and Liberian officials hope that the 103-strong, all-female Indian peacekeeping unit currently policing Monrovia will help to inspire Liberian women to join the police force, and limit sexual exploitation and abuse by peacekeepers. The Liberian National Police received three times the usual number of female applicants in the month following their deployment.[39] The unit's functions include guarding the Ministry of Foreign Affairs, patrolling the streets, controlling crowds and responding to calls for armed back-up from national police.[40]

Effectively preventing, responding to and sanctioning gender-based violence

> *In a 1997 study of domestic violence in Calcutta, 79% of women reported experiencing physical or sexual violence in their relationship. One in five women had experienced serious injuries such as fractured bones, impaired vision, dislocated bones, cuts requiring stitches, burns or internal cuts. [42]*

Box 7	Effectively addressing crimes of sexual violence: post-conflict justice mechanisms in Sierra Leone [47]

It is estimated that over 250,000 women were raped during Sierra Leone's decade-long civil war. In the aftermath of the war, a combination of justice mechanisms were employed, including the Special Court for Sierra Leone, a Truth and Reconciliation Commission and traditional justice mechanisms.

The Special Court for Sierra Leone was established by an agreement between the UN Secretary-General and the Government of Sierra Leone. It started operations in 2002 and continues today, with a mandate to 'try persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law' during the war. The Special Court is located in Sierra Leone and is operated by international and Sierra Leonean judges and staff. The Court's Statute adopted a broad definition of sexual violence, including 'rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence', and explicitly called for the appointment of gender-sensitive staff to deal with crimes of sexual violence.

Many positive steps have been taken by the Special Court to seek to ensure that crimes of sexual violence are adequately addressed. These include:

- Developing a prosecution strategy that incorporated crimes of sexual violence from the outset.
- Specifically tasking a trial attorney to develop a prosecution plan for sexual violence crimes.
- Assigning two experienced female investigators (out of a team of ten) to investigate crimes of sexual violence.
- Adopting a gender-sensitive interview method to ensure that victims felt comfortable reporting crimes.
- Emphasising witness preparation to ensure that witnesses understood the implications of testifying.

Although it is too early to draw definite conclusions regarding the success of the Special Court's handling of sexual violence, the first judgements of the Court (delivered on 20 June 2007) included convictions for rape as a crime against humanity and sexual slavery (as well as the first conviction in an international tribunal for the recruitment and use of child soldiers).

Box 8	Viva Rio – improving prevention and response to gun violence in Brazil [48]

Globally, men and boys are the overwhelming majority of gun violence perpetrators and victims. Research confirms that gender is a key factor, largely due to socio-cultural norms linking guns and masculinity. Carrying a gun can be a way of publicly demonstrating 'real manhood' to gain status and respect. Misuse of guns by men and boys is often glorified in popular culture and socially accepted or expected, especially among young, marginalised men.[49]

In Rio de Janeiro, young men are more likely to be killed by guns than all other external causes of death combined, including traffic accidents, illness and other kinds of injuries. Brazil has one of the highest homicide rates in the world, with more than 35,000 firearm deaths every year. Brazilians are about four times more likely to die by firearms than the general world population.

In response to the escalating urban violence in Rio de Janeiro, the non-governmental organisation (NGO) Viva Rio was established in 1993 with the aim of promoting a culture of peace and social development. Viva Rio now has more than 500 ongoing projects, many of which specifically focus on improving the prevention and response to gun violence, including:

- Public awareness-raising campaigns to reduce the demand for guns.
- Voluntary small arms collection campaigns.
- Destruction of surplus weapons, in collaboration with police, military and local government.
- Improvement of secure storage facilities.
- Advocating for tighter gun laws.
- Free legal advice centres.

Specifically focusing on gun violence prevention amongst young men in the *favelas*, Viva Rio initiated the Fight for Peace Project. Now also open to women, the project combines professional boxing lessons with citizenship classes and group discussions with a social worker. Topics range from anger management and sexually transmitted diseases to building self-esteem. The objective is to help young men and women (12-25 year olds) cope with the violence surrounding them, and offer them alternatives to involvement in the heavily armed drug trade.

In collaboration with the Military Police, Viva Rio has also developed a training-of-trainers course for police on issues of citizen rights, ethics and community relations. Close to 200 officers have been trained, who will replicate the training to reach some 10,000 officers.

To effectively provide security to individuals and communities it is necessary to take into account that men, women, girls and boys face different insecurities based upon socio-cultural gender roles (see Box 2). Gender-based violence, including human trafficking, intimate partner violence, sexual assault and anti-gay violence, is one of the largest threats to human security worldwide. Globally, one out of every three women is the victim of GBV.[43] Men and boys are also victims of GBV, however global statistics are scarce. Gender-based violence has a devastating impact upon the victim, and also creates enormous costs to society. In the United States (US), for example, where it is estimated that every year 1.3 million women are physically assaulted by their intimate partner, the health costs amount to US $5.8 billion annually.[44]

Despite the high prevalence of GBV, security sector initiatives to address these crimes are often not given priority and are inadequately funded. For instance, it is estimated that 10% of the wartime rapes in Bosnia were of men,[45] but GBV programming targeting men and boy survivors is virtually non-existent among conflict-affected populations.[46]

In order to fulfil its mandate as a security and justice provider, security sector institutions and oversight bodies – including police, border authorities, justice and penal institutions and relevant government ministries – must take concrete steps to effectively prevent and punish GBV, and provide support for survivors (see Box 7).

Benefits of collaboration with women's and men's organisations

Collaboration with women's and men's organisations (and other civil society organisations that work on gender issues) can lead to a more effective provision of security and justice. Such civil society organisations have capacities, expertise and access to knowledge that can be of great benefit to security sector institutions (see Box 8).

Collaboration with civil society organisations that specialise on gender issues can:

- Build the capacity of security sector institutions and personnel to better respond to the security needs of individuals and communities.
  - *For example: providing training on gender issues, such as on identifying and interviewing victims of human trafficking*
- Provide complementary services to victims of violence and people deprived of their liberty, increasing their security and health.
  - *For example: providing safe houses for victims of domestic violence; psychological support for victims of torture, anti-gay violence, or ex-combatants; men's organisations providing*

services and support to men in maximum-security prisons

- Increase access to justice.
  - *For example: through legal aid services and legal literacy programmes*
- Improve intelligence.
  - *For example: providing information on small arms in the community, or conflict early warning information*
- Enhance research on improving security and justice delivery.
  - *For example: undertaking community-level research on effective prevention and response to gang violence*
- Provide policy advice on improving security and justice delivery.
  - *For example: participating in local citizen security councils; having gender experts testify before parliament*

5.3 Oversight and accountability of the security sector

'Democratic accountability of the security and justice sectors is based on the principles of transparency, responsibility, participation and responsiveness to citizens. Representatives of security and justice institutions must be liable for their actions and should be called to account for malpractice. Oversight mechanisms should be designed to provide checks and balances that prevent abuses of power and ensure that institutions operate efficiently and effectively while respecting the rule of law.'

OECD DAC Handbook on Security System Reform [50]

Establishing democratic oversight and accountability of the security sector is an overarching objective of SSR. Ensuring that security sector institutions are transparent and accountable to democratic civilian authority prevents abuses of power and guarantees that institutions operate efficiently and effectively while respecting the rule of law.[51]

Representative and participative oversight

Many bodies play a role in oversight of the security sector, including the security sector institutions themselves, the executive, parliament, the judiciary, independent bodies such as ombudspersons, and civil society organisations.[52] Men are over-represented within many of these institutions: for instance, globally 83.1% of parliamentarians are men.[53]

See Tools on Parliamentary Oversight of the Security Sector and Gender, Civil Society Oversight of the Security Sector and Gender

Increasing the participation of women in oversight bodies such as the parliament, the executive and the judiciary helps to ensure that they are – and are perceived to be – representative, which can increase public confidence and responsiveness of oversight to the concerns of all citizens. Involving civil society with gender expertise, including women's organisations, men's organisations and gender experts, can strengthen both formal and informal security sector oversight mechanisms (see Box 9). They have the expertise and capacity to:

- Provide gender-responsive policy advice on improving transparency, accountability and responsiveness.
- Monitor the implementation of international and regional agreements on gender equality as related to security sector institutions.
- Provide capacity building for governance and oversight bodies on gender and security issues.
- Help ensure that oversight is comprehensive and responsive to communities' needs.

Box 9	Women's organisations' participation in Fiji's Security and Defence Review [54]

In Fiji, women's NGOs working with the Ministry of Women's Affairs provided input to the national security and defence review process in 2003. They met with the Fiji Government's National Security and Defence Review Committee to discuss:

- How the review process was being conducted.
- Who was being consulted.
- Which issues were identified as security threats.
- How international standards and norms such as *UN Security Council Resolution 1325 on women, peace and security* were being incorporated into defence programming.

The women's NGOs also made concrete recommendations, including for the permanent appointment of the Minister for Women on the National Security Council and representation of women on provincial and district-level security committees.

Box 10	UK Equal Opportunities Commission and sexual harassment in the armed forces [60]

The UK Equal Opportunities Commission (now part of the Equality and Human Rights Commission) was the independent, public body mandated to work towards the elimination of discrimination and to promote equal opportunity for women and men. It was responsible to the Cabinet Minister for Women and the Parliamentary Secretary for Women and Equality in the Department for Communities and Local Government.

In 2004, after several high-profile cases of sexual harassment and a high number of complaints, the Commission wrote to the Ministry of Defence (MoD) expressing its concern about the frequency and persistence of sexual harassment against women serving in the armed forces. On the basis of detailed information from the Ministry of Defence and the Armed Forces, the Commission concluded that the Armed Forces had not taken sufficient steps to meet their legal responsibilities to prevent and respond to sexual harassment. Using its powers as set out in the Sex Discrimination Act, the Commission embarked upon a formal investigation. It suspended the investigation on the condition of the Armed Forces' fulfilment of an Agreement and Action Plan to Prevent and Deal Effectively with Sexual Harassment in the Armed Forces. The Action Plan has three phases, over three years:

1. Diagnostic and data gathering.
2. Period for the Ministry of Defence to review the information collected and to propose a programme of future work, including outcomes and targets to be achieved, to the Commission for its agreement.
3. Implementation and monitoring phase.

The Action Plan specifically includes undertaking a sexual harassment survey, convening focus groups, determining a standard for recording sexual harassment complaints, appointing an external reviewer to assess the handling of complaints and increasing the number of female trainers. In June 2008 the Commission will conduct a final review of the Ministry of Defence and Armed Forces' performance to determine whether they have successfully reformed as required under the Agreement, including achieving the agreed outcomes.

Preventing and responding to human rights violations

'It is clear from the research we have conducted that we have a problem [sexual harassment] with which we must deal urgently. This is not about political correctness. It is about operational effectiveness. Our success as Armed Forces depends fundamentally on respect, trust and mutual interdependence. Anything that weakens those bonds of trust and respect weakens us as a fighting force.'

UK Chief of the Defence Staff, Air Chief Marshal Sir Jock Stirrup [55]

Preventing, responding to and sanctioning human rights abuses by security sector institutions and personnel is an important aspect of oversight. Forms of gender-based discrimination and human rights violations perpetrated by security sector personnel include sexual harassment, domestic violence, sexual assault, sexual torture, forced sex work, human trafficking and anti-gay violence. Male and female security sector personnel, as well as civilian men, women, girls and boys can be direct victims of these violations:

- In 2006, an independent study commissioned by the UK Ministry of Defence revealed that more than two thirds of servicewomen had a direct experience of sexual harassment.[56]
- In the 2006 student survey of the US military institute, the Citadel, 20% of the female cadets reported being sexually assaulted.[57]
- A 2006 report from Amnesty International stated that: 'Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria.'[58]

Eliminating discrimination and other human rights violations by security sector personnel is not only an obligation under international law, but creates more trusted and effective security institutions. Sexual harassment, for example, undermines an institution through a loss of productivity, lowered morale, absence from work, increased staff turnover, and hinders the integration of women in security agencies. In the context of the military, a study in the US has shown a strong correlation between high incidence of sexual harassment, lower combat readiness and a poor leadership climate.[59]

Oversight bodies can institute preventative measures, such as codes of conduct and training, and ensure that any human rights violations are effectively investigated and sanctioned (see Box 10). Collaboration with civil society organisations that work on human rights and gender issues can be particularly valuable, through their capacity to monitor and document incidents of human rights violations, and to provide policy, training and technical advice on reducing human rights violations, including GBV.

6 How can gender issues be integrated into security sector reform?

This section provides examples of concrete steps to integrate gender issues into SSR policy and programming cycles. As SSR processes are highly context-based and thus have different challenges and opportunities when it comes to the integration of gender, the following suggestions should be adapted to the specific context. See Section 7 for more specific information on these issues in post-conflict, transitional, developing and developed contexts.

6.1 Gender-responsive SSR policy

The development of a policy framework to guide security sector reform processes may be the first step taken towards implementation of SSR. Those providing external assistance to SSR may also do so within a specific SSR policy framework. Taking into account gender issues from the initial stage of policy formulation creates a solid foundation for a gender-responsive SSR process. Depending upon the specific context and type of policy, a broad range of actors can be involved in policy-making including international, regional, national and local stakeholders. Different types of policies and agreements that address SSR include:

National, regional and international policies
- National security policies
  - *Examples: Securing an Open Society: Canada's National Security Policy, National Security Concept of Georgia*
- Peace agreements (while not 'SSR policies', they serve as a framework for SSR in many post-conflict contexts)
  - *Examples: Liberian Comprehensive Peace Agreement, Guatemalan Peace Accords*
- National, regional and international codes of conduct
  - *Examples: OSCE Code of Conduct on Politico-Military Aspects of Security, UN Code of Conduct for Law Enforcement Officials*
- Donor policies and strategies
  - *Examples: Security Sector Reform: Towards a Dutch Approach, The Norwegian Government's Action Plan for the Implementation of UN Security Council Resolution 1325 (2000)*
- International and regional organisations' policy frameworks
  - *Examples: OECD DAC Ministerial Statement: Key Policy and Operational Commitments from the Implementation Framework for Security System Reform, Commission of the European Communities' A Concept for European Union Support for Security Sector Reform*

Institutional and municipal level policies
- White papers on security, defence, intelligence, police
- Local citizen security plans

Depending on the type of policy and the local context, different measures can be taken to ensure that gender issues are integrated through gender mainstreaming initiatives and measures to promote equal participation of men and women.

> **See Tool on National Security Policy-Making and Gender**

! Tips for gender mainstreaming

✔ Involve gender experts in drafting the SSR policy such as representatives from women's ministries, parliamentarians with gender expertise and experts from civil society organisations or academia.

✔ Build the gender capacity of the personnel responsible for drafting, implementing and evaluating the security policy, for instance through gender training.

✔ Identify and mobilise gender champions, i.e. senior level decision-makers who support the inclusion of gender issues.

✔ Conduct a gender impact assessment of the proposed security policy and continue to monitor the gender impact in implementation and evaluation (see Box 11).

✔ Review existing security and gender legal and policy frameworks, and ensure that the SSR policy is in line with international, regional and national mandates.

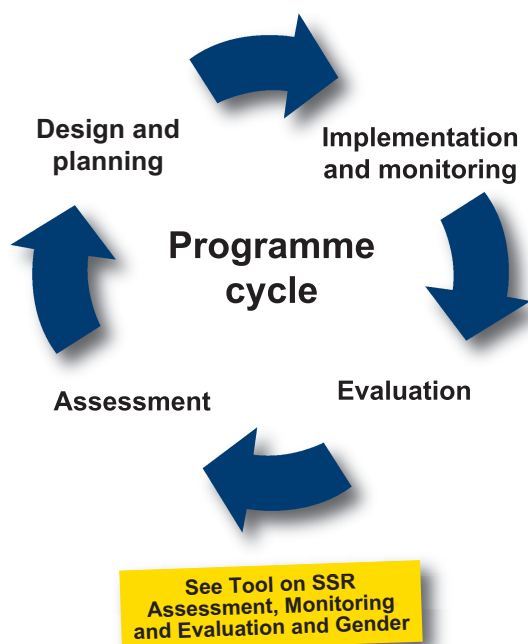**! Tips for promoting the equal participation of women and men**

✔ Hold an inclusive consultation process with the involvement of civil society, including representatives from women's and men's organisations and other gender experts.

✔ Ensure representation of women and men in the team(s) responsible for the assessment, drafting, implementation, monitoring and evaluation of the security policies.

Gender impact assessments of security policies can be conducted by oversight bodies, such as parliamentarians and civil society organisations, to determine how security policies will specifically affect men, women, girls and boys (see Box 11). Assessments can be carried out on existing or proposed policies. However, they are more successful when carried out at an early stage so that the policy can be changed or redirected.[61]

Box 11	Gender impact assessment of security policy [62]
Steps:	*Questions to ask:*
Step 1: Define issues and goals	■ What is the policy trying to achieve, and who will it benefit? ■ Does the policy meet the different security needs of men, women, boys and girls? Are GBV issues, such as domestic violence and human trafficking, being addressed? Is prevention included? ■ Is the emphasis on national or human security? ■ Is the policy in line with international, regional and national mandates on gender issues? ■ Is the policy meant to overcome gender inequalities or eliminate barriers and, if so, should there be a gender equality objective? ■ Is gender-specific and gender-sensitive language included? ■ What do men and women, including gender/women's CSOs or the Ministry of Women, say about the issues and outcomes?
Step 2: Collect data	■ How are stakeholders and different groups of women and men going to be consulted? ■ Do representative organisations truly reflect the voice of the men and women expected to benefit from the policy? If not, what is the strategy for reaching them? ■ What is the gender make-up of the people affected by the policy? ■ How can data and statistical information be collected by sex, ethnicity, disability, age, religion and sexual orientation? ■ What other information apart from sex-disaggregated data is needed to understand the issue? ■ What are the risks of early consultation – how are expectations and conflicting interests going to be managed?
Step 3: Develop options	■ How does the recommendation or each option impact positively or negatively on women and men? ■ Do the recommendations or any of the options reinforce or challenge traditional or stereotyped perceptions of women and men? ■ Which option gives men and women real choice and an opportunity to achieve their full potential in society? ■ Is there a need to consider mitigation where there will be a negative impact on one group over another, and what action can be taken to reduce the impact or to create a more gender-balanced policy?
Step 4: Communicate	■ What message needs to be communicated? ■ How will the message reach different groups of women and men? ■ Are separate approaches necessary? ■ How does the policy reflect the government's commitment to equality and is a specific message about equality to be included? ■ Have gender-sensitive language, symbols and examples been used in the materials communicating the policy? ■ How will you communicate with women and men who speak other languages or who are illiterate?
Step 5: Implement	■ Will the policy or service be experienced or accessed differently by a woman or man, and will the difference be affected by ethnicity, disability, age, religion or sexual orientation? What arrangements are in place to reach those who may be excluded? ■ Can the service be delivered jointly – i.e. can other government departments, locally, nationally and internationally-based organisations help deliver the service to the women and men targeted? ■ Do those implementing/delivering the policy or service represent the diversity of the community being served? Are women equally involved in implementation? ■ Have specific and sufficient resources (financial and human) been allocated to enable the achievement of gender equality objectives? ■ Are the implementers gender-responsive and aware of the specific gender issues?
Step 6: Monitor	■ Do female and male beneficiaries participate equally in the monitoring process? ■ Do monitoring requirements include a measure for gender equality, a measure for customer satisfaction, and do they reveal the extent to which the policy is successfully addressing the different needs of women and men? ■ How can external organisations representing different groups in the community help in monitoring the policy outcomes? ■ Are measures in place to initiate an investigation or to change the policy if it is not delivering either the equality objective defined at the outset of the project or equality of opportunity for women or men?
Step 7: Evaluate	■ Is the policy promoting and delivering equality of opportunity for women and men? Have the objectives been met for women and men? ■ Did one group receive greater benefit than others – if so how will the imbalance be addressed? Were inputs allocated equitably? ■ What was the overall impact on the status and quality of life for women and men? ■ Did the process involve women and men? Did it seek out and value their views equally? ■ Is there a need for additional data collection and do targets and indicators need adjusting in the light of experience? ■ What lessons are there for improving future policies and services, who needs to be informed and how is the information to be presented?

6.2 Gender-responsive SSR programme cycle

SSR programme cycles can vary according to the specific context, although the general phases remain the same in most development programmes:

Programme cycle

Design and planning → Implementation and monitoring → Evaluation → Assessment →

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

SSR assessment

The first step in initiating reforms in the security sector is to conduct an assessment to establish a comprehensive understanding of the current situation and priorities for reform. Initial assessments also serve as a baseline indicator from which to gauge the impact of reforms. Gender can be integrated into various types of security assessments in order to increase their accuracy and relevance.

There are different types of assessments that can be undertaken:

- **Full assessment** is a comprehensive assessment of the national context for SSR that focuses on the entire range of security sector actors. Questions can address political economy and conflict analysis; governance and capacity of security and justice institutions; security and justice needs of citizens; and links to other frameworks and programmes.[63]
- **Sector or problem-specific assessment** focuses specifically on one security sector institution, such as the police, or addressing a specific problem, which might involve looking at various security sector institutions.[64]

See Tools on Defence Reform and Gender, Police Reform and Gender, etc.

- **Local security surveys** can be implemented to feed into security decision-making, prioritising, and deployment and resource allocation at the local level. Conducted through interviews with a representative sample of individuals, focus groups or community organisations, questions can be asked regarding security threats and services.[65]

Gender-responsive assessments should include:

Gender mainstreaming
- ✔ An assessment team with gender capacity
- ✔ Terms of reference for the assessment that include gender issues
- ✔ Data disaggregated by sex and age
- ✔ Surveys that include questions regarding men, women, girls and boys' different:
  - security and justice needs and perceptions
  - ability to access security and justice services
  - opportunities to improve security and justice
  - priorities for reform
  - participation in security sector institutions
- ✔ Mapping of existing gender-responsive security and justice programmes and projects to determine local capacity and identify potential partners, including civil society initiatives
- ✔ Assessment of the gender-responsiveness of existing security and justice policy and legal frameworks at the national, institutional and local levels to determine needed revisions and gaps
- ✔ The assessment team held accountable for the integration of gender issues

Promoting the equal participation of women and men
- ✔ Women and men in the assessment team, including local female translators where necessary to speak with local women
- ✔ Inclusive consultation processes with civil society that involve men, women and representatives from women's and men's organisations
- ✔ Focus groups and meetings at times and locations that are accessible for women and other marginalised groups
- ✔ Women-only and men-only focus groups if necessary to hear local women, provide child care and transportation, as needed
- ✔ Communication tools for non-literate groups

It is also important to undertake specific assessments of gender issues before initiating gender mainstreaming activities or gender reforms, for instance to determine the prevalence of sexual harassment, obstacles to increased female recruitment or work-family life balance (see Box 12 on a model assessment process for increasing the recruitment and retention of women in law enforcement agencies).

Box 12	Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement

The US National Center for Women & Policing received a grant from the US Department of Justice to develop a self-assessment guide to assist agencies seeking to recruit and retain more women in sworn law enforcement positions. An Advisory Board was established consisting of state, county and municipal law enforcement executives and members of law enforcement organisations. In addition, the draft guide was field tested in two different police departments.

The assessment process recommended by the guide for medium-to-large agencies:

1. **Establish an assessment committee** consisting of: agency managers and field personnel, representing a cross-section of units and functions; women from all ranks; labour union representatives; personnel experts with experience working to increase women in non-traditional jobs; community representatives; liaisons from the public entity that controls the law enforcement budget; and elected officials or their representatives.

2. Convene a **full-day meeting** to discuss the assessment process, introduce all members of the committee and make committee assignments.

3. Establish **working committees** by subject matter on: job descriptions, the selection process and promotion; recruiting; training, mentoring, performance evaluation and awards; and family issues, sexual harassment, retaliation, internal affairs and the discipline system.

4. Establish a **timeline** for assessment and the development of recommendations, preferably six months.

5. Assign adequate **staff** to provide information and participate in the assessment process.

6. Designate one command-level person to provide the agency administrator with **monthly briefings** and ensure that a comprehensive review is conducted.

7. Designate a person from the law enforcement agency to **coordinate all requests for information** from the committee.

8. Hold a **staff meeting** with high-ranking law enforcement personnel to explain the task to the committees and the commitment of the agency to cooperate with the process.

9. The committees should **present their assessments and final report** to the entire assessment team.

10. Determine which changes will be made and develop a **detailed time/task plan** for implementation which assigns specific responsibilities.

11. Assign an **implementation committee and a chairperson** to monitor the process of implementing recommended changes and report quarterly to the agency head and elected officials.

The Guide is available online at http://www.womenandpolicing.org/sag.asp

SSR design and planning

The initial assessment can lay the ground for a strategic design and planning process. In order to ensure local ownership, stakeholders, including civil society organisations, should continue to be actively involved. This stage of any SSR programme should set out a gender-responsive logical framework for programme design:

■ **Objectives**
  - Do the objectives include: The improved delivery of security and justice services to men, women, girls and boys? Increasing the representative and participatory nature of security sector institutions? Increased accountability and a reduction of human rights violations?

■ **Beneficiaries**
  - Are the beneficiaries clearly defined, including specifying whether they are men, women, girls and boys?
  - Are women, girls and marginalised men and boys specifically identified as beneficiaries?

■ **Activities**
  - Are gender initiatives included (see Box 14)?
  - Do the activities clearly correspond to the objectives? Will they increase security and justice for women and girls as well as marginalised men and boys?

■ **Outputs**
  - Are specific outputs directed towards women, men, girls and boys?
  - Are there outputs that focus on preventing, responding and prosecuting GBV?
  - Are there outputs that increase the recruitment, retention and advancement of women?

■ **Indicators**
  - Are there specific indicators to monitor gender related objectives?
  - Are there specific indicators to monitor the impact of gender activities?
  - Are indicators sex-disaggregated?

■ **Time frame**
  - Does the time frame allow for flexibility, monitoring and stakeholder participation?

■ **Budget**
  - Are specific funds earmarked for gender objectives, activities and outputs?

Box 13	Gender initiatives within SSR programmes	
	Internal activities	**External activities**
Gender mainstreaming	■ Gender awareness training ■ Sexual harassment training ■ Codes of conduct ■ Gender focal points ■ Resources, such as manuals, on how to integrate gender issues	■ Technical training on interviewing victims of GBV, preventing human trafficking, responding to sexual assault of men ■ Capacity building for civil society organisations on gender ■ Specific initiatives to prevent, respond to and penalise GBV
Equal participation of women and men	■ Measures to increase female recruitment, retention and advancement ■ Human resources policies and practices that are gender responsive and family friendly ■ Female staff associations/ women's caucus/unions	■ Collaboration with women's and men's organisations for information gathering, referral of victims, drafting security policy, security sector oversight etc. ■ Capacity building of women's organisations on SSR and security issues in general

■ **Monitoring and evaluation**
- Is sufficient time and funding allocated to ensure participatory monitoring and evaluation processes?
- Do monitoring requirements include measures for gender equality and customer satisfaction?
- Will monitoring and assessment processes reveal the extent to which the programme is successful in addressing the different security and justice needs of men, women, girls and boys?

■ **Partners**
- Are women's and men's civil society organisations, and organisations specialised on gender issues included as potential partners for programme implementation?
- Do identified partners have the commitment and capacity to work in a gender-responsive manner?
- Are responsibilities and expectations regarding gender clearly spelled out in programme documents, agreements and contracts?

Specific gender initiatives may need to be included in the SSR design and planning phase in order to ensure that gender issues are adequately incorporated (see Box 13).

SSR implementation

Specific steps can be taken to ensure that gender issues, once included in assessment and programme design, are not marginalised in the implementation phase:

✔ Involve gender experts, such as the Ministry of Woman's Affairs, women's civil society organisations and individual specialists on gender and security issues.
✔ Include measures to build support and capacity as regards gender issues – e.g. through 'gender coaching' initiatives at the upper management level

or the provision of gender training and materials/ tools for project staff (see Box 14).
✔ Establish accountability mechanisms to ensure that all personnel are responsible for the integration of gender issues.
✔ Involve civil society in implementation activities, including women's and men's organisations.

SSR monitoring and evaluation

Comprehensive, gender-responsive monitoring and evaluation (M&E) of SSR programmes is necessary to determine the impact of the reforms on their beneficiaries – women, men, boys and girls – and to identify lessons learned. The baseline date and key indicators from the initial programme assessment and programme design can serve as a starting point for M&E. Monitoring can be used as a programme management tool to adjust the SSR activities to respond to changing contexts, local needs and identified good and bad practices. Monitoring mechanisms can be built into the programme as an ongoing process or through periodic reviews. In contrast, evaluations take place at the end of the programme to identify broad lessons learned in order to adjust subsequent programming accordingly.[67]

The OECD DAC criteria for evaluating development assistance programmes includes: [68]

■ **Relevance**: the extent to which the activity is suited to the priorities and policies of the target group, recipient and donor.

■ **Effectiveness**: a measure of the extent to which an activity attains its objectives.

■ **Efficiency**: a measure of the outputs – qualitative and quantitative – in relation to the inputs.

■ **Impact**: the positive or negative changes produced by the development intervention, directly or indirectly, intended or unintended.

■ **Sustainability**: a measure of whether the benefits of an activity are likely to continue after donor funding has been withdrawn.

? **Key questions to ensure that the monitoring and evaluation processes are gender-responsive include:**

Gender mainstreaming

✔ Do M&E staff have the capacity to integrate gender issues?

✔ Is M&E sex and age data disaggregated?

✔ Have the gender-related objectives, indicators and benchmarks been reached? Are measures in place to initiate change if these are not being met?

✔ What was the overall impact of the programme on men, women, girls and boys? Has the programme increased their security and access to justice?

✔ What good and bad practices related to gender issues can be identified? How can these feed into future programming?

✔ How are the results of the evaluation being communicated to men and women involved in the SSR process and in affected communities?

Promoting the equal participation of women and men

✔ Do male and female beneficiaries participate equally in M&E?

✔ Are specific measures taken as part of the M&E processes to reach marginalised beneficiaries such as rural communities and non-literate groups?

✔ Did the SSR programme adequately involve men and women? Were their views incorporated into the programme?

✔ How has the programme affected participation of men and women in security sector institutions and security sector oversight?

Box 14	Genderforce Sweden – a multi-layered approach to integrating gender issues into Swedish security sector institutions [66]

Genderforce Sweden has as its starting point the implementation of UNSCR 1325. It is funded by the European Union's Equal Initiative and is a partnership of:

■ Swedish Armed Forces
■ Swedish Police
■ Swedish Rescue Services Agency (SRSA)
■ Kvinna till Kvinna (a women's civil society organisation)
■ Association of Military Officers in Sweden
■ Swedish Women's Voluntary Defence Organisation

Its core objectives are to improve the gender balance and promote the integration of gender perspectives into Swedish military and civilian relief operations and into post-conflict peacekeeping operations. In order to meet these objectives, eight projects have been initiated:

1. **Increasing female recruitment**: Recruitment processes in the partner organisations have been assessed from a gender perspective and recommendations have been established. One example is how the SRSA has altered its recruitment methods, for instance by advertising in women's magazines. According to its Gender Advisor, Susanne Axmacher: 'We are definitely sending more women into operational areas nowadays.' Another example is how the Nordic Battle Group has set a goal of 8% female recruitment (the Swedish Armed Forces currently has approximately 5% women).

2. **Gender-responsive policy documents**: Government and institutional policy documents underwent gender analysis in order to identify concrete areas of improvement with the end goal of having mission and operations mandates that contained clear directives on gender equality and the active participation of women. New topics of reporting were suggested including: 'What local women's organisations have been contacted for interaction?' and 'What security threats to women have been observed?'

3. **Civilian-military cooperation in the field**: A study was conducted by the Swedish National Defence College to clarify the different roles of civilian and military actors, and methods of civilian-military cooperation in implementing UN Security Council Resolution 1325. One of the study's recommendations was to form a network of Swedish civilian and military actors to enhance cooperation.

4. **Gender field advisor**: A training programme has been developed for gender field advisors in order to create a pool of advisors for international operations.

5. **Gender coach programme**: As top management have the power and ability to influence structures and behaviours in the organisations, 12 senior officials were selected for the gender coaching programme. Major General Sverker Göranson, the Swedish Army Chief of Staff, stated that the programme had been a very positive experience and had changed the way he thinks, talks and acts which, among other things, had contributed to more effective communication.

6. **Preventing trafficking**: A training programme was developed for personnel in international operations on how to recognise signs of trafficking.

7. **Gender training**: Training methods and tools were developed on gender issues and UN Security Council Resolution 1325. The Swedish Armed Forces have already adopted this training for personnel in international peace support operations. The goal is to also integrate gender training into the curriculum of Swedish Military Academies, the Swedish National Police Academy and the Swedish National Defence College.

8. **Empowerment of local women**: A report was commissioned which focuses on good and bad practices of including local women in the planning, implementation and evaluation phases of military and humanitarian operations. The aim is to integrate the findings into pre-deployment training.

7 Integrating gender into SSR in specific contexts

Security sector reform varies according to the specific reform context. In principle, each country engaged in SSR constitutes a special case and hence a different reform context. Nonetheless, for analytical purposes, a number of broad SSR contexts may be distinguished such as: post-conflict, transitional, developing and developed contexts (see Table 1).

7.1 Post-conflict countries

In post-conflict environments, SSR is essential to prevent the re-occurrence of conflict and enhance public security, which in turn is necessary to initiate reconstruction and development activities. Depending upon the context, SSR might include either the reform of existing security institutions or building entirely new security sector institutions. There is often considerable public demand for change in these contexts, and by supporting SSR transitional governments can help signal a break from the past. There may be strong interest from international organisations and donors in supporting SSR processes, including through development assistance and peace support operations. In the post-conflict context there is a wide range of important opportunities to link SSR with related initiatives, including the negotiation and implementation of peace agreements; disarmament, demobilisation and reintegration (DDR); transitional justice and small arms control.[70]

Gender roles undergo massive change during conflict, with men and women taking on new responsibilities. This can open up opportunities for a greater involvement of women in public life, including within security institutions and in security decision-making. In the post-conflict period, there is often pressure to return to traditional gender roles. SSR processes

Table 1	Security sector reform in different contexts [69]			
	Developing countries	**Transitional countries**	**Post-conflict countries**	**Developed countries**
Key criteria	Level of economic development.	Nature of political system.	Specific security situation.	Political will.
Key challenges	Development deficit. Excessive military spending; poorly managed/governed security sector leads to ineffective provision of security, thereby diverting scarce resources from development.	Democratic deficit. Oversized, over-resourced military-industrial complex; strong state, but weak civil society institutions; deficiencies in implementing SSR policies.	Security and democratic deficits. Government and civil society institutions collapsed; displaced populations; privatisation of security; possibly pockets of armed resistance; abundance of small arms and anti-personnel mines.	Political will. At times, relatively oversized, over-resourced armed forces.
Possibilities for conducting SSR	Mixed (depending on political commitment to reform, strength of state institutions, role and state of security forces, regional security environment, donor approach to SSR, etc.).	Rather good (strong state institutions, professional security forces, broader democratisation process), even better if external incentives available (e.g. accession to EU or NATO).	Rather poor (weak and contested state institutions, privatisation of security, dependence on peace support/intervention forces).	Mixed (depending on the political commitment to reform, and the relative strength of the military-industrial complex); strong state institutions and CSO community, but great distance between the two.
General reform process	Transition from underdeveloped to developed economy.	Transition from authoritarian to democratic system.	Transition from violent conflict to peace.	Responding to a change in the security environment.
Nature of external involvement	Development assistance coupled with political conditionality.	Accession to multilateral institutions as incentive for reform.	Military intervention / occupation; mostly UN-led peace support operations.	Usually none.
Key external actors	Development/financial actors: multilateral donors (e.g. OECD, UNDP, World Bank); bilateral donors; non-state actors.	Security actors: international (e.g. EU, NATO, OSCE); governments; non-state actors (e.g. international NGOs, private military companies).	Security actors: intervention forces; peacekeeping forces under international auspices; non-state actors (e.g. private military companies).	Usually none.

Box 15	Women's groups involvement in DDR in Liberia

In recent years the need to integrate a gender dimension into DDR programmes has emerged from a greater awareness of the magnitude and various forms of women's and girls' participation in armed conflicts, and recognition that they were being excluded from DDR.[72] An estimated 88% of girl soldiers were denied access to DDR programmes in Sierra Leone between 1998 and 2002.[73] The United Nations Development Fund for Women (UNIFEM) Checklist on *Gender-aware Disarmament, Demobilization and Reintegration* and the UN Integrated DDR Standards (IDDRS) now provide detailed guidelines on addressing the particular needs of women and girls during DDR processes.[74]

In Liberia, local women's organisations were key partners in the design and distribution of DDR information. Initial needs assessments estimated that some 2,000 female combatants would undergo DDR.[75] In 2003, women's groups rallied under the banner 'Concerned Women of Liberia' and became involved in DDR. Working with the UN Mission and the Ministry of Gender and Development, women's groups helped design an awareness campaign using print media and radio to encourage women and girls to participate in the DDR process.[76] By February 2005, 22,370 women and 2,440 girls had been disarmed and demobilised, of a total of 101,495 persons in the DDR programme. 'Women associated with fighting forces' as well as female combatants were recognised.[77] By the end of 2006, 13,223 of these women had been 'reinserted', mainly into agriculture, formal education or vocational training.[78]

should support the positive changes that might have occurred during the conflict while seeking to address high levels of post-conflict GBV.

Challenges for the integration of gender issues

- DDR processes[71] often fail to include women and girls (see Box 15).
- Pressure to quickly build security sector institutions may result in gender issues being insufficiently prioritised in recruitment, training and logistics.
- Lack of infrastructure and capacity can hinder women's access to justice.
- Security sector institutions often lack civilian trust due to previous human rights abuses, which increases the difficulty of recruiting women.
- Women may lack the educational requirements or skills to join security sector institutions.

Opportunities and tips for the integration of gender issues

- The participation of women's organisations in peace processes can lay a foundation for the involvement of women and the integration of gender issues into SSR processes:
  - Involve women's and men's organisations in security policy making and building the gender capacity of new security sector staff.
- Comprehensive reform of security sector institutions, including large-scale recruitment and training of security sector personnel, creates opportunities for the integration of gender issues:
  - Provide gender training to all security sector personnel.
  - Screen new personnel for human rights violations, including GBV.
  - Integrate gender issues into the UN and other international organisations, and into bilateral actors' training of police, military, justice, penal and government staff.
- Fluidity in gender roles during the armed conflict can create the space for increased female participation in the security sector:

- Set clear targets for female recruitment, retention and advancement.
- Provide incentives for female ex-combatants to join the military and the police.
- DDR processes can be a potential entry point to address gender issues:
  - Ensure that DDR processes meet the needs of men, women, girls and boys.
  - Integrate programmes to prevent GBV against male ex-combatants during DDR processes.
- International institutions and donors may provide resources to support gender-sensitive SSR processes
  - Encourage donors to fund gender initiatives, including logistics and equipment for female security sector staff.

7.2 Transitional countries

'Transitional countries' are defined in an economic sense as those countries in transition from centrally planned to market economies, such as countries in the Commonwealth of Independent States and some countries of South Eastern Europe.[79] They are often characterised by an oversized and over resourced military-industrial complex, a strong centralised state system and weak civil society organisations.[80] Hindrances to SSR can include authoritarian political leadership, nepotism and police involvement in criminal acts and corruption. Civilian oversight is often almost non-existent. SSR has come mainly through external pressure, for instance from the EU or NATO, and is triggered by bilateral or multilateral arrangements.[81]

Challenges for the integration of gender issues

- In the face of corruption and human rights violations, gender issues are often not prioritised in SSR processes.
- Lack of accountability mechanisms.
- Low levels of public trust of the security sector can make female recruitment and collaboration with women's organisations difficult.

Box 16	Gender training for judges [83]

The International Association of Women Judges brings together more than 4,000 judges from 87 countries.

In 1997, it launched a 3-year human rights training programme for judges and allied professionals in five South American countries on the application of international and regional human rights conventions to cases arising in domestic courts involving discrimination or violence against women. Since 2000, its Jurisprudence of Equality Programme (JEP) has expanded to Central America, East Africa and Southern Africa. In total, more than 1,300 judges, male and female, have taken part in JEP training in 12 countries.

JEP workshops and seminars bring judges together to focus on the concrete meaning of abstract guarantees of equal protection and non-discrimination. Through case studies and problem-solving exercises, judges share insights with colleagues and deepen their understanding of international law as applied to domestic contexts.

The JEP has:

- Developed an international human rights judicial community. JEP-trained jurists now form the nucleus of regional networks that can support one another and encourage their colleagues to follow suit.
- Changed points of view and practices. Many JEP-trained judges credit the programme with alerting them to the nature and scope of domestic violence and gender discrimination; to hidden biases – their own and those of others – and stereotypes that sustain these biases; and to more effective and sensitive ways to question witnesses.
- Adapted their curriculum to non-judicial contexts. JEP participants have incorporated JEP materials in curricula they use for teaching students, at secondary and tertiary levels, as well as for training programmes for police, lawyers, social workers, physicians and other professionals.
- Garnered support from courts, government agencies and the judiciary. In Kenya, Uganda and Tanzania, for example, the Chief Justices publicly announced support for the JEP and adopted the programme as an official offering of their judicial training institutes.

Opportunities and tips for the integration of gender issues

- Goals of NATO or EU membership, or acting as a police or troop-contributing state for UN peacekeeping, may provide incentive to address gender issues in SSR.
- Concern over the prevalence of trafficking of women and girls can be an entry point to address the particular security needs of women and girls, and the need for female security sector personnel.
- In certain transitional countries the post-Soviet legacy includes more equal participation of women and men in security sector institutions, such as within the armed forces and police.
- Transition from conscription to fully professional armed forces, and high levels of education for women, may open opportunities for women to be included. In turn, high unemployment levels may make the armed forces a more attractive career for women than previously.

7.3 Developing countries

The term 'developing countries' generally describes those that have a low gross national income and that rate low on the Human Development Index. The UN describes Africa, Asia (excluding Japan), the Caribbean, Central America, Oceania (excluding Australia and New Zealand) and South America as 'developing regions'.[82] There is often a scarcity of funding for SSR in developing countries, a tendency to lack the resources required for a functional security sector, a dependency on corruption in the absence of a living wage, vested interests, limited transparency and weak structures of democratic governance. Security sector reform processes in developing countries focus on reforming existing institutions to create a professional, accountable and properly sized security sector through the reduction of corruption and human rights violations, building technical expertise and increasing democratic oversight.

Challenges for the integration of gender issues

- Lack of state resources and oversight can contribute to low levels of prevention and accountability for human rights violations by security sector personnel, especially in terms of GBV.
- Because women are generally poor, high levels of corruption particularly hinder women's access to justice.
- In many countries, adequate national legislation criminalising all forms of GBV is not in place.
- A legacy of imposed development projects may result in the perception that gender equality issues and SSR are foreign impositions.

Opportunities and tips for the integration of gender issues

- Development initiatives can be an entry point for increasing security and access to justice for men, women, girls and boys, addressing GBV and involving women's and men's civil society organisations.
- Civil society organisations are likely filling many of the gaps of the state in providing security, such as supporting prisoners, and providing community-level policing and justice. They can be partners for

Box 17	**SSR agenda for the North [84]**

Donor governments and multilateral organisations view SSR as a critical need exclusively in developing countries. Yet the need for security reform is just as great in many industrialised countries, including many donor countries. The development of an agenda for 'SSR in the North' could encompass the following issues:

- The violation of international law prohibiting the use and threat of force.
- The limited role of parliament when governments decide to engage in war, and the manipulation of intelligence and public opinion in these decisions.
- The failure to abide by the Geneva Conventions and the prohibitions against torture.
- Arms sales and other forms of security support to repressive regimes.
- Secret funding of security services in developing countries, fuelling corruption and conflict.
- Infringements of civil liberties in industrialised countries and encouragement of repressive measures in developing countries as part of the 'war on terror'.
- Double standards in relation to weapons of mass destruction.
- The maintenance of outdated and inequitable power arrangements in the UN Security Council.

identifying and addressing the particular needs of women, men, boys and girls.
- Establishing a gender-sensitive municipal-level citizen security plan that includes the participation of women's organisations can be a cost effective measure.

7.4 Developed countries

The term 'developed countries' generally describes those that have a high gross national income and that rate high on the Human Development Index. The UN describes Australia, Canada, Israel, Japan, New Zealand, Western and Northern Europe and the US as developed.[85] Although the concept of SSR is not commonly used in relation to developed countries, reform of the security sector is often needed and may be occurring at different levels. Reforms in developed countries are often institution specific and can focus on issues of efficiency, increased oversight, management and operational procedures such as instituting community-based policing. Developed countries may also undertake reforms in order to address under or over-investment in their security sector, or failure to use resources efficiently. The security sector in developed countries, in many cases, has yet to effectively prevent and respond to GBV or attain gender parity for men and women employed in security institutions.

Developed countries are also key actors in supporting SSR processes in post-conflict, transitional and developing contexts.

Challenges for the integration of gender issues
- External security threats such as terrorism may be prioritised over internal threats to security, leading to the exclusion of issues such as GBV from the security agenda.
- There may be greater complacency as regards the need for gender equality, from both men and women.

- In some countries, opposition to 'affirmative action' may hinder initiatives to increase the recruitment, retention and advancement of women in security agencies, and to increase women's participation in parliament and security decision making.

Opportunities and tips for the integration of gender issues
- State responsibility under anti-discrimination, hate crime and gender equality laws can be the basis for measures to build the capacity of security sector institutions to address gender issues – both internally and operationally.
- Human resources practice may be better developed, supporting measures to address sexual harassment and discrimination and other forms of GBV within security sector institutions.
- Increased recruitment difficulties for certain security sector institutions can create added incentive to increase the recruitment, retention and advancement of women.
- Lesbian, gay, bisexual and transgender (LGBT) civil society organisations are likely to be more visible and active, and can be partners in combating violence and discrimination against LGBT people, including within security sector agencies (see Box 18).
- Those countries that are SSR donors have the ability to integrate gender into their support for SSR. They should, for example:
  - Ensure that SSR initiatives they support fully integrate gender issues and that women fully participate in these initiatives.
  - Ensure that SSR staff within international development and foreign affairs ministries have the requisite gender expertise.

Box 18	LGBT staff association in UK Prison System [86]

The HM Prison Service *Lesbian, Gay, Bisexual and Transgender Staff Support Network* (GALIPS) in the UK serves as an example of how staff associations can be effective in combating discrimination. Initiated in 2000 by an openly gay prison staff member, the UK Prison Service Operational Policy Group granted formal recognition, support and funding to GALIPS in 2004. During those four years, business cases were formulated and research compiled, a working group was established, a survey of those interested in participating in the network was conducted and a facilitation event was held to discuss the need for an LGBT network. Currently GALIPS has four full-time staff and a membership of over 2,000.

GALIPS' aim is 'to provide a professional support network for LGBT staff and provide support in combating any discrimination within the Prison Service'. It conducts a wide range of activities including:

- Establishing focal points within the different prisons.
- Holding training and awareness-raising events for prison service staff.
- Providing a confidential telephone service for staff to report anti-gay bullying and harassment, access support and advice on how to proceed.
- Supporting policy teams to ensure that LGBT issues are mainstreamed into their policies.
- Creating links across other government departments, criminal justice agencies, their networks and other links within the LGBT community.
- Supporting prison managers and others handling LGBT issues in the workplace.

8 Key recommendations

1. Build local ownership through the **full involvement of civil society organisations**, including national and local women's organisations, in assessing, designing, implementing and monitoring/evaluating SSR policies and programmes.

2. Review and **revise existing security-related legislation, policies and protocols** to ensure that they are not discriminatory, and take into account the specific security needs of women, men, boys and girls.

3. Implement **specific policies, mechanisms and programming to prevent, address and sanction gender-based violence** against women, girls, men and boys as part of SSR.

4. Establish **codes of conduct** and other internal policies and mechanisms that enforce zero-tolerance of gender-based violence, including sexual harassment, by security sector personnel.

5. Establish strategic targets and specific initiatives to increase the **recruitment, retention and advancement of women** and other under-represented groups in security sector institutions.

6. Include specific **gender training** as part of the core training curriculum of security sector personnel at all levels. Mainstream gender issues into training for security sector personnel.

7. Strengthen oversight of SSR processes and ensure that **security sector oversight bodies** are gender-responsive and collaborate with women's civil society organisations.

8. Include **sex-disaggregated data and questions on gender issues,** including on the security needs, priorities and capacities of men, women, girls and boys in any SSR assessment, research or monitoring/evaluation.

9. Build the **gender awareness and capacity** of personnel involved in SSR through gender training, working with gender experts and including gender-responsiveness in the terms of reference for positions as well as personnel assessments.

9 Additional resources

Useful websites

Centre for Security Sector Management - http://www.ssronline.org/

DCAF *Gender and SSR Project* - http://www.dcaf.ch/gender-security-sector-reform/

Global Facilitation Network for SSR - http://www.ssrnetwork.net/

OSCE/ODIHR - http://www.osce.org/odihr/

UNIFEM *Portal on Women, Peace and Security* – http://www.womenwarpeace.org

UN-INSTRAW *Gender and SSR* - http://www.un-instraw.org/en/gps/general/gender-and-security-sector-reform-5.html

WILPF *PeaceWomen* – http://www.peacewomen.org

Practical guides and handbooks

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Security Sector Reform and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into SSR, as well as practical information on doing so.

> This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to SSR?

> **Security Sector Reform** means transforming the security sector/system, 'which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework'.[1] The security sector/system includes the armed forces, police, intelligence and border management services, oversight bodies such as parliament and government, justice and penal systems, non-statutory security forces and civil society groups.

> **Gender** refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

The integration of gender issues into SSR processes and security sector institutions enhances:

Local ownership
Legitimate and sustainable SSR is based on a locally owned and participative process.
- A gender-responsive SSR process takes into consideration different security needs and priorities by consulting with men and women from diverse social groups.
- Women's civil society organisations (CSOs) can serve as a crucial bridge between local communities and security policymakers, strengthening local ownership through communicating security and justice needs to policymakers and raising awareness of SSR in local communities.

Delivery of security and justice
One of the main objectives of SSR is to improve the delivery of security and justice services. Gender-responsive SSR strengthens service delivery through:
- Creating more representative security sector institutions – i.e. institutions with a diversity of personnel that reflects the population it seeks to serve. In particular, increased recruitment, retention and advancement of women in security services and oversight bodies is acknowledged as necessary for institutions to be trusted, responsive and effective.
- Improving the security sector's prevention of and response to gender-based violence (GBV) (see Box 1). GBV is violence related to gender differences, such as domestic violence, sexual assault, human trafficking and anti-gay violence. Globally, one in every three women is a victim of GBV, making it one of the greatest

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threats to human security.[2] Men and boys are also victims of GBV, and may face even greater barriers than women in reporting it and seeking justice.

- Increasing collaboration between security sector institutions and CSOs, including women's groups. CSOs can provide complementary security and justice services, and help to build the capacity of security sector institutions through training, research and expert advice on gender issues.

Oversight and accountability of the security sector

A core objective of SSR is to reform security sector institutions so that they are transparent; respectful of the rule of law and human rights; and accountable to democratic civilian authority, such as parliament and the justice system. Gender-responsive SSR strengthens oversight and accountability through:

- The increased participation of women, gender experts and women's organisations in official oversight bodies and processes (see Box 2).

- Gender-responsive initiatives to prevent, respond to and sanction human rights violations committed by security sector personnel.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into SSR is not only a matter of operational effectiveness; it is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Beijing Declaration and Platform for Action* (1995)

- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into SSR?

Two complementary strategies can be used to integrate gender issues into SSR policy and programming:

- ✔ *Gender mainstreaming* involves considering the impact of all SSR policies and programmes on women, men, boys and girls at every stage of the policy and programme cycle, including assessment, planning, implementation, monitoring and evaluation.

✔ *Promoting equal participation of men and women:* as men are highly over-represented within SSR processes and security institutions, action is required to increase recruitment, retention and advancement of women, and to ensure the participation of CSOs, including women's organisations.

! Tips for gender-responsive SSR policy

Gender mainstreaming

- ✔ Involve gender experts – such as representatives from women's ministries, parliamentarians with gender expertise and experts from CSOs – in drafting SSR policy.

- ✔ Build the gender awareness and capacity of the team(s) responsible for drafting, implementing and evaluating SSR policy (e.g. through gender training or briefings).

- ✔ Identify and mobilise 'gender champions' – i.e. senior level decision-makers that support the inclusion of gender issues.

- ✔ Conduct a gender impact assessment of the proposed SSR policy, and monitor and evaluate the policy's impact on men, women, girls and boys.

Equal participation of men and women

- ✔ Ensure that SSR is grounded in a participatory consultation process, including civil society representatives from women's and men's organisations.

✔ Ensure representation of women and men in the teams responsible for the assessment, drafting, implementation, monitoring and evaluation of SSR policies.

! Tips for gender-responsive SSR programme design

'Understanding the role of women is important when building stability in an area… If women are the daily breadwinners and provide food and water for their families, patrolling the areas where women work will increase security and allow them to continue. This is a tactical assessment… Creating conditions for a functioning everyday life is vital from a security perspective. It provides a basis for stability.'

Brigadier Karl Engelbrektson, Force Commander of the Nordic Battlegroup [5]

Gender issues should also be incorporated into the framework for SSR programme design:

- **Objectives**: Do the objectives include the improved delivery of security and justice services to men, women, girls and boys? More representative and participative security sector institutions? Increased accountability and reduced human rights violations?

- **Beneficiaries**: Are the beneficiaries of SSR clearly identified? Are women, girls and marginalised men and boys included?

- **Activities**: Are initiatives included to address the particular security needs of women and girls, as well as marginalised men and boys? Are there activities to increase the participation of women and other under-represented groups in security sector institutions? What activities address human rights violations by security sector personnel?

- **Outputs**: Are specific outputs directed towards women, men, girls and boys? Are there outputs that focus on preventing, responding and prosecuting GBV and increasing the recruitment, retention and advancement of women within security and justice institutions?

- **Indicators**: Are there specific indicators to monitor gender-related objectives and the impact of gender activities? Are indicators sex-disaggregated?

- **Budget**: Are specific funds earmarked for gender objectives, activities and outputs?

- **Partners**: Are women's and men's organisations, and organisations working on gender issues, included as potential partners? Do identified partners have the commitment and capacity to work in a gender-responsive manner? Are responsibilities and expectations regarding gender clearly spelled out in programme documents, agreements and contracts?

Also available in Tool 1…
- Questions for a gender impact assessment of security policy
- Tips on integrating gender into SSR assessment, design, implementation, monitoring and evaluation
- An assessment process for law enforcement agencies to increase their recruitment and retention of women
- Examples of good practices from reform processes in Brazil, the Democratic Republic of the Congo, Hungary, Sierra Leone, South Africa, Sweden and the United Kingdom

Post-conflict challenges and opportunities

In post-conflict environments, SSR is essential to prevent the re-occurrence of conflict and to enhance public security, which in turn is necessary to initiate reconstruction and development activities. While every context is unique, there are particular challenges and opportunities for the integration of gender issues into post-conflict SSR:

Challenges for the integration of gender issues
- Disarmament, demobilisation and reintegration (DDR) processes often fail to include women and girls.
- Pressure to quickly build security sector institutions may result in gender issues being insufficiently prioritised in recruitment, training and logistics.
- Lack of infrastructure and capacity can hinder women's access to justice.

Box 3	Modernisation of the Nicaraguan police force [6]

The modernisation of the National Police Force of Nicaragua demonstrates the benefits of initiatives to mainstream gender and increase the participation of women. A broad range of gender reforms of the Nicaraguan police was initiated in the 1990s, following pressure from the Nicaraguan women's movement and from women within the police. As part of a project supported by the German development organisation (GTZ), specific initiatives were undertaken including:
- Training on GBV within police academies
- Women's police stations, providing a range of services to women and child victims of violence, in partnership with CSOs
- Reform of recruitment criteria including female-specific physical training and the adaptation of height and physical exercise requirements for women
- Policies to allow police officers to combine jobs and family life
- Establishment of a *Consejo Consultivo de Género* as a forum for discussion and investigation into the working conditions of female officers.

Today, 26% of Nicaraguan police officers are women, the highest proportion of female police officers in the world. Nicaragua's police service has been described as the most 'women-friendly' in the region, and is hailed for its successful initiatives to address sexual violence. The reforms have also helped the police gain legitimacy and credibility in the eyes of the general public: in a recent 'image ranking' of Nicaraguan institutions the police placed second, far ahead of the Catholic Church.

- Security sector institutions often lack civilian trust due to previous human rights abuses, which increases the difficulty of recruiting women.

Opportunities for the integration of gender issues
- The full-scale reform of security sector institutions creates the opportunity to revise security policies and protocols for gender-responsiveness; vet personnel for human rights violations including GBV; provide gender training for new personnel; and set clear targets for women's recruitment and retention.
- DDR processes can be a potential entry point to address gender issues – e.g. through providing GBV prevention training for male ex-combatants.
- Fluidity in gender roles during the armed conflict can facilitate increased recruitment of women, including female ex-combatants, in armed forces and increased participation of women in public decision-making.
- Women's organisations involved in peacemaking and community level security can be strong partners for the integration of gender issues into SSR processes.
- International institutions and donors may provide resources to support gender-responsive SSR processes.

❓ Gender questions for SSR assessment

Gender can be integrated into various types of SSR assessment, monitoring and evaluation processes in order to increase their accuracy and relevance. Key questions to ask include:

- What are the particular security needs, perceptions and priorities of men, women, girls and boys?
- Are women, men, boys and girls able to access justice and security services?
- Are security legislation, policies and protocols gender-responsive? Is there adequate legislation against GBV? Are internal codes of conduct and sexual harassment policies implemented and monitored?
- Is there adequate funding and programming to prevent, respond to and sanction GBV?
- Do security sector personnel have the capacity to integrate gender issues into their daily work? Have they been provided with adequate gender training?
- How many men and women work within security sector institutions, and in what type of position and at what level of seniority?
- What is the work environment like within security sector institutions? Are there problems of sexual harassment and other human rights violations?
- Do security sector oversight bodies include women, consult with women's organisations and monitor GBV?
- What gender-responsive security and justice initiatives already exist at local and national levels?
- Which CSOs are already working on gender and security issues, and how can these initiatives be supported?

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Police Reform and Gender

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The Gender and SSR Toolkit
This Tool on Police Reform and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

APD	Albuquerque Police Department
CBP	Community-Based Policing
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEE	Central and Eastern Europe
CSO	Civil Society Organisation
EU	European Union
FPU	Formed Police Unit
FSU	Family Support Unit
GBV	Gender-Based Violence
IWITTS	Institute for Women in Trades, Technology and Services
KPS	Kosovo Police Service
LGBT	Lesbian, Gay, Bisexual and Transgender
LNP	Liberia National Police
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organisations
OAS	Organization of American States
OSCE	Organisation for Security and Co-operation in Europe
PLCU	Police Local Command Unit
SSR	Security Sector Reform
UN	United Nations
UNICEF	United Nations Children Fund
UNOMSA	United Nations Observer Mission in South Africa
WPS	Women's Police Station

Police Reform and Gender

1 Introduction

Police organisations play an important role in society. They are responsible for maintaining peace and order, upholding the rule of law and performing their duties with sensitivity and regard for members of the community. As police organisations around the world try to improve their response to, and protection of, individuals and communities they become involved in a process of reforming policies and practices. The demand for reform is instigated by a number of factors such as: internal reviews, public pressure, government decisions, international attention and/or post-conflict recovery. Police reform processes support the establishment or strengthening of an accountable, effective, equitable and rights-respecting police organisation. A central pillar of any reform must be a focus on ensuring that the security needs of diverse populations are properly understood and incorporated into the structure and operations of the police.

The following tool on police reform and gender focuses on the importance of strengthening the ability of the police to understand and address the different security needs of the entire population (including men, women, boys and girls, from all walks of life) and creating non-discriminatory and representative police institutions. This compiled information is based on international research and field experience and discusses internal issues (institutional culture) and external issues (policies and procedures for addressing crime) in police reform.

This tool is intended for use by various actors working on police reform including: police officers and recruitment staff, government officials, international and regional organisations and civil society organisations as well as parliamentarians and researchers. It is designed as a reference tool, with a mix of background information and practical examples and tips to assist in the design and/or implementation of the reform process. The following information is not to be used as a template, but as a starting point for incorporating gender issues into a police reform processes that should be broadly defined and reflective of the communities the police serve.

This tool includes:

- An introduction to police reform
- The rationale behind integrating gender issues and ways in which this can strengthen police reform initiatives

- Entry points for incorporating gender issues into different aspects of police reform, including practical tips and examples
- An examination of particular gender and police reform issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

2 What is police reform?

Police reform is a core part of security sector reform (SSR). This broader reform process is often defined as the transformation of a security system, including all the actors, their roles, actions and responsibility to manage and operate the system in a manner that is consistent with democratic norms and sound principles of good governance.[1] The police are one of the core state security actors, and any police reform process needs to be coordinated with other security actors to ensure a system-wide rather than an ad-hoc approach.

For more information see Tool on SSR and Gender

Definition of Police: the civil force of a state, responsible for the prevention and detection of crime and the maintenance of public order.[2] The term therefore includes all law enforcement agencies, such as the police and gendarmerie-like constabulary forces that exercise police powers, especially the power of arrest and detention.[3]

Definition of Police Reform: the transformation or change of a police organisation into a professional and accountable police service practicing a style of policing that is responsive to the needs of local communities.[4]

Police reform is about change, and is a process that moves a police institution toward being more accountable for its actions and having greater respect for human rights. This process can be time-bound, specifically in post-conflict settings where it is supported through international assistance and defined by external timelines; or ongoing where there is national support (political and/or financial). Effective police reform goes through the following main phases:[5]

1. *Pre-engagement analysis and assessment*: gathering information to understand and analyse the local context
2. *Design and planning*: based on analysis, develop a clear reform plan or map with well-defined goals
3. *Managing the implementation*: put in place the reform plan in partnership with various stakeholders
4. *Evaluation*: monitor progress, gather information and data regarding changes taking place and evaluate successes and identify challenges that need to be addressed

This process is unique to each context, whether in post-conflict, developing, transitional or developed countries (for context-specific tips/recommendations refer to Section 5). Although differences exist between contextual realities, respect for human rights and humanitarian law should be regarded as an essential starting point for reforming the internal and external culture of the police.

Examples of police reform in different regions include:

■ *Central America*, which is distancing the police from the military system and establishing civilian control over the security forces.[6]

■ *Central Asia*, which is shifting from colonial policing systems to a democratic structure where the police work for the public and not in the interests of a ruling party or an influential group in society.[7]

■ *North America*: which is responding to corruption and excessive use of force allegations and lawsuits to create a more service-oriented style of policing that is inclusive of the needs of the wider community, including previous periphery communities – such as lesbian, gay, bisexual, and transgender people (LGBT).

■ *Eastern-Europe/Post-communist states*: which is responding to corruption and the requirement for service-oriented and rights-based rule of law policing.

These examples are only samples of overarching types of reform that take place. It should be noted that while certain reforms may be more closely associated with a particular region or context, various types of reform can take place in any given police institution. Examples of police reform include: changes at the rank and file level such as skills development, training and awareness raising; working with high-ranking officials in order to change the militarised nature of the police; and re-defining the mandate and operational procedures within the police institution. Regardless of the level, type, or context of reform, an understanding of local capacities to implement reform, the needs of the given population and the timing must be carefully considered to ensure that the plan for reform is realistic and achievable in a measured timeframe.

2.1 Common challenges in policing

Police institutions face various challenges that require continual consideration for improvement. Few, if any, organisations are immune from critique and demands for change, including the most experienced to recently trained and newly established police organisations. Despite the huge geographic, social and economic differences of the various countries, as well as the diversity of their police structures, sizes and contexts, common problems exist that affect many police organisations, particularly in relation to issues of gender. The following is a non-exhaustive list:[8]

■ Poor response rates to crimes committed against particular social groups

■ Excessive use of force against particular groups, especially marginalised groups such as men from minority groups, indigenous peoples, LBGT people

■ Exclusion of particular groups within the police institutions

■ Misconduct and abuse of function

■ Refusal to register complaints

Box 1	Operational effectiveness of the police		
Accountable	**Effective**	**Equitable**	**Rights respecting**
Strong linkages with the community to disseminate information on citizens' rights and police responsibilities.	Skills development for all police officers/staff.	Professional opportunities within the police for all members of the community.	Reduce incidence of excessive use of force.
Independent mechanisms to investigate allegations against the police.	Reduced corruption.	Pay based on skill level and ranking rather than sex.	Equal treatment of police officers and staff within the organisation.
Strong internal and external oversight mechanisms.	Training opportunities for all levels within the police.	Equal access to career development opportunities.	Health requirements of all staff taken into consideration.
Diverse input and feedback into the operations and functioning of the police.	Understanding and ability to address diverse security threats.	Resource allocation based on identified security needs and threats.	Equitable police services provided to all members of the community.

Box 2	Security threats against men, women, boys and girls		
Men	**Women**	**Boys**	**Girls**
■ Robbery (Australia: 75% of victims are male)[11] ■ Assault ■ Homicide ■ Simple and aggravated assault ■ Gang violence ■ Forced to rape their own family members (particularly in conflict) ■ Rape and sexual torture ■ Human trafficking	■ Domestic violence ■ Sexual assault (USA: 92% of victims in workplace are women)[12] ■ Dowry death ■ Sexual harassment ■ Rape ■ 'Honour' killings ■ Stalking ■ Forced sterilisation ■ Human trafficking	■ Gang violence ■ Child abuse and rape ■ Bullying ■ Kidnapping & abduction ■ Exposure & abandonment ■ Human trafficking ■ Buying/selling for prostitution	■ Infanticide ■ Child abuse and rape ■ Human trafficking ■ Kidnapping & abduction ■ Child marriage ■ Buying/selling for prostitution

■ Poor investigation skills – leading to low conviction rate
■ Lack of accountability
■ Lack of civilian trust

2.2 Why police reform?

To address common challenges in policing, reforms can be undertaken to make the police more operationally effective, accountable, equitable and rights respecting. Box 1, although not exhaustive, provides examples of changes that could take place as a result of police reform in an effort to make a police organisation more operationally effective.

3 Why is gender important to police reform?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes in all areas and at all levels.[9]

See Tool on SSR and Gender

Addressing gender issues is not a process of taking power away from men and giving it to women and other under-represented groups, but rather a process of improving efficiency and effectiveness of the reformed organisations.

Compliance with obligations under international laws and instruments

Integrating gender into police reform is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

■ *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
■ *The Beijing Declaration and Platform for Action* (1995)
■ *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

3.1 Effective provision of security for men, women, girls and boys

As police are responsible for the maintenance of public order and protection of people, the police need to understand and address all security threats facing the community they serve, recognising that men and women are affected by violence and discrimination in very different ways and to different degrees. For example, crimes against men are predominantly in public areas, whereas crimes against women, such as domestic violence, often happen in private spaces, a realm that many state institutions do not consider themselves responsible for.[10] Some examples of security threats (not in order of prevalence) against men, women, boys and girls are set out in Box 2.

It is the duty of police officers to prevent, reduce and respond to these forms of crime, including gender-based violence (GBV) as it is one of the most common

Box 3	Percentage of female and male police officers in selected countries		
Country	**Year**	**Female police officers**	**Male police officers**
Post-Conflict			
South Africa[19]	2006	29%	71%
Cyprus[20]	2006	16%	84%
Sierra Leone[21]	2006	15%	85%
Kosovo[22] *	2006	14%	86%
Transitional and Developing			
Jamaica[23]	2001	18%	82%
Czech Republic[24]	2001	12%	88%
Venezuela[25]	2002	10%	90%
Romania[26]	2005	8%	92%
India[27]	2006	2%	98%
Developed			
Australia[28]	2002	29%	71%
Canada[29]	2006	18%	82%
Sweden[30]	2001	18%	82%
United States[31]	2006	12-14%	88-86%
Finland[32]	2004	10%	90%

* At the time of writing, November 2007, the status of Kosovo is unresolved.

threats to security in all parts of the world. A World Health Organization study indicates that upwards of 69% of women reported having suffered physical aggression from a male partner at some time in their lives.[13] GBV is an act of violence – physical, sexual or psychological – which is likely to result in harm to an individual and is carried out due to their gender. This type of violence is committed against men and women, boys and girls, and is reflective of power imbalances that exist between men and women or between a child and her or his caregiver.

GBV can be compounded by insecurities based on other factors such as ethnic background, sexual orientation and religion:

- 67% of religiously aggravated cases in England and Wales in 2005/2006 were against Muslims.[14]
- In South Africa, black lesbians are raped as well as physically and verbally abused due to their sexual orientation.[15]

Men and women are often reluctant to report these crimes to the police. Men who have been subjected to GBV are often ashamed and unwilling to discuss the incident for fear of being seen as weak, emasculated or gay. Women are often reluctant to talk to the police due to the social taboos and stigma associated with being a victim of GBV. Additional challenges exist in countries that do not have adequate laws in place on the eradication of GBV. Within the police there is a need to ensure that all officers – men and women – are adequately trained to respond to victims of GBV and possess the necessary skills to process and investigate crimes effectively.

3.2 Creating a representative and more effective police service

'Increasing diversity is not just the right or moral things to do – it is essential for us to deliver our business. A diverse workplace gives us access to a broad range of skills, experience, education and culture which maximises our ability to deliver a variety of local solutions to local problems.'

United Kingdom Home Office – Handout on Diversity in the Police Service [16]

Security threats and crimes are committed against all sections of society; however, police organisations throughout the world continue to be predominantly male with poor representation from certain groups. Policing has traditionally been regarded as 'men's work' because it is associated with crime, danger, and coercion.[17] Recruitment processes, including background checks and personal interviews, sometimes eliminate female candidates or men that do not have 'correct' masculine attitudes, such as 'toughness' and absolute heterosexuality.[18] However, by having a more representative police service – one that reflects the ethnic, religious, geographic, sex, tribal, and language makeup of the community – the credibility, trust and therefore the legitimacy of the service, will grow in the eyes of the public. Increasing the number of female personnel can have concrete operational benefits.

Box 3 provides an overview of the over-representation of male police officers around the world.

To move towards a more operationally effective police and in order to more effectively respond to the security needs of women and under-represented groups, steps need to be taken to overcome the representation gap. Some potential benefits of greater representation, cited by the United Kingdom Police Home Office, include:[33]

- A gay police officer might be able to suggest new ways of getting crime reduction messages across to gay communities and within the police.
- A younger officer may have greater knowledge of local clubs and bars and may be able to come up with innovative solutions to alcohol-related disorder.
- A female Muslim officer may be best placed to attend to a domestic incident involving another Muslim woman.

Increasing the representation of female police officers can have additional benefits. According to the National Center for Women and Policing, national and international studies indicate that women and men are equally capable of conducting police work effectively. In fact, studies indicate that women often bring a certain set of skills and strengths to police work, including the ability to minimise the use of, or reliance on, force when dealing with a belligerent person(s).[34] Some of the additional ways that women contribute to a more effective police organisation are:[35]

- Female officers may be more effective at defusing potentially violent situations than their male counterparts.
- Female officers are reported by the public to act "inappropriately" less frequently than their male counterparts.
- Female officers are less inclined to use deadly force, e.g. to draw firearms.
- Female officers experience less opposition or resistance from male offenders they arrest and/or question.

- Female officers can act as role models to community members regarding the ability for women to participate in security sector institutions.
- Female officers often possess better communication skills than their male counterparts and are better able to facilitate the cooperation and trust required to implement a community policing model.[36]

Increased representation of female police officers is also an operational imperative if police are to effectively respond to GBV against women and girls. Not only are women more likely to report GBV to a female officer, it is also a good practice to have a trained woman present during the investigation procedure.

3.3 Ensuring non-discriminatory and human rights promoting police institutions and culture

Eliminating discrimination and human rights violations, including GBV, by police personnel will help create an effective and productive work environment and increase the security of both personnel and civilians. In some countries, police commit abuses including sexual harassment and sexual assault, are complicit in forced sex work and human trafficking and discriminate on the basis of sex and sexual orientation. Male and female police personnel, as well as civilian men, women, girls and boys can be direct victims of these violations. For instance, a 2006 report from Amnesty International stated that: 'Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria.'[37] These forms of human rights violations can be perpetrated by individual police staff or groups of employees, and are sometimes perpetuated by discriminatory institutional cultures.

The discriminatory attitudes of police personnel can also prevent equal access to police services. According to the UN Rapporteur on Violence against Women, in country after country, women report that the police are insensitive and may fail to adequately investigate gender-based crimes. 'Some women have reported that when they went to the police to report a rape, male officers would make light of it, even asking whether they enjoyed the experience.'[38] Gender-based discrimination can be compounded by discrimination based on race, class, caste, age or physical disability. For example, systematic discrimination and violence against Roma communities by police in Croatia and the Czech Republic have made Roma women unwilling to seek assistance from the authorities.[39]

However, it should be noted that the inclusion of women and under-represented groups does not automatically result in a more non-discriminatory police organisation. The internal culture of disrespect and harassment sometimes results in individual officers taking on the dominant culture to protect

Box 4	Template for plan of action for reform [42]		
Recommendations	*Tasks*	*Responsibility*	*Timeline*
1. Promote an organisational value, stating that the police organisation is committed to diversity and gender issues.	■ Develop an organisational value statement.		
2. Create policies and procedures to achieve the organisational value. Example: No member of staff is to be discriminated against for any reason – race, religion, sex, sexual orientation.	■ Ensure clear policy statements, which will be the most powerful tools with which to guide police reform.		
3. Create a permanent unit/body whose role is to ensure that gender is an integral part of every aspect of police policies and practices.	■ Develop the mandate, terms of reference and recommended membership.		
4. Develop a comprehensive internal and external communications strategy in support of the goals for gender equity within the police.	■ Develop a communication strategy using user-friendly methods		
5. Establish measurable gender- equity goals and tracking mechanisms.	■ Define monitoring systems and allocate necessary resources. ■ Develop tracking systems and databases for data collection.		
6. Establish strategic targets for recruitment of employees in order to increase the capacity of the police to provide services to diverse groups within the community.	■ Develop demographic survey to identify diversity requirements.		
7. Carry out a comprehensive review of recruitment procedures in order to identify and remove barriers to hiring under-represented groups and analyse unsuccessful applicants.	■ Develop review process and allocate necessary resources.		
8. Establish mechanism to ensure that all members of an interview board understand and demonstrate a commitment to gender equity and service-oriented policing.	■ Use newly defined policies as basis for training.		
9. Develop a plan to review all policies and procedures to ensure they are gender and diversity- sensitive.	■ Define the plan with timelines and responsibilities for review process.		
10. Integrate into the training programme for all new and serving police staff the new policies and procedures on gender and diversity.	■ Train all trainers on new policies. ■ Identify training gaps and re-design training programmes to address gaps.		
11. Develop an employee mentoring programme.	■ Identify women at all levels within the police to participate in the mentorship programme.		
12. Review family-friendly initiatives that reflect the needs of all police employees.	■ Analyse the needs of both men and women and develop initiatives or policies to address these needs.		
13. Establish processes to support supervisor accountability to address inappropriate employee behaviour with respect to workplace harassment and discrimination.	■ Identify disciplinary measures and train all supervisors on the process for taking disciplinary measures.		
14. Establish or improve existing means of processing public complaints against the police.	■ Analyse the current system of reviewing complaints and ensuring they are accessible, particularly for women and minority groups.		
15. Establish mechanisms whereby all members of the promotion review board understand and demonstrate commitment to gender equality.	■ Set indicators to measure a commitment to gender equality within the review board.		
16. Establish mechanism for gender-appropriate allocation of facilities, equipment, etc.	■ Identify facilities/ equipment needs.		

themselves in the workplace. Female police officers have been known to act tougher on female victims of crime and employ increased use of force with citizens in an attempt to gain acceptance into the dominant group.[40] The reform process needs to address the challenges associated with organisational culture, and work towards a police service that respects colleagues and the population served.

4 How can gender be integrated into police reform?

Any reform process is delicate and requires well-planned strategic engagement. Recognising that the responsibility of the police is to serve and protect the community, local ownership is important to create effective and sustainable reform processes. Whether in post-conflict or developed countries, neither the police organisations nor the people they serve should be regarded as passive receivers of reforms. As such, the following tips and examples on the integration of gender into police reform must be adapted to meet specific local needs and capacities.

It is also important to keep in mind that men play a key role in gender-responsive police reform processes. Men in positions of power are able to use their influence to support and lead reforms. As 'champions', individuals take on the role of leaders, allies and educators within an organisation, specifically encouraging dialogue on potentially sensitive issues within the security sector hierarchy.[41] Throughout the ranks, men who recognise the opportunity to create a level playing field for all police personnel are able to lead by example when new policies and procedures are being adapted. Engaging male police officers in the discussions on the need for gender equality is an opportunity to disseminate information, and identify areas of resistance. Without the buy-in and support of the majority in a police organisation, no initiative will be successful or sustainable in producing change.

4.1 Gender plans of action

The entry points below provide insight into some of the ways that gender can be integrated into police reform. With so many areas to address, the reform process may seem a bit overwhelming and it can be difficult to identify where to start. An initial gender assessment can provide an understanding of the current situation and highlight areas that need immediate or longer-term attention. Based on the assessment, an action

plan can be developed to identify the areas to be addressed and what tasks need to be completed.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

Box 4 is an action plan template that, adapted to the specific context, can be used to guide the process.

Effective provision of security for men, women, girls and boys

4.2 Review operational protocols and procedures

Protocols and procedures set the operational framework for the work of police organisations, and shapes institutional culture. Clear, gender-responsive protocols and procedures need to be in place to minimise the instances of discriminatory application based on the judgement of individual officers. When reviewing protocols and procedures, the following considerations should be made:

Review and consult

- Review procedures and protocols to ensure that they are non-discriminatory, include gender-sensitive language and incorporate the different security needs of men, women, girls and boys – including specific provisions on GBV.
- Ensure that existing procedures and protocols reflect a clear understanding that the police are there to serve and protect the community as a whole, including women and under-represented groups.
- Consult with men's and women's police associations to identify required changes.
- Discuss protocols and procedures with community groups, including women's organisations, survivors of violence, and other sectors such as health, education, justice and penal systems through community police forums or other avenues.
- Establish a continuous review process to adapt protocols and procedures to reflect changing interests and needs of the community.[43]

Commitment

- Ensure that revised procedures and protocols are supported by senior management, and that financial resources are allocated for implementation and integration of new information into all training sessions.[44]

Box 5	Sample protocol agreement between a community group and a police service

The following is a sample protocol between the police and a community group for under-represented individuals, which serves to demonstrate the commitment of the police to work collaboratively and responsively to the needs of the specific group. It is based on the Protocol Agreement between the Wabano Centre for Aboriginal Health and the Ottawa Police Service.[46]

Definition of key principles

The best interests, protection and well-being of each individual is of primary importance

- Value, respect and affirm the importance of specific cultural and traditional beliefs.
- Mutual respect among service providers is beneficial to the whole community.
- Respect the rights of people to become more involved in determining the causes and solutions to crime, disorder and conflict in a community.
- All people must be committed to improving the quality of life of all and eliminating racism.

Definition of roles and responsibilities

The role of the community group

1. To provide ongoing cultural/historical awareness to members of the Police Service through various avenues which may include; training, meetings, dialogue and relationship building.
2. To provide resources/information on agencies providing services within the community.
3. To participate in the relevant committees to bring issues to the attention of the police.

The role of the police service

1. To ensure the safety and security of all the individuals within the community – aware that specific groups are often over-policed but under-protected.
2. To work cooperatively with community groups and agencies to ensure that the unique needs of the group are being met in the provision of policing services.
3. To provide the opportunity and audience for in-depth cultural awareness sessions to be delivered to members while also conveying the importance of participating in these sessions.
4. To create an atmosphere within the police that enables and encourages interaction between serving members and specific communities.

Definition of the intent of the Parties

It is the intent of the Parties to:

1. Develop and implement a programme for briefing, educating or training to provide opportunities for mutual learning.
2. Meet periodically to exchange information about programmes, services and events and to review progress in meeting the purposes of this protocol.
3. Formally review this protocol within six months from the date of signing, and annually thereafter; or earlier at the request of either party.
4. Mutually agreed adjustments will be made as deemed appropriate with the agreement of both parties.

Outreach

- Translate all protocols and procedures into relevant languages and post them at all police stations in prominent places, accompanied by a communication and training plan.
- Procedures that relate to interactions with the community should be posted in places with high levels of police-public interactions and accompanied by a public information campaign.[45]

4.3 Procedures and initiatives on gender-based violence

As GBV is one of the most common threats to public security (identified in Section 3.1), it is the responsibility of the police to ensure rigorous and targeted processes for addressing it. This includes actively investigating, arresting, detaining and encouraging prosecution of GBV crimes, as well as providing appropriate support and referrals for all victims of GBV.

Good practices for addressing GBV include:

Procedural initiatives:

- Reform policing approaches as part of the larger concept of the rule of law – including the reform of laws dictating the required responses of police in cases of GBV: e.g. a mandatory arrest policy where there are reasonable grounds for an arrest, or a mandatory reporting system for domestic violence.
- Create comprehensive protocols and procedures for GBV issues including: responding to domestic violence calls, receiving female and male victims of sexual violence, providing referrals to victims of anti-gay violence, and handling cases of human trafficking.
- Collaborate with health, education, justice and civil society actors to ensure more effective responses to GBV – create joint action plans, referral systems and protocols.

■ Gather comprehensive and uniform data on GBV crimes for monitoring purposes and advocacy for required resources.

Additional structural and programmatic initiatives:

■ Develop specialised trained units within police organisations to respond more effectively to GBV (see Section 5.3).

■ Provide in-depth training to all police officers on responding effectively to different forms of GBV (see Section 4.12).

■ Create hotlines to receive calls on GBV.

■ Carry out media awareness-raising campaigns on GBV issues, to ensure survivors are aware of their rights and relevant police services, and to give a clear public message of police intolerance towards GBV.[47]

■ Engage with the public through anti-GBV outreach campaigns.

4.4 Women's police stations/specialised units

Women are often reluctant to file complaints with the police for various reasons: cultural practices limiting interactions between men and women, social norms disallowing women to speak of violence within the home, and the overall inability of the police to process complaints.[49] In addition, they often feel fear, shame, embarrassment and an unwillingness to become involved in the police and judicial systems. Reports from Statistics Canada in 2004 indicate that only 36% of female victims of spousal abuse and less than 10% of victims of sexual assault report the crimes to the police.[50]

Box 6	Guyana Police Force, addressing GBV

In Guyana, the Guyana Police Force has been working with government and non-governmental organisations to establish a network to reduce gender-based and domestic violence. Results of this initiative have included training on the Domestic Violence Act as a mandatory component of the training curriculum at the Guyana Police College; police stations which now have space for interviewing persons reporting domestic violence; and the Police Commissioner has pledged to establish a domestic violence unit within the Guyana Police Force to better implement law enforcement duties in this area.[48]

In response, women's police stations (WPS) and domestic violence units have been established in a number of countries, including Argentina, Brazil, Colombia, Costa Rica, Ecuador, India, Liberia, Nicaragua, Peru, Uruguay, Sierra Leone, South Africa and the United Kingdom. These stations are staffed primarily by female officers in order to provide an environment where women may feel more comfortable in reporting and be assured that their reports will be properly handled. They often combine a number of specialised police officers with health workers, social workers, and legal and other specialists to form a team that can respond to cases of GBV, including domestic violence and sexual assault of women and children. In addition, they are focused on increasing awareness of women's rights within the community at large.

Some of the findings since the institutionalisation of these units/stations include the following:

■ In India, between 1992 and 1994, 188 WPS were established. It has been reported that this resulted in a 23% increase in the reporting of crimes against women and children, and a higher conviction rate.[51]

Box 7	Case study of women's police stations in Latin American countries

A 2003 study, conducted in certain Latin American Countries (Argentina, Brazil, Colombia, Costa Rica, Ecuador, Nicaragua, Peru and Uruguay) found that each WPS structure is unique and serves a different segment of the population, depending on the country and its criminal laws.[54] Although there are differences, the main characteristics of WPS are:[55]

■ Most deal with domestic or family violence against women, boys and girls.

■ Services are provided in partnership with state and non-state actors.

■ Police services include processing of declarations, carrying out investigations and the mediation of agreements in partnership with social workers.

■ WPS officers are exclusively women.

■ There is no cost to the user for accessing the multi-disciplinary services.

WPS units aim to:

■ Protect women against threats to their security.

■ Provide access to legal, medical and psychological support services that users, most often the poor, may not otherwise have access to.

■ Contribute to a gendered focus on security in general.

■ Contribute to good governance through ongoing collaboration between women's movements and NGOs, the police, and, in some cases, state-run women's mechanisms in the areas of service provision, coordination and administration.

■ Collect data on crimes that are addressed by the specialised WPS units.

■ The United Kingdom has found that since domestic violence units were established, there has been a significant increase in the number of complaints, higher arrest and prosecution rates and a reduced incidence of repeat victimisation.[52]

■ In Sierra Leone, Family Support Units were established in 2001 (see Section 5.1). Since then, increased numbers of complaints and arrests have been reported.[53]

Women's police stations provide an important service to an often neglected segment of society. To work towards more effective service delivery, challenges and risks need to be taken into account. The following is a list of some of the identified **challenges/risks:**

■ WPS that are separate from the central police structure can lead to further marginalisation of sexual violence and victim support services.

■ WPS that are not sufficiently linked to the judiciary and are thus unable to ensure that women who decide to press charges see their cases go to trial.

■ Statistics focus on tracking complaints that have been lodged, and not necessarily on what outcomes are reached or on other forms of violence against women.

■ WPS are separate from the rest of the police, often with minimal specialised procedures, leading to varying means of addressing complaints or dealing with various issues, even within a given station or national police structure.

■ Without clear policies or procedures, there is limited training for officers who staff such units.

■ WPS officer training has assumed that 'being a good listener' and the ability to handle GBV cases, comes naturally to women, resulting in inadequate training.

Although women's police stations constitute one approach to dealing with GBV, training and skills development for addressing GBV issues continue to be a requirement throughout the police, due to the high level of incidents and the diversity of cases involved (see Section 4.12 on gender training).

4.5 Community-based policing

Community-based policing (CBP) is a common strategy when implementing police reform as it places emphasis on closer police-community working relations, finding new ways to solve crimes and maintain order and improving community safety.[56] When CBP is identified as a policing approach to be used, police need to understand and take into account the different security needs of men, women, girls and boys.

✔ **Gender checklist for community-based policing**

✔ Ensure there is political will and support for addressing gender issues when undergoing reform initiatives.

✔ Commit financial resources, however limited, to demonstrating organisational commitment to gender-responsive reforms.

✔ Identify key players, or 'champions' within the police, to advocate for, and demonstrate the importance of, recognising and addressing the needs of the whole community, including representation within the police of the community they serve (e.g. police officers who are women or from under-represented groups).

✔ Create close ties to the community, including women's organisations and community groups working on behalf of under-represented groups, through joint training, joint patrolling and referral services.

✔ Hold regular meetings between the police and the community in politically neutral locations, e.g. community centres rather than police stations, to increase participation of hesitant community members, particularly women.

✔ Establish systems within the police to encourage officers and staff to suggest innovative ways for the police to serve the community more effectively and to ensure that the needs of all women, men, girls and boys are addressed. Recognise that, to give police officers motivation to change, various initiatives may be needed such as: targeted education campaigns, diligent supervision, disciplinary actions supported by internal review processes or civilian oversight.

Creating a representative and more effective police service

4.6 Assessments and audits

Assessments and audits on governance and policy-making processes can determine the challenges and entry points to increasing the recruitment, retention and advancement of women. Audits/assessments can be undertaken by the police, by an independent body such as an ombudsperson, by the ministry responsible for the police, or by other actors involved in the reform process such as civil society organisations. As a first step, assessments/audits should gather concrete information, i.e. benchmarks for tracking the impact of reforms. The following is a template for a workplace environmental assessment on female recruitment and retention, based in part on an assessment made in the United States.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

Workplace environmental assessment [57]

The methodology includes:
- Collecting information through anonymous surveys of female and male officers of various ranks.
- Interviews and consultations with key internal stakeholders (e.g. the director of recruitment and selection) and external stakeholders (e.g. community police boards and civil society organisations, including women's, men's and LGBT groups).
- Reviews of policies and procedures, specifically those related to sexual harassment.
- Examinations of statistical information, such as recruitment and selection numbers.

Information should be gathered on areas in which female officers have traditionally faced barriers, including:
- Recruitment and selection
- Training institutions
- Sexual harassment
- Acceptance by peers and supervisors
- Pregnancy and child care
- Equipment and uniforms
- Retention
- Promotions

Information also needs to be collected on:
- Amount, type, and effectiveness of gender training received – especially on sexual harassment.

Output from the assessment includes:
- Sufficient information to prepare a report that identifies problems, challenges and a suggested plan of action.

4.7 Recruitment

'In Afghanistan, for example, the low status and military character of the police are likely discouraging factors for women, who, given the separation of the sexes in Afghanistan, are uniquely qualified to handle family and domestic cases and are essential to deal with female suspects, who otherwise are at heightened risk of abuse. Efforts to attract more women include a female dormitory at the Kabul Police Academy, and training for non-commissioned officers on a regional basis in Baghlan for women who are unable to live away from their families for long periods of time.'

International Crisis Group [58]

Recruitment policies and practices need to be updated to ensure they attract a full range of qualified individuals, including people from under-represented groups such as women and ethnic minorities. Police need to identify what barriers exist to attracting

individuals from specific groups and how to refine recruitment processes. Recruitment campaigns need to be accessible, clearly understood, reach out to under-represented groups and address issues of concern for target populations.

Job descriptions guide the recruitment process. Therefore, one step to ensuring more open recruitment processes is to update job descriptions to accurately reflect the skills required in modern policing. The following is a suggested checklist to guide this process.

✔ **Checklist for developing a job description** [59]

- ✔ Job description accurately reflects the duties that police officers are expected to perform.
- ✔ Community input is obtained when developing the job description.
- ✔ Job description is reviewed by a legal expert to ensure that it is job-related
- ✔ Job description describes and emphasises community policing activities, along with traditional law enforcement duties.
- ✔ Job description emphasises the following knowledge, skills and attributes:
  - The ability to communicate with diverse community members
  - Knowledge of the value of cultural diversity
  - The ability to de-escalate violent situations
  - The ability to mediate disputes
  - The ability to organise and work cooperatively with community groups
  - The ability to communicate with diverse groupings of people
  - The ability to develop and prioritise solutions for crime and community day-to-day life problems
  - The ability to empathise with those holding different values
  - The ability to work cooperatively with other governmental and social service agencies
  - The ability to identify proactive measures to prevent problems and improve community life conditions
  - The ability to handle conflicting priorities

In addition, Box 8 illustrates some of the issues that should be considered during the recruitment process to attract and retain more women and under-represented groups.

4.8 Retention

Targeted recruitment campaigns are only as effective as the ability of the police to retain new recruits. Due to the high cost of conducting recruitment campaigns and training officers, police executives need to

Box 8	Strategies to recruit and retain women	
Recruitment campaign	**Recruitment team**	**Training academies**
■ Recruitment policies and selection criteria regularly evaluated to eliminate bias. ■ Develop targets accompanied with clear strategies for recruitment – Beijing Platform: 30% female representation. ■ Develop gender-sensitive materials – brochures and posters depicting women and men carrying out various tasks. ■ Distribute information on job opportunities in places that women congregate such as grocery stores, gyms, etc. ■ Training programmes for certain groups to ensure they meet entry requirements (e.g. physical training for women). ■ Survey current officers from the target population to learn how they were recruited, what they find most satisfying as a police officer, and use this information in recruitment campaigns. ■ Incentive programmes for serving police officers who attract new qualified recruits from target communities. ■ Lateral entry schemes to encourage qualified individuals from under-represented groups to enter at higher positions. ■ Public information campaigns targeting under-represented groups, including career fairs.	■ Select individuals who understand and support new recruitment policies. ■ Train officers on gender and diversity issues. ■ Ensure team has male and female officers. ■ Team members are friendly and easy to talk to. ■ Ensure team is able to answer questions on family-friendly policies. ■ Include appropriately skilled members from the community and female officers on interview panels. ■ Establish set questions and rating system for interview panel reflective of new job description, and monitor team members to see if one member consistently rates certain groups lower.	■ Male and female trainers. ■ Joint training of male and female recruits. ■ Ensure that training is compatible with family responsibilities. ■ Female only training where culturally appropriate. ■ Specific facilities for women in training venues. ■ Physical tests reflective of actual police duties – test current police officers to establish standard of performance. ■ Ensure women are not isolated in live-in academies, which increase drop-out rates. ■ Focus on building confidence of recruits on how to deal with physical confrontations rather than just physical strength. ■ Increase confidence in training areas that certain groups are not traditionally familiar with (e.g. women's firearms training). ■ Move away from culture of 'tear them down – build them up' which is based on humiliation and shunning as it may lead to sexual harassment and fear of reporting these incidents. ■ Establish training committees to review all training material and ensure it is gender-responsive.

improve retention rates, particularly of women and under-represented groups.

Measures for increasing retention rates:

■ Targets or quotas in training courses and position levels.

■ Ensure equipment and logistics meet the needs of all officers, specifically sanitation facilities, living quarters, specialised uniforms and other materials for female officers.

■ Institute mentoring programmes, which have been shown to benefit every employee whether civilian, sworn officer, male or female.[60]

■ Ensure policies related to pay, benefits, pensions or other remuneration methods are based on equity for male and female officers.

■ Enforce polices and establish initiatives to prevent and respond to discrimination, sexual harassment and GBV – including mandatory sexual harassment and gender-awareness training.

■ Staff associations, such as an association of female staff, to offer support to officers from under-represented groups to advocate for their rights, suggest improvements to police executives, provide training to individual officers, contribute to a reduction in discrimination levels and reduce the pressure on individual officers regarding certain issues.

■ Ensure target groups are not over-represented in entry-level, low-status or low-paid jobs.

■ Accelerated programmes for targeted groups accompanied by required training.

■ Monitor retention rates to identify obstacles or areas where targets are not being reached.

■ Widespread exposure of high-ranking officers (both internal and external to police) from a specific target group to be role models and illustrate possibilities for career advancement.

4.9 Human resources

Human resources policies and practices in the police have traditionally responded to the needs of men. Policies regarding hours worked, time off and other issues often focus on officers demonstrating their commitment through working long hours and taking shifts. It was also assumed that male officers had wives to take care of the household and children, or were single and independent. As women were introduced into the workforce, these assumptions

were challenged and reforms had to be made to ensure that human resource policies are not discriminatory. Revisions will not only benefit women, but can improve the work-life balance for male personnel as well, which in turn can increase retention and efficiency.

Measures to increase female recruitment and family-friendly human resources:

- Flexible work hours for shift work and leave options
- Part-time and job-sharing opportunities for men and women
- Clearly defined pregnancy policies that are flexible, fair and safe – including light work or modifications of current duties
- Adequate maternity and paternity leave
- Day care facilities on or off site
- Nursing facilities
- Stress-management training
- Access to psychological support
- Appropriate uniforms – including during pregnancy

By addressing these issues, police organisations will send a strong message internally and externally that law enforcement is a viable career choice for mothers and fathers. In addition to changing policies, police organisations need to ensure that officers who take advantage of these options are not stigmatised or treated as less serious officers, impacting on career advancement opportunities and promotions.

4.10 Advancement

An analysis on the distribution of under-represented groups, especially women, within various ranks of the police demonstrates the limited extent to which changes have taken hold. Women continue to be represented in higher numbers within lower ranked positions. In Honduras, women make up approximately 6% of the police officers, and only 2% of the top ranked positions.[62]

Measures to increase advancement: [63]

- Objective and non-discriminatory promotion criteria that include rewards for problem solving, working with the community and referrals to social services. Minimise evaluation criteria biased in favour of a particular group – e.g. using military experience or seniority as a desirable criterion may put women at a disadvantage.
- Clear, transparent and objective job assessment standards and performance-based assessment reviews and appointments, based on revised job descriptions and skill requirements rather than outdated perceptions of police skills (see Section 4.7 for more information on job descriptions and skill requirements).
- Use independent review boards and external interviewers to minimise internal biases or promotions through an 'old boy's network'.
- Ensure equal assess to job training for career advancement.
- Ensure individuals from under-represented groups have access to positions that are regarded as valuable for career advancement.
- Ensure promotion panels do not view positions typically held by female officers as less 'valuable' (GBV, child abuse, sexual assault, working with

Box 9	Increasing the recruitment and retention of female police officers in New Mexico, USA [61]

In the Albuquerque Police Department (APD) in New Mexico, US, a project entitled the *New Workplace for Women Project* was funded by the US Department of Labor and directed by the NGO Institute for Women in Trades, Technology & Science (IWITTS). In less than two years the project showed significant success in recruiting female officers and creating a supportive work environment for them. The proportion of female recruits in the academy increased from 10 to 25% and the women were retained at rates comparable to those for men. The Project included initiatives on:

- **Workplace environmental assessment**: conducted by IWITTS, it included anonymous surveys of female and male officers, interviews with key stakeholders, reviews of policies and procedures and examinations of statistical information.
- **Plan of action and implementation team**: IWITTS created a report and plan of action based on the assessment and APD formed a team of female and male officers in leadership positions to be responsible for implementation.
- **Ensure political will**: Recruitment and retention of female officers was given top priority by all leaders in the Department.
- **Active recruitment of women**: Women & Policing Career Fair; media coverage on women and policing; flyers, posters and brochures featuring female and minority officers; targeted recruitment list.
- **Selection process**: Replacing board interview with a critical incident interactive video that rates how participant responses eliminated gender bias. The application pool was ranked based on written selection criteria and female officers were involved in the selection process.
- **Prevent sexual harassment**: Conducted an anonymous climate survey, designed by IWITTS and administered by APD; instituted a zero-tolerance sexual harassment policy; 8-hour police-specific training on preventing sexual harassment for supervisors.
- **Change standard operating procedures**: APD requested vendors to provide uniforms and equipment in smaller women's sizes; physical education instructors adjusted training regimes to prevent women recruits from suffering disproportionate leg injuries; a study on child care issues was initiated.

- juveniles) or penalise part-time/flex time workers when considering promotions.
- Closely monitor evaluations of female officers who have complained of harassment in the past.
- Encourage high-ranking female officers to speak to women's police associations regarding the importance of applying for promotions.
- Compare how supervisors rate female officers in relation to male officers, and conduct an investigation if women are consistently rated lower.
- Conduct an independent survey of women who are qualified for promotions to gain insight into why women are applying/failing to apply.

Ensuring non-discriminatory and human rights-promoting police institutions and culture

4.11 Codes of conduct and policies on discrimination, harassment and violence

'[U]nless officers respect one another, it's difficult to expect them to respect the multicultural community that they serve.'

National Center for Women and Policing [64]

Clear policies and codes of conduct need to be developed using a consultative and inclusive process, in order to effectively prevent and sanction internal discrimination, harassment, violence and other human rights violations. Comprehensive measures should be taken to prevent and sanction all forms of human rights violations perpetrated by police personnel, against other police staff and civilians, including development of sexual harassment policies.

✔ Checklist for sexual harassment policies [65]

✔ A statement that the organisation supports the rights of every employee to be free of sexual harassment in the workplace. Harassment based on gender, sex, race, sexual orientation, age, disability or other 'difference' is unacceptable.

✔ A statement that offenders will be held accountable for acts sf sexual harassment and disciplined appropriately.

✔ A statement that supervisors and managers are responsible for maintaining a harassment-free workplace and that they will be held accountable for stopping and appropriately reporting harassment.

✔ A statement that acts of retaliation against members who complain about sexual harassment shall be considered as additional acts of misconduct, and investigated and disciplined accordingly.

✔ An explanation of the law prohibiting sexual harassment.

✔ A definition and examples of harassment behaviour that can be easily comprehended.

✔ Formal procedures to resolve complaints of harassment.

✔ A process to encourage early intervention and resolution of hostile work environment complaints, such as ombudsperson programmes.

✔ An assurance that complaints will be kept confidential to the extent possible.

✔ A description of the level of discipline that may be imposed for violations of the policy.

✔ The process for reporting complaints, with an emphasis on multiple places for filing complaints such as:
  - Any department supervisor
  - Any command officer
  - A designated diversity coordinator
  - The law enforcement agency's human relations division
  - The commission that oversees the law enforcement agency
  - The human relations division of the political entity involved
  - The state labour division responsible for enforcing discrimination laws

✔ Timelines for investigating and resolving complaints of sexual harassment.

✔ A statement that complainants shall be notified of their rights, statutes of limitation for filing civil complaints and referrals to administrative agencies.

✔ The names and telephone numbers of persons to contact if the employee has questions about the policy.

Once policies or codes of conduct are developed, steps should be taken to ensure that all police personnel and those they interact with are aware of the new policy/code:

- The head of the police can issue a zero-tolerance policy statement to demonstrate commitment to the policy.
- Initiate distribution and awareness-raising campaigns for the public through civil society oversight bodies or community groups.
- Establish mechanisms to monitor or report violations of the policy (e.g. hotlines or anonymous reporting processes).
- Distribute and post the policy throughout police stations.
- Provide training on the policy for serving members and volunteers, and incorporate information on the policy into training programmes for new recruits

4.12 Gender training

To contribute to a shift in police practices and the institutional culture, training on institutional reforms (policies and procedures) or skills development for addressing specific crimes (domestic violence, rape or sexual assault), need to take place at all levels of police training from introductory to refresher courses. Gender issues should be mainstreamed into all relevant training areas and training should also include in-depth modules on gender-related issues.

> See Tool on Gender Training for Security Sector Personnel

Gender training topics include:

- General gender and diversity awareness
- Institutional codes of conduct and policies on discrimination and sexual harassment
- Respect and promotion of human rights, including women's rights
- Protocols and practices on:
  - Domestic violence
  - Rape
  - Sexual assault
  - Stalking
  - Human trafficking
  - Anti-gay violence
  - Child abuse
- Techniques for interviewing victims of GBV

To teach new skills on how to address various types of crimes, training needs to demonstrate the link between theory and practice. Concrete examples enable individual officers to better understand what they should be doing and what is acceptable police behaviour in given situations.

> In Honduras, the UN Population Fund has helped train police officers on gender issues and in assisting victims of domestic violence. The training focuses on how to process cases of domestic violence, ensuring officers understand the seriousness of this offence, and in some cases on the need to provide protection. [66] Oscar Reyes – coordinator of the domestic violence training programme in Honduras – said: *'There was some resistance from the bosses in the police education institutions in the beginning, but we managed to convince them that this is an important issue. Now they are our strongest allies.'*

Tips for more effective police training

Training for institutional reform:

- Begin all training sessions with an opening address from a senior police officer who can articulate the importance of the topics being discussed, demonstrating a commitment to institutional reform.

- Gender and human rights issues should be integrated into all aspects of police training and not be considered a separate subject.

Responding to crimes in a non-discriminatory manner:

- Use participatory training techniques incorporating the knowledge and preconceptions of the police officers in order to demonstrate real-world issues and how to address them.
- Provide practical examples of skills and behavioural tools required in dealing with all community members to enable police officers to translate policies into practice - invite officers who have participated in specific types of investigations to assist with examples.
- Include community organisations, including women's organisations, in training sessions to provide examples and different perspectives.
- Ensure that the training team is composed of male and female officers who are knowledgeable of national and international laws and the new policies and procedures that are being implemented.
- Develop training modules for addressing specific crimes in cooperation with relevant community associations.
- Include sessions on existing legal tools and mandates to deal with specific crimes, as well as practical skills for processing and investigating complaints equitably.
- Train men and women officers on how to address all types of crimes, specifically GBV.

4.13 Civilian oversight

It is widely recognised that, with input from and collaboration and partnership with civil society and local communities, the reform process can help to reframe traditional police-civilian relationships,[67] which, due to certain practices, are often characterised by distrust and fear. By creating civilian oversight mechanisms, public trust can be increased and formal recourse mechanisms for individuals and communities can be established. In any of the oversight mechanisms created, equal representation from under-represented groups – including women – is a priority.

Forms of civilian oversight include:[68]

- **National-level police liaison board:** including representatives from civil society, such as representatives of NGOs and women's organisations, academics, lawyers and human rights activists to advise the police on community needs.
- **Local-level liaison boards:** local governments, police representatives and civil society groups assess local security issues, particularly those which give rise to GBV and discrimination, and report these trends to the police to assist in development of an action plan for reform.

- **Independent police ombudsperson:** appointed to investigate serious cases of police abuse, including deaths in custody and excessive use of force.

Tips for strengthening civilian oversight

- Joint training sessions between the police and individuals involved in civilian oversight mechanisms to increase knowledge levels and respect for the role of each partner.
- Include monitoring methods, record keeping, report writing, communication techniques and basic organisational skills in training sessions to ensure information is properly gathered and can feed into decision-making processes.
- Educate community groups and local governments on their roles, in order to build their awareness and capacity to properly monitor and provide information to the police.
- Raise awareness within the community on legal and human rights issues, including how to file complaints regarding the police.
- Ensure political will from within the community and the police (establish strong linkages and work closely with community leaders, key organisations, police executives and senior management in the development or enhancement of civilian oversight mechanisms) to increase the likelihood that civilian oversight mechanisms will work effectively.
- Conduct research on the police and publicly distribute findings.
- Distribute oversight findings to the wider community, where necessary via the radio, theatre etc., to reach illiterate populations.

5 Integrating gender into police reform in specific contexts

The following section addresses challenges, opportunities and tips from post-conflict, developing, transitional and developed countries. Recognising that contextual realities do not lend themselves to easy classification, this section provides a general overview which needs to be adapted to each specific context.

5.1 Post-conflict countries

'Th[e] effort to engage more women in the Haitian National Police… is very important, not only for the way in which the police will function and be seen by the population, but also because the feminization of the national police will highlight the involvement of women in non-traditional roles as actors and agents of change in Haiti.'

Nadine Puechguirbal – MINUSTAH Senior Gender Advisor [69]

In post-conflict countries, there is often widespread insecurity, with certain forms of violence increasing, alongside political institutions that have been mainly destroyed. Security forces have often been involved in the conflict, committing human rights abuses against the population, and are therefore highly distrusted. There may be a temptation to continue to use the police as a tool of repression in the post-conflict situation due to the insecurity, both by the political powers and the police themselves. There is often a need for systemic reform, including reform of the laws governing the actions of security forces - how to respond to crime - and the actions of citizens - what constitutes a crime.

During conflict, women, men, boys and girls are subjected to humiliating and violent acts of aggression. In post-conflict societies, the incidence of GBV, including domestic violence, rises considerably. In Sri Lanka there were numerous accounts of ex-combatants returning home and inflicting abuse on their wives similar to that which the women had experienced during war.[70] The increased presence of guns in the home contributes to more severe forms of domestic abuse: women often see guns in the home as a threat rather than a form of protection.

In post-conflict environments, an opportunity exists to address police reform from a gender perspective. With high incidences of GBV and wide-ranging human rights violations against men, women, boys and girls, the police are one of the paramount organisations that need to be rebuilt and strengthened.

Challenges to gender-responsive police reform

- National police forces are not the only agents involved in policing – fragile states often have multiple security agencies that have been developed and need to be addressed in security sector reform efforts.
- Security forces, including police, are often the perpetrators of violent crimes, including rape and sexual assault, against community members.
- National police often work in conditions without equipment and are poorly paid, while still being expected to carry out their changing mandates. This often results in rampant corruption as well as a reluctance to prioritise reform processes or gender issues.[71]
- Commitment to gender-responsive police reform diminishes as crime begins to rise and police return to oppressive ways of addressing crime, disadvantaging certain groups in society.[72]
- Police institutions are often very suspicious of civil society organisations and are reluctant to work with them, creating barriers for community organisations to provide input into reform processes.[73]

Opportunities and tips for gender-responsive police reform

The following is a non-exhaustive list of opportunities and tips to be used when reforming the police in post-conflict countries:

- International attention and financial support can influence the reform process, encouraging sensitivity to the needs of both men and women. International civilian police forces can, for example, act as role models to local forces.
- Altered gender roles and social structures provide a space for more women to consider the police as a professional opportunity.
- Women with new skills and understanding of peace and conflict issues, including ex-combatants, can be recruited into new police organisations.
- Implement a vetting process to ensure new recruits and serving police officers do not have a history of violence or serious crime, particularly when integrating ex-combatants into the new police structure.
- Recognise the level and severity of GBV as a threat to security, and implement appropriate measures, including the training of all personnel and establishment of specialised units, to address GBV.
- Work closely with national and international actors familiar with gender issues in a given context to ensure processes and programmes are addressing the needs of all sectors of society.

Civilian policing in peacekeeping operations

International peacekeeping missions of the UN, AU, NATO, OSCE and EU, with civilian policing components, create an opportunity for police to be role models, mentors and trainers to local populations as they carry out their police duties identified through mission mandates.

- In South Africa, the UN observer mission (UNOMSA) was composed of men and women from diverse racial backgrounds. The mission was led by Angela King, a black woman, and included 46% female observers, which sent a strong message, particularly to the women of South Africa.[74]
- In Sierra Leone, the presence of female police officers within the UN mission demonstrated that women were capable of being police officers, that they have a key role to play in the development of a new police force and that they should be respected by their fellow police officers.
- In Liberia, the first all-female police unit deployed from India is garnering international attention, demonstrating the various roles and capabilities of female officers within peace operations. The Liberian National Police received three times the usual number of female applicants in the month following their deployment.[75]

International support in peace operations is a unique opportunity to demonstrate the importance of having women and under-represented groups recruited into the police and building capacity on gender issues, specifically when donors focus financial support on

revising recruitment policies, ensuring that entry requirements can be met by target groups and that specialised units dealing with GBV are fully equipped.

In **Liberia**, the UN and the Government of Liberia have instituted the Education Support Programme for female potential recruits to the Liberia National Police (LNP). The accelerated programme aims to bring the educational level of interested women up to the high school graduation level so that they can qualify for LNP recruitment. The Special Representative of the UN Secretary General, Alan Doss, addressed the young women of Liberia, stating, at the programme launch, that: 'This is an opportunity to not only enhance your education, but, if you successfully pass the test, you can join the LNP and help make a difference to your country, especially the women of this country.'[76]

Vetting

Vetting is a process of conducting background checks on individuals interested in becoming a police officer. It focuses on determining the suitability of an individual and ensuring that applicants have no history of violence or serious crimes.[77] In post-conflict societies, vetting is an important tool to screen officers who have been involved in crimes against the community, including GBV, or where ex-combatants are being integrated into the new police structure. Although a lengthy and challenging process, as there is rarely reliable information or records upon which to base screenings, vetting is an important step in regaining or building the trust of the community.[78]

Tips for vetting processes [79]

- Vetting should be carried out independently.
- Establish an effective and credible vetting unit.
- All officers should be required to go through a vetting process.
- Establish an open process by providing information for the public and establishing methods for public participation.
- Carefully consider the standard of evidence – if the burden of proof requirement is too high, human rights abusers might be included in the police force.
- Screen for individuals with a history of perpetrating domestic violence or child abuse, sexual harassment, violent behaviour, or any type of GBV.[80]
- Implement a probationary period for police officers.
- Dismiss police officers if credible information about past or ongoing abuses is disclosed.
- Involve community organisations in vetting processes as they have intimate knowledge of individual community members.

Recruiting women

Integrating women into newly reformed police organisations, including female ex-combatants, contributes to the legitimacy and effectiveness of the police. As ex-combatants, women have often acquired new skills and knowledge regarding security issues.[81] Female ex-combatants often understand what may

Box 10	Sierra Leone Family Support Units (FSU)

Sierra Leone went through a decade-long conflict where GBV was used as a strategy of war. Women and girls were subjected to abduction, exploitation, rape, mutilation and torture. In addition to crimes of war, a study by Human Rights Watch for the period of 1998 to 2000 indicated that 70% of the women interviewed reported having been beaten by their male partner, with 50% having been forced to have sexual intercourse.

As the culture of secrecy began to be broken, there has been a growing recognition that survivors need access to the police to report crimes, protection in temporary shelters, treatment including medical and psychological services, and legal assistance.[85] However, police attitudes to survivors of sexual violence were not supportive, resulting in many women not wanting to report the crimes to the police. In response, the government established the first Family Support Unit (FSU) in 2001 to deal with physical assault, sexual assault and cruelty to children.[86] In addition, training was provided to police officers on how to handle domestic and sexual violence.

Collaboration
- Memorandum of understanding between the Police FSUs and the Ministry of Social Welfare, Gender and Children's Affairs, allow them to work together to monitor and report GBV and child abuse.[87]
- Recognition and agreement to work with international organisations to ensure effective and efficient service delivery. UNICEF supported training to improve investigation of domestic abuse; International Rescue Committee, Cooperazione Internationale and GOAL worked with the FSU to provide psychological counselling, training services and temporary safe places.[88]

Services offered by the FSU
- Skills training for abused women
- Financial support to homeless battered women
- Sensitisation campaigns and awareness-raising activities around the country to encourage women to report GBV
- Women's help line

Outcomes
- By 2005 there were 19 FSUs in the Police Local Command Units (PLCU).
- Between 2004 and 2005 there were 21 convictions, with prison terms ranging from 6 to 12 months. [89]
- By 2005, 105 staff (including police and social workers) were trained in awareness-raising, human rights, media and communication skills, record-keeping, sexual investigation and joint police-social workers' investigation of sexual offences. [90]

Challenges
- There continues to be evidence that women who are encouraged to report cases to FSUs find officers reluctant to intervene in domestic assault unless it is considered serious – i.e. maiming, wounding, disabling. [91]

attract women to work as police, which can contribute to the definition and implementation of recruitment strategies.

Questions to ask to increase female recruitment: [82]

- Is there a commitment from authorities at the political and senior police level to ensuring recruitment and retention of women?
- Is there an active effort to recruit and train female ex-combatants for positions in the police?
- Are psychosocial services available to women who become officers and who may be re-traumatised when processing criminal complaints?
- Have basic selection criteria, such as education requirements, been reviewed to ensure women are not unfairly excluded from recruitment?
- Are bridging programmes being implemented to ensure women meet the basic requirements?

Police units on gender-based violence

'A woman is not likely to tell a man that she has been gang-raped by 15 men. Sometimes local women were more able to talk to UNOMSA women about certain things.'

Hannah Yilma – Member of UNOMSA mission [83]

Due to the high levels of GBV in conflict and post-conflict environments, some countries have set up specialised units to encourage reporting and comprehensively process complaints. These units are often staffed with female police officers and social workers who are specially trained to deal with family issues and child protection.[84] Their intimate knowledge of the subject helps victims process the trauma and receive support to enable full recovery from the crime. In Sierra Leone there has been an increased level of incidence reporting, due to the work of the units and increased understanding regarding women's rights and the services available for reporting GBV (see Box 10). Although successes have been recorded, challenges exist and require continued attention (see Section 4.4).

5.2 Transitional countries

Transitional countries are characterised as moving from one political system to another, but where long-term internal violence has not occurred. In Central and Eastern Europe (CEE), there was a transition from communism to post-communism. In the closed economies of CEE countries, the police were closely tied to the political leaders and state institutions, where the mission of the police or militia was primarily political. These systems were tightly controlled, individual police officers had minimal autonomy, and they were responsible for furthering the ideals of the political authorities.[92]

Challenges to gender-responsive police reform
Ukraine gained its independence in 1991, embarking on an economic, social and political reform process.[93] The police force was targeted for reform, including the integration of women, in an attempt to overcome a poor reputation, high levels of corruption and a low level of trust between the police and the community. The case of Ukraine demonstrates some of the challenges faced in transitional countries with regards to gender and police reform, which include:

- Previous ruling elite remains in power and can result in widespread opposition to change.
- Promotion process plagued by nepotism, with women rarely reaching levels higher than sergeant or colonel.
- Unofficial quotas set to cap the number of women in the police – training institutions in Ukraine were said to have instructions from the Ministry of Interior to keep female enrolment below 10% per year and senior managers encouraged to keep levels around 8%.
- Hesitation of NGOs and community groups to meet with police and government representatives to discuss reform processes due to high levels of distrust.[94]

Opportunities and tips for gender-responsive police reform

- Cultural shifts in gender roles in the greater society, which demand changes in institutional mechanisms.
- Develop a sequenced action plan which focuses on short and long-term reforms to ensure immediate gains are made in line with broader institutional reform.
- Create an independent body to oversee selection process and reduce the likelihood of favouritism.

5.3 Developing countries

In developing countries, although the movement is not necessarily from one political system to another, the police are often closely tied to the needs of the state rather than the people. Reforms often focus on transitioning from colonial-style or militaristic police institutions to more democratic institutions that are established to serve and protect the community. In addition, developing countries are plagued by high levels of poverty, limited economic opportunities, poor infrastructure, and weak national institutions – all of which have an impact on police organisations.

Challenges to gender-responsive police reform

- General opposition to addressing gender equality issues such as equal rights and recruitment.
- Although formal legislation for human rights and equality of women exist, the realisation of those rights is often complicated by parallel state laws, religious laws and traditional laws that limit the implementation of legislative reforms.[95]
- Often members of the security forces condone gender-based assaults rather than preventing them.[96]
- Negative attitudes at various ranks to a focus on gender reform when they are lacking basic resources such as pens and paper and feel more pressing issues need to be addressed.[97]
- Limited capacity and commitment within the leadership to support and implement real change with regards to gender reform.

Opportunities and tips for gender-responsive police reform

- Citizen's movements, particularly for under-represented groups and women, are becoming stronger within society, more aware of their human rights and are advocating for changes within the national structures. They can advocate for and support gender-responsive reforms.
- Increased access to education for various segments of the population, including women, often cited as a prerequisite for qualifying as a police officer.
- Ensure the application process is not too costly, in order to increase the ability of people with limited financial security to apply.

5.4 Developed countries

In the context of developed countries, police reform often focuses on optimising the effectiveness of the police and efficiently responding to the needs of the community. Developed countries like Canada, the United States and many European countries have been affected by a loss of public confidence in the wake of police corruption scandals, use of excessive force, brutality, lawsuits for sexual abuse and harassment within the police.[98] There have been calls for the police to be more representative of the populations they serve, and to become focused on preventive and neighbourhood policing, where the police are more accountable for their actions.

Challenges to gender-responsive police reform

- Although diversity campaigns are in place, often the number of people from under-represented groups remains low and those individuals in the police may take on the dominant culture as a coping mechanism, and therefore will not improve the overall culture or relations with the community.

- Inability to appeal to highly qualified women for a career in police organisations.

- Some resistance to quotas or affirmative action in certain countries where a 'level playing field' is (wrongly) perceived to already exist.

Opportunities and tips for gender-responsive police reform

- Costly litigation supports the argument for the recruitment and retention of more women. In the US, on average, a male police officer in a big city costs taxpayers 2 ½ to 5 times more than the average female police officer in excessive force liability lawsuit payoffs.[99]

- The validity of physical testing, long used as a means of screening out certain groups, is being undermined by the fact that long-serving members of the police are unable to pass the tests, although they are found to be capable of performing the duties expected of them.[100]

6 Key recommendations

Planning

1. ***Senior-level commitment and support:*** any initiative needs to have senior level support if it is to have a long-lasting impact on changing the institutional culture of the police, including the identification of senior-level 'gender champions'.

2. ***Gender assessment***: police reform programmes need to understand gender and security issues at the ground level, including the capacity of the police and the community to implement changes.

3. ***Action plans:*** based on an assessment, a clear action plan and framework need to be developed and implemented to ensure the reform is in line with broader institutional and systemic goals.

Implementation

4. ***Gender-responsive policies and procedures:*** Review, revise and create new policies and procedures that take into account the needs of men, women, girls and boys, including sexual harassment policies and codes of conduct.

5. ***Procedures and initiatives on gender-based violence***: Institute procedural, structural and programmatic initiatives, such as the creation of women's police stations or telephone hotlines that improve the prevention and response to GBV.

6. ***Training:*** Implement training programmes at all levels to mainstream gender issues and provide specific training to increase GBV-related skills and to create non-discriminatory police organisations respectful of human rights.

7. ***Recruitment, retention and promotion of women:*** Review recruitment, retention and promotion of women and other under-represented groups, and initiate the reforms and new initiatives needed to target them.

8. ***Female police associations:*** Support associations for under-represented groups, as a venue for advocacy, support, sharing of experiences and the learning of lessons on how to cope and excel in a police environment.

9. ***Vetting processes:*** Screen police recruits for GBV, including domestic violence.

10. ***Multi-sectoral collaboration:*** Work with the health, justice and education sector, as well as with civil society organisations – including women's organisations; lesbian, gay, bisexual and transgender groups; and children's rights advocates – to ensure that reforms are participatory and meet the needs of all communities.

Monitoring and evaluation

11. ***Information campaigns:*** Develop internal and external communication plans to ensure police and community members are aware of the gender-responsive police reform process and how to file complaints against the police.

12. ***Accountability:*** Establish internal and external mechanisms to monitor and hold accountable individuals or groups who are not in line with broader institutional reform. Special attention should be paid to accountability for human rights violations including GBV.

13. ***Civilian oversight:*** Establish structures such as liaison boards and ombudspersons' offices to facilitate oversight. Community groups and NGOs may need support and training in order to effectively monitor police organisations.

7 Additional resources

Useful websites

Commonwealth Human Rights Initiative – http://www.humanrightsinitiative.org

European Network of Police Women – http://www.enp.nl

Geneva Centre for the Democratic Control of Armed Forces – http://www.dcaf.ch

International Association of Women Police – http://www.iawp.org

International Peace Academy – http://www.ipacademy.org

National Center for Women and Policing – http://www.womenandpolicing.org

Open Society Justice Initiative – http://www.justiceinitiative.org

OSCE Strategic Police Matters Unit – http://www.osce.org/spmu/

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Police Reform and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into police reform, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to police reform?

Police Reform is the transformation or change of a police organisation into a professional and accountable police service practising a style of policing that is responsive to the needs of local communities.[1]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Effective provision of security to men, women, girls and boys

■ As police are responsible for the maintenance of public order and the protection of people, they have a duty to understand and take action to prevent and respond to the different forms of crime and insecurity faced by men, women, girls and boys.

■ Gender-based violence (GBV), including domestic violence, human trafficking and sexual assault, is one of greatest threats to human security worldwide. Police officers must receive appropriate training to respond to victims of GBV and process and investigate these crimes effectively.

Representative police service

■ Creating a police service that is representative of the population it seeks to serve – in terms of ethnicity, sex, religion, language, tribal affiliation etc. – increases the credibility, trust and legitimacy of the service in the eyes of the public.

■ A representative police service increases operational effectiveness, through access to a broad range of skills, experiences, education and culture, which maximises the ability to deliver local solutions to local problems.[2]

■ Women often bring specific skills and strengths to police work, such as the ability to defuse potentially violent situations, minimise the use of force and employ good communication skills.[3] In certain contexts, female officers are necessary to perform the cordon and search of women, widen the net of intelligence gathering and assist victims of GBV.

■ Globally, men are currently greatly over-represented in the police service. Specific initiatives are therefore needed to increase the recruitment, retention and advancement of female personnel.

Non-discriminatory and human rights promoting police service

- Eliminating discrimination and human rights violations, such as sexual harassment and rape, by police personnel against civilians and co-workers will help create an effective and productive work environment.
- Discriminatory attitudes of police personnel can prevent equal access to police services. In many countries, women report that the police are insensitive and may fail to adequately investigate gender-based crimes.[4] Gender-responsive policies, protocols and capacity building can increase police professionalism and access to police services.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into police reform is not only a matter of operational effectiveness; it is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW, 1979)
- *The Beijing Declaration and Platform for Action (1995)*

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into police reform?

Assessment

- Conduct gender-responsive assessments or audits that focus specifically on a gender issue, such as women's recruitment, rates of sexual harassment or responses to domestic violence.

Gender-sensitive policies, protocols and procedures

- Develop and implement specific protocols/procedures to investigate, prosecute and support victims of GBV.
- Establish gender-responsive codes of conduct and policies on discrimination, sexual harassment and violence perpetrated by police officers, and internal and external reporting mechanisms that can receive complaints.
- Vet police recruits for histories of GBV, including domestic violence.
- Create incentive structures to award gender-responsive policing along with respect for human rights.
- Review operational frameworks, protocols, and procedures with:
  - Existing women's police associations and other police personnel associations to identify the current situation and reforms required.
  - Community policing boards, civil society organisations, including women's groups and survivors of violence, to identify needed reforms and to ensure that protocols and procedures are responsive to community needs.

Women's police stations/domestic violence units

- Consider establishing women's police stations (WPS) or specific units on GBV in order to encourage more victims to file complaints and improve police responses to GBV (see Box 1).

Gender training

- Integrate gender issues into the basic training given to all police personnel, including civilian staff.
- Provide mandatory and comprehensive training on gender sensitivity and sexual harassment for all police personnel.
- Offer in-depth, skill-building training on specific gender topics, such as interviewing victims of human trafficking and protocols for responding to domestic violence, anti-gay violence, child abuse and sexual assault.

Box 1	Women's Police Stations (WPS) in Latin America [5]

A study conducted in 2003 of WPS in Argentina, Brazil, Colombia, Costa Rica, Ecuador, Nicaragua, Peru and Uruguay found that each structure is unique and serves a different segment of the population, depending on the country and the criminal laws. Although there are differences, the main characteristics are as follows:

- Most deal with domestic or family violence against women, boys and girls.
- Services are provided in partnership with state and non-state actors.
- Police services include processing of declarations, carrying out investigations and the mediation of agreements in partnership with social workers.
- WPS officers are exclusively women.
- There is no cost to the user for accessing the multi-disciplinary services.

WPS units aim to:

- Protect women against threats to their security.
- Provide access to legal, medical and psychological support services that users, most often the poor, may not otherwise have access to.
- Contribute to a gendered focus on security in general.
- Contribute to good governance through ongoing collaboration between women's movements and NGOs, the police, and in some cases state-run women's mechanisms in the areas of service provision, coordination and administration.
- Collect data on crimes that are addressed by the specialised WPS units.

Recruitment, retention and advancement of female personnel

- Consider establishing strategic targets for female recruitment and retention.
- Update recruitment policies and practices to ensure they are attracting a full range of qualified individuals, including from under-represented groups (see Box 2).
- Update job descriptions to accurately reflect the skills required in modern policing.
- Revise and adapt human resources policies to ensure they are non-discriminatory, gender-sensitive and family-friendly.
- Establish female police associations and mentor programmes.
- Review job assessment standards and promotion criteria for discrimination. Implement performance-based assessment reviews.
- Ensure equal access to job training for career advancement.

Civil society oversight and collaboration

- Consider community-based policing as an effective strategy for providing security and working collaboratively with the community, including civil society organisations such as women's groups (e.g. through joint training and patrolling).
- Establish referral systems for police to put victims in contact with community services including women's organisations.
- Create or strengthen civilian oversight mechanisms, such as community police boards, in order to increase public trust and establish formal channels of communication between the police and the community.
- Build the capacity of civil society organisations to effectively monitor the police for human rights violations.

Also available in Tool 2…

- Template for plan of action for gender reform
- Sample protocol agreement between the police and a community group
- Good practices for addressing GBV
- Gender checklist for community-based policing
- Tips on how to conduct a workplace environmental assessment
- Checklist for developing a job description
- Strategies to recruit, retain and advance female personnel
- Checklist for sexual harassment policies

Post-conflict challenges and opportunities

In post-conflict countries, there is often widespread insecurity, with certain forms of violence increasing. Police services may be close to total collapse or lack legitimacy due to participation in the conflict. There is often an urgent need for systematic reform of the police, including to prevent high incidence of post-conflict GBV.

Challenges for the integration of gender issues

- The police have often perpetrated violent crimes, including rape and sexual assault, against community members, which leads to high rates of distrust. In such cases it may be hard to recruit women and reporting on GBV tends to be low.

Box 2	Education support for female police recruits in Liberia [6]

In Liberia, the United Nations and the Government of Liberia have instituted the Education Support Programme for potential female recruits to the Liberia National Police (LNP). The accelerated programme aims to bring the educational level of interested women up to high school graduation level so that they can qualify for LNP recruitment. As Alan Doss, head of the UN Mission in Liberia, stated at the programme launch to young women of Liberia: 'This is an opportunity to not only enhance your education, but, if you successfully pass the test, you can join the LNP and help make a difference to your country, especially the women of this country.'

- Police institutions are often suspicious of civil society organisations and are reluctant to work with them.
- National police often work in difficult conditions without equipment and with poor pay, while still being expected to carry out their changing mandates, often resulting in a reluctance to prioritise reform processes, including gender reforms.
- Commitment to gender-responsive police reform diminishes as crime begins to rise and police return to oppressive ways of addressing crime, disadvantaging certain groups in society.
- The national police force are not the only agents involved in policing – private security companies, militias and armed non-state actors need to be included in gender-responsive security sector reform efforts.

Opportunities for the integration of gender issues

- International attention and financial support can influence the reform process to be sensitive to the needs of men and women, particularly international civilian police forces acting as role models.
- Altered gender roles and social structures provide a space for more women to consider the police as a professional opportunity.
- Extensive reform of the police service provides the opportunity to set targets for female recruitment, vet recruits for GBV, and integrate gender issues into new policies and protocols, operational programming and training.
- There may be an increased number of women available for employment with the police – including women heading and supporting households, and female former combatants.
- Due to the high levels of GBV in conflict and post-conflict environments, there may be impetus to set up specialised units to address violence against women and children, as in Afghanistan, Liberia and Sierra Leone (see Box 3).

Box 3	Sierra Leone Family Support Units

Sierra Leone went through a decade-long conflict where GBV was used as a method of warfare. Women and girls were subjected to abduction, exploitation, abuse, mutilation and torture. In addition to crimes of war, a study by Human Rights Watch (HRW) for the period of 1998-2000 indicated that 70% of the women interviewed reported being beaten by their male partner, with 50% having been forced to have sexual intercourse. Not only were the abuses taking place, but there was a culture of silence that surrounded GBV. Research indicates that 60% of the women surveyed by HRW believed that women deserve to be beaten by their husbands, a perception that needed to be challenged.

As the culture of secrecy began to be broken, there has been a growing recognition that survivors need access to the police to report crimes, protection in temporary shelters, medical and psychological treatment and legal assistance. However, police attitudes to survivors of sexual violence were not supportive, resulting in many women not wanting to report the crimes to the police. In response, the Government established the first Family Support Unit in 2001 to deal with physical assault, sexual assault and cruelty to children. In addition, training was provided to police officers on how to handle domestic and sexual violence.

? Questions for police reform

One of the best ways to identify entry points, strengths and weaknesses for incorporating gender perspectives into police reform is to conduct an assessment. Below are sample questions on gender that are important to include in police reform assessment, monitoring and evaluation processes.

- Are there operational frameworks, policies, procedures or other mechanisms in place to guide police responses to GBV?
- Do gender-responsive codes of conduct and comprehensive policies on sexual harassment exist? Are they enforced? Is their implementation monitored?
- Do police personnel receive adequate capacity building on gender issues?

- Are internal and external complaint mechanisms established and accessible? Is there an ombudsperson in place to receive complaints of sexual harassment, discrimination or violence?
- Do any civilian oversight bodies exist, such as community police boards? Do they monitor GBV and discrimination?
- What is the number and rank of female and male police personnel?
- Are there measures in place to increase the recruitment, retention and advancement of female police personnel, as well as other under-represented groups? Are recruitment processes non-discriminatory? Do female police officers receive equal pay and benefits?
- Do women and men, in both urban and rural settings, have access to police services?
- Are there community policing programmes or initiatives in place?

More information

Resources

Centre for Children and Families in the Justice System – **Handbook for Police Responding to Domestic Violence: Promoting Safer Communities by Integrating Research and Practice**, 2004.

Council of Europe – **The VIP Guide: Vision, Innovation and Professionalism in Policing Violence Against Women and Children,** 2001.

International Centre for Criminal Law Reform and Criminal Justice Police - **Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice: Resource Manual**, 1999.

National Centre for Women and Policing - **Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement**, 2001.

OECD-DAC – **OECD DAC Handbook on Security System Reform: Supporting Security and Justice**, 2007.

UNIFEM/UNDP – **Gender Sensitive Police Reform in Post-Conflict Situations – a policy briefing paper**, 2007.

Organisations

Commonwealth Human Rights Initiative - www.humanrightsinitiative.org

European Network of Police Women - www.enp.nl

International Association of Women Police - www.iawp.org

National Center for Women and Policing - www.womenandpolicing.org

Open Society Justice Initiative - www.justiceinitiative.org

OSCE Strategic Police Matters Unit - www.osce.org/spmu/

UNIFEM - www.unifem.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel

Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Anna Korneeva of UN-INSTRAW, based upon Tool 2 authored by Tara Denham.

[1] Groenewald, H. and Peake, G., *Police Reform through Community-Based Policing: Philosophy and Guidelines for Implementation,* (International Peace Academy: New York), 2004, p.1.

[2] United Kingdom Police Home Office, 'It works…The Operational Benefits of Diversity for the Police Service', 2005, p.4. http://police.homeoffice.gov.uk/news-and-publications/publication/human-resources/Operational_Benefits_Leaflet.pdf

[3] Lonsway, K. et al., *Hiring & Retaining More Women: The Advantages to Law Enforcement Agencies,* National Center for Women & Policing, 2003.

[4] UNIFEM, *Not a Minute More: Ending Violence Against Women,* (UNIFEM: New York), 2003, p. 46.

[5] Jubb, N. and Izumino, W.P., 'Women and Policing in Latin America: A revised Background Paper', (Latin American Studies Association: Texas), 27-29 March 2003. http://www.nevusp.org/downloads/down085.pdf

[6] United Nations Mission in Liberia, 'Launching of Special Education Programme for Potential Female Recruits of Liberia National Police', Press Release Jan. 22, 2007. http://unmil.org/article.asp?id=1951

Defence Reform and Gender

Cheryl Hendricks and Lauren Hutton

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

Defence Reform and Gender

Cheryl Hendricks and Lauren Hutton

About the Authors
Cheryl Hendricks and Lauren Hutton of the Institute for Security Studies.

As a leading African human security research institution, the Institute for Security Studies (ISS) is guided by a broad approach to security, reflective of the changing nature and origin of threats to human development. Over the past few years the ISS has developed substantial work with and through sub-regional organisations. The ISS continues to enhance its engagement with other civil society groups (mostly NGOs) and networks, most prominently as part of its work on arms management issues, defence sector engagement, anti-corruption initiatives and regional projects. In general the activities of the ISS have moved towards capacity building at a senior level. The Institute also engages on a collaborative basis with state institutions at national, regional and continental levels in Africa.

Editors
Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on Defence Reform and Gender is part of a *Gender and SSR Toolkit*. Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

DDR	Disarmament, demobilisation and reintegration
DoD	Department of Defence
DRC	Democratic Republic of the Congo
GDP	Gross Domestic Product
MONUC	United Nations Mission in the Democratic Republic Congo
NATO	North Atlantic Treaty Organization
OECD DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Cooperation in Europe
SADC	Southern African Development Community
SANDF	South African National Defence Force
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNIFIL	United Nations Interim Force in Lebanon
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNOCI	United Nations Operation in Côte d'Ivoire

Defence Reform and Gender

1 Introduction

Security sector reform (SSR) is an important component of peace-building, democratisation and development. As a major state security apparatus, the defence sector is a key focal area within SSR. Gender equity and diversity within the defence sector creates more representative and non-discriminatory defence forces, and increases the operational efficiency of the security sector at large.

> **For more information see Tool on SSR and Gender**

This tool aims to contribute to an understanding of the relationship between gender and defence structures, and to highlight some practical steps that can be taken to transform the defence sector into a democratic, representative security service provider. The tool should be used with two points in mind: first, that there is no single process called 'defence reform', as the nature of such reform in each state will be influenced by nationally determined drivers for change, the domestic and foreign political environment and the strategic objectives of the state. Second, that defence reform in any context is shaped by the particular relationships between the armed forces, the society and the state.

The tool is designed for use by SSR practitioners and policymakers. As defence reform requires political leadership, it aims to introduce political and implementation actors to the need for a gender perspective in the conduct of reform activities. It therefore addresses both the technical aspects of defence reform, such as the conduct of defence review and recruitment policies, as well as more political level activities, such as civil oversight of the defence sector. Local ownership of SSR processes is widely acknowledged and advocated in current international discourse. National actors, located in government ministries, defence services, research institutions and civil society are therefore a target audience of the tool. The tool provides insight into defence reform processes and the manner in which women can be integrated into the armed forces and defence structures. It also highlights areas for advocacy and civil society mobilisation in the quest for democratically controlled armed forces.

This tool includes:

- An introduction to defence reform
- The rationale for why integrating gender strengthens defence reform processes
- Practical actions to integrate gender into defence reform initiatives
- An overview of particular gender and defence reform issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

2 What is defence reform?

With a growing international consensus on an expanded definition of national security and the advancement of a new security paradigm, the defence sector is classified as being part of a 'wider security family'.[1] For the purposes of a discussion on defence reform, however, the defence sector consists of the armed forces (army, navy, air force; paramilitary and reserve units); defence intelligence; the relevant ministry for defence and offices within the executive branch charged with managing and monitoring the security forces (such as national security councils and the auditor general); the legislature; military justice mechanisms and civilian mechanisms of control, such as military ombudspersons and inspector generals; and civil society. Non-statutory forces are also particularly important in post-conflict environments, where there may be a need to demobilise and/or integrate non-state armed groups.

Defence reform entails the transformation of the defence sector of a given state so that the institutions are under civil control; abide by the principles of accountability and good governance; maintain an appropriately-sized force; have representative composition in terms of gender, ethnicity and other factors; are trained and equipped to suit their strategic environment (which may include contributing to peacekeeping and regional security organisations); and abide by international law, thus contributing to national and international goals of peace and security. Defence reform, therefore, requires a multifaceted approach, which seeks to find an optimal force design and improved efficiency while also developing and maintaining a professional, balanced and modern national defence force, representative of all groupings within a country. Furthermore, defence reform must give effect to national defence policies and principles of civil-military relations. In so doing, the armed forces should earn national and international respect as professional and reliable institutions.[2]

According to the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC), key issues of defence reform are:[3]

- *Developing democratic control over defence policy and the armed forces, including a constitutional and legal framework and civilian oversight and management.*
- *Strengthening the process for reviewing security threats and developing the capacity to respond to them.*
- *Delineating clear roles and responsibilities with the police for internal security.*
- *Introducing integrated approaches to policy development, military expenditure, human resource planning, and management of military assets.*
- *Encouraging civil society debate and citizens' awareness of and engagement with defence reform issues.*
- *Promoting reform in training and career development of military personnel, and career transition and resettlement plans for those leaving the armed forces.*
- *Promoting ethnic and social balances and equal opportunity policies in the defence sector.*
- *Strengthening regional arrangements for military cooperation, confidence building, arms control and disarmament.*

Defence reform in peaceful, stable states is generally a periodic process of reviewing and restructuring defence forces in response to altered risk and threat environments, or political impetus for change. The degree of reform is largely determined by the extent of change needed to improve the appropriateness, accountability, affordability and adequacy of the forces to the strategic environment. In some states this can be done through small piecemeal measures, such as changes to force posture and design.

For many post-conflict states, however, defence reform involves reshaping the entire security system, creating the mechanisms of civil control, building legitimate state institutions and the basic structures of the armed forces. In these countries, the defence forces have often been dominated by a particular ethnic group or aligned to a particular party. Civil wars also tend to produce other armed factions and non-statutory armed forces. It is common, therefore, for defence reform in post-conflict situations to be driven by needs of developing an integrated, representative and non-partisan force as part of greater nation- and peace-building exercises. The challenges represented by such widespread reform revolve primarily around capacity issues, human and financial resource constraints and trying to balance purely military power with civil control in an environment of weak public institutions that often lack legitimacy.

Defence reform is not just about changes in management or organisational structure. It is centrally concerned with changing power relations and often occurs within a highly charged and politicised environment. It frequently entails curtailing the power of security personnel and balancing the power and efficiency of the military with the democratic requirements of civil control and oversight. In order to ensure the institutionalisation of democratic defence reforms, the sustainability of the reform lies in changing the perceptions, mindsets and actions of the security actors through, for example, civic education programmes, diversity and gender sensitisation and capacity building, and through building effective oversight mechanisms. The greatest challenge for successful defence reform generally lies not in developing an appropriate force size and suitable force postures, but rather in building national consensus on security issues and changing the behaviour of the members of the armed forces towards the security environment of the state and its people.

Defence reform leads to greater efficiency and effectiveness of the armed forces. Defence forces and defence structures are redesigned to be appropriate to the needs of the geopolitical and strategic environment in which a state exists. Unnecessary defence expenditure is therefore cut back. The primary concern, though, is to create a professional defence force that operates within the legal environment and is held to account through democratic structures. The most essential benefit of defence reform is the provision of security services by the national defence structures that are bound by the same norms and principles as the rest of the democratic public services, and in a manner that is affordable and appropriate to meet the security needs of the state and its citizens.

As defence reform generally involves changes to organisational culture, policy, structure, behaviour, management, authorities and controls, it requires dedicated leadership, commitment and political will, communication and consultation. Reform processes are consequently an opportunity for the democratic transformation of the defence forces, making them more representative of and responsive to the national culture and character of the society.

3 Why is gender important to defence reform?

'Why must gender be integrated into the security framework? First, because gender mainstreaming and equality is a globally mandated requirement… Second, because it is important to use the pool of humanity, not just half of it: when men and women participate in decision-making, better results are achieved. Finally, from the practical side, involving gender perspectives and mainstreaming is 'operationally strategic' for efficiency and effectiveness.'

Giji Gya, 'The importance of gender in ESDP' [4]

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. [5]

See Tool on SSR and Gender

Defence reform processes, as noted above, are concerned with re-conceptualising security and redesigning defence forces and structures so that they are suitable to the security needs of the state and its citizens. This should be accomplished in accordance with the democratic requirements of representation, accountability and transparency. The defence force in a democratic polity should reflect the society it is established to protect, including the defence of its core values such as citizenship and equality. A more balanced gender composition, in turn, favours cohesion and effectiveness in increasingly multidimensional peace operations.

It is important to note, however, that, although the presence of women is critical to creating a gender balance, this alone does not guarantee that defence reform or the defence forces will be gender responsive. A gender perspective in defence reform has to go beyond numbers. It must critically pose the questions: security for whom, and how? In *Gender Mainstreaming in Practice: A Handbook*, the United Nations Development Programme (UNDP) asserts that the goals of gender mainstreaming in terms of military and defence institutions should be the:

- Elimination of discrimination on the sole basis of gender within defence and military institutions.

- Integration of a gender perspective into research, policy and practice of defence and military institutions. [6]

Gender mainstreaming in the defence sector means bringing the experience, knowledge and interests of women and men to operations and is a means of re-conceptualising the policy, implementation and evaluation process. [7]

The following outlines a number of ways in which responding to gender supports the objectives and priorities of defence reform, in particular to:

- Respond to different security needs within society
- Respond to the changing nature and needs of the defence sector
- Improve operational effectiveness
- Create representative defence forces
- Strengthen democratic, civil oversight of the defence forces

3.1 To respond to different security needs within society

Defence reform must effectively respond to the needs of all in society. A person's security needs vary depending on factors such as sex, age, ability, sexual orientation, economic status, citizenship status, ethnicity and religion. Gender-based violence (GBV) remains a significant threat to human security in all parts of the world. Meintjes, Pillay and Turshen assert that there is no aftermath for women from violence after conflict, as GBV often persists and even increases after the fighting has stopped. [8] Ensuring the protection of women, both during times of conflict and in post-conflict situations, should therefore be a priority within a defence reform agenda that is cognisant of gender. Men are also victims of gender-based insecurities, in such forms as sex-selective massacres, forced recruitment into armed forces, male rape and gang-related violence. All these factors need to be effectively taken into account and addressed by the defence forces in conflict zones, and in all aspects of their operations.

3.2 To respond to the changing needs of the defence sector

The nature of warfare has undergone far-reaching changes since the Second World War: it is less dependent on the brute force of men on the battlefield and more reliant on technology and expertise that is to be found across the gender divides. In addition, 95% of the current conflicts in the world are inter-state or civil wars. [9] This has meant changes in the purpose, posture and structure of national armed forces, which are now spending less time and resources on protecting their own borders and more on international peacekeeping missions.

Peacekeeping, too, has become much more complex, such that we now see missions lasting for longer periods of time and peacekeepers involved in an array of tasks which go beyond providing traditional security to peace-building. Peacekeepers are called upon, for example, to provide services to local communities, to rebuild institutions and to ensure free elections. Diversity in force composition and gender mainstreaming in operations enables the defence sector to better perform such tasks.

Brigadier Karl Engelbrektson, Force Commander of the Nordic Battle Group, describes women's participation in peacekeeping operations as 'a key to success' in overcoming certain operational limitations of homogenous forces in tasks such as body searches and the interrogation of women.[10] Studies have shown that female peacekeepers can increase the effectiveness of peacekeeping missions because:

- Local men and women tend to see female peacekeepers as more approachable and less threatening than male peacekeepers.
- Female military personnel are needed at roadblocks, airports, etc. to perform body searches on women.
- The ability to work with local women's organisations and to gather information from local women enables the data for decision-making to be more detailed and accurate and therefore more useful.[11]
- Female peacekeepers may, when off duty, socialise with local women and talk with them about 'life behind the scenes'. This is another way for the mission to get further valuable information about what is going on in the host country.
- Female military personnel serve as monitors of excessive behaviour among male soldiers.[12]
- Female peacekeepers provide positive role models for local women to join armed and security forces.
- Both men and women who have been victims of sexual abuse are more likely to disclose this to female peacekeepers.

Anu Pillay, in a comparative study of peacekeeping missions, has described distinct advantages to the presence of women within peacekeeping operations. Analysing the UN Mission to South Africa, she cites women members who noted that 'the mission drew strength from what they termed *feminine traits*, including concern for the wider needs of the community, shedding symbols of status and power; networking; sharing information; making intuitive decisions; and using a hands-on approach'. In addition she contends that 'There were no incidences of abuse of local women reported, or undisciplined behaviour, the likes of which have tarnished peacekeeping operations elsewhere'.[13] The presence of women cannot guarantee that no sexual abuse will occur, but a strong presence of women seems to reduce the number of such incidents. For instance, UN and Liberian officials hope that the 103-strong, all-female Indian peacekeeping unit currently policing Monrovia will help to inspire Liberian women to join the police force, and limit sexual exploitation and abuse by peacekeepers. The Liberian National Police received three times the usual number of female applicants in the month following their deployment.[14] The unit's functions include guarding the

Ministry of Foreign Affairs, patrolling the streets, controlling crowds and responding to calls for armed backup from national police.[15]

However, women are still under-represented in the military component of peacekeeping missions (see Figure 1). This is largely because they are under-represented in the national armies that contribute troops and military observers to UN and regional peace operations. It is therefore imperative that national defence forces actively recruit more women (see Section 4).

Figure 1	Percentage of females in the military component of UN Peacekeeping Missions, April 2007 [16]			
Mission	**Male**	**Female**	**Total**	**Percentage female**
MONUC	17,017	301	17,318	1.73
UNMIL	13,766	294	14,060	2.09
UNIFIL	12,854	397	13,251	3
UNMIS	9,276	122	9,398	1.3
UNOCI	7,980	74	8,054	0.92

3.3 To improve operational effectiveness

Defence reforms are inherently connected with improving the professionalism, skills and suitability of the defence sector. As well as facilitating better peacekeeping ability, on a general operational level, increased representation of women has the potential to increase the efficiency of the armed forces because:

- It creates a larger human resources pool from which to select soldiers. The military can thus be more prudent in whom it employs, which, in turn, improves its capability.
- It maximises the potential skills base, drawing on the intellectual, practical/technical and social skills that may be more likely to be held by women.

Including women and other marginalised groups within society enables the defence forces to better deal with the complexities of current conflicts, especially where GBV has become a weapon of war and where human rights violations and humanitarian crises have become a mainstay of conflict issues to be dealt with. Incorporating democratic values and practices into the defence forces essentially enhances military readiness and effectiveness. HIV/AIDS, a huge challenge to military forces in many countries, also requires gendered responses that can address and change the sexual behaviour of men and women.

In addition, defence sector personnel themselves are often guilty of sexual harassment and GBV, perpetrated against both their colleagues and civilians. For example:

- In 2006, an independent study commissioned by the UK Ministry of Defence revealed that more than two thirds of servicewomen had a direct experience of sexual harassment.[17]
- In the 2006 student survey of the US military institute, the Citadel, 20% of the female cadets reported that they had been sexually assaulted.[18]
- A US Department of Defence survey from 2000 found that 80% of active-duty service member respondents had heard offensive speech, derogatory names or jokes about gay men and lesbians, and 37% had witnessed or experienced anti-gay harassment.[19]

In peacetime, human rights law creates obligations on states to eliminate human rights violations by defence forces. During armed conflict, many of the same obligations may be created by international humanitarian law. Even setting such obligations aside, it is clear that eliminating human rights violations creates more trusted and effective defence forces. Sexual harassment, for example, undermines an institution through a loss of productivity, lowered moral, absence from work, increased staff turnover, and hinders the integration of women. A study of the US military has shown a strong correlation between the high incidence of sexual harassment, lower combat readiness and a poor leadership climate.[20]

'I am not a victim of sexual harassment. When sexual harassment occurs in the United States Air Force, the Air Force and the citizens of the United States whom we serve are the victims. Because sexual harassment interferes with our military mission. It interferes with the job that I and other professionals have been highly trained to do. That is why it has to stop.'

Sergeant Zenaida Martinez [21]

3.4 To create representative defence forces and security organisations

A country's defence force should reflect the constituent identities within that society. This fosters representativeness, national ownership and, therefore, increases the legitimacy of the defence forces. Legitimacy in turn enhances the effectiveness of a defence force. Further, the military and defence management and other security agencies are workplaces that offer opportunities for citizens to gain education and international exposure and experience. When sections of society are in practice excluded from these institutions, they are being denied access to work and opportunities for educational and professional advancement.

The defence sector, internationally, and largely because of its historical construct, has not seen the same levels of gender equity as, for example, the development or political sectors. Women, as Figure 2 illustrates, are highly under-represented in the military. In many countries laws concerning the military explicitly discriminate against women, for example, by excluding them from combat. Women also tend to be under-represented in defence ministries and oversight bodies. Even without formal barriers, in practice there are often ceilings to women's career advancement, widespread sexual harassment and other forms of discrimination.

3.5 To strengthen democratic, civil oversight of the defence forces

'The legitimacy of existing governance structures and processes must be questioned when the interests and voices of over half the population are not reflected in the decisions made. This crisis of legitimacy is evident in the gendered nature of conflict; women rarely decide on or engage in wars but always suffer their consequences.'

Georgina Ashworth, 'Gendered Governance: An Agenda for Change' [23]

A key aspect of defence reform is increased civil and civilian oversight. Gender-sensitive women and men need to be included on parliamentary standing committees on defence and in civil society institutions, so that they can ensure that policies and programmes that the defence sector adopts respond to the different needs of men and women, boys and girls. Women's civil society organisations and research institutions that focus on the gender dimensions of security need to be drawn into civilian oversight processes, to ensure a holistic understanding of security is applied.

Integrating gender into defence reform processes opens opportunities for a much broader section of society to become active participants in the provision of security and in security decision-making structures. This is especially important when considering national ownership of the security institutions, for women make up 50% of society.

This, in turn, can lead to changes in the construct of security, and to a deepening of the fundamental shift from state security to human security. Human security incorporates the security of individuals and communities and broadens both the nature of security threats (to include food security, environmental security, GBV, etc.) and the actors involved in security (by including civil society organisations). Women's representatives (including women's human rights groups and research and policy institutes, as well as community-based organisations) bring these new perspectives to bear when assessing security threats and developing the capacity to respond to them.

Figure 2	Percentage of female soldiers in NATO countries' armed forces [22]					
Country	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Belgium	7.6	7.9	8.2	8.26	8.3	8.3
Bulgaria	-	-	-	4.2	6	6
Canada	11.4	11.8	12.4	12.3	12.6	12.8
Czech Republic	3.7	10	10	12.3	12.2	12.2
Denmark	5.0	-	5	5	5	5.3
France	8.5	10.8	11.2	12.8	12.8	13.3
Germany	2.8	3.7	4.4	5.2	6	6
Greece	3.8	3.8	3.8	4.2	4.3	5.4
Hungary	9.6	16	16	10	16	17.6
Italy	0.1	0.1	0.1	0.5	1	1.6
Latvia	-	-	-	13.5	20	-
Lithuania	-	-	-	6	9	12.5
Luxembourg	-	-	-	-	-	5.7
The Netherlands	8	8.4	8.5	8.6	9	9
Norway	3.2	3.3	5.7	6.3	6.3	7
Poland	0.1	0.3	0.3	0.47	0.47	0.52
Portugal	6.6	6.6	8.4	8.4	8.4	12
Romania	-	-	-	3.9	5	5
Slovakia	-	-	-	6.1	7	7.7
Slovenia	-	-	-	19.2	15.38	-
Spain	5.8	9	10	10.5	10.7	13.5
Turkey	0.1	0.1	0.1	3.9	3.9	3.1
United Kingdom	8.1	8.3	8.6	8.8	9	9.1
United States	14	14	15	15	15.5	10.5

Having both a more diverse defence force as well as broader participation in oversight, in turn, produces changes in society's perceptions of who are the 'protectors' and who are the 'protected', and thus makes security the concern of all within society. Similarly, gender mainstreaming can alter the image of the military as an institution concerned primarily with violence and warfare to one in which is more reflective of peace-building and democratisation.

Addressing gender issues in defence reform is essential, within a model that is suitable to the local environment. There can be no single approach to integrating gender into defence reform. The approach adopted will depend to a large degree on the roles that women and men in any particular society want to assume in the security and defence constructs. Incorporation of gender into defence reform is, as pointed out earlier, deeper than the mere presence of women in the defence force, and the contribution of women can be made in a variety of different ways and forums.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into defence reform is not only a matter of operational effectiveness; it is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

■ *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)

■ *The Beijing Declaration and Platform for Action* (1995)

■ *United Nations Security Council Resolution 1325 on women, peace and security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

4 How can gender be integrated into defence reform?

This section provides practical ways for successfully integrating gender into defence reform. There are four essential levels to defence reform, namely the political, institutional, economic and societal levels. Figure 3 provides an overview of the manner in which gender should be integrated at these different levels.

4.1 Integrating gender into the political level of defence reform

Defence reform, and by implication gender mainstreaming, must be 'directed by a clear mandate that is derived from the highest political level, and reflected in the vision and policies of a country's leadership'.[24] For it to be successful it requires the buy-in of the senior officials who often lead the process and of staff who need to see clear guidelines and strategies for how it will occur. It also requires strengthening democratic and civil oversight. The processes for achieving these outcomes – defence reviews, democratisation processes, civil society oversight and parliamentary oversight – are key entry points for addressing gender issues.

Defence review

'Governments have no monopoly of wisdom, and it is often useful to consult outside experts. The experience of discussing and defending proposals with outsiders is helpful, and usually produces a better result. Political lobby groups, and groups asserting that they represent, say, gender or ethnic interests, will generally offer their views, and it will be prudent to listen to them. If the review is a controversial one, such as when a regime has changed, wide consultation can be very important to its success.'

Global Facilitation Network on Security Sector Reform, Compendium of Good Practices on Security Sector Reform, 2005.

Part of the ordinary business of a defence ministry is continuously to adapt defence priorities, policies and programmes to changing global strategic realities. In the US, for example, the Pentagon produces Quadrennial Defense Reviews in which the senior leadership of the Department of Defense 'set[s] out where the department currently is and the direction we believe it needs to go in fulfilling our responsibilities to the American people'.[25] However, at times a more rigorous and comprehensive review might be needed.

There are basically three circumstances in which a defence review would be appropriate:

■ Where there has been a fundamental change in the strategic situation, which requires, in turn, a substantial response (e.g. the end of the Cold War).

Figure 3   Integration of gender in the four levels of defence reform

DEFENCE REFORM

Political
- Defence review
- Defence democratization processes
- Civil society oversight
- Parliamentary oversight

Economic
- Transparent and accountable public financial management
- Gender budgeting

Institutional
- Recruitment and retention of women
- Policies and mechanisms for reform
- Codes of conduct
- Training

Societal
- Changing social stereotypes and attitudes
- Collaborating with civil society

GENDER INTEGRATION

- Where the situation may not have changed greatly, but where the government believes a significantly different approach is needed (e.g. the immediate post-Clinton defence reforms in the US which focused primarily on revitalising the forces after the 1990s' budget cuts).
- Where there have been major domestic political changes impacting on the military, such as regime change or conflict resolution (e.g. Ugandan reforms under Museveni).

The first priority of a defence review process is to develop a clear and accurate analysis of the strategic situation inside and outside the country, forming the foundation for being able to match military means with geopolitical ends. A defence review fosters the development of a democratic security vision reflective of the security needs of the state and its citizens, which provides direction and strategic objectives for defence reform.[26]

Many developing and transitional countries have not undertaken participatory defence review processes. This may mean that defence policy and planning are not based on a realistic evaluation of the strategic environment and that there is limited assessment of the roles of the various security apparatuses. This has important implications for the budget process and the allocation of resources in highly constrained environments. An important starting point for lobbyists and advocacy groups would be to urge the armed forces to conduct defence reviews as the foundation for accurate risk assessment and resource allocation. In post-conflict states, defining national security priorities is important in order to transform the conflict role of the armed forces and to build renewed defence institutions based on the post-conflict strategic and political environment.

From a human security perspective and embracing a holistic and participatory form of democracy, gender perspectives need to be integrated into the process of conducting a defence review and constructing a national security vision. Both men and women, from all segments of society, should be involved. This ensures that the starting points for the purpose and structure of defence priorities, policies and programmes are truly reflective of the security needs of all of the people of the state. Furthermore, broad consultation in the development of defence policy creates a sense of national ownership of the means of force and contributes to national unity and cohesion through building national consensus on the purpose, structure and functioning of the state security apparatus.

How to integrate gender into the defence review process:

- Ensure that women, individuals with gender expertise and representatives of government ministries responsible for issues of women's rights, gender and youth are part of the formal review bodies.
- Build the gender capacity of the formal review bodies through gender training, briefings on gender and security issues, mentoring and other initiatives.
- Consult women and other under-represented groups within the defence forces as to barriers to their full integration and equitable advancement.
- Consult parliamentarians, including any parliamentary women's coalitions/caucus.

Box 1	Women's civil society engagement in defence reform in Fiji [27]

In the Pacific region, women have been greatly marginalised from formal decision-making structures as a result of the predominantly patriarchal governance structures. Yet, despite such obstacles, women have been instrumental in brokering peace during the height of crises in Bougainville, Solomon Islands and Fiji, and continue to play a vital role in building and sustaining peace in their communities.

Because of the recurring role of the military in addressing instability in Fiji, women learned to negotiate and communicate with the security forces. After discussions at a Peace Vigil led by women during the May 2000 hostage crisis, the National Council of Women Fiji made contact with the military. As a result, the Commander of the Republic of Fiji Military Forces brought together the members of the Military Council and other senior officers to meet with representatives of the Peace Vigil. The Peace Vigil delegation presented what became known as 'The Women's Letter'. It outlined the need for Fiji to return to parliamentary democracy, and for the military to uphold the 1997 Constitution as the supreme law of the country, as well as urging the military to respect human rights. While the letter was received respectfully and favourably, a critical lesson the women learned was to use the language of the military and security sector for future dialogue and peace initiatives.

In 2003, the National Council of Women and the Military Council held a national dialogue, which resulted in the Fiji Women, Peace and Security Coordinating Committee and the National Council of Women making formal submissions to the National Security and Defence Review. This reiterated the valuable contribution that women's networks can make from village to community and national levels to early warning interventions, while also identifying key entry points for women at local and national decision-making levels. The submission included the following recommendations:

- The Minister for Women should be included as a member of the National Security Council.
- The Permanent Secretary of the Ministry of Women should be included as a permanent member of the National Security Advisory Committee.
- Women should be effectively and equitably represented on Provincial and District Security Committees.
- Women should be included in the National Security Assessment Unit.
- Gender balance in the decision-making levels of the security forces should be ensured, and efforts made to recruit women into the Republic of Fiji Military Forces.

- Stimulate national debate on the national vision of security through:
  - Consultations with a representative segment of civil society, including urban and rural women's organisations.
  - Municipal meetings with direct interaction between those leading the defence review and the public.
  - Parliamentary hearings and open debates.
  - Inviting submissions from civil society to the review commission.
  - Using the media to mobilise public debate on security and defence issues through newspaper articles and radio talk shows.
- Explicitly address gender issues in the review, and use gender-sensitive language.

See Tool on National Security Policy-Making and Gender

Defence actors may oppose consultation on the basis of a perceived lack of capacity by parliamentarians and civil society to engage on security issues. Civil society groups and parliamentarians can utilise networks such as the Global Facilitation Network on SSR and the African SSR Network to gain further knowledge and share experiences with other actors who have gone through defence review processes, building their capacity to address defence-related issues more effectively.

Defence democratisation processes

Defence reform experiences in the post-Communist states of Eastern Europe showed that with democratisation and civil control of the armed forces came more space for the integration of gender. In the traditional realist Cold War security paradigm, the armed forces represented a highly militarised culture. There was no place for civilians or women in the realms of defence and security. In the post Cold War period, the armed forces transformed into security systems more reflective of the society that they served, including in their personnel practices. The increasing proportion of female personnel in NATO forces, shown in Figure 2, testifies to this transition. The improvement of civil-military relations and increasing democratic control of the armed forces has in some countries also opened space for the participation of women in defence management and governance (see Boxes 2 and 3).

While increasing democratic control of the armed forces may open space for the integration of women, especially in civilian positions, restructuring the power distribution between the civilian and military authorities is often challenging for states emerging from military or autocratic rule.

How to integrate gender into democratic defence governance

- Conduct personnel audits to determine positions that do not need to be military appointments (civilians are after all cheaper than military staff).

Box 2	**'Civilianising' defence in Estonia**

After regaining independence in 1991, the Estonian political authorities decided to base the Estonian Ministry of Defence on 'civilianised' principles, as part of a larger campaign of de-Sovietisation of state structures. All ministries recruited new personnel in order to free themselves from the network of Soviet relationships and Soviet inertia.

The personnel restructuring introduced a greater civilian component within the Ministry of Defence. The Soviet-era thinking of defence planning as a military matter was replaced with a new understanding that defence was the responsibility of the democratically elected government, supported by the men and women within the Ministry of Defence. Currently, the employees of the Ministry of Defence are 52% women. Of these, 60% are between 21 and 30 years old; 25% are between 31 and 40; only three women out of 122 are older than 61.

Merle Maigre, NATO Liaison Officer Ukraine.

- Use affirmative action appointments in civilian defence structures and encourage the recruitment of women into the defence secretariat.

Civil society oversight of the defence sector

Genuine democratic governance of the armed forces relies on civil society input into policy-making processes and civil society monitoring of the defence forces. For civil society to play these roles in security governance: first, civil society needs to have the capacity to monitor the security sector and to provide constructive input into political debate on security priorities; and second, the political environment must be conducive to civil society playing an active role.

Women's organisations and other organisations that work on gender issues have specific expertise and access to information that make them valuable partners in defence oversight. They can serve as a link between the realities of the community level insecurities that men and women experience, and defence managers at the national level. The community-level security information they can provide can be of critical significance, both in identifying security threats and in monitoring the performance of members of the armed forces.

There can be particular obstacles to the participation of women in national political processes. For example, in March 2003 in Afghanistan, the Ministry of Women's Affairs and UNIFEM organised a programme on Constitutional Awareness to ensure that women's needs were included in the new Afghan Constitution. While participants were invited from the different provinces of Afghanistan, most of them could not come for reasons such as:

- Lack of security and the control of the local armed commanders in the provinces
- Lack of knowledge: the women did not know how to express themselves or did not have the courage to talk about their needs
- Inequality: the women did not have permission from their husbands/families to attend

Box 3	**Women defence ministers chip at Latin America's macho image** [28]

Military coups and murderous dictatorships once plagued Latin America and the region has a tradition of macho, charismatic strongmen. But women are increasingly giving orders on matters of defence.

In the last five years, five South American countries have named women to head their defence ministries for the first time: Chile, Colombia, Uruguay, Argentina and Ecuador.

These appointments underscore women's progress in recent years in the region, while also reflecting greater political control over the armed forces and the changed role of the military.

'This is indicative of a different vision of the armed forces (...) with improved civil-military relations and much more civilian control,' said Peter DeShazo, Americas program director at the Washington-based Center for Strategic and International Studies. 'The naming of women ministers is symbolic of that process,' he said.

In 2002 Chile became the first Latin American country to appoint a female defense minister: current President Michelle Bachelet …

In Argentina and Uruguay, where military rulers also killed leftist dissidents in the 1970s and 1980s, former human rights lawyers are now running the defense ministries. And they both happen to be women.

In these three countries, as in much of South America, left-leaning governments are in place and advocating human rights and more gender equality…

Leftist President Rafael Correa named former teacher Guadalupe Larriva as the Andean country's first female defense minister. She died in a helicopter collision last week, just nine days after taking office.

'It's important for the ministry to be headed by a woman. Guadalupe's maternal heart was able to do more than the strong hand of the generals,' Correa said before naming another woman, university professor Lorena Escudero, to the post on Tuesday.

Reuters, 31 January 2007

- Poverty
- Lack of transportation [29]

This reinforces the importance of understanding and tailoring defence oversight processes to suit the conditions and needs of the communities whose input is sought. Donor and civil society support can be mobilised to overcome many of these obstacles, but a coordinated vision is required.

The larger obstacle to the integration of gender into defence policy and oversight processes can be lack of civil society capacity – in terms of human resources, time and financial constraints – to lobby for gender-sensitive policies and practices. NGOs and civil society groups may need support from defence experts in order to be able to engage meaningfully in defence related debates.

How to integrate gender into civil society oversight of the defence sector

- Facilitate interaction between women's groups and local security providers, for instance through their inclusion in local security committees.
- Build the capacity of women's organisations on security policy issues, including advocacy and oversight.
- Civil society organisations can also play a role in sensitising parliamentarians and others conducting oversight of the defence sector, to improve their capacity to integrate gender perspectives in oversight activities.

See Tool on Civil Society Oversight of the Security Sector and Gender

Parliamentary oversight of the defence sector

Although much that is parliamentary oversight is an *ex post facto* review of the activities of the defence sector, parliamentary committees can become key drivers for change and can utilise their monitoring and watchdog function to draw the attention of the executive to gender issues. Parliamentary committees can become useful tools to drive gender-sensitive reforms in the armed forces and are well situated to hold forces to account, for example, for incidents of GBV and discrimination.

See Tool on Parliamentary Oversight of the Security Sector and Gender

The caveat, of course, is that this pre-supposes the existence of relatively strong civil-military relations, generally found only in established democracies. In post conflict, developing and transitional states, a major emphasis should be on building the capacity of parliamentarians to conduct oversight of the defence sector.

Regardless of context, the following issues can be monitored by parliament and indicate ways in which parliament can drive for greater gender integration into the defence sector:

- **Interrogation of annual reports** – look out for the personnel numbers, noting whether or not they are disaggregated according to sex and rank. Such data can also be used to demand improved recruitment, retention and promotion practices to promote the inclusion of women and other under-represented groups. Note also any increases or decreases in the

male to female ratios and interrogate the reasons behind this.

- Utilise **visits to facilities and bases** to examine the physical conditions and infrastructure and whether, for example, provision has been made for separate barracks and hygiene facilities for men and women. It would also be necessary to determine if the facilities and infrastructure present any obstacles to women's full and equal participation, such as women's dormitories being placed at unnecessary distances from the training sites.

- Parliamentary committees can look into the **provision of women's heath care and related issues such as maternity leave**, as part of a larger oversight of the employment conditions and the distribution of employment benefits.

- In authorising **deployments**, parliament can ask the defence force to identify the manner in which gender considerations have been included in the planning of the operation. Issues could include logistical arrangements and supplies, utilisation of gender advisors and, especially in peace support operations, planning for interaction between the forces and men and women in the host population.

- Through the budget and the annual report, parliamentarians can also monitor the roll out of **training on human rights and gender equality**.

- A **parliamentary women's caucus or coalition**, or women, peace and security (UN SCR 1325) group, can take a lead in ensuring that gender issues are addressed in defence oversight.

4.2 Integrating gender into the economic level of defence reform

A primary concern of defence reform processes is improving the efficiency of the armed forces and ensuring that public expenditure on defence occurs within a framework of transparent and accountable governance. In many cases, especially in post-conflict states or states emerging from non-democratic regimes, the financial systems and controls are exercised at executive level, if at all. Generally, the economic dimension of defence reform is concerned with issues such as establishing a payroll system, improving procurement processes and embedding 'good' practices of public financial management.

Sound budgeting practices for the defence sector improve its accountability and ensure that the budget is aligned to the priorities of the armed forces, as determined through the defence review or defence policy-making process. Although of obvious benefit, many armed forces do not have sufficient financial controls and scarce resources are often misused for the procurement of means that make little contribution to security. The challenge, therefore, is to establish a system of public financial management for the armed forces that is in line with the financial management structures, systems and procedures of the state.

Gender budgeting

The armed forces often receive a large chunk of the national budget. For example, in South Africa, the Department of Defence receives the third largest budget allocation (R23.8 billion), more than double the allocation to health, just under double the education budget and nearly four times larger than the housing allocation.[30] The budget is the most important policy statement that a government makes. Progress towards human security at large, and gender equity in particular, has to be underscored by attaching budgetary funding to policy commitments.

Gender analysis of government budgets involves the examination of inputs, activities, outputs and impacts of government interventions, and provides comprehensive feedback on the effectiveness and

Box 4	From gender budgeting to military spending: a bridge too far?

In 1996, at the National Government Conference of Commitments, the South African government committed itself to reducing military expenditure and reallocating resources to women's empowerment in recognition of the fact that women form the majority of the poor. At this conference, the chairperson made this request: 'We must ask departments to put their money where their mouths are, to take away spending in defence on corvettes which cost R434 million each, submarines which cost R1.1 billion each, and generals who cost R464 638 each per year.'

In the Budget debate on Defence and Intelligence in 1995, Joe Nhlanhla, Minister of Intelligence, was quoted as saying: 'The greatest future threats to the South African people are poverty, unemployment, homelessness and inadequate health services. There is no foreseeable external military threat as far as South Africa is concerned. A realistic threat analysis may thus allow a democratic state to reallocate resources from the security establishments to socio-economic development.' ANC policy, as reflected in the White Paper on Defence and the Defence Review, reiterated this understanding.

The Joint Standing Committee on the Improvement of the Quality of Life and Status of Women's CEDAW Report of 1998 says: 'In relation to the Budget, one of the key government commitments in the Beijing Platform for Action in 1996 was to decrease and reallocate military spending to support women's economic advancement. At present, South Africa is finalising agreement of R30 billion in relation to Defence when the Defence White Paper itself notes that the major threats crippling our nation's nascent democracy are poverty and crime, and not an outside threat to the Republic. This is just one glaring example of the reprioritisation that needs to happen within and across departments.' If this commitment had been given effect, the resources to address poverty, HIV/ AIDS and violence would have been able to make a major impact to save many lives.

Edited version of the presentation by the Hon. Pregs Govender (ANC MP), to the CGE Summit, 6 Aug. 2001. [33]

Figure 4	United States armed forces physical fitness requirements [38]	
Service	Requirements for perfect score of 300 by sex and event	
	Men	Women
Marines	20 pull-ups 100 sit-ups run 3 miles in 18 minutes	70 second flexed-arm hang 100 sit-ups run 3 miles in 21 minutes
Army	75 push-ups 80 sit-ups run 2 miles in 13 minutes	46 push-ups 80 sit-ups run 2 miles in 15:35 minutes
Navy	67 push-ups 100 curl-ups run 1.5 miles in 8:10 minutes	67 push-ups 100 curl-ups run 1.5 miles in 8:10 minutes

efficiency of public expenditure.[31] Gender analysis of the defence budget would seek to reveal to what degree men and women were equally benefiting from defence spending.

Questions to ask as part of a gender analysis of a defence budget would include:

- To what extent did the general allocations equally provide for the security of women, men, boys and girls?
- To what extent did the budget specify funds for women, men, girls or boys? (For instance, through earmarking funds to recruit more women; for maternity and paternity leave; for men's and women's health services.) Was the allocation of resources adequate for effective implementation?
- To what extent did the budget specify gender-related activities, inputs and costs? (e.g. for gender training) Was the allocation of resources adequate for effective implementation?
- To what extent did gender specialists/advisors participate in the budget cycle?[32]

Of particular importance is to consider gender budgeting in terms of the gendered outcomes of defence reform. For example, if defence reform results in the demobilisation or retrenchment of personnel, consideration needs to be made as to how this will affect men and women differently and the severance packages that will be needed to overcome any disparities.

A challenge for the integration of gender into defence budgets is to develop democratic governance structures and build the capacity of legislatures to be able to provide more than just a 'rubber stamp' on defence spending.

Practical tips for successful integration of gender into defence budgeting:

- Situate the gender budget debate in the larger civil-military relations debate focusing on improving the

transparency, accountability and public financial management of the defence sector. This includes training parliamentarians on the role and function of parliament in oversight of defence expenditure and empowering parliamentarians to integrate gender considerations into budget debates.
- Ensure gender budgeting is supported by sound research and reliable data.
- Empower civil society to be able to conduct analysis of defence budgets and to follow findings with advocacy and lobbying campaigns

4.3 Integrating gender into the institutional level

The institutional dimension of defence reform refers to the structural and technical transformation of the defence force so that they meet accepted national and international standards. Anderlini and Conaway highlight the following steps in the transformation of security institutions:[34]

- Transforming the structure of the military (e.g. down-sizing or integration).
- Instituting new recruitment and training policies to 'professionalise' and 'modernise'.
- Fostering a cultural transformation so that previously excluded sectors of society (e.g. ethnic or religious groups, women, etc.) are included in security forces and institutions are sensitive to their needs.

Much work has been done on the policy level to ensure that women can equally participate in the defence forces. However, the inclusion of women and other excluded groups into the armed forces and other defence institutions has to be accompanied by transformation within the defence sector itself. Mainstreaming gender cannot be a formulaic exercise, where more diverse people are simply incorporated into existing structures and the status quo largely maintained. Although there is a growing participation

by women, institutional reform needs to take place to ensure that the institutional environment is gender sensitive.

Recruitment, retention and advancement of women

In a study conducted on NATO in 2000, Helena Carreiras observed that 70% of women remain concentrated in support services. Only 7% occupied positions in the more operational areas. The participation of women in the operational ranks was particularly affected by military organisational features, especially the 'Conscript Ratio'. The study showed that the more a force relied on volunteer personnel the higher the percentage of women.[35]

Defence forces must improve their ability to recruit and retain women, persons from different ethnicities and persons of all sexualities. This should lead to an identification of some of barriers to recruitment and retention of under-represented groups, and the formulation of policies and procedures for redress.

Target setting

National defence force human resource policies should set specific targets and time frames that can be monitored for creating a more diverse defence force. These targets should be aligned with international, regional and nationally identified targets for gender representation. For example, the target set by the Southern African Development Community (SADC) for women's representation is 30%. How these targets are to be reached and the mechanisms to do so must be identified in the strategic planning processes of defence departments. These plans need to be continuously reviewed by the department, gender commissions and parliamentary oversight committees to take timely account of constraints and changes needed to meet the goals.

To date, the 30% mark has not been reached by Southern African countries, indicating that closer oversight is required in this regard. The Committee of Women in NATO Forces regularly publishes comparative statistics on women's participation in armed forces, as well as data on entrance criteria to military academies, maternity/paternity leave provisions, women's access to the rank of general and number of female generals, women's access to submarine service and combat positions, and the percentage of female personnel deployed on mission.[36] Other regions should follow suit in the collection and dissemination of this data, for this in itself can exert pressure on countries to make more concerted efforts at balanced representation of men and women.

Recruitment

To meet targets for women's recruitment, recruitment drives specifically directed at women are needed. These campaigns, conducted, for example, at schools and through the media, need to identify why women's services are valued and the opportunities that would be afforded to them. British recruiting campaigns in the 1990s included a female soldier coming to the aid of a female rape victim in a war-torn scene. According to Brown, 'in the post-Cold War era, women in the military may have special, new roles, ones that are specific to them as women and as caregivers and protectors of other women'.[37] While designed to appeal to women, recruitment drives must depict women in a variety of different functions – as pilots, naval commanders, officers – signalling that women can advance beyond traditional support service functions.

Selection

Selection criteria must be evaluated to ensure that they are non-discriminatory. Selection is usually made on the basis of educational qualifications, experience and basic fitness tests. Ensuring that selection criteria meet the action needs of the position, and that there are different physical testing standards for men and women – with standards that women should realistically be able to meet – is a key enabler of women's recruitment. Each branch of the US armed forces, for example, has slightly different physical fitness test requirements for men and women (see Figure 4).

Box 5	Increasing the recruitment and retention of women in the armed forces of Hungary [39]

Hungary successfully raised the participation of women in its armed forces from 4.3% in 2005 to 17.56% in 2006. Since combat positions were opened to women in 1996, women are able to occupy any position within the Hungarian armed forces.

Hungary's strategies to increase recruitment, retention and deployment of women include:

- Military Service Law that upholds the equal rights of men and women and guarantees non-discriminatory promotion based on professional skill, experience, performance and service time.
- An Equal Opportunity Team and Equal Opportunity Plan created within human resources.
- A Committee on Women of the Hungarian Defence Forces, established in 2003 to ensure equal opportunities for men and women. The Committee conducts research and holds meetings with servicewomen to gather experiences, from which they prepare analyses of the status of gender equality, including problems and recommendations for change.
- A network of women's focal points established at unit level.
- Steps to improve resting and hygienic conditions in the units.

Box 6	UK Equal Opportunities Commission and sexual harassment in the armed forces [40]

The UK Equal Opportunities Commission (now part of the Equality and Human Rights Commission) was the independent, public body mandated to work towards the elimination of discrimination and to promote the equality of opportunity between women and men.

In 2004, after several high-profile cases of sexual harassment and a high number of complaints, the Commission embarked upon a formal investigation concerning sexual harassment against women serving in the armed forces. The investigation was suspended on the condition of the armed forces' fulfilment of an *Agreement and Action Plan to Prevent and Deal Effectively with Sexual Harassment in the Armed Forces*. The Action Plan has three phases, over three years:

- Diagnostic and data gathering.
- Period for the Ministry of Defence to review the information collected and to propose a programme of future work, including outcomes and targets to be achieved, to the Commission for agreement.
- Implementation and monitoring phase.

The Action Plan specifically includes undertaking a sexual harassment survey, convening focus groups, determining a standard for recording sexual harassment complaints, appointing an external reviewer to assess the handling of complaints and increasing the number of female trainers. In June 2008, the Commission will conduct a final review of Ministry of Defence and armed forces' performance to determine whether they have successfully reformed as required under the Agreement, including achieving the agreed outcomes.

However, best practice in selection should focus on the standards met after training, rather than on initial requirements. This provides for a more level playing field for all.

Advancement

Many militaries still place restrictions on what roles women can perform and have ceilings for their level of advancement within the decision-making ranks of the military. Policies that restrict women from combat or from rising to the highest ranks should be reviewed and amended.

Women must receive the necessary educational and training opportunities that afford them the qualifications for advancing. They must also have institutional support mechanisms to facilitate their advancement. More importantly, women who have the necessary qualifications and experience must be provided the opportunities to utilise them. Affirmative action policies for the promotion of women into decision-making structures should be in place. In addition, there must be clear, transparent and widely available information for performance assessments and for promotion criteria. Promotion criteria should also take into account the particular skills that women bring to the defence force.

Creating a conducive environment

Specific strategies need to be devised not only to recruit, but to retain women in the defence forces. Equal pay for equal work and access to the same incentives (pensions, subsidies, etc.) must be the norm. Care needs to be taken that there are appropriate facilities for women in barracks and that uniforms and equipment are amenable to their physical structure.

Women still largely assume the bulk of family responsibilities. Women and family-friendly policies go a long way in attracting and retaining women, for example: providing nursing and day-care facilities,

allowing parents to work flexible hours, and maternity and paternity leave. Family commitments can also make it difficult for women to be posted outside of their hometowns, let alone deployed overseas, and this both affects their chances for promotion and often is a contributing factor to their leaving the defence force. More creative ways therefore need to be introduced to mitigate against this, for example, by ensuring that their families are adequately taken care of in their absence, and that parents who are deployed can have home leave with their families.

To retain women, defence forces need to provide a positive working environment. At a minimum, they must ensure that:

- The climate of the force discourages sexual harassment and stereotyping of women.
- Women are encouraged to take on leadership roles and a broad range of tasks, including operational functions.
- There is a forum in which female personnel can address any individual and work-related grievances.

Policies and mechanisms for institutional reform

All defence force policies must be reviewed in order to ensure that they are gender sensitive. Gender audits can be a useful process to inform policy review processes.

See Tool on SSR Assessment, Monitoring and Evaluation

Specific policies should also be in place on issues such as sexual exploitation and abuse, sexual harassment and equal opportunities. These policies must be popularised so that employees are aware of their rights and responsibilities. Defence forces should adopt a 'zero tolerance' approach to sexual harassment and sexual exploitation and abuse, and

ensure that offenders are disciplined. These policies should make provision for the protection of whistle-blowers, and have clear and independent complaint, investigation and disciplinary procedures. A hotline to report cases of sexual harassment and sexual abuse is recommended (see Box 6).

In order to mainstream gender into the institution, gender focal points and Equal Opportunity directorates, with clear mandates, need to be established. These departments must be provided with sufficient authority, finance and capacity to fulfil their mandates. The defence forces can also consider annual Women's Peace Tables, as convened in South Africa, where women from the military and civil society get together to discuss and develop common peace agendas.

Codes of conduct

'I will treat all people fairly and respect their rights and dignity at all times, regardless of race, ethnicity, gender, culture, language or sexual orientation.'
Code of conduct for uniformed members of the South African defence force [41]

Developing and popularising a code of conduct can be an important mechanism for entrenching a new culture in the armed forces and for revitalising and renewing the dedication of the forces to the principles enshrined in defence policy and legislation. Defence forces' codes of conduct are an opportunity to:

- Set out the rules and standards of behaviour as regards sexual discrimination, sexual harassment, and sexual exploitation and abuse.
- Reinforce the seriousness of these acts, and thus help to change attitudes amongst defence forces personnel.
- Underscore both individual criminal responsibility and command responsibility for such acts, and signal that there will be no impunity.
- Demonstrate to the public that the defence forces are committed to protecting women and children, and promoting the participation of women – thus building trust.

When such issues are included in a code of conduct, this should be reflected in defence force regulations detailing the punitive measures for different offences.

The Organization for Security and Co-operation in Europe (OSCE) Code of Conduct on Politico-Military Aspects of Security, although not directly addressing issues of GBV or gender-based discrimination, commits participating states to the implementation of recruitment practices that are consistent with obligations and commitments in terms of human rights and fundamental freedoms.[42] Relating this to international legal standards, by implication the Code of Conduct commits OSCE states to removing any obstacles to the promotion and participation of women in defence. Article 30 of the code commits OSCE states to instruct armed force personnel in international law, rules, conventions and commitments, ensuring that the personnel are aware that they are individually accountable for their actions.

Box 7	Ghana's Code of Conduct for Armed and Security Forces [45]

Ghana regularly contributes troops to UN missions and has prioritised integrating the UN rules and regulations that dictate the standards of behaviour for armed forces in peace support operations into the national code of conduct. The following extracts are taken from the Code of Conduct of the armed and security forces of Ghana:

Sexual Exploitation and Abuse
The following must be avoided:
   Any exchange of money, employment, goods or services for sex
   Any type of sexual activities with children (persons under the age of 18 years)
   Any other form of humiliation, degrading or exploitative behaviour
   Any sexual favour in exchange for assistance
   Any type of sexual misconduct that damages the image, credibility, impartiality or integrity of the forces that deployed you

Discipline
Exhibit highest standards of discipline. All acts of indiscipline to be viewed as an affront to cohesion of the force and offenders will be severely punished.

Male/Female Relationship
Healthy and professional interaction between males and females to be encouraged. No immoral relationship to be encouraged among troops.

Rules for Code of Conduct
Do not engage in immoral acts of sexual, physical or psychological abuse or exploitation.
Respect and regards the human rights of all.

Box 8	Sexual and reproductive health training for armed forces personnel [48]

For over ten years, the UN Population Fund has supported projects aimed at promoting sexual and reproductive health among armed forces personnel. These projects have been implemented by the national armed forces of countries ranging from Benin, Ecuador, Madagascar, Mongolia and Paraguay to the Ukraine. The projects contain strong components of training and awareness-raising on a variety of issues, such as HIV/AIDS prevention, maternal health and GBV.

Ecuador: *Sexual and Reproductive Health for the Armed Forces and the National Police* (1999-2001)

This was the second phase of a project that started by focusing on strengthening maternal health. It targeted young students in military schools, conscripts and officers through different initiatives:

- Including issues of gender equality into the curriculum of military schools.
- Training instructors on how to teach these issues, including participatory teaching methods.
- Parent education programme, including discussions on self-esteem, psychological and biological changes during adolescence and conflict resolution.
- Integrating issues of reproductive health, gender equality, sexuality and love into the military training curriculum for conscripts and officers. Also introducing participatory teaching techniques.
- Providing a whole range of reproductive health services, including vasectomy.

The results included a significant increase in the demand for vasectomies, a rare occurrence in a country where discussing this topic is often taboo. A decrease in fertility rate among beneficiaries was also reported.

Lessons learned include:

- More support and advocacy at the highest military ranks and among commanders of military bases would strengthen the project.
- In a military context where high turnover is common, training must be offered on an ongoing basis to be effective.
- Training capacity should be institutionalised to avoid reliance on external consultants.
- Participatory teaching methods, such as drama, games, audiovisuals, and written exercises, stimulate attendance and classroom discussion.
- Use of existing educational materials and sharing lessons learned with other sexuality education projects – such as by the Ministry of Education – helps reduce cost and redundancy.
- Expanding the range of reproductive health services beyond family planning can expand the client base and help encourage men's health seeking behaviour.
- Look to the specific needs of the region (in this case, high unmet demand for contraceptives and high cancer rates for women) as a way to find effective entry points into the area of reproductive and sexual health.
- Ensuring sustained supplies of reproductive health commodities, including condoms, is a critical aspect of such projects. Sending young recruits and officers to purchase condoms in commercial pharmacies is not a viable strategy.
- The concept of gender equality can be learned, even in a traditional male dominated institution such as the armed forces. However, gender equality remains an abstract notion if detached from issues of reproductive and sexual health and rights.
- A viable strategy for institutionalising such a project is to integrate education in reproductive health into training academies for officers, non-ranking officers and conscripts, rather than limiting it to students in military schools.
- Monitoring and evaluation are vital to the project design, requiring the budgeting of human and financial resources, supervisory responsibilities and evaluation indicators.

The code of conduct could be used as a tool to advocate for military training on GBV and to implement UN Security Council Resolution 1325.

Several UN entities and national defence forces have adapted their codes of conduct to incorporate the specific principles outlined in the UN Secretary General's bulletin on special measures for protection from sexual exploitation and abuse (see Box 7).

'The intention of the Secretary-General in promulgating the bulletin on protection from sexual exploitation and sexual abuse was to ensure that all categories of personnel serving under the United Nations flag would be fully aware of the standards of conduct expected of

them, and that they would abide by them in the area of prevention of sexual exploitation and sexual abuse. In addition, the Secretary General calls on Member States to incorporate the core principles enshrined in the bulletin into the standards and codes of conduct for their national armed forces and police forces.' [43]

The UN Department of Peacekeeping Operations established conduct and discipline units in November 2005 to strengthen accountability and to uphold standards of conduct in UN missions. The conduct and discipline units operate as an additional oversight mechanism on UN personnel, outside of the structures of the troop contributing states. Through the conduct and discipline units, generic training on the prevention

of sexual exploitation and abuse has become mandatory for all peacekeeping personnel; procedures for the investigation of misconduct are being standardised; and a global database on misconduct allegations and cases is to be operational by the end of 2007.[44]

Training

Training courses in the defence sector must also incorporate training on gender responsiveness, gendered outcomes of conflict and gender mainstreaming at all levels for all personnel. All need to be familiar with what gender is and why it is important, as well as how gender equity improves the performance of the defence forces.

See Tool on Gender Training for Security Sector Personnel

According to the conclusions of a meeting of officials from 22 troop and police contributing states, a pre-deployment training plan for peacekeeping should:

- Incorporate training to address language barriers, cultural sensitivity, civic responsibility, human rights and gender-awareness.
- Engage nationally available gender expertise in the ministries of women/gender affairs or women's NGOs to support pre-deployment training.
- Integrate gender-awareness in the curricula that shapes the long-term education of military personnel, to ensure lasting impact.
- Provide foundation skills to women military officers to enhance their selection for peacekeeping.
- Include regular review of gender training outcomes to identify and remedy training gaps and other support needs. [46]

Personnel working with disarmament, demobilisation and reintegration (DDR) programmes particularly need gender training in order to recognise and meet the needs of female ex-combatants and women associated with armed groups, and those of boy and girl child soldiers. Masculinities also need to be taken into account, to ensure men are supported to move from a warrior identity to a more appropriate role, and to engage men in prevention of GBV (see Box 8).[47]

4.4 Integrating gender into the societal level of defence reform

Changes in the societal level of defence reform should encompass changes in the way society views defence forces and increased cooperation between the defence forces and civil society.

Women's participation in the defence force has been conditioned by the view that society as a whole has had of the defence sector: as a site for the construction of masculinity and not an appropriate space for women. Social change is thus a prerequisite for

success in recruiting and retaining women in the forces. However, this is not a sequential process of change in society first and then in the military. Changes in military culture and women's increased participation also produce change in the way that society views the institution.

The South African Defence Force produces a magazine called 'Soldier' which regularly features the differing roles that women play in the defence force. This goes a long way towards challenging the stereotypes of women in the defence force. Women's visibility in the defence force must be regularly portrayed in the media if societal perceptions are to change. It must become commonplace to see the added value that women bring to defence reform.

The defence force needs to reach out to civil society organisations that are engaged in peace and security to see how capacity to combat security threats can be reinforced by drawing on the participation of the community. New security forces in post-conflict countries should draw on the expertise of women's groups who have often been working through the conflict to provide security for women and children and to build peace. They are able to provide insights as to the plight of communities, particularly women and children, and in turn can act as a monitoring mechanism to ensure that strategies agreed upon are being implemented. These engagements provide legitimacy to the defence force and promote democratic practices within the sector.

See Tool on Civil Society Oversight of the Security Sector and Gender

5 Integrating gender into defence reform in specific contexts

5.1 Post-conflict countries

Defence reform is an important aspect of post-conflict stabilisation, with DDR of former combatants in many cases an urgent priority. For post-conflict countries, defence reform must address all four A's: appropriateness, accountability, affordability and adequacy. This implies significant political, economic, institutional and social reforms. Since women are both participants and victims of the conflict, it is important that their particular needs and roles are addressed and their full participation ensured from the onset of the peace process and throughout DDR and SSR.

Including women in DDR in the Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) is still in the process of implementing DDR and developing a policy framework for new defence institutions.

DRC has been embroiled in conflict since gaining independence in 1960. The defence force of the Mobutu Sese Seko regime was patrimonial, partisan, non-accountable, and involved in many human rights abuses. In the conflict following Mobutu's overthrow, more than 3.8 million people are thought to have died,[49] and the violence in DRC continues.

Where were the women?

Reports on the victimisation and violation of women during the DRC conflict were numerous. It is estimated that over 40,000 women and girls were raped by soldiers (including some peacekeepers) and that women and girls were kidnapped to serve as sex slaves, porters, cooks and cleaners.[50] Women and children were also combatants, both forced and voluntary, in the various armed factions. In addition, women formed an array of groups that lobbied for an end to the conflict.

However, when the peace process began, women appeared to become invisible again. They had demanded to be included in the Inter-Congolese Dialogue but there too, women only constituted 10% of the delegates. This exclusion has been followed by a low level of women's representation in decision-making structures during the transition and after the 2006 elections.

Women and DDR

In DRC, the thousands of women and girls who are said to have 'accompanied male combatants' were marginalised in the DDR process and their needs overlooked. Schroeder noted in 2005 that individuals who had qualified as 'target groups' for DDR benefits had mainly been armed men, with little consideration given to the much wider range of actors who do not share common characteristics, needs or vulnerabilities.[51] The requirement that one must carry a gun to qualify for disarmament negated non-armed roles that women played within the armed conflict. Stereotypes of women's roles in the armed conflict persist and inhibit both women's willingness to come forward and present themselves for disarmament, and those engaged in DDR processes from recognising women and girls as groups needing to be included.

Women's exclusion from the DDR process in turn restricted their chance to be integrated from armed factions into the national army. To date, only 1,271 women have been integrated into the Congolese national army, and only 2,584 women have been demobilised and reintegrated into their communities.

A period of post-conflict reconstruction provides a unique opportunity for changing prescribed gender roles and for mainstreaming gender. In DRC's DDR process, this was essentially a missed opportunity.

Tips and lessons learned

- It is important for women to be represented in decision-making forums at the outset of the peace process so that their needs are identified and addressed.
- Gender experts and expertise should be deployed in the planning, design, implementation and assessment of DDR processes. Sex-disaggregated data must be collected and used to develop a clear picture of all ex-combatants, dependents and others associated with armed groups. DDR must take account of the differing needs of all these groups. The UNDDR *Integrated Demobilisation and Reintegration Standards* and the UNIFEM Checklist on *Gender-aware Disarmament, Demobilization and Reintegration* are important reference tools for planning DDR programmes in a gender-sensitive manner.
- All DDR staff should receive training related to gender issues so that they are able to plan, implement and assess programmes in a gender-sensitive manner.
- Public information, training and awareness efforts should be extended to women leaders, organisations and advocates on the technical and procedural aspects of the DDR process to ensure that women participate in decision-making and understand their entitlements.[52]
- Processes should be established for women's groups and women ex-combatants to provide information on perpetrators of GBV. This information should be used to vet applicants to join the national army, as well as for prosecution.
- In the wake of conflict, mechanisms to provide justice to survivors of sexual violence are an urgent priority, including prosecution of perpetrators and their responsible superiors, victim assistance and reparations.

5.2 Transitional countries

'Transitional countries' are those that have recently emerged from repressive regimes, and whose democratic institutions remain fragile. SSR may be needed to help consolidate democracy and build a rights-based culture. Defence reform in this context is also related to increasing representation and strengthening oversight mechanisms.

Defence reform in post-apartheid South Africa

In 1994, South Africa underwent a transition from an apartheid state to a democratically ruled government. Women were an integral part of the decision-making process for the new Constitution, which was based on the principles of non-discrimination, non-sexism, human rights and democratic accountability. In order to uphold these principles, South Africa initiated a series of normative and institutional restructuring processes that included affirmative action and gender mainstreaming. Reforming the South African National

Defence Force (SANDF) was designed to: establish civilian control over the defence force; realign the objectives of the defence force with that of the new government; create a non-partisan, non-sexist and integrated force; and rationalise the defence force without undermining defence capability.

The Defence Policy, adopted in 1996:

- Began with the premise that national security must be 'broadened to incorporate political, economic, social and environmental matters'.[53] Adopting a human security perspective, it perceived the greatest threats to the country as emanating from poverty, lack of development and high levels of crime.
- Established the basic framework for democratic control of the armed forces: that the Minister of Defence would be accountable to Parliament, that Parliament would approve the annual Defence Budget and that a Joint Standing Committee on Defence would be established by Parliament to provide oversight.
- Noted that the SANDF must be broadly representative of the South African population and 'acknowledges the right of women to serve in all ranks and positions, including combat roles'.[54] To accomplish this level of representation, the Minister was tasked with implementing an affirmative action and equal opportunities programme and establishing a Gender Sub-Directorate within the Department of Defence (DoD).

Opportunities and challenges

South Africa's transition provided the opportunity for gender equity to be inserted as a primary target for the country as a whole, and for the new defence force in particular. Although the SANDF has come a long way in its transformation process, including incorporating women into its ranks, it still lags in achieving a 30% representation of women (the target set in the SADC Declaration on Gender and Development) and women still face many obstacles in their pursuit for equity.

In 2006, a Gender Mainstreaming Audit of the SANDF was conducted. The table below illustrates the glaring lack of women in the top management structures of the SANDF. There are no women Lieutenant Generals and only one Major General (who is also the SANDF's Chief Director of Transformation Services). In June 2007, eight new women Brigadier Generals were appointed, bringing the number to 25.[55] Women have made inroads into technical and skilled positions, but the pace of transformation is slow, both in terms of numbers and cultural change.

Level	Male	Female	Total	Total % female
Top management	15	2	17	11.6
Senior management	269	31	300	10.3
Middle management	6,595	1729	8,324	20.8
Professional/skilled	17,484	7,270	24,654	29.5
All staff	59,668	17,301	76,969	22.5

Although the DoD has the policy framework for gender mainstreaming in place and has a Gender Focal Point, a Gender Forum, Gender Mainstreaming Advisory Council and the Equal Opportunities and Affirmative Action Board, policy enforcement and institutional capacity problems persist. For example, the Audit report notes that:

> *'there is generally inadequate capacity to support effective gender mainstreaming in the DoD. This relates to capacity in terms of skills, knowledge (legal/policy compliance requirements and theoretical frameworks) and the amount of human, financial and logistical resources devoted [to] the coordination of gender programming and compliance monitoring in the DoD.'[56]*

Although women are deployed on peacekeeping missions, their representation as military attachés has been negligible. This is surprising since this role has been particularly highlighted as one in which women could make a valued contribution to peacekeeping.

A major part of creating gender equity is changing organisational culture. However, women in the SANDF still note the persistence of sexism and sexual harrassment, the lack of equal promotion opportunity and the continued prevalence of a macho culture. Women's incorporation does not automatically change these expressions of patriarchy, and it is these aspects of gender mainstreaming that the SANDF still needs to pay concerted attention to.

Tips and lessons learned

- Women's representation at the peace-making table is a crucial determinant for their role in the new society being forged.
- The design of policies and the establishment of institutional mechanisms for gender mainstreaming is a necassary but not sufficient condition to effect gender equity in the defence forces. These policies must be popularised and their implementation monitored. Institutions set up to effect equity must be adequately staffed and funded.
- Changing the institutional culture is the most important aspect for gender mainstreaming in transitional countries. This, however, takes time and dedicated resources.

5.3 Developed countries

Defence reform in developed countries is largely concerned with creating armed forces appropriate to new international challenges such as peacemaking and peacebuilding.

Defence reform in Sweden

Current defence reform in Sweden had its starting point in 1999, with comprehensive changes to the force posture of the previously neutral state. The Swedes wanted to transform 'from a defence force

against invasion to a mobile, flexible operational defence, which can both defend Sweden and take part in international operations'. This expanded dual tasking of the Swedish defence establishment has occurred within fiscal constraints as military expenditure in Sweden has steadily decreased from 2% of GDP in 1999 to 1.4% of GDP in 2006.[57]

Personnel

Although compulsory conscription was limited to men, women have been admitted to military service in Sweden, including officers' training, since 1980. This is indicative of the changing strategic environment in which Sweden has found herself: not only had the security threats changed but the technology and skills needed had as well.

Much of the focus of Sweden's defence reform process has been on improving the efficiency of human resource management while downsizing. It was estimated that Sweden needed to decrease its defence force employees by 25%, or about 5,000 full time employees, half of whom would be professional officers.[58] The reasons for such personnel re-structuring include the need to be able to recruit and train officers for the new intervention-geared defence system. This requires officers that are willing to serve abroad, which young officers are more willing to do.[59]

This restructuring opens space for a greater number of women to become officers. In December 2006, 19% of employees in the Swedish Armed Forces were women and 81% men.[60] However, only 4.5% of professional officers are women.[61] Whilst this demonstrates that there is still much to be achieved, at the start of the reform process in 1999, women made up only 2.5% of the armed forces. Already there is talk of a plan to recruit more women when officer recruitment is resumed.[62]

Equal opportunities and gender mainstreaming

In 2006, six high-ranking commanders were selected for a 'Gender Coach' programme on equal opportunity.[63] The purpose of this programme is to sensitise high-level officers so that they, in turn, pass their knowledge to their departments and equality of opportunity aspects can be taken into account in every type of decision, allocation and operation.[64] Furthermore, 240 sexual harassment advisors have been trained, and all new recruits receive training in the Swedish Armed Forces' zero tolerance for sexual harassment programme.[65] The number of reports of sexual harassment decreased from 16 in 2005 to 10 in 2006.[66]

The Swedish Armed Forces have also taken on the mainstreaming of UN Security Council Resolution 1325 into their activities. Every soldier going on an operation or mission undergoes at least three hours of training on 1325 and gender and, since 2005, gender training has been included in all military schools and at all levels of study.[67]

Access to decision-making power

Remarkable strides have been made by women in Sweden in utilising the space in the defence and security debates to extend their role as security decision-makers. In 2003, the Minister for Defence, Foreign Minister and the head of the Authority for Crisis Management were all women.

Tips and lessons learned

- Integrating gender into the armed forces involves more than just allowing women to join. Gender training and other institutional changes need to support any such endeavours.
- Gender equality must be integrated into all aspects of training and operations.
- Women's access to decision-making power at executive level is important, and can provide the necessary political will to drive gender integration.

Box 9	**Swedish operational success stories**

EUFOR RD CONGO

In 2006 the Swedish armed forces contributed to the European Union military operation in DRC (EUFOR RD Congo), a deployment that included a Gender Advisor to the Operational Commander. The primary purpose of this was to operationalise Resolution 1325. At first, the work of the Gender Advisor focused on training the forces to integrate gender responsiveness into their everyday activities, but later moved to working with local non-governmental organisations and women's groups to inform them of EUFOR objectives and activities. Through integrating gender, EUFOR found that work with local women's groups became an unexpectedly valuable source of information and intelligence. The EU assessed that the work of the Gender Advisor led to an increase in operational efficiency, and has decided to include this way of working in forthcoming peacekeeping missions.[68]

Afghanistan [69]

On 24 April 2006, *a*lmost 50 Afghan women sat around a table. They were teachers and students from the Balkh University in Mazar-i-Sharif who had come to meet the Swedish force cooperation group Military Observation Team (MOT). The Swedish cooperation group was unique in two respects. First, the group consisted only of women, and second, they had no geographic responsibility, unlike other MOT groups. Instead their area of responsibility was women.

In Afghanistan, women are normally kept separate from men in public. For a military unit consisting only of men, it would have been virtually impossible to talk to a woman. Although easier for foreign women to do so, it is still not easy. The MOT team's role was to relay information that they obtained from Afghan women, so that the Afghan political institutions and international aid organisations could make use of it.

6 Key recommendations

1. **Ensure defence reform promotes gender equality:** Ensure that defence reform reflects the democratic character of the society and encompasses measures to promote equal gender relations through, for example, recruiting more women and maximising both their potential and contribution to the defence forces.

2. **Have an inclusive defence review:** Utilise the defence review process to formulate a democratic vision for the security forces. Include a wide range of stakeholders, such as women's groups and others working on gender issues.

3. **Integrate women into defence forces and security institutions:** Actively recruit women into defence structures and ensure that women are represented in defence decision-making bodies. Set targets, monitor the integration of women and address obstacles to their retention and advancement.

4. **Mainstream gender in defence forces:** Include gender training at all levels and for all defence force personnel. Recognise the equal rights and different needs of men, women and lesbian and gay people, both within defence forces and in the communities they serve.

5. **Prevent and punish gender-based violence by defence force personnel:** Develop a code of conduct that prohibits sexual discrimination, sexual harassment and sexual exploitation and abuse. Ensure that there is no impunity for such conduct.

6. **Strengthen parliamentary oversight of gender issues in defence reform:** Parliaments should monitor defence departments' annual reports, deployments for peacekeeping, and ensure that there are policies and mechanisms in place to create gender equality. Include gender-sensitive women and men in parliamentary standing committees on defence.

7. **Strengthen civil society oversight of gender issues in defence reform:** Foster the capacity of civil society organisations, including women's groups and others working on gender issues, to engage meaningfully in defence debates. Ensure their inclusion in defence reform processes.

8. **Conduct gender analysis of the defence budget:** Improve parliamentary and civil society capacity to interrogate defence budgets and to scrutinise for adequate gender budgeting.

7 Additional resources

Useful websites

Centre for Democracy and Development –
http://www.cddwestafrica.org

DCAF – http://www.dcaf.ch

Bonn International Centre for Conversion –
http://www.bicc.de

Institute for Security Studies – http://www.issafrica.org

Siyanda – Mainstreaming Gender Equality –
http://www.siyanda.org/about.htm

UN-INSTRAW *Gender and Security Sector Reform* –
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Defence Reform and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into defence reform, as well as practical information on doing so.

> This Practice Note is based on a longer Tool, and both are part of the **Gender and SSR Toolkit**. Designed to provide an introduction to gender issues for SSR practitioners and policy-makers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to defence reform?

> **Defence reform** entails the transformation of the defence sector of a given state so that the institutions: are under civil control; abide by the principles of accountability and good governance; maintain an appropriate force in numbers; have representative composition; are trained and equipped to suit their strategic environment; and abide by international law, and thus contribute to national and international goals of peace and security.

> **Gender** refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

The integration of gender into the defence sector involves bringing the experience, knowledge and interests of women and men into the process of *creating* policies and structures for national defence, *implementing* those policies (including through national and international operations) and *evaluating* the results. Integrating gender in defence reform processes is a means to:

Respond to different security needs within society

- Defence reform must effectively respond to the needs of all in society. People's respective security needs vary depending on factors such as sex, ethnicity, age, physical ability, sexual orientation, economic status, citizenship status and religion.
- Gender-based violence (GBV) remains a significant threat to human security worldwide. Men too are victims of GBV, in such forms as sex-selective massacres, rape and gang-related violence. Ensuring the protection of women, men, girls and boys both during and after a conflict should be a priority within any defence reform agenda.

Respond to the changing needs of the defence sector

- The nature of warfare has undergone far-reaching changes. Defence forces are, in many contexts, involved in complex peacekeeping and reconstruction missions which require skills such as communication, facilitation and cooperation with civilians. Diversity in force composition and gender mainstreaming in operations enables the defence sector to better perform the new tasks required of it (see Box 1).

Box 1	Female peacekeepers can increase mission effectiveness because:

- Female military personnel are needed to perform body searches on women at roadblocks, airports, etc.
- Local men and women tend to see female peacekeepers as more approachable than male peacekeepers
- Female peacekeepers can more easily gather information from local women, providing valuable intelligence
- Both men and women who are victims of sexual abuse are more likely to disclose this to female peacekeepers
- Female peacekeepers provide positive role models for local women to join armed and security forces

■ Members of the armed forces can be perpetrators of GBV against civilians as well as other members of the armed forces. An approach to human rights promotion that takes gender into account, for example through gender sensitivity training and the enforcement of codes of conduct, can strengthen prevention, comprehensive response and accountability.

Create representative defence forces and security organisations

■ Women are under-represented in militaries, defence ministries and defence oversight bodies. Even without formal barriers, there are often ceilings to women's career advancement.

■ The full integration of women into the armed forces maximises the military's ability to fulfil its role of protecting democratic societies, including the defence of core values such as citizenship and equality.

Strengthen democratic, civil oversight of the defence forces

■ A key aspect of defence reform is increased civilian oversight. Including women and gender experts in defence oversight bodies can help to ensure that defence policies and programmes respond to the particular needs of men and women, boys and girls. Women's civil society organisations can bring a holistic understanding of security to civilian oversight processes.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into defence reform is not only a matter of operational effectiveness; it is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

■ *The Beijing Declaration and Platform for Action (1995)*

■ *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into defence reform?

Gender issues should be addressed throughout the political, institutional, economic and societal levels of defence reform.

Integrating gender into the political level of defence reform

■ Ensure that women and men with gender expertise and representatives of government ministries responsible for issues of women's rights, gender and youth are part of defence review bodies.

■ Build the gender capacity of defence review bodies through training, briefings on gender and security issues, mentoring programmes, etc.

■ Build the capacity of civil society organisations (CSOs), including women's organisations, on defence policy issues and security sector oversight. Establish mechanisms to increase their participation in defence reform processes.

■ Stimulate debate on a national vision of defence and security through:
  - Consultations with civil society, including urban and rural women's organisations
  - Parliamentary hearings and open debates
  - Engagement with the media

Case Study 1	Increasing the recruitment, retention and deployment of women in the Hungarian armed forces [1]

Hungary successfully raised the participation of women in its armed forces from 4.3% in 2005 to 17.56% in 2006. Since combat positions were opened to women in 1996, women are able to occupy any position within the Hungarian armed forces. Hungary's strategies to increase recruitment, retention and deployment of women include:

- Military Service Law that upholds the equal rights of men and women and guarantees non-discriminatory promotion based on professional skill, experience, performance and service time.
- An Equal Opportunity Team and Equal Opportunity Plan within human resources.
- A Committee on Women of the Hungarian Defence Forces, established in 2003 to ensure equal opportunities for men and women. The Committee conducts research and holds meetings with servicewomen to gather experiences, from which they prepare analyses of the status of gender equality, including problems and recommendations for change.
- A network of women's focal points established at unit level.
- Steps to improve resting and hygienic conditions in the units.

Case Study 2	Ghana's Code of Conduct for Armed and Security Forces [2]

Ghana regularly contributes troops to UN missions and has integrated UN rules governing standards of behaviour for armed forces in peace operations into its national code of conduct:

Sexual Exploitation and Abuse – *The following must be avoided:*

- *Any exchange of money, employment, goods or services for sex*
- *Any type of sexual activities with children (persons under the age of 18 years)*
- *Any other form of humiliation, degrading or exploitative behaviour*
- *Any sexual favour in exchange for assistance …*
- *Any type of sexual misconduct that damages the image, credibility, impartiality or integrity of the forces that deployed you.*

Male/Female Relationship – *Healthy and professional interaction between males and females to be encouraged. No immoral relationship to be encouraged among troops.*

Rules for Code of Conduct – *Do not engage in immoral acts of sexual, physical or psychological abuse or exploitation. Respect and regards [sic] the human rights of all.*

Integrating gender into the institutional level of defence reform

- Actively recruit women into defence structures and ensure that women are represented in defence decision-making bodies. Review and amend policies that restrict the participation of women and men, including the restriction of women from combat roles or from rising to the highest ranks (see Case Study 1).
- Implement family-friendly policies – e.g. adequate maternity and paternity leave and the provision of nursing and day care facilities.
- Ensure military education and training addresses cultural sensitivity, civic responsibility, human rights and gender-responsiveness.
- Develop, enforce and monitor codes of conduct for defence force personnel that prohibit sexual discrimination, harassment and exploitation and abuse (see Case Study 2).

Integrating gender into the economic level of defence reform

- Conduct gender analysis of defence budgets to improve the transparency, accountability and public financial management of the defence sector (see Box 2).
- Build the capacity of parliamentarians and civil society to conduct gender analysis of defence budgets.

Box 2	Questions to ask as part of a gender analysis of defence budgets:

- Do general allocations equally provide for the security of women, men, boys and girls?
- Does the budget specify funds for women, men, girls or boys? (e.g. funds to recruit more women; for maternity and paternity leave; for men's and women's health services)
- Does the budget specify gender-related activities, inputs and costs? (e.g. of gender awareness and sensitisation training)

Integrating gender into the societal level of defence reform

- Portray women within the defence forces in the media to highlight the added value that women bring to defence, and change how society views defence institutions.
- Reach out to CSOs, including women's organisations, working on peace and security issues, in order to gain insight, intelligence and establish avenues of collaboration.

Also available in Tool 3...

- Tips on how to integrate gender into a defence review process
- Ways in which parliamentarians can monitor defence reform
- Tips on increasing female recruitment and retention
- Examples of how gender issues have been addressed in defence reform from the Democratic Republic of the Congo, Estonia, Fiji, Latin America, South Africa and Sweden

Post-conflict challenges and opportunities

Defence reform is an important aspect of post-conflict stabilisation. Disarmament, demobilisation and reintegration (DDR) of former combatants is in many cases an urgent priority. Since women are both participants in and victims of any conflict, it is important that their particular needs and roles are addressed and their full participation ensured from the onset of the peace process and throughout DDR and SSR.

Opportunities for the integration of gender issues

- Broad-based consultation, including women's organisations, on defence and SSR help to establish national consensus on priorities for reform.
- Male 'gender advocates' within the military and in other positions of influence can be powerful partners for change.

- Vetting processes for new national armies benefit from consulting with women's groups and women ex-combatants, who can often provide information on perpetrators of human rights violations.

In DDR processes:
- Gender experts should be involved in planning, implementation and assessment.
- All DDR staff should receive training on gender issues so that they are able to plan, implement and assess programmes in a gender-responsive manner.
- Sex-disaggregated data must be collected and used to develop a clear picture of all ex-combatants, dependents and others associated with armed groups.
- Women's organisations should receive information about the technical and procedural aspects of DDR, so they can help ensure that women participate in decision-making and understand their entitlements.
- Initiatives can be taken to recruit female ex-combatants into the defence forces.

? Questions for defence reform

Gender can be integrated into defence reform in order to increase its effectiveness. Key questions to ask as part of assessment, monitoring and evaluation processes include:

- Has there been consultation to ensure that the defence reform agenda reflects the concerns of women and marginalised men? Have CSOs been included in defence review processes?
- Are there initiatives to build the gender capacity of defence review bodies, parliamentarians and CSOs engaged in defence oversight, such as gender training and briefings on gender and security issues?
- Have targets been set and mechanisms put in place to increase the recruitment, retention and advancement of women within defence structures including the armed forces and ministry of defence?
- Are there concrete measures, including codes of conduct, monitoring and reporting mechanisms, to prevent, respond and sanction sexual harassment and human rights violations by defence personnel?
- Have gender issues been integrated into the standard training for all levels of defence personnel? Is training in gender-awareness and sexual exploitation and abuse mandatory for all personnel? Are men involved in delivering the training? How well resourced is the training?
- Is the protection of women, men, boys and girls against all forms of GBV both during and after a conflict a priority within the defence reform agenda?
- Has gender analysis of the defence budget been undertaken?

More information

Resources

Anderlini, S.N. with Conaway, C.P. – *Negotiating the Transition to Democracy and Transforming the Security Sector: The Vital Contributions of South African Women*, 2004.

Committee on Women in the NATO Forces – *CWINF Guidance for NATO Gender Mainstreaming*, 2007.

DPKO – *Gender Resource Package*, 2004.

UN-INSTRAW – *Securing Equality, Engendering Peace: A Guide to Policy and Planning on Women, Peace and Security (UN SCR 1325)*, 2006.

UNIFEM – *Getting it Right, Doing it Right: Gender and Disarmament, Demobilisation and Reintegration*, 2004.

Organisations

ACCORD – www.accord.org.za

DCAF – www.dcaf.ch

Institute for Security Studies – www.issafrica.org/

Siyanda: Mainstreaming Gender Equality – www.siyanda.org

UN-INSTRAW – www.un-instraw.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Mugiho Takeshita of DCAF, based upon Tool 3 authored by Cheryl Hendricks and Lauren Hutton of the Institute for Security Studies.

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[2] Extract from presentation by Klutsey, E.A. (Col.)I on the Code of Conduct of Ghana, presented at the Preparatory Meeting on the Draft West African Code of Conduct for the Armed and Security Forces, Oct. 2005, pp. 24-26, http://www.dcaf.ch/awg/ev_accra_051024_presentation_Klutsey.pdf

Justice Reform and Gender

Shelby Quast

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About the Author

Ms. Quast is a founding member of the International Legal Assistance Consortium (ILAC), a global umbrella organisation of international NGOs with expertise in post-conflict judicial reconstruction. ILAC's member organisations represent more than 3.4 million judges, prosecutors, lawyers and academics worldwide. Ms. Quast is the director of ILAC's US Office. Ms. Quast led judicial assessment missions to East Timor and Liberia and participated in the assessment mission to Haiti. She was recently team leader for the Administration of Justice Unit on the United Nations Transition Team for the United Nations Integrated Mission in Timor Leste. Ms. Quast also serves as acting Director for the Partners for Gender Justice.

Editors

Acknowledgements

The Gender and SSR Toolkit

This Tool on Justice Reform and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW

The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

TABLE OF CONTENTS

ACRONYMS

AWJA	Afghan Women Judges Association
CEDAW	Convention on the Elimination of all Forms of Violence against Women
CSO	Civil Society Organisation
CPCR	Centre for the Protection of Constitutional Rights
CVR	Comisión de la Verdad y Reconciliación
GBV	Gender-Based Violence
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
LGBT	Lesbian, Gay, Bisexual and Transgender
NGO	Non-Governmental Organisation
SOAWR	Solidarity for African Women's Rights
TRC	Truth and Reconciliation Commission
TVPRA	Trafficking Victims Protection Reauthorization Act
UN	United Nations
UNDP	United Nations Development Programme

Justice Reform and Gender

1 Introduction

'Who interprets the law is at least as important as who makes the law, if not more so… I can not stress how critical I consider it to be that women are represented and a gender perspective integrated at all levels of the investigation, prosecution, defence, witness protection and the judiciary.'

The Honourable Navanethem Pillay, former President of the International Criminal Tribunal for Rwanda and judge of the International Criminal Court [1]

Justice and security are inextricably linked. A strong justice sector protects and enforces people's rights and deters would-be violators. An independent and effective justice sector is fundamental to security, particularly in post-conflict and transitional environments where opportunities for criminal activities and impunity are rife. Reforming the justice sector is a cornerstone of creating peace, stability and democracy. A country's constitution and laws form the basis for protection of human rights. Critically, policies, procedures and practices within the justice sector determine the equal enjoyment of these rights by all.

Individuals experience security and insecurity in different ways based on, for example, ethnicity, sex, age, sexual orientation, economic status, religion and health. Around the world, women face particular barriers in accessing justice, while men are more likely to be imprisoned. Justice reform requires measures to address the specific needs of different groups, and integrating gender into justice reform is an essential strategy in this endeavour. If the justice sector is to have credibility and legitimacy in the eyes of the community the reform process must include the participation – and address the needs – of all segments of society. This tool focuses on the institutional reform of the judiciary, law reform and access to justice, with specific emphasis on gender equality.

This tool is directed toward the personnel responsible for justice reform within national governments, international and regional organisations and donors. Parliamentarians, law societies and judges networks, civil society organisations and researchers focusing on justice reform may also find it useful. It examines justice reform within the broad and often overlapping contexts of post-conflict, transitional, developing and developed countries. Any justice reform effort is highly context-specific, and no one-fits-all template can be applied to a reform process. This tool provides suggestions and recommendations that can be adapted to the specific reform context within which you are working.

This tool includes:

- An introduction to justice reform
- The rationale for why integrating gender strengthens justice reform processes
- Practical actions to integrate gender into justice reform initiatives
- An overview of particular gender and justice reform issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

2 What is justice reform?

'There can be no peace without justice, no justice without law and no meaningful law without a Court to decide what is just and lawful under any given circumstance.'

Benjamin B. Ferencz, former Nüremberg prosecutor [2]

Goals of justice reform

The primary goals of justice reform include:

- Developing a fair and equitable constitution and laws based on international standards and human rights instruments.
- Introducing legislative and enforcement mechanisms to promote and protect human rights and to overcome barriers confronting marginalised and vulnerable groups.
- Developing a credible, effective, impartial and accountable judiciary.
- Developing an integrated approach to criminal justice among the judiciary, prosecution, police, prisons and legal representatives.
- Providing timely, equitable access to justice and effective enforcement of laws, legal rights and judgements ensuring due process.
- Strengthening the linkages and cooperation between and among state and non-state institutions.
- Establishing mechanisms for oversight of the justice system as well as strengthening the role of the judiciary in exercising oversight over other components of the security sector and other branches of the government.[3]

Justice reform doesn't have a stop date; it is an ongoing process – whether in post-conflict, transitional, developing or developed environments. Justice reform includes not only reform of laws but also the development of policies, procedures and mechanisms that allow for the practical implementation of laws and equal access to the justice

Box 1	Failures in one rule of law area can impact negatively on other areas where progress has been made [4]

While creating new police forces with little existing basis proved difficult in Haiti, East Timor, Kosovo and Rwanda, it was even harder to get the judiciary functioning at a minimally acceptable level. This created a situation where the gains in policing were undermined by the ongoing difficulties with the rest of the criminal justice system. While after two years the police were arresting people according to the constitution and law, observing their rights and holding them for trial, the courts failed to process the charges expeditiously. As a result, police detention facilities and prisons soon started to overflow with suspects awaiting trial. Prison conditions, which had dramatically improved, soon deteriorated and overcrowding led to increased tension and violence in the prisons. Eventually prisoners started to be released because they had not been formally charged within the constitutionally mandated time limits. This frustrated both the police who had followed all the rules, and the public who saw dangerous people back on the streets. It undermined human rights and the rule of law as individuals took justice into their own hands, summarily executing suspected drug traffickers and leaders of criminal gangs.

system. The process may include institutional reform, policy reform, ongoing training for judicial actors (judges, court clerks and administrators, prosecutors, defence attorneys, police, bar associations, law schools), and public awareness for government and citizens.

Effective justice reform demands collaboration among the national stakeholders, including:
- The judiciary
- Ministry of justice
- Traditional and customary systems
- Parliament
- Prosecution and investigative authorities (including the police)
- Lawyers associations
- Legal aid
- Corrections/prisons
- Other ministries including the ministry of the interior and women's ministries
- Law schools
- Civil society organisations, including women's groups, religious groups and non-governmental organisations (NGOs)

NGOs and civil society groups have been instrumental in effecting judicial reform through lobbying, monitoring and public awareness campaigns. Lasting justice reform must have the political will of the government and the commitment of all actors, both at community and individual levels.

Transformation in the judicial sector must be integrated with broader reform efforts, including those discussed in the other tools in this Toolkit, which focus on police, penal system, border management, parliamentary oversight, national security policy, civil society oversight, and private military and security companies (see Box 1).

The imperative of local ownership

While justice reform often attracts external actors, this process must be locally designed, owned and implemented if it is to be sustainable. It must respond to the unique needs of the local context, and enjoy legitimacy. Thus, where international actors – including the United Nations, donor countries and international NGOs – are involved in justice reform, it is important that national stakeholders are informed, consulted and integrated into the decision-making processes so that they are well trained and prepared to take

ownership of the reform process. The first step in supporting local ownership may be to train national actors and build local capacity to design and oversee reform efforts, ranging from technical expertise to administrative skills. International staff members need to be skilled as mentors, trainers and facilitators.[5]

Challenges to justice reform
- Competing legal frameworks among various systems: formal, traditional and religious systems.
- Exclusion of certain segments of society from the reform process.
- Lack of basic resources, which are needed for judicial actors to carry out their jobs (e.g. paper, pens, law books, transportation, support).
- Lack of, or dilapidated, infrastructure such as courtrooms, interview rooms, holding facilities and separate corrections facilities for men and women.
- Lack of independence of the judiciary resulting from little or no separation of powers, poor oversight and/or general interference by those with power.
- Corruption among judicial actors, including police, judges, prosecutors, court administrators and juries.
- A shortage of qualified judicial actors remaining in the country.
- Cultural attitudes and practices, which result in violations of human rights.
- Lack of training in domestic and international laws, policies and basic administration procedures.
- Slow pace of progress.

3 Why is gender important to justice reform?

'Development assistance provided by the United Nations system needs to focus on decreasing the key structural risk factors that fuel violent conflict, such as inequity – by addressing disparities among identity groups; inequality – by addressing policies and practices that institutionalise discrimination; justice – by promoting the rule of law, effective and fair law enforcement and administration of

justice, and, as appropriate, equitable representation in the institutions that serve the rule of law; and insecurity – by strengthening accountable and transparent governance and human security.'

Kofi Annan, Prevention of Armed Conflict, Report of the Secretary-General [6]

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[7]

For more information see Tool on SSR and Gender

Security, sustainable development, justice and equality are interdependent. Gender equality is both an aim of, and precondition for, sustainable development. Weaving gender issues into the fabric of justice reform at the earliest possible stage will make the reform stronger, more sustainable and responsive to a greater percentage of the population. Further, gender is fundamentally important to any justice reform that aspires to meet international standards on human rights, good governance and democracy.

Gender is important for justice reform to:
- Ensure that States meet their responsibilities under international law.
- Respond to the particular justice needs of all parts of the community.
- Build trust in the justice sector.
- Ensure a representative and legitimate justice sector.
- Reform discriminatory laws and advance protection of human rights.
- End impunity for gender-based violence (GBV).
- Ensure equal access to justice.
- Strengthen oversight and monitoring of the justice sector.

3.1 To ensure that states meet their responsibilities under international law

International conventions and treaties may carry with them certain obligations. States that have both signed and ratified international instruments may be legally bound by their provisions. Relevant international instruments include:

- The *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979), a human rights convention, is a binding source of international law for those states that have become parties.

- In the *Beijing Declaration and Platform for Action* (1995), states committed to 'develop strategies to ensure that the re-victimisation of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices…'[8]
- The *UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* urge states to review, evaluate and revise their criminal procedure 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'.[9]
- *UN Security Council Resolution 1325* (2000) calls on states to 'respect fully international law applicable to the rights and protection of women and girls' and to 'take special measures to protect women and girls from gender-based violence'.

See Annex on International and Regional Laws and Instruments

Understanding of state responsibility for human rights violations has significantly widened in recent years to include not only violations of human rights by the state or its agents but also abuses by private actors. States have a positive duty to prevent, investigate and punish crimes associated with GBV and discrimination.[10] If a state fails to act with due diligence to prevent, investigate and punish abuses, including gender-based discrimination and violence, domestic violence and trafficking, it is responsible under international human rights law.

Considerations for determining state compliance with obligations of due diligence regarding GBV and discrimination include:[11]
- Ratification of international human rights instruments
- Constitutional guarantees of gender equality
- Existence of national legislation and/or administrative sanctions providing adequate redress for victims of GBV
- Policies or plans of action that deal with GBV
- Gender-sensitivity of the criminal justice system and police
- Accessibility and availability of support services
- The existence of measures to raise awareness and modify discriminatory policies in the field of education and the media
- Collection of data and statistics on GBV

3.2 To respond to justice needs

Gender issues impact how individuals – men, women, boys and girls – experience security and enjoy or are denied their basic human rights. It is vital to recognise that communities are heterogeneous; individuals have difference strengths, needs, priorities, resources, networks, etc. Including local voices, particularly those of women and other under-represented groups, throughout the reform process is essential to identify the relevant issues covering all

segments of the population. This enables justice reform to better respond to the specific concerns of all groups.

3.3 To build trust in the justice sector

Collaboration between the justice sector and civil society to identify and address gender issues throughout a reform process can help to establish an environment of mutual trust. The restoration, or creation, of trust in the justice sector is essential if it is to fulfil its functions. If citizens do not have any faith in the justice system they will find other ways to settle their disputes, including taking the law into their own hands.

3.4 To ensure a representative and legitimate justice sector

To have legitimacy in the eyes of the community, the justice sector should reflect the societies they serve. Currently women are under-represented in the judiciary of many countries, and are often found at the lower levels of the judicial organisation, including in family courts. Though global statistics seem unavailable:

- As of 1 April 2007, in the judiciary of England and Wales, women represented 9.26% of High Court Judges and 22.44% of District Judges.[12]
- In 2004, in Indonesia, women represented 15.6% of the judges in the Supreme Court and 16.2% of judges in the General Court.[13]
- In 2004, in Costa Rica, there were 386 male judges and 334 female judges. But a majority of female judges can be found at the lower levels of the judicial organisation pyramid.[14]
- Globally, in 2005, women represented 15.8% of Ministers of Justice.[15]

Women and other minority groups – acting as judges, prosecutors, defence attorneys and court administrators – strengthen the legitimacy of the judiciary and make the courts more accessible to the communities they serve. Women and minorities in high-level positions in the judicial sector serve not only as role models for the community, but may also champion issues of equality and non-discrimination. Additionally, the participation of women in the judicial sector should be understood as efficient use of human resources. Modern societies cannot afford to lose the intellectual power and energy of half of the population.[16]

3.5 To reform discriminatory laws and advance protection of human rights

'Law is the most formal expression of government policy. Without legal protections, women have no recourse when they face discrimination that affects all aspects of their lives, including security, bodily integrity, family life, community

status, and political, economic and social prospects. Legal reform is needed to realize gender justice.'

Statement of the Honorable Navanethem Pillay, Judge, International Criminal Court [17]

The gap between human rights standards and national law on issues pertaining to gender justice remains wide in many countries. Many countries maintain laws that are overtly discriminatory with regard to land ownership, GBV, marriage, child custody, inheritance, employment and sexual orientation. A number of these examples are discussed in more detail in Section 4.4. The problem is particularly complex to unravel when codified laws that espouse equality coexist with other laws, formal or customary, that are discriminatory.

3.6 To end impunity for gender-based violence

'There should be no shame or stigma whatsoever attached to survivors of rape crimes – the shame and dishonour belongs on the physical perpetrator(s) and others responsible for the crimes, and to some extent on the legal, protective, and enforcement systems and global security which have ignored, silenced or otherwise failed to respond appropriately to gender-based crimes.'

Dr. Kelly Dawn Askin [18]

Many societies tend to blame the victim of GBV, especially sexual violence. As a result of the fear of stigma, most victims never report the incident. This is more so for males (who may be ashamed) and lesbian, gay, bisexual or transgender (LGBT) victims of GBV, who may be subject to additional harassment/violence due to their sexual orientation.

Community attitudes of blaming the victim are often reflected in the courts. Police, prosecutors and judges often consider domestic violence a 'private' matter beyond the reach of the law. Women and men who report crimes of sexual violence often face a secondary victimisation in the justice system, beginning with the police and continuing on through the court process. Many sexual and gender-based crimes are dismissed, or guilty perpetrators are given light sentences. In some countries, the punishment meted out to perpetrators constitutes another violation of the victim's rights and freedoms, as when they are forced to marry the perpetrator.[19]

Patricia Ntahorubuze of the Bujumbara-based Association of Women Lawyers, discussing the willingness of the judicial system to address sexual crimes, states: 'It is a problem because there is a tendency to treat these incidents as lesser crimes. This is a sin because many who are brought to court on rape charges are immediately released' Many victims don't bother seeking prosecution because they know nothing will be done. Often, crimes of sexual violence in Burundi are resolved in a 'friendship way' with an exchange of cows or cash.[20]

Box 2	The nine Ps of gender and justice reform

Planning – including local stakeholders and gender perspectives at the earliest strategy stages and throughout the reform process.

Partnership – collaboration and cooperation between and among the various national stakeholders: judiciary, police, prosecution, lawyer's associations, law schools, civil society, women's networks and international stakeholders (the UN, donor states, international NGOs).

Participation – promote participation of men and women, from the various segments of society, as actors within the justice sector: judges, prosecutors, lawyers, and court administrators.

Prevention – prevention of gender-based discrimination and GBV through law reform, policies and procedures within security and justice sectors, both internally, within judicial and security institutions, and externally in the community.

Procedure – development of procedures, policies and practices that promote equal access to justice for men and women in formal, transitional, informal and alternative systems.

Protection – protection for victims and witnesses of gender based discrimination and GBV: security, safe houses, legal aid and reparations.

Prosecution/punishment – prosecuting perpetrators of violations – no impunity, internally within the judicial institutions and externally within the community.

Public Awareness – campaigns to inform the public of laws that prohibit acts of gender-based discrimination and violence and the policies and practices that implement those laws.

Performance – oversight, internally within judicial sector and externally by other branches of government; monitoring of progress of justice reform.

As a consequence of the failure of the justice system to punish perpetrators of GBV, as well as the lack of adequate medical and psychological support, survivors may become deeply depressed, even to the point of suicide. In Afghanistan, the silence of the courts on the widespread violations of women's rights results in many self-immolations and other forms of suicide among women.[21]

Crimes that go unpunished feed a culture of impunity and lawlessness. Impunity weakens the foundation of societies emerging from conflict by legitimising violence. It prolongs instability and exposes women to the threat of renewed conflict.[22] The rule of law is a crucial aspect of good governance, peace and sustainable development. Further, high rates of sexual and GBV result in higher rates of HIV/AIDS – one of the greatest threats to sustainable development and security.

3.7 To ensure equal access to justice

Peace and reconciliation are enhanced when women and men can turn to the courts, mediation or traditional mechanisms to resolve disputes and hold criminals accountable. Access to justice can be blocked for many reasons, many of which particularly affect women, victims of GBV and people from minority groups:

- **Knowledge**: many women and men do not know their legal rights or how they can assert these rights to get redress for criminal and civil wrongs.
- **Resources**: many victims of violence, discrimination or harassment do not have the financial resources to take the matter to court and therefore remain silent. Many inequalities in access to justice result from the fact that men can often better afford to hire competent counsel. In cases of gender discrimination or domestic violence, the accused typically has legal representation but the victim does not, because she cannot afford it.

- **Fear**: many victims and witnesses are afraid to testify, especially regarding crimes of GBV. There is a general lack of security for witnesses and victims in the courtroom and few safe houses. Victims and witnesses of GBV are often in need of protective orders, which are rarely available outside of developed countries.
- **Corruption**: corrupt judicial procedures make it, in many cases, impossible for women to win legal battles in a transparent and open way. Court rulings that favour the highest bidder are generally against women.
- **Transportation**: it can be difficult and expensive to travel to courtrooms, often only located in cities.
- **Child care:** the majority of victims of GBV are women; many of whom have small children to care for. It can be difficult for them to arrange child care during the court case period.
- **Language:** there may be several dialects and traditional languages spoken, particularly in rural areas. Trials may be conducted in a language the victim does not understand.
- **Discrimination:** discriminatory practices of judicial personnel against women, minorities and particular ethnic groups.

Effective justice reform must include policy and practices that ensure gender sensitivity and non-discrimination in practice within the justice system, as well as concrete steps to ensure access to justice for all.

3.8 To strengthen oversight and monitoring of the justice sector

NGOs and civil society play an important role by monitoring trials, sentences and other aspects of the justice system, and by keeping the public informed on justice matters.

Oversight and monitoring mechanisms are vital to ensuring an effective reform process. Oversight within the judiciary to

Box 3	Women's network urges African States to sign protocol on African women's rights

Solidarity for African Women's Rights (SOAWR), an umbrella group representing 19 women's rights groups in several countries across Africa, publicly issued red cards to the leaders of 12 African countries at the African Union Summit for not signing the African Union *Protocol on the Rights Of Women in Africa*. The red card read: 'You have received a red card by the Solidarity for African Women's Rights, a coalition of organisations campaigning for the ratification of the Protocol on the Rights of Women. SOAWR did this to urge African states to ratify the charter which covers a broad range of human rights issues and is a comprehensive legal framework for protecting women's rights.'[23]

ensure compliance with non-discriminatory policies and procedures can be very helpful in highlighting the early warning signs of problems. Similarly, civilian oversight of the security sector can identify issues as they arise so that they can be dealt with before they become security threats.

4 How can gender be integrated into justice reform?

Any justice reform process is extremely context specific. Taking time to identify the specific conditions, needs, challenges, gaps and opportunities in a particular situation will make processes more likely to be successful and sustainable, in turn strengthening stability and security.

As gender considerations are integral to effective justice reform, they should be woven into the overall plan. Factors in addition to gender that can influence issues of inequality, violence and discrimination, such as race, ethnicity, class, religion, education, economic status, sexual orientation, health, language and geographical location, should also be taken into account wherever possible. Understanding the root causes and effects of gender-based discrimination, violence and conflict is critical to shaping an approach that addresses gender inequities.

Key stakeholders from the judiciary, prosecution authority, law associations, police, prisons and civil society should be involved at the earliest planning stages to clearly determine and state the objectives of the reform process. Early

cooperation and collaboration between and among the various national and international stakeholders will lead to a more coordinated approach to justice reform. NGOs have for long been advocates of women's equality: monitoring government activities, reporting violations, campaigning for change and providing assistance directly to women. Collaboration with women's networks, as well as lawyers' associations, and LGBT groups, for example, can be crucial to understanding the realities of gender justice issues, as well as for building legitimacy for the reform process.

4.1 Gender-sensitive assessment of the justice sector

The reform process should include a gender-sensitive assessment of the justice sector.

✔ **Checklist for gender-sensitive assessment (non exhaustive):**

✔ Identify which international and regional human rights instruments have been ratified by the state.

✔ Review the constitution and national laws for conformity with international and regional human rights obligations, including as regards gender equality.

✔ Review traditional and religious laws and customs for discriminatory practices, in light of national and international human rights standards.

✔ Assess whether there are adequate laws to prevent discrimination, for example: laws that prohibit discrimination against women and men with HIV/AIDS,

Box 4	East Timor – civil society influencing the content of the constitution

A working group on Women and the Constitution, composed of several civil society organisations, was formed and, in consultation with the Gender Affairs Unit, organised consultations with women's groups all over the country on basic issues affecting women in East Timor. At the end of this process a Women's Charter of Rights in East Timor was agreed upon, with eight thousand signatures collected, mostly from women, supporting the Charter. The Charter was then presented to the Members of the Constituent Assembly. This raising of public consciousness around the issues of gender equality and non-discrimination resulted in The Constitution of East Timor. The Constitution includes the following provisions:

■ One of the fundamental objectives of the state is to *promote and guarantee the effective equality of opportunities between women and men* and *non-discrimination on grounds of gender.*

■ *Women and men shall have the same rights and duties in all areas of family life and political, economic, social, and] cultural [areas].*

■ *Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses.*

■ Women are entitled to maternity leave *without loss of remuneration or any other benefits.* [24]

discrimination on the basis of pregnancy, maternity or marriage; sexual harassment in the workplace.

✔ Assess, through interviews with various people representing a broad cross-section of society, how the legal system works 'in practice' for both women and men, including alternatives to the formal justice system. Pay particular attention to procedures, rules and practices that affect access to justice.

✔ Review statistical databases, court and other institutional records, if available, to assess who is utilising the court system and for what types of claims, and with what outcomes. Are women and other particular social groups failing to bring cases to court? If so, why?

✔ Review what types of punishments are used for perpetrators, with particular attention to punishment for GBV crimes and those affecting marginalised social groups.

✔ Conduct a gender analysis of the justice sector budget – how are resources being directed at men and women?

✔ Assess the participation of women in the legal education system, legal profession and judiciary.

4.2 Law reform

Transition periods and post-conflict situations can offer brief windows of opportunity to revise and redraft constitutions and legislation, which have long-term repercussions for peace, security and the status of different groups within society, including women.

International and regional treaties and human rights instruments

States should, at a minimum, accede to and ratify international and regional human rights treaties and conventions, without reservations, and comply with all international human rights instruments.

> **See Annex on International and Regional Laws and Instruments**

Civil society can be effective in lobbying governments to ratify treaties (see Box 3).

Box 5	**Addressing women's land ownership in Rwanda**

After the Rwandan genocide, the Government needed to deal with the staggering number of landless female heads of households. A gender desk was established in Parliament and reviewed laws that discriminated against women. The desk successfully argued that women should be given the right to inherit property from their parents or husbands, and widows should be able to reclaim property from male relatives of their deceased husbands. While the process was successful in institutionalising support for women's rights, the new law granting property rights to women has been difficult to implement at the local level. Traditionalists are loath to alter centuries-old customs, and Rwandan women's rights activists warn that, without nationwide education about their new rights, the law will not be implemented.[25]

Constitutional reform

The constitution can be critical to achieving gender equality and prohibiting gender based discrimination and violence. Constitutional reform is often part of the post-conflict and transitional process, and provides the foundation upon which justice reform is based. A constitution can, for example, affirm that human rights are to be enjoyed by all persons, regardless of gender or sexual orientation, or establish that international and regional instruments, once ratified, are automatically applicable under domestic law. Civil society and NGOs can be very effective in demanding that such issues are included in the constitution (see Box 4).

National legislation

National legislation should reflect, at a minimum, the definitions and standards in international and regional human rights instruments. Existing laws should be reviewed and new laws enacted, if necessary, to specifically prohibit all forms of GBV and discrimination. The effective development of such laws requires a process that is consultative and incorporates the opinions of victims/survivors and women's NGOs, in dialogue with practitioners who will apply and enforce the laws.

Land ownership

Land disputes are one of the major threats to security, especially during fragile post-conflict and transitional periods. After a conflict, parties often return to their homes only to find them occupied. The current occupants may have

Box 6	**Using international law to overcome discrimination in inheritance practices in Kenya** [26]

Re Wachokire, Succession Cause No. 192 of 2000, Chief Magistrate's Court at Thika, August 19, 2002

Jane Watiri petitioned the court to award her one half of a parcel of land that belonged to her deceased father on which she lived with her four children. Her brother objected, arguing that he had cultivated a larger portion of the land during his father's lifetime than his sister and therefore was entitled to that larger portion. Senior Principal Magistrate H. A. Omondi found that under Kikuyu customary law, an unmarried woman like Watiri lacked equal inheritance rights because of the expectation that she would get married. Magistrate Omondi held that this customary provision discriminated against women in violation of Section 82(1) of the Kenyan Constitution, which prohibits discrimination on the basis of sex. It also violated Article 18(3) of the Banjul Charter and Article 15(1)-(3) of the Convention on the Elimination of All Forms of Discrimination Against Women, which provide for legal equality between men and women. Consequently, Magistrate Omondi awarded Watiri and her brother each an equal share of their father's property.

Box 7	Best practices in the legal definition of and criminalisation of rape

The Raoul Wallenberg Institute identified the following as best practices in the legal definition of and criminalisation of rape:

- Legal definitions of rape and other sexual offences are gender neutral.
- Sexual offences are treated equally whether occurring with or outside a sentimental relationship.
- Rape, as well as other sexual offences, are public offences.
- The definitions of sexual offences are, directly or indirectly, based on the lack of consent.
- Consent is not implied by lack of resistance.
- Corroborating evidence is not required for conviction.
- The sexual act is defined broadly and penetration is not a prerequisite.
- Specific age limits, under which consent is presumed to be lacking, to protect young persons.

The report further identifies policies that allow for effective implementation of the law. These include:

- Specialised police, including female officers, to handle sexual offence cases.
- Guidelines that detail how receiving police officers shall proceed in sexual offence cases.
- Survivors are able to report a sexual offence in their own language.
- The possibility to file an anonymous complaint for police records.
- A national database of sex offenders.
- Sexual offences units established within the national prosecuting authority.
- All judges are trained on the nature and implications of sexual offences.
- Specialised court sections to deal adequately with sexual offences.
- Evidentiary rules that generally bar evidence on the survivor's sexual history and reputation.
- Protective measures, such as use of screens and closed doors, to ensure that the survivor is protected against secondary victimisation while testifying.
- The age of the witness is taken into account in the enactment of protective measures.
- Assistance is provided to victims including multi-disciplinary support centres.
- Specialised sections within the national health care system.
- Survivors of sexual abuse always examined by health care staff of their own sex.
- Free emergency contraception, antiretroviral treatment and antibiotics against sexually transmitted diseases.
- National protocols for collection of evidence and psychological treatment.
- Availability of sexual assault evidence kits and free legal assistance.
- Financial costs arising out of the crime are reimbursed by the state.
- 24-hour crisis lines for information and advice concerning sexual offences.
- Information and education easily available to rape survivors in various languages.
- Public awareness-raising campaigns in various media formats and languages.
- A policy framework that includes national action plans and policies dealing with violence against women and/or crime prevention that addresses rape and other sexual offences.

fled from other places or been responsible for the eviction of the former owners. Legal procedures to deal with land disputes must be clear and accessible.

In many countries women do not have the right to own or inherit property. This is particularly problematic in post-conflict environments where many women may find themselves widowed and heads of household but unable to own the land where they have lived. They may be displaced from their land, without means to grow food for income or consumption (see Boxes 5, 6).

Gender-based violence

GBV is a highly prevalent and largely unpunished crime. It is often surrounded by a culture of silence, and certain types of

GBV are often not appropriately criminalised in national legislation. For example:

- *Domestic violence:* Studies show between 25% and 50% of all women in the world have been abused by intimate partners. Approximately 95% of victims of domestic violence are women. In most countries, legislation classifies domestic violence as a misdemeanour rather than as a serious crime, and does not explicitly protect women from marital rape and stalking. But there has been progress: marital rape is now recognised as a crime in at least 50 countries.[27]
- *Honour crimes:* Crimes against women committed in the name of 'honour' may occur within the family or within the community. It is estimated that 5,000 women are murdered by family members each year in 'honour' killings around the world. In courts of law, the 'honour defence' is

institutionalised in some Middle Eastern and Latin American countries, allowing fathers, brothers or husbands to walk away from murder. In 12 Latin American countries, exoneration of a rapist is possible if he offers to marry the victim and she accepts. The family of the victim frequently pressures her to marry the rapist, which they believe restores the family's honour.

When allowed to continue unchecked, GBV contributes to a culture of impunity, which in turn undermines peace and security.

Sexual violence

In many countries, national legislation fails to provide a legal framework that recognises all forms of sexual violence as crimes. For example, legislation may require the use of force in an act of sexual violence, rather than the lack of consent. Some legislation only recognises rape and not other forms of sexual violence, and/or limits rape to penetration of the vagina. Often sexual violence against men and boys is not included. In some countries, shortcomings in the law regarding sexual violence stem from evidentiary standards and procedural rules. For example, in many Muslim countries following shari'a, two men must have witnessed the act of violence.[28]

The Raoul Wallenberg Institute for Human Rights and Humanitarian Law has compiled best practices in four areas of law of particular importance in relation to gender: domestic violence/rape; determination of paternity; customary unions; and termination of pregnancy.[29] The best practices contained in the report are comprised of three components: law, policy and reality. A law cannot stand on its own as a best practice but must be accompanied by government or state policies for implementation. Another factor vital to the success of a legal reform is the context in which it operates. What is working in one country may fail to work in another setting, due to, for example, cultural differences, the structure of the society and the availability of resources. Likewise, a practice that works well for one particular group may not work at all for other groups.[30] Box 7 gives an example of best practices in relation to rape.

Sexual orientation

Human rights violations targeted against persons because of their actual or perceived sexual orientation or gender identity constitute an entrenched global pattern. They include extra-judicial killings, torture and ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities and serious discrimination in relation to the enjoyment of other human rights.

Box 8	Civil society's role in lobbying for law reform

Civil society can be extremely effective in lobbying for law reform. One of the key enabling factors in the following examples was the proactive, non-compromising stand of women's groups. These groups took action at a very early stage, formulated their demands as concrete amendments, and stood firm despite conservative reactions or political instabilities and changes. They also succeeded in setting up broad and inclusive coalitions, partnering with other movements and ensuring nationwide representation to avoid being labelled as 'marginal' or 'driven by western values'. Furthermore, the groups employed professional campaigning strategies, combining a variety of methods including extensive use of the media, close monitoring of and advocacy with the parliament, public demonstrations, awareness-raising activities, and meetings and seminars. In each case, the groups recognised and made effective use of the window of opportunity provided by the political or social contexts. Through the campaigns and reforms, the underlying philosophy of legislation has been transformed, thereby providing new grounds to realise women's rights.

The **Mongolian** Domestic Violence Law, enacted in May 2004, was the result of collaboration between two prominent Mongolian women's NGOs and a parliamentary domestic violence legislative taskforce.[35]

In **Morocco**, the reform of the family code in February 2004 abolished the supremacy of men in marriage, defining husband and wife as equal partners within the family institution. This was a groundbreaking step for Moroccan women. The reformed family code gives women equal rights to men in matters of divorce and raises the age of marriage for women from 15 to 18 years; grants women property rights; takes measures to limit polygamy (even though it is not completely outlawed) and recognises children's rights. An extensive campaign by Moroccan women's groups, led by *Association Démocratique des femmes du Maroc*, was the driving force for the reform. [36]

The 2004 **Spanish** Protection from Violence Act was developed with strong involvement from women's organisations and contains a wide definition of violence, including psychological forms of violence, such as sexual aggression, threat, compulsion, coercion and deprivation of free will. The law covers preventive and educational measures, as well as protection and assistance for victims and new sanctions against perpetrators.[37]

A new **Turkish** Penal Code was accepted in the Turkish Parliament in September 2004. The new code introduced progressive definitions and higher sentences for sexual crimes; criminalised marital rape; brought measures to prevent sentence reductions granted to perpetrators of 'honour' killings; eliminated all references to patriarchal concepts like chastity, honour, morality, shame or indecent behaviour; abolished previously existing discrimination against non-virgin and unmarried women; abolished provisions granting sentence reductions in rape and abduction cases; criminalised sexual harassment at the workplace and considers sexual assaults by security forces as aggravated offences. The reform was the result of the intensive three-year campaign by a platform of 27 Turkish NGOs.[38]

In **Burundi,** women's rights activists are calling for nationwide legal and social reforms to address the countless crimes of sexual violence committed during the war and to reform the country's legal treatment of rape. The Bujumbura-based Association of Women Lawyers in Burundi has joined other women's organisations to petition the government to revise and strengthen the laws around sexual violence and is advising a special judicial review committee convened by concerned activists.[39]

Laws can be enacted that prohibit discrimination or GBV based on sexual orientation or sexual identity. South Africa's Constitution was the first in the world to prohibit unfair discrimination on the grounds of sexual orientation. In December 2005, a South African Constitutional Court ruling granted equality in civil marriage for gay and lesbian couples for the first time on the African continent. Several other countries have made progress in combating rights abuses based on sexual orientation or gender identity:

- **Fiji**, where in August 2005 the High Court ruled that the country's sodomy law was unconstitutional, holding that, 'What the constitution requires is that the law acknowledges difference, affirms dignity and allows equal respect to every citizen as they are'.

- **Romania**, where a decade of domestic and international pressure led to the repeal of a sodomy law and to the passage of broad anti-discrimination legislation.[31]

In April 2007, the European Parliament passed a resolution addressing discrimination on the basis of sexual orientation in Europe: [32]

> Art (3) *Reiterates its request to the Commission to ensure that discrimination on the basis of sexual orientation in all sectors is prohibited by completing the anti-discrimination package based on Article 13 of the EC Treaty, without which lesbians, gays, bisexuals and other individuals facing multiple discrimination continue to be at risk of discrimination; calls for a worldwide decriminalisation of homosexuality*;

> Art (8) *Reiterates its invitation to all Member States to propose legislation to overcome the discrimination experienced by same-sex couples, and asks the Commission to make proposals to ensure that the mutual recognition principle is applied in this field also, in order to ensure the freedom of movement for all persons in the EU without discrimination…*

Laws discriminating against men and boys

Men and boys are also affected by discriminatory laws and practices. For example, a South African court found that a statute which required, for adoption of an illegitimate child, the consent of the mother but not the father, was unconstitutional on the ground of gender discrimination and discrimination on the basis of marital status.[33]

De facto discrimination

Even where laws prohibit discrimination and embody special measures to advance women, discrimination against women and certain groups of men remains widespread in practice (*'de facto'*). De facto discrimination encompasses, for instance, banking practices requiring the husband to sign for his wife's' contracts; lack of implementation of land law norms mandating joint titling for couples; and violations of equal opportunity legislation. Discriminatory cultural attitudes, illiteracy, lack of legal awareness, lack of resources to enforce rights and difficulties in accessing courts located in urban areas are major factors contributing to *de facto* discrimination.[34]

4.3 Judicial procedures and practices to address gender-based violence

Even where adequate legislation is in place, procedures and practices within the justice system often discriminate against particular groups, including victims of domestic and sexual violence. Procedural barriers can include fees required to lodge complaints, or the physical inaccessibility and the limited opening hours of government offices (see Box 9). More specifically, courts often lack the infrastructure, capacity and expertise to prosecute crimes of GBV. Legal procedures for conducting sexual violence trials often re-victimise survivors, subjecting them to humiliation during interviews, when testifying and after the trial.

All judicial practices and procedures should be scrutinised to ensure that they do not improperly discriminate against women or any other group in society. Preventing discrimination will in many cases require special measures. Examples of special measures adopted in various countries in relation to sexual and domestic violence, and protection of victims and witnesses are discussed below.

Sexual violence

Some States have developed special mechanisms for sexual violence matters to ensure that rules of evidence and procedure are not based on harmful stereotypes of women, and avoid 're-victimisation' of survivors.[41]

The International Criminal Court's Rules of Procedure and Evidence are considered good practice for victim protection.[42] Rule 70 provides that in cases involving sexual

Box 9	Rape victims in Russia must have injuries documented by forensics experts

In Russia, law enforcement fails to prevent, investigate and punish domestic violence, due to such factors as entrenched prejudice, lack of training on the issue and the fact that the State has not made addressing violence against women a priority. The police do not operate specialised units to respond to domestic violence, and none are planned. Neither the Ministry of Internal Affairs, nor law schools provide instruction related to violence against women. Nor has the State instituted any gender-sensitive training for law enforcement aimed at eliminating attitudes and practices that perpetuate domestic violence.

To proceed with any criminal case, a victim's injuries must be documented by a forensic medical expert. Other types of physicians cannot issue an opinion that can be used in court. Victims must have referrals from a law enforcement organ to a forensic expert for an official opinion, and must pay for the documentation of their injuries. This process of accessing forensic expertise can itself be difficult for victims of violence, especially considering the need to have a police referral, the distance to forensic medical offices and the working hours.[40]

Source: American BarAssociation, CEDAW Assessment Tool Report for the Russian Federation(Central European and Eurasian Law Initiative: Washington D.C, Feb 2006).

violence, the Court shall be guided by and apply the following principles:

(a) *Consent cannot be inferred by reason of any words or conduct of a victim where force, threat of force, coercion or taking advantage of a coercive environment undermined the victim's ability to give voluntary and genuine consent;*

(b) *Consent cannot be inferred by reason of any words or conduct of a victim where the victim is incapable of giving genuine consent;*

(c) *Consent cannot be inferred by reason of the silence of, or lack of resistance by, a victim to the alleged sexual violence;*

(d) *Credibility, character or predisposition to sexual availability of a victim or witness cannot be inferred by reason of the sexual nature of the prior or subsequent conduct of a victim or witness.*

Rule 71 prevents the International Criminal Court from admitting 'evidence of the prior or subsequent sexual conduct of a victim or witness'.

■ In response to low conviction rates, **South Africa** introduced Sexual Offences Courts and Thuthuzela centres. Sexual Offences Courts are specialised courts designed to streamline the process of handling and prosecuting cases of sexual abuse; the personnel have all been specifically trained to deal with sexual offences. Thuthuzela, or comfort, centres are attached to these courts and serve as a one-stop service for rape victims. A centre is manned by a project manager and provides police services, health care, counselling and legal services, all under one roof and allowing for improved management of rape cases. Conviction rates have increased to 75 – 95% and the typical case is now resolved within 6 months from the date of the first report. Prior to these centres, case resolution took on average 18 months to 2 years.[43]

Domestic violence

■ In 2005, **Spain** began to set up Courts on Violence against Women, which have jurisdiction to deal with both the penal and civil aspects of such violence. This promising practice is meant to facilitate access for victims and to prevent contradictory judgements (e.g. if a divorce is granted due to violence, but the perpetrator is acquitted in the criminal trial).

■ In **Ecuador and Peru**, courts receive technical assistance and advisory support from women's NGOs that specialise in dealing with family violence. An assessment of the programme in Ecuador shows that the percentage of abusers convicted has increased, that many couples have received counselling that has improved their relationship, and that women who have turned to the courts say that they have seen positive effects in their lives.[44]

■ In **Bangladesh,** a special Cell Against Violence Against Women has been established in the Department of Women's Affairs. It provides legal counselling and assistance in civil and criminal cases related to violence against women, including cases of acid throwing, rape, physical assault, trafficking, dowry disputes and cases of procurement of women for illicit reasons.[45]

■ To address the issue of domestic violence and provide assistance to victims, the **US** has established Family Justice Centers in a number of cities. The goals of the Family Justice Centers are to make a victim's search for help and justice more efficient and effective by bringing professionals who provide an array of services together under one roof: advocates from non-profit groups, victim services organisations, law enforcement officers, probation officers, governmental victim assistants, forensic medical professionals, attorneys, chaplains and representatives from community-based organisations. Since the introduction of the Family Justice Centers, the following best practices have been identified:[46]

- Co-located, multi-disciplinary services for victims of family violence and their children increase safety and support.

- Pro-arrest/mandatory arrest policies increase accountability for offenders.

- Policies incidental to arrest/enforcement (e.g. related to restraining orders, charging costs to victims for restraining orders or related services) reduce re-victimisation of victims.

- Victim safety/advocacy must be the highest priority.

- Victim confidentiality must be a priority.

- Offenders must be prohibited from on-site services at centres (off-site services to offenders should be central to any response to domestic violence; but no domestic violence offenders should be offered services on-site at a family justice centre).

- Domestic violence specialisation amongst service providers increases success.

- Strong support from local elected officials and other local and state government policymakers increases effectiveness and sustainability.

- Strategic planning is critical to short-term and long-term success.

- Strong/diverse community support increases resources for victims and their children

Witness and victim protection

Effective witness and victim protection programmes are particularly important in cases involving GBV and human trafficking. Witness and victim protection should include safe houses and temporary shelters, and protective orders. Protective orders can include:

■ Restraining orders - the abuser must not come near the victim or abuse him/her again.

■ Vacate orders - the abuser must move out of the shared residence.

■ Custody orders - the victim will receive temporary custody of his/her children.

■ Restitution orders - an abuser to compensate the victim for lost wages, medical expenses, or other costs and damages.

Many countries have established national plans of action to address GBV and/or gender equality (see Box 10). Justice issues should be integrated into these plans, and the plans themselves developed and implemented in collaboration with the Ministry of Justice and judicial groups.

Box 10	Liberian National Gender-Based Violence Plan of Action

Liberia's *National Plan of Action for the Prevention and Management of Gender Based Violence* is the result of multiple comprehensive consultations and participatory exercises by the Ministries of Justice, Health and Internal Affairs, international and national NGOs and the UN, under the leadership of the Ministry of Gender and Development.

The process began with a series of assessments to determine and analyse the GBV situation, identify the gaps in prevention and response, and develop strategies to fill those gaps. In the box below is a sample of two objectives under the legal section.[47]

Activities	Indicator	MOV	Timeline	Target	Inputs	Outcome
Train judicial/law enforcement and correctional centres personnel on international human rights standards and applicable national laws.	# of training conducted. # of judicial and law enforcement personnel trained.	Training reports pre and post test records. Follow up reports. Training modules.	July 2006 – ongoing Ongoing activity.	Judicial officers, and law enforcement personnel. Staff of rehabilitation centres, Government and stakeholders at the community level.	Human and financial resources.	Fast track court for GBV cases established at national and regional levels. Trained judicial/law enforcement personnel on international human rights standards and applicable national laws.
Establish free legal services for vulnerable women. Conduct sensitisation campaigns to increase community awareness about the legal system.	# of functioning free legal clinics. # of GBV cases reported. # of sensitisation campaigns conducted.	Case reports. Field reports. Sensitisation reports.	Ongoing activity.	Vulnerable women. Required government institutions. Donors. Perpetrators.	Human and financial resources.	Established and equipped systems for free legal services for vulnerable women.

4.4 Access to justice

Judicial systems in conflict-affected and developing environments are often complex, with numerous technical requirements and little empathy from the police or courts for the injured party. Many women and men have no confidence in the judicial system and do not even attempt to access it. For others, it is entirely inaccessible because of their lack of resources or lack of knowledge of their rights.

Efforts to improve access to justice - equally for men, women and all groups within society - should be threaded through all aspects of justice reform. Some specific initiatives that can promote access to justice include:

Using paralegals to promote legal literacy and access

All individuals, especially vulnerable women and men, must be informed of their rights and how, practically, to assert those rights. Para-legal personnel can be instrumental in building legal literacy, including teaching people how to access the judicial system, informing people of the resources that are available and how to utilise them. They may use innovative measures, such as radio, dramatic presentations and pictures, to effectively communicate legal rights and mechanisms.

In some countries, paralegals have worked with individuals and traditional elders in rural areas. Paralegals have a role in helping traditional elders understand the practical impact of constitutional and law reforms and international obligations, especially when they may be in conflict with traditional laws and/or practices.

While paralegals cannot replace lawyers they can offer valuable assistance and help prepare the background material for cases. Paralegals are often mediators, as well, who may provide help to resolve cases outside the courts. Training and support for paralegals can be a very effective way of reaching more vulnerable men and women, especially in rural areas.

Improving access to justice in rural areas

Courts and magistrates should take steps to reach beyond the cities to rural areas. Outreach measures such as travelling courts should be explored.

Providing legal aid

National and international bar associations should encourage pro-bono (free or discounted) representation of clients in need. One effective mechanism is to require a certain number of pro-bono hours to renew a license to

practice law. Law school can also provide legal aid through clinics and cooperation with bar associations and NGOs.

Supporting civil society and NGOs improving access to justice

Civil society organisations (CS0s) and NGOs can be a critical link between the justice system and communities, offering services to facilitate access to justice. Justice reform initiatives should include support to such organisations, and establishment of mechanisms to ensure regular dialogue and coordination.

In **Tajikistan**, INIS, an independent local NGO, operates women's legal advocacy centres, as well as providing consultations to women through a network of existing crisis centres, shelters, health care facilities, and community and women's centres.[48]

In **Georgia**, the Women's Rights Advocacy Centre run by the Centre for the Protection of Constitutional Rights (CPCR), provides legal counselling and court representation to women on labour law, family law, domestic violence and bride kidnapping. The Centre also operates a hotline to provide women with anonymous counselling and distributes information on women's rights. CPCR has also conducted a series of workshops on women's rights to reach women in the various regions of Georgia.[49]

In **Ireland,** the Gay and Lesbian Equality Network partnered with the Irish police (*An Garda Síochána*) to address hate-motivated incidents and crimes against LGBT people. The 'Be Proud, Be Safe campaign' includes specially trained Garda gay Liaison Officers who work with LGBT people who have been victims of hate-motivated incidents, during a weekly 'drop in' session in the Dublin-based gay community centre. The Liaison Officers inform members of the LGBT community of their rights and encourage victims to report crimes so that perpetrators can be brought to the courts.[50]

4.5 Traditional justice mechanisms

'If we know how to take advantage of the positive aspects of traditional justice and to identify its weaknesses as a mechanism and… its values, traditional justice (in other words, 'Community-applied Justice') will play an important role in preventing minor problems from dragging on and becoming major conflicts, inducing families or even entire hamlets against each other.'

Xanana Gusmao, President of Timor-Leste [51]

In many developing countries, the lack of access to a well-functioning court system means that the primary sources of justice are the informal or traditional dispute-resolution mechanisms. For women, traditional mechanisms have advantages and disadvantages. On the one hand, compared to courts, traditional/customary institutions may provide more easily accessible (both geographically and economically) and speedier forums of dispute resolution; and decisions may enjoy greater social legitimacy in local communities. [52] On the other hand, while their nature varies considerably from place to place, traditional mechanisms often reinforce traditional gender roles and ignore the voices and rights of women. In most places, they are constituted by male elders, and apply a male-biased interpretation of customary law.[53]

Disputes involving sexual and gender-based crimes are generally outside the legal jurisdiction of traditional mechanisms, but in post-conflict, transitional and developing countries these crimes are in reality often dealt with by traditional mechanisms. Research on traditional dispute-resolution systems operating in refugee camps in Bangladesh, Côte d'Ivoire, Ethiopia, Guinea, Kenya, Mexico, Nepal, Pakistan, Sierra Leone, Tanzania, Thailand, Yemen and Zambia found that in all of these countries, across all refugee cultures, women lacked representation, influence and decision-making power in these systems. The punishments imposed on rapists by refugee-dispute resolution systems are generally insignificant: 'a rapist might simply be absolved if he marries the survivor, or if the case involves a minor, might be imposed a small fine or a minimal length of detention'.[54] Furthermore, such fines are more often given to the family than the survivor.[55]

There is thus a danger that traditional justice mechanisms reproduce gender inequalities, and reinforce the lack of justice for victims of GBV. Justice reform efforts should also engage with traditional leaders and traditional justice systems, to endeavour to ensure that they are not ignored in the quest for gender justice.

The following provide some examples of positive engagement with traditional justice mechanisms to ensure they uphold basic human rights standards, including with regards to women's rights:

- The Improving Women's Access to Justice programme of the NGO Nagorik Uddyog (NU) in **Bangladesh** recognises the potential of the indigenous mediation system and works towards its transformation. Nagorik Uddyog applies a two-pronged strategy to reaching the objective that *shalish* rulings are consistent with state laws. First, Nagorik Uddyog assists in the formation of alternative *shalish* committees, in which one third of the members are women. Second, *shalish* committee members are provided with intensive workshops on a broad spectrum of laws related to subjects that account for the majority of disputes at the local level.[56]

- Centro Feto, a local NGO in Oecusse, **East Timor,** works with informal systems on 'finding good solutions for women'. It conducts education campaigns in the villages on issues such as rape, domestic violence and marriage. The group also lobbies for compensation through informal systems that is paid in relation to sexual crimes and domestic violence directly to the victims instead of to their families.[57]

- In **Somalia**, the Danish Refugee Council held a series of dialogues with over 100 elders and community leaders from five different clans living in the region. The dialogues focused on aspects of traditional *xeer* that were perceived as ineffective in conflict management and contradictory to basic concepts of justice and fairness, as enshrined in both *sharia* and international human rights standards. Community interests expressed during the dialogue included: ensuring the protection of the accused; fair treatment of women, orphans and minority groups; and problems associated with *diya* payment, collective punishment and property rights. The participants issued a declaration modifying the local *xeer* and traveled

throughout the region to disseminate the new laws. The declaration made particularly important changes to the *xeer* governing revenge killing and forced marriages of a widow to her dead husband's brother.[58]

4.6 Addressing discrimination by judges and other judicial staff

Gender bias in the courtroom can take many forms and often includes stereotyped thinking that leads to discriminatory treatment. For example:

- Fathers denied custody because judges do not believe men can, or should, be primary care-givers.
- Mothers denied custody because they work outside the home.
- Male criminal defendants given stiffer sentences than female criminal defendants for the same crime.
- Women seated at counsel table presumed to be legal assistants or secretaries rather than attorneys.
- Undervaluing the work women perform as homemakers and care-givers for children and the elderly in civil damage suits and property division upon divorce.
- Credibility accorded litigants, witnesses and lawyers solely on the basis of their sex.

Task force to examine gender bias in the courts

A task force to review gender bias in the courts can be established by the judiciary, civilian oversight machinery or an NGO. An excellent guide is the Foundation for Women Judges' *Operating a Task Force on Gender Bias in the Courts: A Manual for Action*.[59] The manual presents a format to operate a task force on gender bias in court systems, including information on the start-up process, data collection, formulating findings after results are tabulated and implementing reforms. A Task Force can:

- Enhance public perception of the court system's commitment to equal justice under law.
- Legitimate the problem of gender bias in the courts as worthy of judicial investigation and reform.
- Help to eliminate gender bias in the courts by establishing strong norms and sanctions against gender bias and making specific proposals for reform.
- Increase the sensitivity of bench and bar and the public to the incidence and consequences of gender bias in the courts.
- Improve professional relationships among male and female judges, lawyers and court personnel.

Before establishing a Task Force it is important to have the following in place:

- A group of individuals knowledgeable about local problems of gender bias and committed to reform.
- Adequate resources (budget and staff).
- A number of male judges, lawyers or judicial educators concerned about the problem and willing to participate.

It is important to gauge the state's receptiveness to a gender bias inquiry. A Task Force will be most effective when there is interest and receptivity in the community and among leading members of the judiciary.

Training and capacity building

All actors within the judicial sector – judges, prosecutors, defence council, private lawyers, court personnel, police, paralegals, etc. – should receive training on women's rights (deriving from national, regional and international laws and obligations), the gender impact of the legal and judicial system and the legal procedures for crimes of GBV.

See Tool on Gender Training for Security Sector Personnel

- Specific training on investigation methods and requirements and interviewing methods for crimes of sexual violence should be provided to staff that interact with survivors and/or work on prosecuting sexual violence cases.
- Training opportunities for all those involved in the administration of justice should be institutionalised.
- Judges, prosecutors, law enforcement personnel, forensic doctors and other state agents involved in the prosecution of crimes should receive this training before they are licensed to practice.
- Professional, technical and academic institutions should revise curricula and ensure that discussions of gender inequality are part of the training provided for all professionals. This training should be required as continuing legal education for all legal practitioners.[60]

In **Nepal,** the Governing Council of the National Judicial Academy has adopted a resolution for mainstreaming gender issues in its policy and practice, as part of the legal reforms in the country. Gender issues are now part of standard training for lawyers and judges. With support from UNDP, the National Judicial Academy has developed a gender-training tool to provide judicial personnel with the skills to analyse the legal provisions related to gender issues, and to become familiar with international human rights and women's rights instruments.[61]

4.7 Increasing women's participation in the justice sector

Where women or other groups have historically suffered discrimination or lack of participation, laws promoting gender equality may not be enough. Temporary special measures, or 'affirmative actions', may be required to accelerate equality. Special measures to promote women's participation in the judiciary are needed in almost every country. These can include programmes that encourage women and minorities to study law, pursue qualifications as a lawyer or judge, or otherwise work in the judicial sector. Such programmes might be undertaken by regulatory bodies, bar associations, law schools and authorities that appoint judges.

Some initiatives to promote equal representation of men and women in the judiciary include:

- The **European Parliamentary Assembly** in its Resolution 1366 (2004) decided that it would no longer

consider lists of candidates for the European Court of Human Rights that did not include at least one candidate of each sex. This rule was changed a year later to allow for unisex candidate lists, provided they were from the under-represented sex on the Court (currently women). When this measure was decided upon, there were 11 female judges to 32 male judges: women made up only 26% of the Court's composition. As of April 2007, the situation had improved, albeit slightly, there were 14 female judges to 32 male judges; women making up 30% of the Court's composition.

- In **Afghanistan,** the Afghan Women Judges Association (AWJA) is working with the International Association of Women Judges to promote Afghan women's access to justice, and to promote the appointment of female judges. Of the 1,547 sitting judges in Afghanistan only 62 are women, and no women sit on the Supreme Court. AWJA proposes to the Government, parliamentarians, and UN system officials the names of qualified women judges to sit on the Afghan Supreme Court.[62]

- **Tunisia** has taken measures to increase women's participation in the judiciary, with the appointment of more women magistrates to various courts, and the appointment of women to the positions of Chief Justice of the Tunis Court of Appeals, Director-General of the Centre for Legal Studies, Director of Civil Affairs and Director of Criminal Affairs in the Ministry of Justice. Women fill about 25% of Tunisia's judicial magistrate positions.[63]

4.8 Oversight and monitoring of gender issues in justice reform

National and international oversight and monitoring mechanisms by both the government and civil society are a critical component to gender-sensitive reform of the judicial sector. Actors must be held accountable, and statistics play an important role is identifying discrimination in practice.

An appropriate institutional framework is essential to ensure that gender (and other) commitments in justice reform are fully implemented. Many countries have created specialised national machinery to improve the status of women that can play a role in this regard. These institutions have proven to be most successful if they are situated at a central position in the governmental hierarchy and headed by a person at a cabinet-level rank. National machineries need to be provided with the mandate and sufficient resources to effectively monitor and coordinate gender equality measures in all sectors and state apparatuses.[64]

- **India's** National Commission for Women was set up as a statutory body in January 1992 to review the Constitutional and Legal safeguards for women; recommend remedial legislative measures; facilitate redress of grievances; and advise the Government on all policy matters affecting women. The Commission's activities include: state assessment of gender justice, child marriage etc.; legal awareness programmes; and review of laws such as the Dowry Prohibition Act, Penal Code and the National Commission for Women Act to make them more effective in promoting women's rights.[65]

- The independent **Indonesian** National Commission on Violence Against Women (*Komnas Perempuan*) was established in response to public demand for state accountability on the mass rapes which occurred during the 1998 riots. *Komnas Perempuan* compiles yearly data on violence against women cases handled by government (e.g. police, attorney general, courts, hospitals) and NGOs around the country. As a result, it is able to guage annual trends in violence against women, including estimates on the number of cases per year. The annual reports are made public and allow government agencies, civil society and the public in general to keep track of progress as well as setbacks, year by year.[66]

- **South Africa's** Commission for Gender Equality is an independent body, whose mandate, to promote the protection of gender equality and monitor and evaluate organs of state, is taken directly from the equality clause in the Constitution. The Commission for Gender Equality has the power to subpoena and serve documents and is accountable to the National Assembly. It has a public education and awareness unit and an office in each province.[67]

- **Sweden's** Office of the Equal Opportunities Ombudsman ensures compliance with the Equal Opportunities Act. The purpose of the Act is to promote the equal rights of women and men with regard to work, employment conditions as well as other working conditions, and scope for professional development.

Civil society oversight can take many forms. Civil society can be officially represented on oversight bodies, or invited to make submissions to inquiries and review boards. In many countries, CSOs prepare shadow reports to the CEDAW Committee (see Box 11).

4.9 Public awareness

Justice reform should include increasing public awareness of human rights, and of the laws and mechanisms to protect them. Individuals, for example, must be informed not only about their rights but how, in the most practical and basic terms, to assert their rights and seek access to justice when those rights are violated. Public outreach campaigns must also reach community leaders, men and government functionaries. Messages should be delivered in a manner that is both relevant to, and easily understood by the recipient. This is particularly important in rural areas where literacy rates can be low and many dialects spoken.

Few women are aware of their rights or how, in the most basic ways, these rights affect them on a daily basis or how, in practical terms, they can assert their rights or seek redress for abuses suffered. Education and media programmes are needed to address attitudes and cultural practices that discriminate against women, in a manner that overcomes challenges of remote locations, languages and literacy.

Programmes and strategies to empower women, by raising their awareness of rights and enhancing their capacity to claim such rights have been developed in many countries, mostly by NGOs. Such programmes can also contribute to

Box 11	International oversight of gender justice

The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) is mandated to monitor progress for women made in the 185 countries that are States Parties to CEDAW. Twice annually, the Committee reviews national reports submitted by States parties. These reports, which cover national action taken to improve the situation of women, are presented to the Committee by government representatives. In discussions with these officials, the CEDAW experts can comment on the report and obtain additional information. The Committee also makes recommendations on any issue affecting women to which it believes the States parties should devote more attention.

For example, at the 1989 session, the Committee discussed the high incidence of violence against women, requesting information on this problem from all countries. In 1992, the Committee adopted general recommendation 19, which requires national reports to the Committee to include statistical data on the incidence of violence against women, information on the provision of services for victims, and legislative and other measures taken to protect women against violence in their everyday lives such as harassment at the workplace, abuse in the family and sexual violence. As of July 2005, the Committee had made 25 general recommendations.

The ABA Rule of Law Initiative assisted NGOs in preparing shadow reports to the CEDAW Committee in Armenia, Belarus, Georgia, and Kyrgyzstan, using the CEDAW Assessment Tool process.[68]

See Annex on International and Regional Laws and Instruments

increased reporting of human rights violations. To have any sustainable impact, public awareness campaigns concerning gender justice must be constant and unremitting.

- In 2004, the Afghan Women's Resource Centre trained more than 500 women in a remote area of Afghanistan about their basic rights, violence against women and forced marriages.[69]

- In Timor-Leste, Fokupers, an NGO, provides accessible legal aid services for women victims and raises public awareness of domestic violence and women's legal rights. Its information brochures are distributed to service providers, religious institutions, government agencies and lawmakers.[70]

- In 2006, the MTV Europe Foundation launched a series of new initiatives to draw attention to human trafficking. Some of these include short films and features produced by MTV and a music tour through Europe. All of the film material produced from this project is available to other European TV channels at no cost.[71]

Focusing prevention and response strategies only on women ignores the fact that men perpetrate most incidents of sexual and GBV. Men must therefore be part of the solution to the problem. In the last few years, there have been a growing number of creative public information and behaviour change campaigns with messages specifically targeting men and boys about gender equality. Soul City and Sonke Gender Justice in South Africa, Sexto Sentido in Nicaragua, the 'Together for a Happy Family' campaign in Jordan, the Suami Siaga (or 'I'm an Alert Husband') campaign in Indonesia and the Coaching Boys to Men in the US are just a few examples. Effective campaigns and community outreach interventions often identify groups of men or individual men who influence the behaviour of other men, including coaches, fathers and religious leaders. Evidence suggests that such campaigns – when well designed – can lead to attitude and behaviour change on the part of men.[72]

Justice reform programmes should endeavour to establish and support groups of men who are committed to ending sexual and GBV in their community. These groups can reinforce the idea that sexual and GBV are not only 'women's issues'.

5 Integrating gender into justice reform in specific contexts

This section attempts to address judicial reform – as it applies to the judiciary, law reform and access to justice – in four contexts: post-conflict, transitional, developing and developed countries. These are extremely broad categories with more than a minimal amount of overlap. As noted at the outset, any justice reform effort is unique and there is no one-fits-all template which applies to all circumstances. However, the following discusses some of the opportunities and challenges for integrating gender into justice reform that tend to be present in particular types of contexts.

5.1 Post-conflict countries

'We need to hear that these atrocities are condemned to at least relieve some of the shame and the grief. It is not just a legal issue. It is about people's lives. Something must be done so the society that was affected by the conflict can invest in peace.'

Isha Dyfan, a lawyer and activist for peace and women's issues and a survivor of Sierra Leone's civil war [73]

Post-conflict environments present numerous challenges to justice reform. The rule of law has almost certainly broken down or is non-existent; the judiciary is dysfunctional, independence has been compromised and corruption in rife. Buildings have been destroyed and offices looted of anything of value. Most qualified personnel have either left the country or are discredited in the eyes of the public. The police have often been part of the problem. Prisons are overcrowded with people that have languished in them for years without charge or trial. Civil society has no confidence in the judicial system, and may itself be in tatters and lack resources of all kinds.

At the same time, there have been countless atrocities committed during the conflict, which now need to be dealt with. Violence and insecurity will increase if the rule of law is not established and the issue of accountability addressed. Many conflicts include massive sexual violence against women and girls, and also men and boys, which needs to be specifically addressed in post-conflict justice reform.[74] Sexual violence and domestic violence often continue at elevated rates after conflict; justice mechanisms that address GBV are an urgent priority.

Despite these challenges, the post-conflict period presents a unique opportunity to adopt strategies for the re-establishment of the rule of law and the promotion of gender equality within the justice sector, as well as the direct participation of women throughout the justice reform process. The peace process and transition from conflict are strategic entry points to promote accountability for GBV and discrimination. Transitional justice initiatives are often important factors in this endeavour.

Transitional Justice

'We feel great pain to know that our attackers, the people who killed our husbands and male relatives, who tortured, raped and mutilated us, have not been punished… many of these people are in exile. It is as if they are being rewarded for the crimes they committed. And what is happening to us here? We have been reduced to suffering, begging and misery. It is as if we are the guilty ones.'

Young Rwandan woman [75]

Transitional justice refers to a range of approaches that societies undertake to deal with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law and respect for individual and collective rights.

Approaches to transitional justice include: domestic, hybrid and international prosecutions of perpetrators of human rights abuses; truth-telling initiatives; providing reparations to victims; institutional reform; and taking into account gendered patterns of abuse to enhance justice for female victims.[76] Addressing sexual and GBV is increasingly understood as a critical priority in transitional justice, for reconciliation and the healing process, as well as to deter reoccurrence.

Ad hoc criminal tribunals

In a number of cases special tribunals have been established with the involvement of the international community to try individuals who committed crimes during a conflict. The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) broke new ground in securing the first convictions for rape and other forms of sexual violence as war crimes, crimes against humanity and acts of genocide. These tribunals were followed by the establishment of 'hybrid' courts in Cambodia, East Timor and Sierra Leone, based on a different model, which are part of the national judicial system but supported by the international community. Box 12 describes some of the measures taken by the Special Court for Sierra Leone to address gender dimensions in its work.

Tips for ad hoc criminal tribunals

Best practice for investigating and prosecuting international crimes of sexual violence (which could also serve as a model for national justice mechanisms) includes the following key elements:

- Political will on the part of the prosecutor to prosecute crimes of sexual violence.
- Designing a prosecution strategy for sexual violence at the outset.

Box 12	The Special Court for Sierra Leone

The Special Court for Sierra Leone started operations in 2002, and continues today. It is mandated to try 'persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.'[77] The Special Court differs from the two *ad hoc* tribunals for the former Yugoslavia and Rwanda in a number of important ways, including that it is seated in Sierra Leone itself, and consists of international and Sierra Leonean judges and staff.

Although sexual violence constituted a crime in Sierra Leone, only the rape of a virgin was generally perceived as a serious crime.[78] In contrast, the Statute of the Special Court adopted a broad definition of sexual violence, including 'rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence'. The Statute explicitly calls for the appointment of gender-sensitive staff to deal with crimes of sexual violence.[79]

The Special Court has made considerable efforts to prosecute crimes of sexual violence, despite relatively low levels of resources and staff at its disposal (as compared with the International Centre for Transitional Justice and the ICTR). Strong political will, particularly on behalf of the prosecutor, to address sexual violence has been critical. The Court adopted a prosecution strategy that incorporated crimes of sexual violence from the outset, and a trial attorney was specifically tasked with the prosecution plan for sexual violence crimes. Two experienced women investigators (out of the team of ten) were assigned to investigate crimes of sexual violence. They adopted a gender-sensitive interviewing method to ensure that victims of sexual violence felt comfortable reporting crimes. Witness preparation was emphasised, to ensure witnesses understood the implications of testifying.[80]

The first judgements of the Special Court, delivered on 20 June 2007, included convictions for rape as a crime against humanity and outrages upon personal dignity (sexual slavery) as a violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II (as well as the first convictions in an international tribunal for the recruitment and use of child soldiers).

- Training for all staff to develop skills in sexual violence investigations and jurisprudence.
- A dedicated team of sexual assault investigators and prosecutors.
- Care for the well-being, safety and dignity of victims of sexual violence, including the provision of information, support and protection services and witness preparation.
- An enabling courtroom environment, where rape victims are treated with sensitivity, respect and care when they come forward to testify. [81]

Truth and Reconciliation Commissions

Truth and Reconciliation Commissions (TRCs) often emerge in the aftermath of conflicts, attempting to overcome the inflexibility and formality of criminal legal processes in establishing accountability for human rights violations. TRCs aim to provide a space for victims to tell their stories by officially recognising and condemning the wrongdoings, and to prevent abuses from reoccurring by confronting impunity. Often, TRCs also make recommendations for reparations programmes and institutional reforms.

A number of recent TRCs, including those in Colombia, East Timor, Peru, Sierra Leone and South Africa have taken steps to internalise a gender dimension in their work. Thematic hearings dedicated to women 'have offered wonderful opportunities to give women voice, but also to ensure that this voice transcends and reaches the public… and to render women's sexual violence explicit'.[82] Other mechanisms used to activate gender mainstreaming in TRC work include: the formation of special research teams dedicated to women (as in East Timor); the dedication of some of the chapters in the final reports of commissions to recording violence against women and its diverse impact on their lives (such as in Peru, Sierra Leone and South Africa); or the explicit attempt to mainstream gender throughout the entire TRC report (as in East Timor).[83]

Tips for truth and reconciliation commissions

For TRCs to adequately address sexual violence and other gender issues:

- Gender justice should be explicitly included in the human rights violations within their mandate. The mandate of the TRC for Sierra Lone, for example, included that that it

should 'work to help restore the human dignity of victims… giving special attention to the subject of sexual abuses'.[84]

- They should adopt an inclusive definition of sexual violence.
- They should have a balanced composition of men and women as commissioners, staff and interviewers.
- Commissioners, staff and interviewers should have specialised training on gender issues, including investigatory training for interviewing victims of sexual and GBV.
- Attention should also be given to the particular support and protection needs of victims of sexual violence when they give testimony. In Sierra Leone, for example, victims of sexual violence were only interviewed by female commissioners and could decide whether they wanted to testify in closed hearings before the commission or in public hearings, and whether their statements should be regarded as confidential. Witnesses who appeared during the closed hearings were provided with food, drink and medical assistance, with transport to and from the hearing venues and, where necessary, overnight accommodation.[85]

Reparations programmes

Reparations programmes are generally established by governments, sometimes on the recommendation of courts or TRCs. They aim to 'compensate in some way a large universe of victims of human rights violations'.[87]

Tips for reparations programmes

To ensure that all victims are included in reparations programmes, and that the reparations offered are appropriate to their needs:

- Gender dimensions must be considered throughout programme planning and implementation.
- Women and women's groups should participate in all stages of reparations programmes.
- Sexual violence should be included in the list of violations that trigger reparations and should be broadly defined. The material dimension of the harm endured by victims of sexual violence should be brought to the fore and compensated for, and psychosocial and medical services should be explicitly included.
- Procedural and evidentiary aspects (such as the evidentiary standards to qualify as a victim) should be defined taking into account the nature of the crimes.

Box 13	The gender programme in the Peruvian Comisión de la Verdad y Reconciliación

Recognising the importance of documenting women's experiences, the Peruvian *Comisión de la Verdad y Reconciliación* (CVR) established a Gender Programme to raise awareness of gender issues in the work of the Commission's interviewers and officials.

The Gender Programme:
- Developed a series of training documents that included communication strategies, suggestions for how to run investigations in the country's provinces and guidelines for interviewers.
- Provided educational materials such as flyers and cartoons..
- Ran workshops to promote gender analysis in CVR areas such as communications, disappeared persons and volunteering.
- Created Gender Programme Links, a working group made up of representatives from each of the CVR's regional headquarters, tasked to work actively in the community to ensure information on gender concerns was being shared.[86]

- Mechanisms should exist allowing victims who do not want to expose themselves publicly to qualify as beneficiaries.[88]

> The greatest shortcoming of reparations programmes is that they are often not implemented. Whilst recent reparations programmes, such as those in East Timor, Guatemala, Peru and Sierra Leone, have been sensitive to sexual violence and other gender issues, implementation is very weak or totally absent.

Tips and recommendations for post-conflict justice reform

- States should ratify or accede to international and regional human rights instruments, including CEDAW, and meet all relevant obligations.
- International legal and policy frameworks should be used as standards for action by States to prevent and eliminate violence and discrimination against women.
- In re-establishing judicial bodies and training and qualification of lawyers and judges, States should strive for an equal balance of men and women in all roles at all levels.
- Women's groups should be included as key partners in transitional justice and justice reform processes, and supported by State agencies and international partners.
- Justice bodies should work with local and international women's organisations and UN and other international agencies to ensure that all staff, including judges, prosecutors and court employees, are trained on gender issues.
- Women's groups should make efforts to highlight human rights abuses and the enabling conditions of gendered violations, provide fora for victims and survivors, recommend reparations that redress injustices, and help ensure that justice reform and transitional justice are responsive to women's and men's needs and experiences.

5.2 Transitional countries

Many transitional countries have the same weak structures of democratic governance and similar needs as post-conflict countries. While the international community may still be involved there are generally fewer resources. Other challenges facing many transitional environments are corruption, interference with the judiciary and an overall lack of transparency.

Nevertheless, when elections are held and the government systems, institutions and legislations reformed, there is a crucial opportunity to enhance women's rights in society, and increase the responsiveness of the justice system to gender. Promotion of equality between men and women, a prohibition on discrimination, and protection against GBV should be manifested in any new constitution and legislation, including as regards access to land and property, marriage, divorce, custody, inheritance and citizenship laws.

Obligations of or aspirations for membership of regional organisations can provide incentives for gender-responsive justice reform. Many transitional countries are members, or want to become members, of regional organisations, such as the African Union, the European Union and the

Organization of American States. These unions usually promote ratification and implementation of international and regional conventions concerning human rights and gender equality. The standards and recommendations of regional organisations can provide a benchmark for addressing gender issues in justice reform processes.

- In 2000, the European Union adopted two Directives (Directive 2000/43/EC and Directive 2000/78/EC) prohibiting direct or indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. These texts contain precise definitions of direct and indirect discrimination and of harassment. In addition, a Community action programme against discrimination provides for back-up measures (dissemination of information, awareness-raising, the sharing of experiences, training, access to justice, etc.) to help ensure the application of and effective compliance with anti-discrimination legislation.[89]

Tips and recommendations for justice reform

- States should ratify international and regional human rights instruments, including CEDAW, and meet all obligations of such instruments.
- Women's rights should be enshrined in constitutional and legislative reforms.
- Regional organisations, such as the African Union and the European Union should utilise the opportunity of accession negotiations with new members to strengthen gender-based rights and access to justice in all member States.

5.3 Developing countries

Developing countries face many of the same challenges as post-conflict and transitional countries, however with still fewer resources. Huge segments of the population may be living in poverty in rural areas with little to no access to the formal justice system. Traditional practices violating human rights of women and men are often practiced with impunity.

Tips and recommendations for justice reform

- States should ratify international and regional human rights instruments, including CEDAW, and meet all relevant obligations.
- Access to justice in rural areas, especially for women, should be addressed through education, public awareness campaigns and legal literacy programmes.
- Statutory recognition of traditional justice mechanisms should be qualified by respect for human rights laws and principles. Efforts should be made to engage with traditional justice mechanisms to modify practices that violate human rights, paying particular attention to how matters concerning gender-based violence, women's land ownership and marriage are dealt with.
- Parliament and the courts should ensure that 'honour' killings and dowry deaths are criminalised and perpetrators punished for murder.

5.4 Developed countries

Most developed countries are also in the process of addressing issues of gender equality, sexual harassment, discrimination and GBV in and through their justice systems. The Council of Europe, for example, has documented how over the last thirty years, the legal status of women in Europe has undoubtedly improved, but effective equality is far from being a reality. Women are still marginalised in political and public lives, paid less than men for work of equal value, find themselves victims of poverty and unemployment more often than men and are more frequently subjected to violence. Women remain a significant minority of judges in most countries.

It is critical that relevant national machinery and NGOs continue to monitor the progress of gender equality and hold governments accountable. Capacity and funding are often available to gather statistics and carry out research with regard to human rights violations as well as to develop and fund programmes to address such violations.

- In 2005 **Canada** became the fourth country in the world, joining Belgium, the Netherlands and Spain, to legalise same-sex marriage.[90]

- **Portugal'**s 2006 Criminal Code pays particular attention to the crime of domestic violence, altering the nature of the offence. The code now includes ill-treatment involving former spouses, people (of the same or opposite sex) having lived in spouse-like situations and people in spouse-like relationships who do not live together. It also deems there to have been an offence following the occurrence of a single serious act of ill-treatment, whereas the previous legislation only did so following repeated ill-treatment.[91]

- In 2006 the **US** passed into law the Trafficking Victims Protection Reauthorization Act (TVPRA). The TVPRA holds US citizens accountable for acts of human trafficking, including buying commercial sex or utilising child labour while engaged in a peacekeeping mission or federally funded contract abroad. Notably, the TVPRA shifts the focus of concern from solely transnational victims to include US nationals who are victimised within the borders of the US, and provides grants to local governments and NGOs to improve services to trafficking victims.[92]

Tips and recommendations for justice reform

- States should ratify international and regional human rights instruments, including CEDAW, and meet all relevant obligations.

- Constitutions and legislation should be reviewed on an ongoing basis for compliance with treaty obligations and human rights instruments.

- Strong institutional mechanisms should be in place, to monitor and guide progress towards gender equality, including within the justice system and the judiciary.

- Measures should be instituted to increase representation of women in high-level positions within the judicial sector, including as judges and prosecutors.

- Developed countries can fund gender justice programmes in post-conflict and transitional countries.

6 Key recommendations

1. **Planning:** International and national actors should promote partnership among all justice reform stakeholders (judiciary, police, corrections, prosecution, lawyers associations, women's groups and civil society) to design a justice reform strategy and assessment plan that addresses gender issues. To be sustainable, the justice reform process, from planning and assessment through to implementation and evaluation, must be locally owned.

2. **Assessment:** A thorough assessment of the justice sector should include women and men's differential experiences with access to and participation in the justice system. The assessment should be led by local actors, although international actors can provide valuable support and technical assistance. Participation by a wide range of stakeholders, including women's groups, is critical to identifying and understanding challenges specific to the situation, including cultural practices, attitudes and behaviours that may affect how justice is accessed.

3. **International and regional human rights conventions**, including the Convention on the Elimination of All Forms of Violence against Women (CEDAW) should be acceded to (without reservations), ratified and implemented.

4. **Reform laws and policies** to ensure that principles of non-discrimination, gender equality and affirmative action are enshrined. Special attention should be paid to laws concerning family, marriage, employment, land ownership and inheritance, sexual orientation and gender-based violence.

5. **Gender-based violence:** Ensure that the justice system prohibits, penalises and provides remedies for all forms of gender-based violence, in a manner that protects and promotes the rights of victims. Rules of evidence and procedure should be reviewed to ensure that they are not based on harmful stereotypes, or lead to 're-victimisation' of survivors. Consider special measures to deal with sexual and domestic violence, such as: special courts and investigation teams; centres that bring all the relevant personnel (police, prosecutors, health specialists, counsellors etc.) to one place; and victim and witness protection measures.

6. **Access to justice** should be increased through legal literacy programmes, use of paralegals where appropriate, and legal aid. Programmes should pay particular attention to the barriers to justice for women, people in rural areas, illiterate people, minorities and the socially marginalised.

7. **Traditional justice mechanisms** should be included in justice reform measures, and scrutinised to understand how they may impact men and women differently. Interventions should be made to address human rights abuses, including discrimination against women.

8. **Gender bias in the judiciary:** Measures should be implemented to identify and counter gender bias, including by judges, prosecutors and staff. All judicial system actors (judges, prosecutors, staff, Truth and Reconciliation Commissions, traditional elders etc.) should be educated in gender issues, laws, regional and international obligations, and where relevant, specialised training on handling crimes of sexual and domestic violence.

9. **Reform the judiciary** so that it is more representative of the society it serves. Women and minorities in high-level positions will give the justice system added legitimacy and credibility in the eyes of the community, and special measures should be implemented to promote their inclusion.

10. **Strengthen oversight and monitoring** of how the justice system addresses gender issues, and how gender justice reforms are implemented.

11. **Public education** campaigns to change social attitudes that perpetuate violence against women and discrimination can be part of programmes to educate communities about their rights and increase access to justice.

12. **Civil society, including women's organisations,** should be supported as partners in the justice system and in justice reform. Civil society plays important roles in lobbying for law, policy and procedural reforms, providing legal services and promoting access to justice, as well as in monitoring the justice system. Funding and support to civil society actors as well as ongoing training to build capacity can be an extremely effective and efficient method of supporting justice reform efforts.

7 Additional resources

Useful websites

US National Center for State Courts (provides links to numerous tools, guidelines and handbooks to address gender fairness in the courts as well as how to create gender-neutral courtroom procedures) - http://www.ncsconline.org/

Council of Europe, Stop Violence Against Women Website http://www.coe.int/t/dg2/equality/domesticviolencecampaign/default_en.asp

International Legal Assistance Consortium – http://www.ilac.se

UN Division for the Advancement of Women CEDAW website, including country reports and reporting guidelines - http://www.un.org/womenwatch/daw/cedaw/reports.htm

Practical guides and handbooks

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Justice Reform and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into justice reform, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to justice reform?

Justice reform includes not only reform of laws but also the development of policies, procedures and mechanisms that allow for the practical implementation of laws and equal access to the justice system. The goals of justice reform include developing: a constitution and laws based on international standards and human rights instruments; an effective, impartial and accountable judiciary; an integrated approach to criminal justice; and mechanisms for oversight of the justice system.[1]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Reform discriminatory laws and promote human rights

- Many countries maintain laws that are overtly discriminatory with regard to land ownership, inheritance (see Box 1), gender-based violence (GBV), child custody, employment and other issues. Discriminatory laws and regulations need to be reformed in compliance with international human rights law.

Effective, non-discriminatory delivery of justice services

- Stereotypes, discriminatory attitudes and procedural barriers should not undermine the delivery of justice services. All judicial personnel should receive training on gender issues, including appropriate responses to domestic violence and discrimination on the basis of sex or sexual orientation.

- In order to end impunity for GBV, the judiciary needs to be trained in international and national legislation on gender issues.

Ensure equal access to justice

- Men and women have the right to be afforded equal access to justice systems, including through the courts, transitional justice mechanisms, traditional/customary systems and alternative dispute resolution. However, there are many obstacles to women's access to justice including: lack of knowledge about legal rights, corruption, fear of testifying, lack of resources, language barriers and lack of child care.

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

Box 1	Overcoming discrimination in inheritance practices in Kenya

Jane Watiri petitioned the court to award her one half of a parcel of land that belonged to her deceased father on which she lived with her four children. Her brother objected, arguing that he had cultivated a larger portion of the land during his father's lifetime than his sister and therefore was entitled to that larger portion.

Senior Principal Magistrate H. A. Omondi found that under Kikuyu customary law, an unmarried woman like Watiri lacked equal inheritance rights because of the expectation that she would get married. Magistrate Omondi held that this customary provision discriminated against women in violation of Section 82(1) of the Kenyan Constitution, which prohibits discrimination on the basis of sex. It also violated Article 18(3) of the Banjul Charter and Article 15(1)-(3) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which provide for legal equality between men and women. Consequently, Magistrate Omondi awarded Watiri and her brother each an equal share of their father's property.[2]

Representative and legitimate justice sector

- If the justice sector is to gain credibility and trust in the eyes of the community, the reform process must include the participation, and address the needs, of all members of society including women.
- To increase legitimacy, justice sector personnel should be representative of the population they serve. Currently women are largely under-represented at most levels in the judicial system, including as judges and lawyers.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into justice reform is not only a matter of operational effectiveness; it is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW, 1979)
- *United Nations General Assembly Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women* (1998)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into justice reform?

Gender-responsive law reform

- Accede to and ratify international and regional human rights treaties and conventions.
- Reform the constitution so that it guarantees the equal enjoyment of human rights and gender equality, and prohibits gender-based discrimination and violence.
- Review existing national legislation and enact new laws to prohibit gender-based discrimination and violence.
- Engage with traditional justice mechanisms to ensure that they uphold basic human rights, including women's rights.

Non-discriminatory procedures and practices

- Scrutinise judicial procedures and practices to ensure that they do not improperly discriminate against women or other groups in society.

Special measures to address GBV

- Establish special measures in relation to sexual and domestic violence for the protection of witnesses and victims and to increase the number of cases going to trial. Special measures can include gender-sensitive roles of evidence and procedures that are not based on harmful stereotypes and that avoid the 're-victimisation' of survivors (see Box 2).

Gender training

- Deliver training on women's rights (derived from national, regional and international laws and obligations), legal procedures for GBV and the 'gendered' impact of the judicial system to all actors within the judicial sector, including: judges, prosecutors, defence counsel, private lawyers, court personnel, police and paralegals.

Access to justice

- Employ paralegals to build legal literacy of the general population through teaching people how to access the justice system, what their legal rights are and how to utilise available legal resources.
- Provide legal aid to marginalised populations, including women.
- Support civil society organisations (CSOs), including women's organisations, that facilitate access to justice (see Box 3).

Box 2	Special mechanisms for victims of sexual violence in South Africa

In response to low conviction rates, South Africa introduced Sexual Offences Courts and Thuthuzela centres. Sexual Offences Courts are specialised courts designed to streamline the handling and prosecuting cases of sexual abuse; the personnel have all been specifically trained to deal with sexual offences. Thuthuzela, or comfort, centres are attached to these courts and serve as a one-stop service for rape victims. A centre is manned by a project manager and provides police services, health care, counselling and legal services all under one roof, allowing for improved management of rape cases. Conviction rates have increased to 75–95% and the typical case is now resolved within 6 months from the date of the first report. Prior to these centres, case resolution took on average 18 months to 2 years.[3]

Representative judicial sector

- Promote the equal representation of women and men in the justice system through initiatives to increase female recruitment, retention and advancement. Temporary special measures, or affirmative actions, such as law scholarships or quotas may be required to speed progress towards parity (see Box 4).

Oversight and monitoring

- Include key stakeholders from the judiciary, prosecution authority, law associations, police, prisons, civil society, women's networks and NGOs in justice reform processes.
- Strengthen gender-responsive international, national and civil society oversight and monitoring mechanisms. For instance, the national women's machinery or a task force on gender bias in the courts can work to hold the justice system accountable for the elimination of gender bias in the courts, discrimination on the bench, or improper prosecution of GBV cases.

Also available in Tool 4...

- 'Nine Ps of Gender and Justice Reform'
- Best practices in the legal definition and criminalisation of rape
- Tips on establishing a task force on gender bias in the courts
- Good practices for engagement with traditional justice mechanisms
- Tips for the integration of gender into Truth and Reconciliation Commissions

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Post-conflict challenges and opportunities

The post-conflict period presents a unique opportunity to adopt strategies for the re-establishment of the rule of law and the promotion of gender equality within the justice sector, as well as the direct participation of women throughout the justice reform process. The peace process and transition from conflict are strategic entry points to promote accountability for GBV and discrimination. Transitional justice mechanisms, such as ad hoc criminal tribunals, truth and reconciliation commissions and reparations programmes, are often important factors in this endeavour.

Box 3	Increasing public access and awareness in Timor Leste

In Timor-Leste, Fokupers, a non-governmental organisation, provides accessible legal aid services for female victims and raises public awareness of domestic violence and women's legal rights. Its information brochures are distributed to service providers, religious institutions, government agencies and lawmakers.[4]

Challenges for the integration of gender issues

- The judiciary is often dysfunctional, its independence compromised and corruption rife.
- Many conflicts include massive sexual violence against women and girls, and also against men and boys, which needs to be specifically addressed in post-conflict justice reform.[6] Sexual and domestic violence often continue at elevated rates after conflict; justice mechanisms to address GBV are an urgent priority.
- The police and penal system are part of the problem: police not having the capacity or will to effectively respond to GBV cases and prisons being overcrowded and rife with abuse.
- The general public, especially women, often have no confidence in the judicial system.

Opportunities for the integration of gender issues

- There may be more political will of the international community, international organisations and newly-established governments to invest in gender-responsive justice reform processes.
- The peace-building process can create entry points for the direct participation of women and other key stakeholders in the justice reform process, giving them the opportunity to express their needs and priorities.
- Justice reform processes open up the opportunity to provide gender training and recruit more women and other under-represented groups.
- There may be widespread support for the establishment of transitional justice mechanisms, which provide an opportunity to incorporate gender issues, including the effective prosecution of GBV.

Box 4	More female judges in the European Court of Human Rights

The European Parliamentary Assembly in its Resolution 1366 (2004) decided that it would no longer consider lists of candidates for the European Court of Human Rights that did not include at least one candidate of each sex. This rule was changed a year later to allow for unisex candidate lists, provided they were from the under-represented sex on the Court (currently women). When this measure was decided upon, there were 11 female judges to 32 male judges: women made up only 26% of the Court's composition. As of April 2007, the situation had improved, although only slightly: there were 14 female judges to 32 male judges; women making up 30% of the Court's composition.[5]

? Questions for justice reform

One of the best ways to identify entry points, strengths and weaknesses for incorporating gender perspectives into justice reform is to conduct an assessment. Below are some sample questions on gender issues that could help to make judicial assessment, monitoring and evaluation more complete.

- Which international and regional human rights instruments have been ratified?
- Do the constitution and national laws conform to international and regional human rights obligations, including with regard to gender equality and GBV?
- Do traditional and religious laws and customs include discriminatory practices?
- Are adequate laws in place to prevent discrimination – e.g. laws that prohibit: discrimination against women and men with HIV/AIDS; discrimination or dismissal on the grounds of pregnancy, maternity leave or marriage; and sexual harassment in the workplace?
- Is there de facto and/or de jure discrimination in the laws or the way they are applied?
- Do women and men, in both rural and urban settings, have full and equal access to the justice system?
- Are gender-responsive legal literacy programmes in place?

- Are cases of GBV adequately processed and sanctioned? Are special mechanisms in place to protect and support witnesses and victims?
- Have all justice sector personnel received adequate gender training?
- Do female offenders have equal access to alternatives to imprisonment?
- Is the justice sector budget gender-responsive, such as including funding for gender training or legal aid for women?
- Are policies and procedures in place to increase the equal representation of men and women in the justice system?
- Are CSOs, including women's groups, fully included in justice reform processes and oversight and monitoring bodies?

More information

Resources

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OECD DAC – **OECD DAC Handbook on Security System Reform – Supporting Security and Justice**, 2007.

Texas Center for Legal Ethics and Professionalism – **Guidelines for Gender Neutral Courtroom Procedures**, 2001.

UNDOC – **Criminal Justice Assessment Toolkit**, 2006.

World Bank – **Gender Justice and Truth Commissions**, 2006.

Organisations

International Legal Assistance Consortium – www.ilac.se

ICTJ – www.ictj.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel

Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Nadia Nieri of UN-INSTRAW, based upon Tool 4 authored by Shelby Quast.

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Penal Reform and Gender

International Centre for Prison Studies

Penal Reform and Gender

International Centre for Prison Studies

About the Authors
The International Centre for Prison Studies seeks to assist governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment. It carries out its work on a project or consultancy basis for international agencies, governmental and non-governmental organisations.

It aims to make the results of its academic research and projects widely available to groups and individuals, both nationally and internationally, who might not normally use such work. These include policy makers, practitioners and administrators, the media and the general public. Such dissemination will help to increase an understanding of the purpose of prison and what can be expected of it.

Editors
Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on Penal Reform and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSO	Civil Society Organisation
GBV	Gender-Based Violence
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
LGBT	Lesbian, Gay, Bisexual & Transgender
NGO	Non-Governmental Organisation
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
WHO	World Health Organisation

Penal Reform and Gender

1 Introduction

The penal system is a vital part of the security sector. Any state run according to the rule of law must have a justice system that is able to impose sanctions, where appropriate, on those convicted. Most countries have an array of sanctions, ranging from warnings and community service to imprisonment. The penal system ensures that the law is enforced and respected. It also protects society by removing from circulation those who pose a serious threat of harm to others, deterring would-be offenders, rehabilitating offenders and showing society's disapproval of their acts. However, the discrimination that pervades justice systems in general is also found in many penal systems, as can be observed in their sentencing procedures and the way penalties are administered. Integrating gender issues – the different needs, rights and abilities of women, men, boys and girls – into penal reform processes will help build an effective penal system that is non-discriminatory, meets human rights standards, and promotes prisoners' rehabilitation.

This tool on penal reform and gender provides guidance on responding to gender issues within penal systems. It aims to assist those responsible for management, policy making or reform of prisons within their own countries; international and regional actors supporting prison reform; as well as parliamentarians, civil society organisations and others that play a role in overseeing and monitoring prisons.

2 What is penal reform?

Penal reform is the process of changing a penal system to bring it into line with the rule of law and the international human rights framework. It aims to ensure sanctions that are proportionate, non-discriminatory and rehabilitative. In particular, it aims to change prison institutions into places that respect individual human dignity, and ensure that those imprisoned are afforded their legal rights.[1] Developing civilian-run prisons that are linked to the national health and welfare systems and have strong local links to assist social reintegration and rehabilitation can make an important contribution to crime control and community harmony and stability.[2]

Penal reform involves changes to the whole sanctions system, including custodial and non-custodial practices. Poor countries usually provide few alternatives to either pre-trial detention or to prison sentences. Fines can be court-ordered sanctions in most countries, but many of those fined subsequently end up in prison because they cannot afford to pay the fines. Developed countries usually have a range of alternatives to prison, including bail for those awaiting trial as well as sanctions such as supervision or community work for sentenced offenders.

Because of the predominant place of prison in penal systems and the potential for abuse and torture in prisons, most penal reform activities focus on prison reform. Prisons are generally run by governments, although certain governments have contracted private companies to manage a number of their prisons.

Prisons in all countries of the world serve two functions: to hold pre-trial detainees and those convicted by a judicial process to serve prison sentences as punishment for their offences. In some countries, people are held in administrative detention that is outside judicial processes, and prisons may exist that are run by the security service outside of the regular prison system. People are also detained outside the penal system, such as in secure mental hospitals or immigration detention. Reform of these systems is not seen as part of penal reform, since such detention does not fall within the criminal justice system.

Penal reform activities are dependent on governments since they are the only ones that have the authority to impose sanctions and deprive people of their liberty. However, agents of reform can be non-governmental organisations (NGOs), lawyers, intergovernmental bodies, and other entities in the administration such as human rights commissions or coalitions.

Problems widely found in penal systems include:

Under-resourcing of the means to process non-custodial sanctions and measures so that imprisonment is imposed in cases where a non-custodial sanction might be more proportionate and less damaging.[3]

Over-use of pre-trial detention when release to await trail in the community would be more proportionate.[4]

Imprisonment when a health or welfare intervention would be more just and appropriate.[5]

Poorly trained and underpaid **prison staff**.[6]

Corruption that is deeply embedded in many systems and difficult to eradicate because of low staff pay, and lack of transparency and effective oversight mechanisms.

A range of human rights abuses in prisons including:

- **Overcrowding –** to be found in almost two-thirds of prison systems worldwide. At a minimum, this can mean three people cramped into a cell meant for one person, and, at the worst, that prisoners have to take turns lying down to sleep while fellow inmates tie themselves to the cell bars and sleep standing up.[7]

- **Scarcity of resources** so that buildings are insecure and crumbling, food and medicine are in short supply,

and some prisoners only survive through contributions brought in by their families.

- **Infectious diseases** that spread rapidly and increased rates of mental illness.[8]

- **Violence and brutality** by prison staff against prisoners and between prisoners, with stronger prisoners running the prisons and imposing their control by terrorising others, as well as widespread sexual violence.

- **Severe lack of both rehabilitative activities** and arrangements for re-integration into society on release.

Penal reform activities need to be appropriate to the context. Although justice systems have many common features, the sanctions system and the assumptions underlying the operation of prisons in any country are affected by the type of legal system in place, as well as by cultural, historical and socio-economic factors.

Penal reform can involve a wide range of actions such as:

- Transferring control of the prison from the military or the police to civilian authorities.

- Training prison staff to adopt an approach to prison management based on human rights.

- Convincing a prison administration that security could be ensured without the heavy iron bars covering cell windows, and that their removal would increase exposure to light and air and thus help prevent the spread of diseases.[9]

- Raising the minimum age of criminal responsibility so that child offenders are dealt with under the social welfare system rather than under the penal system.[10]

- Establishing a system of legal aid and advice for prisoners given by volunteers where trained lawyers and public financing are not available.[11]

- Forming groups of citizens to visit prisons and report on abuses and treatment.

Obstacles to penal reform include:

- Political unpopularity of those who are seen as lawbreakers;

- Competition for resources from causes seen as more worthy of support;

- Low priority given to the penal system within the wider justice system;

- The closed nature of the prison system, which makes it easier to keep out the media and the public on security grounds, and thereby to conceal abuse.

The benefits of comprehensive reform of the penal system include better crime control and rehabilitation, which can directly increase community security, and enhance protection of the human rights and dignity of prisoners.

3 Why is gender important to penal reform?

> **Gender** refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.
>
> **Gender mainstreaming** is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[12]

> **For more information see Tool on SSR and Gender**

3.1 For penal institutions to meet human rights standards

International and regional conventions on human rights prohibit inhuman and degrading punishment or treatment, and require that all persons deprived of their liberty be treated with respect for the dignity of the human person. These and international and regional laws on the administration of justice and prisons must be applied consistently with the prohibition of discrimination on the basis of sex. To meet these obligations there has to be an understanding of the importance of gender differences and a willingness to develop policies and adopt practices that ensure that the human rights of men, women, girls and boys are respected. Further, a number of penal standards set out specific obligations to address the needs of women prisoners.

> **See Annex on International and Regional Laws and Instruments**

Taking into account gender differences is important for human rights compliance because prisons are abnormal single-sex institutions based on coercion. Prison environments are conducive to sexual violence and are dangerous places for vulnerable people. In prisons for men, male rape and other forms of sexual exploitation are common.[13] Prison staff are sometimes involved in corruption, torture, sexual violence and procuring prisoners for other prisoners to abuse.[14] Young male prisoners are very vulnerable to such exploitation. Women prisoners can face sexual abuse from male staff. Prisoners who do not confirm to traditional gender roles (e.g. gay, lesbian, bisexual and transgender prisoners) are at particular risk of violence.[15] When in prison, minority and indigenous people face distinct forms of discrimination, which are often compounded for minority and indigenous women.[16] Prison regimes that aim to minimise the differences between prison life and life in open society are more likely to reduce levels of violence

inside prisons. Good arrangements for family visits (including private family visits) are likely to defuse tension.

Much of prison life revolves around security procedures and in many systems the measures used to maintain security involve intrusive and humiliating procedures such as strip searching, internal searching, or forcing prisoners to squat on mirrors or urinate in front of prison staff to collect samples for detecting drug use.[17] Searching by prison staff of the opposite sex is permitted in some systems. However, the need to protect prisoners from harassment and abuse can come into conflict with equal opportunity legislation that opens up all posts in prisons to both men and women. Dignity and respect are often compromised by aspects of prison life such as bathing and toilet facilities that offer no privacy because they are not closed off, and ill-fitting or dirty clothes for prisoners issued from a common pool.

Instituting gender-responsive policies and practices within the prison system can help prevent human rights violations and ensure an effective response if they do occur. If a state has inadequate policies and practices in place to deal with these matters it is not meeting its human rights obligations.

3.2 To ensure equitable penal policies that do not discriminate

Sentencing policies can be discriminatory. Women may be held in pre-trial detention unnecessarily and may face harsher sentencing because of a perception that only very 'bad' women commit crimes. Detention and sentencing policies can have a different impact on men and on women, particularly in cases where women are the main carers in the family unit. In some jurisdictions women are less likely to be given non-custodial sanctions because facilities that are available to men are not available to women.[18] Lesbian and gay defendants may face discrimination in sentencing because of stereotyping and prejudice on the part of the judiciary. People from minority and indigenous groups tend to be disproportionately represented in the prison population.

Most prison systems do not provide equal outcomes for men and women. The proportion of women held in any prison system throughout the world varies between 2% and 9%.[19] One consequence of this minority status is that prisons and prison systems and policies tend to be organised on the basis of the needs and requirements of male prisoners. The profile of women prisoners is different from that of male prisoners. Women are more often imprisoned for acquisitive crime and are less likely to be found guilty of serious violence, criminal damage and professional crime. Women are particularly vulnerable to being detained because of their inability to pay fines for petty offences and/or to pay bail. Women prisoners nearly always face a structural situation that is discriminatory. They are subjected to security levels grossly disproportionate to the risks they pose because the security requirements apply to the whole prison system and no special policies are deemed to be necessary for women. Because they are a minority, the training of prison staff usually neglects the special situation of women prisoners. As such, education and training programmes often focus on meeting the requirements of male prisoners. The Special Rapporteur on prisons in Africa notes that in South Africa: 'In most of the prisons, vocational training for trades such as woodwork, metal work, steel work and building is given only to male inmates. In the Durban Female Correctional Centre, women are engaged in sewing and laundry only and, because there are few machines, not all of them participate.'[20]

Sometimes the small number of women prisoners means there is only one women's prison for a whole country. Because women are more likely to be held far from their homes, it is difficult for their families to visit them, and so prison disproportionately affects their right to family life. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment notes that women 'are often held at a small number of locations (on occasion, far from their homes and those of any dependent children), in premises which were originally designed for (and may be shared by) male detainees. In these circumstances, particular care is required to ensure that women deprived of their liberty are held in a safe and decent custodial environment.'[21]

Lesbian, gay, bisexual and transgender (LGBT) people in prison also face discrimination. A study in the US shows that gay and lesbian young people in custody can be held in isolation ostensibly for their own protection. A court in Hawaii was given extensive evidence of assaults against such young prisoners.[22]

> *'When I arrived at [the juvenile detention facility] they ripped the weave out of my hair, broke off my nails, wiped my makeup off, stripped me of my undergarments, and made me wear male underwear and clothes.'*
>
> From interviews with a young transgender prisoner in the US [23]

State institutions are obliged to prevent discrimination. Ensuring that penal policies take account of gender helps to identify discrimination against women and girls as well as men and boys in prison, and shapes actions to eliminate it.

3.3 To achieve prisoners' reform and rehabilitation

Prisons do not hold a representative sample of the adult population in any country. Discrimination in society at large is reflected in prisons. Poor people and those from socially marginalised groups are much more likely to end up in prison. Most people who come into contact with the penal system as defendants or convicted individuals are from the most disadvantaged groups in society, often with backgrounds of violence and sexual abuse. Four out of five women in prison in Canada report that they have been abused in the past.[24] However, more resources are spent by society on processing them through the criminal justice system and on their subsequent imprisonment than on repairing the harm suffered by them in their earlier lives.

Penal systems must recognise the needs of the population they are dealing with and ensure that help is

provided for victims of violent past lives. Many of the women in prison will need substantial counselling help to enable them to deal with their past experiences. Many juveniles and young people in prison come from violent home backgrounds or have been brought up on the street in some form of gang culture.

Dealing with these problems is essential if people from such backgrounds are to move on to living their lives without committing crimes and inflicting violence on others. If such problems are not addressed, prisons will continue to let people onto the streets upon release who may have become even more brutalised and damaged by their prison experiences. Many who enter prison as minor lawbreakers may emerge as more hardened and dangerous after release.

3.4 To promote better public health

Prisons are unhealthy places and many of those sent to prison are in very poor health. Diseases such as HIV/AIDS and Hepatitis B and C are much more common amongst prisoners than in the general population because they constitute a high percentage of poor people with limited or no access to health care, as well as a relatively high number of illicit drug users. Poor health conditions in prisons and sexual violence or sexual activity amongst prisoners can lead to the transmission of such diseases. Policies to make condoms available in prisons have been recommended by WHO and UNODC, and have been adopted in some countries.[25] Curbing the prevalence of transmissible diseases in prisons is vital, not least because prisoners take their infections home with them to their partners and children on release.

Women in prison have particular health problems that require specific attention. In some countries the rates of mental illness amongst women prisoners are very high.[26] Many suffer from various gynaecological conditions that need treatment. Women may also come to prison pregnant. In many countries, a baby born in prison may be allowed to remain there with the imprisoned mother, as may very young children who accompany their mothers to prison. Prisons thus become responsible for the protection, health and development of these children in their earliest years.

Consequently, ensuring that prison health care policies and practices take into account the different health needs of women, girls, men and boys is integral to promoting better public health.

3.5 To promote equal treatment and participation of men and women as penal sector staff

Women working in prison systems as employees also face discrimination and violence. They are often restricted to working either with women prisoners or in administrative roles and their prospects of moving up the hierarchy are limited. In only a few countries do women have the same employment opportunities as men and become directors of large prisons holding male prisoners.

Reports from a number of countries suggest that women working in prisons for men are subjected to harassment and discrimination from their male colleagues.[27] Similar treatment is also often reported by gay and lesbian employees.

4 How can gender be integrated into penal reform?

However reform is conceived and carried out, attention is needed to ensure that gender matters are considered. Too often prison manuals and reform guidelines are silent on the level of gender-based violence (GBV) in prisons, the particular needs of women and juveniles, and the discrimination prevalent in prison systems across all regions of the world.

No prison or penal reform context is identical, and men and women in different places have different needs. The following are suggestions for the integration of gender issues into penal reform, which may be adapted to the specific context in which the reform is taking place. Some particular challenges and opportunities that may exist in post-conflict, transitional, developing and developed contexts are discussed in Section 6.

4.1 Ensure that penal policies are appropriate to both male and female prisoners

Most penal systems operate, or are expected to operate, according to the law and to operating procedures. Little scope is given for discretion and individualised treatment. Rarely do sentencing guidelines incorporate any recognition of gender differences and their implications. Governments do not always collect the data that would enable judgements to be made about whether policies are appropriate to the whole population. This is problematic considering how penal policies have often been designed to meet the needs of male prisoners. To ensure that policies are more appropriate and non-discriminatory, the penal system needs to be analysed specifically to see how it can deal fairly with all (see Box 1). Areas to consider are:

- Use of **pre-trial detention** – Are women detained on the basis of different criteria than those used for men – e.g. regarding the need for psychiatric reports or protection – when detention is not necessary? Are family responsibilities taken into account when pre-trial detention is being considered?
- Does **sentencing practice** reflect gender-based disparities? Could sentencing guidelines and advice to the judiciary include consideration of the social impact of the sentence on those with primary caring responsibilities? *The Russian Penal Code stipulates that a prison sentence for a pregnant woman, or a woman with a young child, convicted of a minor offence is automatically suspended until the child reaches the age of 14. If the woman concerned is not re-convicted in the interim period, the sentence is not activated.[28]*

- Does the system of **non-custodial sanctions** work well for women? Are they proportionately represented in such sanctions? [29]
- Does the prison population include substantial numbers of people with a **background of experiencing gender-based violence**? Would they be better dealt with in the health or welfare system?
- Does the **record-keeping** of the administration enable conclusions to be drawn about the treatment of different groups? Are all statistics broken down to show sex and age? Is this data made available to the public, the media and parliament so that groups concerned with women, LGBT people and children can assess the treatment these groups are accorded?

4.2 Ensure oversight and complaints mechanisms address gender

Introducing external monitoring and control is a key strategy for raising the standards in prisons and ensuring better treatment of prisoners. A competent body independent of the prison administration should be able to inspect the conditions of imprisonment, assess whether there is ill-treatment and report to a government entity that has the power to act on their findings. Effective complaints machinery is also a basic requirement. These mechanisms are essential because prisons are a closed world, holding some of the most vulnerable people in any society, and those who work in prisons have significant power over prisoners.

Oversight and complaints mechanisms fail to fulfil their role, however, if they are not sensitive to gender and discrimination and fail to identify and report on GBV.

Effective monitoring

Introducing a national monitoring or inspection system can:

- Help protect prisoners from abuse and ill-treatment, including gender-based violence.

- Promote a culture of respect where all prisoners, regardless of their sex, sexual orientation or origin, are treated with dignity.
- Create a climate where abuses such as GBV are exposed and not shrouded in a culture of impunity.
- Help protect men and women prison staff from false accusations through independent evaluations of complaints against them.

Inspection mechanisms can take different forms:

- Specially appointed judges
- Civil society organisations
- Specially appointed prison inspectors
- Human rights commissions
- International monitoring bodies

Not all inspection mechanisms are effective and not all pay appropriate attention to gender issues. Outsiders visiting prisons can easily be kept away from what the prison officials do not want them to see, especially matters relating to GBV, to which prison officials often close their eyes. Prisoners who have been victims of violence can be punished for speaking to inspectors. Compliant prisoners may be chosen to meet the inspectors and give them a rosy view. Civil society organisations, dependent on government support and funding, may not carry out the task adequately because of fears that their funding and recognition will be endangered if they speak out frankly about what they find, or because they lack the training or expertise needed to uncover sensitive issues such as rape.

To ensure effective inspection procedures that take gender into account:

- Those undertaking an inspection must be able to communicate with and gain the confidence of all prisoners. Inspection teams should, therefore, include men and women.
- Inspectors must have unrestricted access to all parts of the prison at all times so that no prisoners can be kept out of sight.
- Inspectors must have the right to carry out unannounced visits and be immediately admitted.

Box 1	External review of women's imprisonment in Australia

The Anti-Discrimination Commission of Queensland, Australia, carried out a review of women's imprisonment to establish how far the Department of Corrective Services met the requirement to provide corrective services 'through the humane containment, supervision and rehabilitation of offenders' without discrimination. The Commission concluded that:

- Security classification instruments and procedures could result in women being over-classified.
- The best interests of children are not considered, either in sentencing, or in prison.
- Mental health issues are often ignored.
- Women from indigenous groups face particular discrimination.

The report made a number of recommendations including better training for staff on non-discrimination and establishing an independent inspectorate reporting to Parliament.[30]

This process demonstrates the advantages of having an independent body – with a concern for combating discrimination – review the penal system. A comparable review was carried out in England and Wales by a Member of Parliament. It recommended women's centres as an alternative to custody, and small local custodial units housing 20-30 women to gradually replace the system of women's prisons.[31] Such external reviews will often come up with more radical recommendations for change than an internal review process.

Box 2	HM Chief Inspector of Prisons for Scotland: inspecting prisons for humanity, decency and respect

In order to make clear that he was independent and that he based his standards for imprisonment in the international human rights framework, the Chief Inspector of Prisons for Scotland commissioned a new set of inspection standards covering three areas:

- Safety
- Decency, humanity and respect for legal rights
- Opportunities for self-improvement and access to services and activities

Below is an extract of the *Standards Used in the Inspection of Prisons in Scotland* as regards searches and family visits.

Outcome
Prisoners are treated with respect by prison staff.

Standard
Security measures such as searching are carried out with regard to the protection of human dignity.
Indicators

- Prisoners are only subjected to body searches by officers of the same sex
- Body searches are not carried out in a humiliating way
- Strip-searching is never conducted on a routine basis and is only carried out for a good reason
- Prisoners are present when their cells or personal property are being searched

Outcome
Good contact with family and friends is maintained.

Standard
Family visits are given high priority in terms of frequency, duration and quality and are not restricted as part of any disciplinary or control process.
Indicators

- Family members are able to take part in the induction system for new prisoners
- Family members receive clear and helpful information about the visits system and there are special arrangements for transport to the prison if public transport is inadequate
- Arrangements for booking visits are transparent, easily understood and inexpensive
- Most prisoners can have a weekly visit of at least one hour
- Visits are not cancelled for administrative or for non-emergency operational reasons
- Time spent by the visitors with the prisoner is not reduced by long administrative procedures on entry
- Basic visit entitlements are not related to assessments of prison behaviour
- Closed visits are only imposed when there is strong evidence of abuse – not as a punishment – and their imposition is regularly reviewed
- If visitors are banned, the reasons are made clear, the decision can be appealed against and is reviewed at regular intervals
- Efforts are made to hold prisoners as near to their home area as possible
- If a prisoner is transferred the family is given adequate notice

These standards demonstrate how prison standards can take into account the differential impact of imprisonment on different groups, such as male and female prisoners. Standards should also seek to measure improved treatment of women and vulnerable groups, and any reduction in GBV as outcomes.

- Inspectors need to have received special training in the appropriate treatment of women, children in prison with their mothers, and other groups with particular needs.
- Inspection teams should include specialists with health expertise.

Effective complaints procedures accessible to all

Without a properly established and independent complaints procedure, prisoners are at the mercy of the prison authorities and have no way of seeking redress for abuse. This especially applies to GBV, where prisoners may be particularly stigmatised for complaining. In general, complaints mechanisms need to have the confidence of the prisoners.

To ensure effective complaints procedures that take into account gender:

- It should be possible to make confidential complaints.
- Prisoners must be protected from reprisals for complaining and the system should not contain disincentives to complain, such as punishment for making complaints that are not proven or are deemed to be 'false and malicious'.
- The existence of the complaints system and the way to access it should be publicised and known to all prisoners. Many systems have notices pinned up around the prison giving details of how to communicate with the complaints investigator or ombudsman's office.

■ Prisoners should have easy access to the complaints machinery, both orally and in writing. Where the prison population is diverse, the information should be available in the relevant languages. Measures must be taken to ensure that non-literate prisoners understand and can access complaint mechanisms.

4.3 Eliminate discrimination in the way prisons are run

Reduce inappropriate levels of security

The comparatively small number of prisons for women means that there is often limited accommodation, and types of accommodation, for women prisoners compared to those available to male prisoners. For example, in a region where there might be four men's prisons of different security classifications, there may be just one women's prison. Where this is the case, that one prison's regime will be determined by the maximum security requirement. This means that women prisoners are particularly likely to be held according to a security classification that is stricter than could be justified by any assessment of the risk that they pose. [32]

Further, security rules and procedures designed for male prisoners are often applied to women, although women's offences are less likely to involve violence and women often behave differently in prison. A recent report on women in prison in England and Wales concluded:

> *'Levels of security in prison were put in place to stop men either escaping or uniting together to overthrow the authority of the jail. Women do not act in this way. Of course some women abscond but generally they simply go home because they cannot bear the separation from their children.'*[33]

Prison reform includes ensuring that conditions in prison should be only as restrictive as is necessary for safe custody of prisoners and a well-ordered community life in the prison. It is not appropriate to have generic security rules that apply to all prisons, regardless of whether they hold men or women.

Different rules should be drafted for men's and women's prisons including those that apply to:
■ Security measures in the buildings and around the perimeter, such as bars, barbed wire, high walls and armed guards
■ Treatment of visitors and arrangements for family visits
■ Procedures to be followed when women temporarily leave the prison – e.g. to go to hospital
■ Arrangements for day release, day parole and home leave

Provide appropriate activities for women and other excluded groups

Many prisons provide no activities for any of the prisoners, men or women. In those that do, women often have access to the most limited opportunities, sewing being the most common activity.[34] Prisoners who are especially vulnerable, such as those with HIV/AIDS and those held in units for special protection from other prisoners, often also miss out on education and other activities.

Activities in women's prisons should be designed for the population that they hold. Basic education will be needed for many. However, the main objective should be to offer activities that help women to come to terms with their pasts and become more independent and self-sufficient. Such an approach can be adopted in all countries, whatever their resource level. In poorer countries, literate prisoners can teach others and volunteers from civil society groups can be involved. Training in agriculture and in making commodities that can be sold in the market will help women to be self-sufficient on release. Being self-sufficient after release is especially important for women from countries where imprisonment can bring such shame that no reconciliation with the family is possible.

In developed countries, programmes in women's prisons should be oriented towards building confidence and self-esteem, overcoming past traumatic experiences and current addictions, enabling women to access the services to which they are entitled in the community outside prison and establishing the basis for them to earn a legal living.

4.4 Ensure prison treatment is appropriate to the particular needs of men and women

Improving family contact

Family contact is very important when designing gender-responsive penal reform. It is important for male prisoners because it helps them maintain a link with the outside world and a relationship with their family and children, if they have them. For female prisoners, it can be even more important, as in most societies women have primary care-giving responsibilities for the family. Female prisoners are more likely than male prisoners to have been the sole or primary carer for young children and other family members, such as older relatives, prior to imprisonment. It is estimated that in the European Union, 700,000 children are separated from an imprisoned parent every year.[35] Separation from children greatly increases the anguish of imprisonment for mothers, and child-friendly visiting arrangements are very important. However, because there are far fewer women's prisons, women tend to be imprisoned further away from their families and therefore generally receive fewer family visits.

Family contact is also important to prison management and prisoner rehabilitation. Prisoners who maintain family ties while in prison display fewer disciplinary problems, have better physical and mental health, are more likely to reintegrate successfully into the community upon release and less likely to re-offend.[36]

In a number of countries, the legal framework requires contact between pre-trial prisoners and their families and friends to be approved by the prosecuting or judicial authorities. Where they are permitted, restrictive conditions can apply, such as direct supervision by staff, very short contact durations and a prohibition on physical contact.[37] In many prison systems visiting arrangements for sentenced prisoners are a low priority. Visits can be infrequent and held in conditions that do not permit physical contact. Prisoner and visitor have to shout to each other through a Perspex screen or stand on either

Box 3	Abolition of internal physical searches of female prisoners [46]

In the women's remand prison in Moscow, it was the practice to carry out an internal physical search of every woman prisoner on admission. This practice was justified on security grounds to ensure that no illegal or forbidden articles were brought into the prison. In reality, it was used as a means of subduing new prisoners and of impressing upon them from the outset the need to conform. The United Kingdom partners working on the prison improvement project were concerned and worked with the Russian partners to show there was no security basis for this practice and that it constituted a gross personal violation. In addition, it was far more disruptive to the running of the prison and to the health of the prisoners than any concern about drugs being smuggled into the prison. After the first year of the project, the Russian partners agreed to cease these automatic searches and to use them only in individual cases where there was an identified security need. Statistical evidence suggests that criminal activity has decreased rather than increased since this change took effect.

Another reform was to ensure that female staff unlocked women's cell doors. Under Russian prison rules a male must be present when cells are opened, but staff were persuaded that only women should open women's cells and be the first persons to enter them, although male staff members could be present in the corridor.

side of a grille. In Mauritius' women's prison in 2001, women were separated from their children by a glass panel, an aspect of prison life which women found particularly distressing.[38] In its visit to Ireland in 2002, the CPT found in one prison that 'the visiting facilities offered no privacy and became very noisy when several prisoners received visits at the same time.'[39] Some systems do not permit children to visit at all.

Improving arrangements for visits should be a high priority in gender-responsive penal reform. The following should be considered:

- Prisoners should be held as near to home and family as possible.
- Where prisoners must be held far from home, the model found in countries of Central Asia, Eastern Europe and North America (Canada and California) of three-day family visits in an apartment in the prison or the prison grounds should be considered.
- Opportunities to visit prisoners should be as extensive and flexible as possible.
- The frequency and quality of visits should not be dependent on behaviour and modified or otherwise affected as punishment.
- Visitors should be treated with respect and security measures should not be degrading and humiliating.
- There should be no form of screen or physical barrier separating prisoners and their visitors, unless there is a compelling reason for this in the particular prisoner's case, and any such restrictions should be regularly reviewed. In particular, physical contact with children should be permitted.
- Visiting facilities should be comfortable, welcoming and allow for privacy and positive activities.
- Prisoners should not be required to wear distinguishing and demeaning clothing during visits.
- Family visiting days should be encouraged in women's prisons. At Emu Plains prison in New South Wales, Australia, on weekends and public holidays visitors are allowed into the prison from 08.30 until 11.30 with a break for lunch, and then from 12.30 to 15.30.
- Private "conjugal visits" are commonplace for male prisoners in many regions of the world. Prison authorities must make sure that female prisoners have access to conjugal visits equal to that of male prisoners. WHO recommends that condoms be made available for family visits in prison 'without a

complicated or demeaning procedure to obtain them, such as having to request them from staff.'[40]

Preserving human dignity

The requirement that all prisoners be treated with humanity and with respect for their dignity is a fundamental and universally applicable rule. It applies to all elements of prison life, including such intimate matters as personal appearance and the performance of bodily functions. Matters to do with bodily privacy are very important for men and women in certain cultures. Prisoners must not have to expose themselves naked, particularly to people of the opposite sex. Arrangements for security and mixed gender staffing must take this into account.

'We strip ourselves each day in front of persons unknown to us and we are told that that is the way we lived back home so what are we complaining about. At home we do have a sense of 'laaj' (shame and dignity) and it is assumed that when we come here as prisoners we have lost all the fine emotions that a woman as woman has.'

A woman prisoner in India [41]

To be treated with respect for their dignity, prisoners must be able to keep themselves clean and carry out bodily functions in private. The CPT standards on women in prison state: 'Ready access to sanitary and washing facilities, safe disposal arrangements for blood-stained articles, as well as provision of hygiene items, such as sanitary towels and tampons, are of particular importance. The failure to provide such basic necessities can amount, in itself, to degrading treatment.'[42]

Matters to be considered include:

- Arrangements for privacy when people are required to remove their clothing
- Privacy in toilets and showers
- Use of privacy locks on cell doors
- Provision of hygiene items for women
- Minimising indignity in the way urine and other samples are collected for drug-testing

Prisoners must only be subjected to personal physical searches when necessary and then as unobtrusively as possible. Searches by personnel of the opposite sex are controversial.[43] The CPT standards specify that: 'Persons deprived of their liberty should only be searched by staff of the same gender and that any search which requires an inmate to undress should be conducted out of the sight of custodial staff of the opposite gender.' The Supreme Court of Canada ruled in 1993 that female staff may frisk male prisoners and look into their cells without warning but did not allow male staff to frisk women prisoners.[44]

Female prisoners are likely to find strip searches particularly traumatic, and policies regarding strip-searching should be separately and carefully formulated as regards female prisoners.[45] Strip-searches must never be imposed as punishment. Where the strip-searching of a woman is deemed justified in particular circumstances, male staff members should never be present (see Box 3).

4.5 Prevent and respond to gender-based violence in prison

Prisons should be run according to the rule of law. Thus, staff should never assault or harass prisoners and have a duty to ensure that prisoners are safe and protected from violence inflicted by other prisoners. In many countries, prison staff are rarely prosecuted for abuses of the law. Whilst it is important to ensure that crimes against prisoners are dealt with through the justice system, preventive measures should also be in place.

Such measures include:

- Appropriate legislation (see Box 4)
- Well-trained and competent management
- Oversight of prisons by independent outside bodies

- Effective complaints machinery
- Protocols for response and investigation (see Box 5)
- Staff training
- Medical services accountable to the health authorities rather than to the prison administration

4.6 Ensure access to health care for male and female prisoners

Health care is a particularly important aspect of prison life. Prison populations everywhere contain an over-representation of people from the most marginalised groups in society, with poor health, chronic untreated conditions and mental health problems. Many of those who engage in activities with high health risks, such as injecting drugs and commercial sex work, end up in prison. Rates of hepatitis B and C are much higher in prison than outside.[51] Rates of HIV infection in prison can be 75 times higher in prison than in the outside society.[52] For example, while prisoners represent only 0.01% of the total Spanish population, they account for 7% of AIDS diagnoses.[53] Women in prison come from backgrounds of violence and abuse in much higher proportions than male prisoners. Rates of mental illness are higher amongst female prisoners than amongst male prisoners. Children in prison often come from disturbed family backgrounds where abuse is common.[54] Within prisons, health risks are high, including exposure to sexual and other forms of violence.

'There are 22 of us in our cell, and two of my cell mates have juveniles as 'wives'. They got them by bribing the Prison Officers at the main gate. These juveniles agreed to have sex with these men because they had no clothes and no blanket, and they were hungry. One day these boys started to cry and refused to have sex. The

Box 4	Legislation on prison rape in the United States

A 2000 survey of inmates in seven US men's prison facilities showed that 21% of the inmates had experienced at least one episode of pressured or forced sexual contact and at least 7% had been raped.[47]

In the US, an organisation called Stop Prisoner Rape has been campaigning for years against this abuse. The founder, Steve Donaldson, was himself gang-raped when he was held in a jail in Washington DC in 1973 for protesting against the US bombings in Cambodia. In 2003, 30 years later, the Prison Rape Elimination Act was signed into law. The law calls for the gathering of national statistics on rape in US prisons, the development of guidelines for states about how to deal with prisoner rape, the establishment of a review panel to hold annual hearings and the provision of grants to states to combat the problem. Steve Donaldson died in 1996. He had been infected with HIV as a result of having been raped in prison.[48]

An evaluation of the first three years after the Act became law shows considerable progress in work to reduce prison rape through:

- Developing policies (rather than secrecy and denial)
- Prevention (through more considered location of prisoners, less overcrowding and prisoner education)
- Investigation and prosecution
- Victim services
- Staff training
- Collaboration with non-prison agencies[49]

This demonstrates how determined campaigning over many years can bring gender-based abuse into the open after much denial, and how changes in the law can lead to practical measures to mitigate its frequency.

Box 5	12-Step protocol for responding to and investigating allegations of sexual assault in prisons

The State of Oregon in the US has instituted a protocol on sexual assault to protect inmates from further victimisation and to ensure that prison staff engage in effective evidence collection, investigation techniques and documentation.

1. When there is a reported incident by an inmate, the staff member
   a. Notifies the officer in charge (OIC)
   b. Ensures that the victim is safe and kept separated from the aggressor
   c. Ensures that the victim does not shower, eat or drink until completion of evidence collection
   d. Secures the incident area and treats it as a crime scene until the investigation is completed

2. The OIC isolates the victim through transfer to the health services and asks the victim to disclose when and where the assault occurred and who committed it, in addition to other relevant questions.

3. The OIC notifies the health services of the sexual assault and the health services provide the necessary and appropriate treatment without compromising evidence.

4. The OIC notifies the (in-prison) Sexual Assault Response Team about the status of the victim.

5. If the report is made within 72 hours of the assault, the OIC places the suspected inmate aggressor in a dry segregation cell; if authorized, the OIC interviews the alleged aggressor; and secures clothing both from the latter and the victim.

6. The OIC notifies the investigations unit in order to coordinate the investigation response by the Oregon State Police.

7. The OIC notifies the Oregon State Police of the sexual assault.

8. The OIC notifies and briefs the assistant superintendent of security, the institutions administrator and the communications manager.

9. The OIC works with the institution's health services' staff to arrange for transport to the local hospital for treatment, examination, documentation, collection of forensic evidence, testing for sexually transmitted infection and referrals for counselling.

10. The OIC prepares a trip authorization and assigns staff to escort.

11. For cases handled by the Oregon State Police, the OIC maintains the crime scene and chain of custody for evidence until it is released to the Oregon State Police and prepares an unusual incident report.

12. If the sexual assault is reported more than 72 hours after the alleged incident, the OIC, in consultation with the sexual assault liaison and Department of Corrections investigators, review and apply appropriate steps and work with the institution's health service staff to determine whether to have on-site medical evaluation versus transport to the local hospital.[50]

men took away their blankets and after spending a night in the cold they agreed to allow the men to have sex with them again. We try to tell these boys that they will die of AIDS, but what can these boys do?'

A prisoner in Malawi [55]

Health care provided in many prison systems is grossly inadequate. Linking prison health more closely to public health and establishing the supremacy of public health principles is a very important aspect of reform. Doing so is likely to have the following benefits in ensuring that penal reform takes account of the different needs of male and female prisoners:

- Women prisoners should have access to a woman doctor on request.
- Medical staff not employed by the prison authorities will find it easier to make independent judgements and to always put the needs of the patient before the requirements of prison management.
- Inappropriate security measures (e.g. shackling women to beds during hospital visits, gynaecological examinations or labour) should never be employed; condoms should be made available as well as harm-reduction measures for drug-users.

- Measures should be taken that are consistent with good public health norms, such as enhanced diets with adequate protein content for pregnant and breast-feeding mothers, ante and post-natal care of a standard likely to be found in the outside community, and ensuring that medical staff dealing with women are appropriately trained.
- Ensure the transfer of acute mentally ill cases from prison to a health setting, and support the provision of counselling services for victims of past violence and abuse as well as for perpetrators of abuse.
- Ensure that GBV can be reported to medical personnel without fear of reprisals.

4.7 Meet the needs of pregnant women and mothers of young children

One of the most difficult problems faced by prison systems when dealing with women is to ensure the appropriate treatment of pregnant women and mothers of young children. Poor prison conditions, lack of proper care and facilities, and the high level of stress that accompanies incarceration may place at risk both the

Box 6	Mental health and care of women in prison in the Andhra Pradesh region

The Indian organisation Penal Reform and Justice Association (PRAJA) organised week-long Health Camps at two jails in Hyderabad and Rajahmundry, as part of a programme to promote the mental health and care of women in prison.

During the Health Camp sessions:

- Eyes were tested for disease and weakness. 69 pairs of spectacles were distributed to those with weak eyes. One person had a cataract condition.
- Eye drops, vitamins and other medicines were issued.
- A blood-testing unit identified prisoners' blood groups and distributed cards to each prisoner.
- All women underwent a general screening, then a gynaecology camp was organised. Four gynaecologists and paramedical staff conducted tests. Some women had pre-menopausal symptoms, a few had acute menstrual problems, many had urinary problems, and others had conditions related to being generally run-down.
- Dental examination showed that the women's oral hygiene was in a bad state. They received general medical advice on the importance of oral health.
- Ear and throat infections were treated and preventive measures proposed.[56]

PRAJA's Health Camp project demonstrates how, even in a very poor country, it is unacceptable for prisoners not to be given minimum standards of health care. Methods can be found to enable basic rights to be delivered with limited resource input.

health of a pregnant woman and that of her unborn child. Pregnant women should only be held in prison in the most extreme circumstances, such as when there is a concrete threat of violent crime. As the Special Rapporteur on Prisons and Conditions of Detention in Africa has said:

'Prison is not a safe place for pregnant women, babies and young children and it is not advisable to separate babies and young children from their mothers. However, it is possible to find solutions so that these women are not imprisoned: use of bail for remand prisoners, non-custodial sentences or conditional/early release, parole, probation, [or] suspended sentences for convicted [female] prisoners.'[57]

If a woman is pregnant in prison, special provisions must be made for ante and post-natal care and treatment. It is well established in international human rights standards that babies should not be born in prison. If they are, their births must be registered, but the birth certificate should not state that the birth took place in prison.[58] Measures of physical restraint, such as shackles or straightjackets, should never be used on a pregnant women or woman giving birth, unless there is a compelling reason to do so.

Arrangements for the care of babies born to imprisoned mothers and the care of young children of imprisoned women vary across the world, from taking children away from the mother at birth, to enabling the child to stay with their mother until six or more years old.[59] Either solution presents a dilemma. As stated above, a prison is not an ideal place in which to bring up a baby, but separating a baby from its mother is damaging to its development even when there is a suitable alternative home for the baby.

The best solution is for pregnant women and those with young children not to be sent to prison. In all decisions made concerning a child of a woman in prison, consistent with the *Convention on the Rights of the Child*, the best interests of the child must be a primary consideration.[60] Such decisions must be made with regard to the responsibility of the state to ensure the child special protection and assistance.

Box 7	Special provisions in the Russian Penal Code for pregnancy, mothers and children

As described above, the Russian Penal Code provides for suspended sentences for a pregnant woman or a woman with a young child convicted of a minor crime. In other cases, the Code accepts that pregnant women be imprisoned and that babies born in prison stay with their mothers under the following conditions:

- A woman in pre-trial detention who has children under three may bring them with her, and they are entitled to improved living conditions, specialised medical service, increased rations and clothing, a longer time out of their cells and are not to be put into punishment cells.
- In penal institutions, nurseries may be set up where children of female inmates can be provided care until they reach the age of three.
- Pregnant women and women with children have the right to extra food donations via mail or provided during visits, and to a specialised medical service.
- Pregnant female inmates or those with children in the nurseries receive at least 50% of their wages, pensions, or other incomes in their personal accounts.
- Female inmates with infants at the penitentiary's nursery, and female inmates relieved from work because of their pregnancy or having recently given birth, may not be placed in punishment cells or prison-type cells.[61]

Where children do live in prison with their mother, **special provisions must be in place to ensure that the child's rights are promoted and protected** whilst they are in prison, and throughout any separation period from their mother that may follow:

■ Child welfare, rather than prison authorities, should have primary responsibility for making decisions regarding children in prison.

■ Arrangements need to be made that minimise the restrictive nature of imprisonment for children, promote bonding between mother and child, and give children access to as many normal experiences as possible.

■ Mechanisms must be in place to protect children in prisons from all forms of physical or mental violence, including sexual abuse, neglect or negligent treatment.

■ The situation in the countries of Central Asia and Eastern Europe, where children are kept in a nursery, looked after by professional carers and visited periodically for a number of hours by their mothers, is less desirable than the arrangements in other countries where children and mothers live together in special units.

In some countries, mothers have their children removed and put into the care of the state when they go to prison. On release, they need to re-establish a stable home to regain care of their children. One British study found that: 'Half the mothers nearing release were not expecting to return to their previous accommodation, almost 4 out of 10 had lost their homes and there was an increase in the number expecting to be homeless.'[62] Release of such prisoners requires specific planning and support, with emphasis on secure housing and support for family reunification. Civil society groups can make a contribution by assisting with social reintegration – e.g. by providing halfway houses and refuges for women.

4.8 Ensure appropriate and skilled prison staff

Training
In many countries, the training of prison staff is grossly inadequate for the tasks they are required to perform. Even in countries where it exists, staff training rarely addresses the specific problems and needs of women

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Box 8	Equal opportunities in employment in England and Wales

The Prison Service in England and Wales has a range of policies and structures designed to ensure equal opportunities in employment. For example:

■ The Prison Service's Equal Opportunities Policy says that prison officers who have undergone gender reassignment and been accepted by the Prison Service in their acquired gender may carry out the normal physical searching duties of an officer of that sex.[64]

■ GALIPS is the Prison Service Staff Support Network. It supports all staff and managers, regardless of their sexual orientation, and advises on LGBT issues. Membership of GALIPS is free and is open to all staff with an interest in LGBT issues, those seeking help and advice and anyone wishing to support the network, whether or not they identify as LGBT.

■ In 2007, an agreement was signed between the Prison Service of England and Wales and the Equal Opportunities Commission on an Action Plan to deal effectively with sexual harassment in the Prison Service. The agreement is the outcome of a process that began in 2005 when the Equal Opportunities Commission decided it would carry out an investigation into the 'frequency and persistence of sexual harassment against women and men' working for the Prison Service.

The agreement commits the Prison Service to work:
- To determine the incidence of sexual harassment of staff within the Prison Service.
- To create a culture in which sexual harassment is unacceptable and in which the standards of behaviour required are readily understood by all staff.
- To ensure that sexual harassment is tackled and dealt with effectively and consistently, throughout the Prison Service.
- To ensure that managers fully understand their duty to prevent sexual harassment and put this into practice on a day-to-day basis.
- To make it easy for employees to complain of harassment and to support complainants during and after their complaints procedures.
- To ensure that complainants have confidence in the complaints procedures and that complaints will be dealt with promptly, transparently and appropriately.
- To take steps to implement systems which will ensure recording and monitoring of all informal and formal complaints of sexual harassment.
- To deal with the perpetrators of harassment appropriately.

Specific actions that the Prison Service will undertake include:
- A review and analysis of formal complaints of sexual harassment over a 12-month period to identity the characteristics of harassment complaints, the consistency of approach in dealing with complaints and the lessons learned.
- A review and written analysis of 10 randomly chosen complete complaint files for each of the two years.
- A survey of male and female staff and focus groups of staff to ascertain: the incidence of sexual harassment; the nature and extent of sexual harassment experienced or observed; whether staff feel free to complain and, if not, why not and whether they feel confident in the complaints procedure and, if not why not; and the most effective measures that can be taken to prevent such harassment.[65]

and other vulnerable groups, or the differences in men's and women's prisons. Training and regular staff development is essential if prison staff are to be able to carry out their tasks in a manner that responds to gender differences. Training must make staff more sensitive to the vulnerability of men and women prisoners to abuse, as well as to policies and procedures for preventing and responding to abuse.

> **See Tool on Gender Training for Security Sector Personnel**

Recruitment

Recruitment policies should take into account the fact that prison work is much more than being a security guard. Prison staff require various skills to provide human services, and prison work has to be carried out within an ethical framework that complies with international human rights standards. The recruitment process must eliminate unsuitable candidates whose profiles suggest they are likely to resort to violence or to abuse their power over others. Job descriptions, recruitment procedures and criteria for advancement must reflect the human service requirements of a prison officer's role.

Prison standards require that women prisoners be attended and supervised only by female officers. Women are placed at particular risk of sexual and physical abuse when male staff are employed in inappropriate capacities in women's prisons. It is thus essential that prison staff recruitment programmes foresee the hiring of a sufficient number of women. This may require special measures such as targeted outreach campaigns in the media, schools and communities; family-friendly employment policies; and special provision to ensure the retention and advancement of female staff.

> **See Tool on Police Reform and Gender for comparable strategies to recruit female police officers**

Equal treatment of women and lesbian, gay, bisexual and transgender staff

Whilst women have worked in women's prisons for many years, the employment of women in men's prisons is a more recent development. In countries where women work in men's prisons, they have faced discrimination and harassment from their male colleagues, as have LGBT staff.[63]

4.9 Engage civil society organisations

An important way of ensuring that gender issues are properly addressed in prisons is through increasing the involvement of civil society organisations, which can have extensive experience and expertise in gender issues.

Civil society organisations can become involved in:

- **Providing services to prisoners**, such as support to women needing counselling or other help to recover from abuse and addictions, counselling for those with HIV/AIDS, programmes for perpetrators of violence, training for women so that they can find employment on release, friendship and support to children with no families, as well as bringing aid such as medicines to women, children and other vulnerable prisoners.

- **Human rights work** to draw attention to gender issues in penal systems, by participating in providing alternative reports to bodies such as the UN Committee on the Rights of the Child, the UN Committee Against Torture and to the relevant regional mechanisms, and using the law where there are flagrant breaches.

- **Capacity-building** of penal system staff as well as human rights, anti-discrimination and penal reform groups, to inform and assist them to incorporate a gender perspective into their work.

- **Raising awareness** of the public, parliamentarians and oversight bodies of the need for policy changes and specific measures to address discrimination and poor treatment in prisons.

- **Auditing** the penal system for gender awareness and advising on appropriate policy responses.

> **See Tool on Civil Society Oversight of the Security Sector and Gender**

4.10 Build public support for penal reform

Public support for penal reform is not easily obtained. Reforms that aim to reduce the number of prisoners or improve prison conditions can be hard to introduce. All those involved in penal reform – prison administrators, politicians, media and civil society groups – need to work continuously to keep the public involved in a debate about imprisonment and its use. Regular information, reports and statistics need to be produced and publicised.

Box 9	Women's civil society in Yemen

In Yemen, the Women's National Committee promotes dialogue with decision makers to ensure justice for women. Until recently, women prisoners who had completed their sentence were forbidden to leave prison unless a male guardian collected them. The Women's National Committee put pressure on the Ministry of Interior and got this unfair rule changed. The Yemeni Women's Union, supported by Oxfam in five districts, has 36 volunteer lawyers who provide free legal support to poor women in prisons, courts and police stations. As a result of their legal assistance, 450 female prisoners were released in 2004 and 2005.[66]

Support for improving the treatment of women and other vulnerable groups in prison may be more easily obtained than support for reform more generally. The government should produce information about women and children in prison that is easily accessible and not buried at the back of long reports. By involving civil society groups concerned with women and children and ensuring that prisons cooperate with such groups by giving them such access, various activities can be generated that can build public support.

5 Integrating gender into penal reform in specific contexts

5.1 Post-conflict countries

Background

States emerging from a period of conflict or internal turmoil present particular penal reform challenges. Against a background of many pressing priorities, such as rebuilding the infrastructure and re-establishing basic institutions, rebuilding a penal system is sometimes seen as a low priority. From the outset, it is important that the relevant state administrative body accepts the need for detention facilities to be provided and run, and allocates sufficient resources for these purposes.

Challenges and opportunities for integrating gender

Rebuilding a penal system is very complex. Major considerations are:

- The existing local situation regarding prisons needs to be understood. Prisons may have very bad associations for the population of the country: detention without trial, rape, torture and execution. Rebuilding may be an opportunity to start with a clean slate and establish a system that will be less abusive, more gender responsive and more trusted by the people.

- The original prison system may have been dysfunctional or completely out of accord with the rule of law and gender equality. It may have been run by the police or the military, contrary to good human rights practice. If so, a different model of imprisonment needs to be created, but there is a danger that models from outside the country and inappropriate to its circumstances will be imported. A prison system must be re-established in a manner sensitive to the cultural and social environment, whilst also making efforts to introduce ideas such as better treatment for women and the employment of women staff.

- If a pre-conflict public prison service still exists and can be re-established quickly, the post-conflict environment may provide an opportunity to vet staff that have been involved in abuses and retrain other staff in a human rights approach that is gender sensitive.

- Before the conflict, there will have been a prison law in force but it may have been inadequate, out of date and disregarded because of its obsolescence. Yet, any place of detention set up in a post-conflict international intervention must be administered according to law, since the remit of the intervention is to assist in re-establishing a law-bound state. In the transitional period in 1999, the International Force for East Timor established a rudimentary prison law based on international standards which ensured no discrimination, regular visits by independent outsiders, norms for searching detainees, accommodation, hygiene, food, facilities for making purchases, exercise, the practice of religion and access to medical treatment.[68] Starting prison reconstruction with a system that respects human rights and ensures no discrimination provides a good basis for the eventual construction of a gender-responsive penal system.

Tips

- In post-conflict situations, understanding the different needs and roles of men and women is particularly important, especially if sexual violence was used in the conflict. Foreign forces and international bodies coming into a post-conflict situation to rebuild a prison system will need considerable training in cultural awareness and gender sensitivity.

- Handover from the police and the military to a civilian prison service as soon as possible.

- When rebuilding a system that existed before the conflict, consider working with more junior members of staff who will have had less responsibility for past abuses and are more likely to be receptive to a human rights based, gender-responsive approach.

- Where prison staff from other states are brought in to manage prisons in the transitional phase, it is important to ensure that the men and women selected have experience in dealing with female and young prisoners. Recruiters should look for cultural sensitivity and good communication and interpersonal skills, exemplary personal history and gender sensitivity.

- Where visits to other countries are part of penal staff training, it is important that it includes exposure to good practice in gender matters and meetings not only with officials but also with civil society groups concerned with gender issues.

- Ensure that accurate information about the prisons, the regime and the treatment is in the public domain, so that rumours related to alleged ill-treatment and sexual and other abuse can be quashed. Family visits are important, not only for the families involved, but so that families can dispel any rumours concerning alleged ill-treatment.

5.2 Transitional countries in Eastern Europe and Central Asia

The countries of Central Asia and Eastern Europe (called transitional countries after 1989 as they were deemed to be in transition to a new form of government) are

Box 10	**Women in prison in Afghanistan** [67]

Tordai and Shafiqa – along with another 12 female inmates and their 15 children – share a detention facility with 236 male prisoners in a mud-built compound, which was originally Mazar city's traffic police department. The building has only two small yards and just nine cells for both male and female convicts.

The lack of space means those awaiting trial languish with the convicted in the same cells. According to the prison director, Colonel Abdulrub: 'In addition to a lack of proper medicine and health care here, the issue of very old and overcrowded rooms is another trouble for prisoners living in this compound,' adding that up to 30 prisoners were living in a room originally built for 10 inmates.

Prison authorities in Mazar also complained about a lack of foodstuffs, as well as proper medical and education facilities for children living alongside their mothers in the prison. 'The government is only providing less than US $1 for each inmate per day, which cannot even buy their dry bread,' a prison official said.

Human rights bodies have expressed concern over poor prison conditions in the destitute central Asian state. There are 34 prisons across the country and many lack separate buildings for female prisoners, who are often kept in prison cells originally built for male inmates.

'Some 90 children are living with their mothers, who have been charged with different crimes, without any kindergartens and other facilities for their development in all the prisons of the country,' the same prison official claimed.

'Prison conditions in Afghanistan remain extremely poor and prisoners generally have to rely on relatives for their food and other expenditures,' the Afghan Independent Human Rights Commission said in its annual report for 2005. 'Prisons and their staff are severely under-resourced and no training is provided to them about caring for prisoners or their duties with regards to the human rights of prisoners,' the report read.

According to the report, the rights body had helped secure the release of 1,386 illegally detained persons and removed 27 children from adult prison cells in 2005.

governed by varied regimes in regards to penal reform. Countries in Eastern Europe and the Caucasus are now in the Council of Europe and are bound by the *European Convention on Human Rights* and the guidance instrument, the *European Prison Rules*. In Russia, there have been substantial reforms in the direction of a more human rights-based system since the breakup of the Soviet Union. In Central Asia, the Russian model of imprisonment has been maintained but changes have been made to bring it more into line with human rights norms and the rule of law.

Challenges and opportunities for integrating gender:

- Legal provision is made for different treatment of women in prison and women with babies in prison, which could provide a platform for reform.

- The Council of Europe framework gives the possibility of basing reform on the non-discrimination elements of human rights requirements.

! Tips

- Women's professional organisations, such as women lawyers' and doctors' groups, can be encouraged to take an interest in helping women in prison.

- Member countries of the Council of Europe are subject to visits by the CPT, whose findings are usually published with the government's reply. These reports usually pay particular attention to gender matters. Civil society organisations and parliamentarians can use them as the basis for awareness-raising.

5.3 Developing countries

Prison systems in many developing countries, including sub-Saharan Africa and the countries of the English-speaking Caribbean, are based on the legacy of the former colonial power. In former British colonies, prisons often follow a standard British design and incorporate aspects of prisons in Britain, as they were in the past. Economic pressures and failures in governance mean that prison conditions are usually bad and often life-threatening. Prisons in Francophone Africa follow the French legal system but here too conditions are often very poor. In Bangladesh, India and Pakistan, the former colonial influence is also strong. In these countries, the idea of imprisonment was imposed by colonialism on systems that were often more attuned to restitution than retribution. The formal justice system is only one part of a much wider set of options for dealing with acts that society views with disapproval.

Women and juveniles in prison in these countries suffer a range of problems. Women in some countries can be imprisoned for dowry-related offences, for adultery or being a rape victim. They are likely to be disowned by their families and may lose access to their children. In those countries, where survival depends on food and medicines being brought in by families, they are at a great disadvantage. Juveniles are often not separated from adults and are in great danger of abuse.

In South East Asia, the prison system is usually highly regimented, with strict rules about how blankets should be folded and how prisoners should sit. The ideology underlying these prison systems is that prison should be a place of reform where prisoners are supposed to give up their wrong way of thinking and return to the fold. Many women are imprisoned for low-level drugs offences.

On 14 February 2002 high-ranking Corrections Department officials escorted an Amnesty International delegation on a visit to Lard Yao Women's Prison, Nonthaburi Province, on the outskirts of Bangkok. Corrections officials acknowledged problems of overcrowding and the dangerously high prisoner to guard ratio. As is the case with most prisons in the Kingdom, severe overcrowding is due to a very high level of arrest and imprisonment of drug users and traffickers.[69]

Challenges and opportunities for integrating gender:

■ Discrimination against women is often widespread in these countries and the penal system reflects this, as regards treatment of both female prisoners and female prison staff.

■ Addressing past violence and sexual abuse is likely to be hampered by taboos about recognising the existence of such problems, and therefore counselling is unlikely to be available. Similarly, efforts to combat sexual violence in prisons are likely to confront a conspiracy of silence.

■ When working in very poor countries to improve the prisons, it is necessary to find low cost solutions that are sustainable and make sense from a local economic point of view.

■ In poor countries, the prison system may be able to benefit from the help of organisations – such as the International Committee of the Red Cross or *Medicins Sans Frontières* – in meeting the health and other needs of detainees.

Tips

■ It is wise to understand the role that imprisonment plays in the system and the culture as well as the issues that affect women and other groups in the wider society before embarking on gender-responsive penal reform.

■ Prison regimes for women in developing countries need to take into account the likelihood of abandonment and destitution on release from prison and make efforts to provide women with an alternative means of earning a living.

■ Getting children and juveniles out of adult prisons and into more suitable surroundings can be achieved with the involvement of outside organisations such as UNICEF. Other UN agencies and NGOs might support efforts to improve conditions in women's prisons.

5.4 Developed countries

Just because countries are rich does not necessarily mean that their prison systems are models of good treatment, with no discrimination and conscientious observance of human rights laws. In fact, the CPT, which visits all places of detention in the 47 member states of the Council of Europe, finds much that needs changing in the Western European countries and in the relatively less affluent countries of Eastern Europe.

For example, in a visit to the Czech Republic in 2006, the Committee reported on the case of a Ukrainian prisoner, F, who was being held in a confinement cell for 'destroying prison property'. He was 'a slight man who [was] gaunt and tremulous'. The delegation 'formed the view that F had been repeatedly raped and physically abused while in Valdice Prison. Moreover, during his time in Section E he had been subjected to forced anal and oral intercourse with three different prisoners, and had also been obliged to masturbate them'.[70]

Some developed countries are seeing a trend of high and rapidly increasing use of imprisonment and particularly rapid increases in the use of imprisonment for women. In England and Wales the number of women in prison has more than doubled over the past ten years.[71] In the US, between 2000 and 2006, the female incarcerated population grew by 3.3 per cent a year whilst the male incarcerated population grew by 2 per cent.[72]

Developed countries are more likely to have equal opportunity employment policies that lead to mixed staffing and, in some countries, women have reached the top of the prison administration or have become directors of large prisons holding only men. There are still, however, problems of harassment against women staff and sexual abuse of prisoners.

Challenges and opportunities for integrating gender:

■ A hardening political climate against lawbreakers and the use of imprisonment when treatment would be more appropriate, particularly in connection with the use of illegal drugs, has adversely affected women in the criminal justice system in some developed countries.

■ Developed countries tend to influence the penal policies of developing countries though their aid and also set the agenda of the donor agencies, so those policies unfavourable to gender-sensitive penal reform are exported.

■ Prison populations are increasing in many developed countries with no commensurate increases in resources, so training in the special needs of women and other vulnerable prisoners and programmes for prisoners such as counselling for victims of past abuse are suffering.

■ However, most developed countries have:
  - Active and relatively well-resourced civil society organisations campaigning for prison reform as well as a range of organisations bringing help and support to prisoners and assisting with their social re-integration.
  - Welfare systems that ensure prisoners leaving prison, especially women with children, are not left destitute.
  - Human rights bodies monitor the treatment of those deprived of their liberty and in discrimination.

■ Countries in Europe are bound by European Union anti-discrimination laws and requirements covering gender and sexual orientation and by the *European Convention on Human Rights,* which outlaws discrimination, and their representatives in the European Parliament take an interest in human rights and anti-discrimination matters.

Tips

■ The media are particularly influential in shaping attitudes to crime and punishment. Good media coverage of the use of prisons for women and the problems involved can be effective in bringing about change.

■ European Union and Council of Europe anti-discrimination laws have not been widely used to improve the situation of women in prison, but it has that potential.

■ The CPT is a unique European resource covering 47 countries that has paid detailed attention to women in prison and to gender violence. Civil society groups might work to ensure that its reports are well known and its recommendations to governments are implemented.

■ Donors supporting penal reform in other countries can work to ensure that gender issues are addressed.

6 Key recommendations

1. **Assessment and information collection:** Analyse the penal system to ensure its impact is not discriminatory and that it deals fairly and equally with all those it affects, including personnel and the families of prisoners. The official data collection of the penal system should provide information broken down by sex, use of pre-trial detention and sentencing level and length, and ensure that data on the incidence of violence is available and shows the level of gender-based violence.

2. **Oversight and monitoring**: Ensure that systems of inspection monitor gender issues, and that the reports of the inspectors are published and receive a government response. Inspectors must be independent of the prison administration and have access at all times to all places of detention. Inspection teams should consist of both men and women, and have access to medical expertise.

3. **Complaints mechanisms:** Put in place in all prisons credible complaints systems, so that incidents of gender-based violence can be reported without the complainant being victimised.

4. **Appropriate security and activities**: Ensure that women prisoners are not subject to a higher degree of security than is warranted by the level of danger they present. Educational and vocational activities in prisons should be appropriate to equip men and women for self-reliance when they leave prison.

5. **Family contact:** Put family contact at the centre of the prison's activities, as a route to humanising the prison regime and holding families together. Family contact should never be withheld or reduced as part of the disciplinary system. Visits that do not permit personal contact should only be imposed when there is clear evidence of a security risk.

6. **Human dignity:** Ensure respect for human dignity is a high priority in the management of prisons and in the procedural rules. Clear and unambiguous rules should state that male staff should never search women prisoners, nor be permitted in the area where women dress and take showers. Prison procedures, in particular as regards strip-searching and internal searches, should be based on actual requirements as regards male and female prisoners.

7. **Gender-based violence:** Put in place mechanisms to protect all prisoners from gender-based violence at the hands of prison staff or other prisoners. Ensure that complaints and oversight mechanisms facilitate reporting of gender-based violence, and ensure that such abuses are punished and the victim supported.

8. **Health care:** Strive for a high quality of prison health care linked to the public health system, addressing the particular health needs of male and female prisoners.

9. **Pregnant women and mothers:** Imprison pregnant women and mothers with young children only when absolutely necessary. Women giving birth in outside hospitals should never be shackled or handcuffed and should receive appropriate care. Where children are held in prison with their mothers, the environment in which the children are kept should as far as possible replicate life in the outside community.

10. **Recruitment and training of prison staff:** Reform the recruitment and training of prison staff, to ensure proper initial and in-service training. Protecting prisoners from sexual violence and addressing the different needs of male and female prisoners should be core elements of prison staff training. Ensure equal opportunities for female and LGBT prison staff.

11. **Civil society:** Open up prisons to the involvement of civil society, including those groups concerned with women and LGBT prisoners. This is an important way of preventing abuse and ensuring that women, children and other vulnerable groups have access to the specialist services they need, in prison and on release.

12. **Support for penal reform:** Build public support for penal reform, working with parliament, civil society and the media.

7 Additional resources

Useful websites

International Centre for Prison Studies -
http://www.prisonstudies.org

Quaker Council for European Affairs: Women in Prison -
http://www.quaker.org/qcea/prison/index.html

Stop Prisoner Rape - http://www.spr.org/

Penal Reform International -
http://www.penalreform.org/

Penal Reform and Justice Association -
http://www.prajaindia.org/prajainaction.html

Women's Prison Association -
http://www.wpaonline.org/

Practical guides and handbooks

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4   Townhead, L., *Pre-Trial Detention of Women and its Impact on Their Children,* (Quaker United Nations Office: Geneva), 2007.

5   Human Rights Watch, *Ill-equipped: U.S. Prisons and Offenders with Mental Illness.* (HRW: New York), 2003.

6   International Centre for Prison Studies, 'Guidance Note 8: Prison Staff and their Training', *Guidance Notes on Prison Reform.* (ICPS: London), 2004.

7   World Prison Brief Online, reports that 113 of the 191 countries for which rates are available show prison occupancy rates of over 100% of the official capacity of the prison system. http://www.prisonstudies.org

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Penal Reform and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into penal reform, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to penal reform?

Penal reform is the work carried out to change a penal system in order to bring it into line with the rule of law and the international human rights framework. It aims to ensure sanctions that are proportionate, non-discriminatory and rehabilitative, and to change prison institutions into places that respect individual human dignity, and ensure that those imprisoned are afforded their legal rights.[1]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Human rights standards

■ For penal institutions to meet international and national human rights standards, which require all those deprived of their liberty to be treated with 'humanity and with respect for the inherent dignity of the human person'.

■ To prevent and respond to sexual violence in prison environments, including that committed by prison personnel.

Non-discriminatory penal policies

■ To ensure that penal policies and procedures reflect and address the distinct needs of female and male inmates, youth, children and other marginalised groups.

Prisoner rehabilitation

■ To ensure that rehabilitation and reintegration initiatives address and accommodate the needs and capacities of both male and female inmates, as well as the realities of the society in which they live, without compromising the universality of the standards advocated for decency and dignity.

Public health

■ To promote better public health by addressing sexually-transmitted diseases among male and female inmates and providing adequate reproductive health services to female inmates, including those who may be pregnant.

Supporting men and women as employees in the penal sector

- To promote the full participation of both women and men as employees of the penal sector.
- To adequately prevent and respond to sexual harassment and discrimination against prison staff.

How can gender be integrated into penal reform?

Assessment

Carry out a gender assessment of the penal system. Disaggregate all data (at the minimum) by sex, age and ethnicity. The assessment should look at:

- ✔ Applicable legislation
- ✔ Penal policies and procedures for both female and male inmates
- ✔ Range of programmes and services available to men and women
- ✔ Access to health services
- ✔ Data on the level of gender-based violence (GBV) in prisons
- ✔ Parity between male and female prison personnel
- ✔ Codes of conduct in place to govern the behaviour of prison staff
- ✔ Presence of complaint and oversight mechanisms to monitor compliance with policies, procedures and codes of conduct

Gender-responsive policies and procedures

- Evaluate penal policies and procedures from a gender perspective to make certain they are proportionate, non-discriminatory and address the diverse needs of both female and male inmates. In particular, ensure that women do not face discrimination in pre-trial detention or security classification.
- Ensure that male and female inmates are imprisoned close to their families, and that provisions are in place to support regular family contact.
- Ensure access to health care for male and female prisoners (see Box 1), including access to a female doctor for female prisoners and reproductive health care, as well as independent mental health services.
- Ensure that the physical and mental health needs of pregnant women, nursing mothers and children are also recognised and provided for.

Prevent and respond to GBV

- Establish codes of conduct with respect to sexual harassment, discrimination and GBV by prison staff, and mechanisms for confidential reporting.
- Establish legislation, protocols and procedures for dealing with GBV among prisoners, including preventive and punitive measures, as well as protocols for care and referral of victims (see Box 2).
- Ensure the presence of appropriate and skilled personnel to deal with gender-sensitive issues such as sexual abuse and other forms of GBV.
- Create a culture of zero tolerance regarding sexual harassment, abuse and misconduct by prison personnel and promote a culture of respect for the rights of prisoners, including the right to benefits such as conjugal visits, regardless of their sex, sexual orientation or ethnicity.

Oversight and complaints mechanisms

- Establish national-level internal and external oversight mechanisms and bodies including independent inspection systems and clear reporting and documentation:
  - Inspection teams with male and female inspectors, and inspectors with expertise on gender issues, in order to gain the confidence of all inmates and adequately address problems such as GBV.
  - Include health specialists in the inspection team to assess prison facilities and procedures.
- Create gender-responsive internal complaint mechanisms:
  - Ensure that complaint procedures are accessible, as confidential as possible, and that prisoners are protected from reprisals.

Box 2	Eliminating prison rape

In the United States, Stop Prisoner Rape, an NGO, has been campaigning for years against this abuse. In 2003, the Prison Rape Elimination Act was signed into law. The law calls for the gathering of national statistics on rape in US prisons, the development of guidelines for states on how to deal with prisoner rape, the establishment of a review panel to hold annual hearings and the provision of grants to states to combat the problem. An evaluation of the first three years since the Act became law shows considerable progress in work to reduce prison rape through:

- Developing policies (rather than secrecy and denial)
- Prevention (through more considered location of prisoners, less overcrowding and prisoner education)
- Investigation and prosecution
- Victim services
- Staff training
- Collaboration with non-prison agencies

- Independently review complaints in order to protect male and female inmates from human rights abuses, as well as prison staff from false accusations.
- Ensure that non-literate prisoners are also fully able to understand and access complaint mechanisms.

Gender training

Provide gender training to all prison personnel, including on topics such as:

- The human rights of prisoners and appropriate treatment of men, women, boys and girls in prison.
- Prevention and appropriate responses to GBV, including male rape.
- Health and hygiene for female prisoners, including the provision of items such as sanitary napkins and adequate toilet facilities.
- The specific needs of vulnerable groups of prisoners, such as pregnant women and mothers of young children who also live in the prison.
- The needs of female prisoners pre-release and on release, including secure housing, support for family reunification and vocational training.

Increase the participation of women and civil society organisations

- Increase the recruitment, retention and advancement of female prison personnel.

- In collaboration with civil society organisations, provide services to female inmates such as professional and confidential counselling (see Box 3).
- Engage civil society, especially women's organisations, in penal reform processes:
  - Build public support for penal reform, working with parliament, civil society and the media.
  - Collaborate with civil society organisations to raise awareness and build internal capacity on gender concerns in the penal system.
  - Build the capacity of civil society organisations to monitor the penal system from a gender perspective.

Also available in Tool 5...
- Examples and tips for gender-responsive inspection and complaints procedures
- Considerations for improving prison visiting arrangements
- Preserving human dignity in the penal system
- 12-step protocol for responding and investigating allegations of sexual assault
- Meeting the needs of pregnant women and young mothers

Post-conflict challenges and opportunities

In post-conflict contexts, rebuilding the penal system is often seen as a low priority in comparison to other reconstruction needs. Within this context, mainstreaming gender issues in penal reform frequently receives inadequate attention and support. Therefore it is important to ensure that the administrative body in control of the state understands the need for gender-responsive detention facilities.

Challenges for the integration of gender issues
- Prisons may have a very bad image among populations as a result of detention without trial, rape, torture and execution.
- The previous prison system may have been dysfunctional, principles of the rule of law may not have been applied and gender equality may have been an unknown concept. The prison may also have been managed by the police or the military, contrary to good human rights practice.

Opportunities for the integration of gender issues
- Rebuilding may be an opportunity to support the establishment of a system that will be less abusive,

Box 3	Engaging civil society

In Yemen, the Women's National Committee promotes dialogue with decision-makers to ensure justice for women. Until recently, women prisoners who had completed their sentence were forbidden to leave prison unless a male guardian collected them. The Women's National Committee put pressure on the Ministry of Interior and this rule was changed. The Yemeni Women's Union has 36 volunteer lawyers who provide free legal support to poor women in prisons, courts and police stations. As a result of their legal assistance, 450 female prisoners were released in 2004 and 2005.[2]

- more gender responsive and more trusted by the people.
- The post-conflict environment may provide an opportunity to conduct a census and an identification process to determine the precise number and identity of those persons on the prison system payroll followed by a vetting process to identify staff alleged to be perpetrators of major human rights violations.

? Questions for penal reform

One of the best ways to identify entry points, strengths and weaknesses for incorporating gender perspectives into penal reform is to conduct an assessment. Below are sample questions on gender that are important to include in penal reform assessment, monitoring and evaluation processes.

- Are gender-responsive laws, policies and procedures in place that adequately deal with issues such as prison rape?
- Do independent external oversight and monitoring bodies exist that effectively monitor sexual harassment, discrimination, rape and other forms of GBV?
- Do record-keeping processes enable conclusions to be drawn about the treatment of different groups? Are statistics disaggregated by sex, age and ethnicity? Is this data made available to the public, the media and governmental oversight bodies?

- Do both male and female inmates have adequate access to health services? What provisions are available for the mental and physical health of pregnant women, nursing mothers and children?
- How is family contact ensured for men and women in detention?
- Does the prison system implement specific initiatives to prevent and respond to GBV, such as providing services to victims of GBV?
- Have prison personnel received training on gender issues, including specific training on sexual harassment, rape and other forms of sexual violence?
- Are women and men proportionately represented among prison personnel? Are female staff in supervisory and management roles? Have initiatives been taken to increase the recruitment, retention and advancement of female staff?
- Is civil society involved in prison assessment, policy-making, monitoring and oversight activities?

More information

Resources

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Organisations

International Centre for Prison Studies – www.prisonstudies.org

Penal Reform and Justice Association (India) – www.prajaindia.org/prajainaction.html

Penal Reform International – www.penalreform.org

Quaker Council for European Affairs, Women in Prison – www.quaker.org/qcea/prison/index.html

Stop Prisoner Rape – www.spr.org

Women's Prison Association – www.wpaonline.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Anna Korneeva of UN-INSTRAW, based upon Tool 5 authored by the International Centre for Prison Studies.

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Border Management
and Gender

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osce ODIHR

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Geneva Centre for the
Democratic Control of
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Border Management
and Gender

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The Gender and SSR Toolkit
This Tool on Border Management and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

TABLE OF CONTENTS

ACRONYMS

BBPTU	Kosovo Border and Boundary Police Training Unit
CSO	Civil Society Organisation
ECOWAS	Economic Community of West African States
EU	European Union
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
NATO	North Atlantic Treaty Organization
NGO	Non-Government Organisation
OSCE	Organisation for Security and Co-operation in Europe
UN	United Nations
US	United States

Border Management and Gender

1 Introduction

'Effective and integrated border management services are critical to ensuring the safety and security of citizens, promoting regional stability and facilitating trade and development.'

OECD DAC Handbook [1]

Effectively managed borders ensure the unhampered flow of persons, goods and services, which contributes to economic growth and human security. Robust prevention, detection and investigation by border services deter criminal activity, while international efforts to address cross-border crime strengthen regional collaboration.

This tool focuses on border management reform and the different ways in which border transactions impact the lives of women, men, boys and girls. It encompasses the various border control functions – customs, immigration and law enforcement – and demonstrates the operational benefits of ensuring that gender perspectives are included in border management policies, procedures and practices.

The tool is designed to provide a basic introduction to border management and gender issues for the staff of national governments (including donor countries), as well as for international and regional organisations (such as the UN, OSCE, IOM and EU), responsible for the development of border management policy and programming. Parliamentarians, civil society organisations, academics and researchers working on border management and/or gender issues will also find it useful.

The tool includes:

- A conceptual introduction to border management and gender
- An outline of ways in which integrating gender strengthens border management
- Actions to integrate gender into border management
- Examination of specific gender and border management issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

This tool is a resource for the formulation of gender-responsive border management policy and programming. It is one of the first resources on border management and gender and includes case studies, tips and examples drawn from other areas of law enforcement, which can be adapted to specific border management contexts. Numerous examples are used from Kosovo – reflecting both the author's own experience in Kosovo and the scale of attention devoted to security sector reform there.

2 What is border management?

Border management concerns the administration of borders. While its precise meaning may vary according to the national context, it usually relates to the rules, techniques and procedures regulating activities and traffic across defined border areas or zones.[2] Borders are diverse, ranging from those handling thousands of people and tonnes of freight daily, to isolated stretches. Border management reform, as part of security sector reform processes, presents a unique challenge, not least because it must strike an appropriate balance between preventing illegal entry and remaining open to legal trade and labour.

Border guard, immigration and customs services are the main actors responsible for managing the movement of people and goods across borders. In general:

Border guards are usually under the authority of a civilian or paramilitary law enforcement service. Their task is the prevention of unlawful cross-border activities, the detection of national security threats through the surveillance of land and sea borders, and the control of persons and vehicles at designated border crossing points.[3]

Immigration services are responsible for enforcing entry and exit restrictions, ensuring the legality of travel documents, identifying and investigating criminality, and assisting those in need of protection.

Customs and revenue/excise, a fiscal service, is characteristically assigned the task of regulating the movement of goods across borders. Its function is to facilitate trade while enforcing national restrictions on the entry and exit of goods, implementing tariffs and

trade tax regimes, and protecting the health of people, animals and plants.

In developed countries, the task of controlling the movement of people across borders is commonly assigned to the Ministry of Home Affairs/Interior. During armed conflict or regional unrest, when the focus shifts to containing citizens and defending borders from enemy infiltration, civilian agencies are often relegated to a secondary role. The inheritance of border management in many post-conflict and transitional states may carry with it a disproportionate emphasis on border control as a security/defence concern.

Common challenges in border management include:

- Long, unpatrolled boundaries that are porous to human and vehicular traffic
- Criminal activity in border areas (e.g. prostitution, human trafficking, human smuggling and terrorism)
- Corruption
- Public mistrust of border services
- Social and economic marginalization of border areas

A variety of reforms may be initiated to address these challenges. Reform processes may, for example, involve the conclusion of regional border management agreements (such as the EU Schengen Acquis), the establishment of a separate border guard organisation, or building capacity to identify victims of human trafficking. The nature and scale of border management reform processes are dictated by the historical context as well as by prevailing security priorities, geography and resource availability. Border management reform is motivated by a number of factors which can include:

- The need for a unified approach to visa, asylum and migration policies.
- Demarcation of previously disputed borders.
- Investment in future membership of political/ economic groups (e.g. the EU or ECOWAS).
- Contribution to and benefit from regional security.
- Increased contributions from financial institutions.
- Building of infrastructure and legal frameworks.

The inherent multiplicity of tasks and responsibilities and the range of national and international agencies and interests involved, requires a highly integrated approach to border management reform. Achieving the goal of establishing open, well-controlled and secure borders is a complex and delicate undertaking.

3 Why is gender important to border management?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[4]

For more information see Tool on SSR and Gender

The integration of gender issues into border management reform processes enhances operational effectiveness by:

- Improving the prevention and detection of human trafficking and smuggling
- Strengthening the protection and promotion of human rights
- Creating more representative border management institutions
- Enhancing local ownership, oversight and collaboration

Compliance with obligations under international laws and instruments

Integrating gender into border management is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime* (2000)
- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *United Nations Security Council Resolution 1325 on women, peace and security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

3.1 Prevention and detection of human trafficking and smuggling

Effective border management that prevents and detects human trafficking and smuggling is critical both as a deterrent and as a key link in the prosecution of local, regional and transnational crime. The International Labour Organisation has estimated that

each year 2.45 million persons are trafficked for forced labour worldwide.[5] The annual proceeds generated by global human trafficking are currently estimated to amount to as much as US$44 billion.[6] Once organised human trafficking has gained a foothold within a state or a region, it will invariably undergo rapid growth and pose serious risks to the stability of the affected countries. Its main effects include:

- **Increased violence among organised crime groups with a financial stake in existing sex and labour markets:** As trafficked victims are removed from or introduced to illegal sex and labour markets, this can potentially lead to violent 'turf wars' as the traffickers confront local criminal elements for control of these lucrative forms of human exploitation.

- **Growth and diversification of organised crime:** Organised human trafficking does not occur in isolation. Once established, trafficking networks will quickly diversify and develop mutually beneficial affiliations with existing organised crime groups that operate in other spheres, such as terrorism, drugs and weapons smuggling.

- **Economic destabilization through growth of money laundering:** The financial profitability of trafficking will quickly lead to sophisticated forms of internal and external money laundering, which may undermine financial and commercial market conditions and trigger economic destabilization.

- **Growth of public sector corruption:** The multi-layered nature of human trafficking and smuggling creates numerous opportunities for the corruption of officials of various agencies, and the daily supply of cash generated by these activities provides the means to undermine the entire law enforcement effort to counter them.

- **Political corruption and purchase of influence:** In a similar fashion, the wealth generated by these criminal activities may enable the perpetrators to purchase political influence and corrupt the political system to their personal advantage.

- **Destabilization of economic inward investment:** Organised trafficking that leads to endemic money laundering, public sector corruption and a subsequent loss of confidence in the basic economic system may have a negative impact on the inward investment strategies of the big global conglomerates.[7]

Human trafficking is a 'gendered' activity. While the purposes for which people are trafficked vary between and within regions, women and girls are primarily trafficked for exploitation as sexual and domestic labour. Women are particularly vulnerable to trafficking when migrating to find work, particularly if they are unaccompanied, poorly-educated, destitute and unfamiliar with the tactics of traffickers. Women are more likely to lack personal travel documentation (for which they may require family consent). Women travelling without personal documentation, by definition, are illegal migrants and often fall prey to exploitation. Men and boys are also trafficked, primarily into forced labour and servitude in the agriculture, construction and manufacturing

industries. In West Africa, for example, border patrols have been known to accept bribes from traffickers to take large numbers of boys across borders for slave labour.[8] Gender-responsive procedures at borders both aid detection of trafficking victims, and are necessary to uphold the human rights of victims of trafficking and those being smuggled.

3.2 Protection and promotion of human rights

'Harassment and extortion of travellers and traders has become part of everyday reality in border regions.'

International Crisis Group regarding Central Asia [9]

All people – including victims of trafficking and those being smuggled, as well as asylum seekers and refugees – must be treated at borders in a manner that protects and promotes their human rights. When border personnel respect human rights, the public have trust in them. This trust generates an increased movement of persons, goods and services, which in turn contributes to economic growth and human security. A relationship of trust with border communities also enhances the capacity of border authorities to prevent and detect crime.

Various types of **human rights violations** can occur at border controls, including:

- Denial of the right to seek asylum or to refugee application procedures

- Discriminatory racial/ethnic profiling

- Demand for bribes from cross-border traders
  In Tajikistan, for example, when male traders are subject to demands for bribes from border officials, the burden of trade and market activity is shifted to women, children and the elderly who are perceived to be less vulnerable to physical abuse. Large-scale drug traffickers have used women as couriers, believing they would attract less scrutiny at border checkpoints.[10]

- Refusing to allow people in need of health care to cross borders or checkpoints
  Amnesty International reports of cases where Palestinian women have had no choice other than to give birth on the ground, in the back of taxis or in family cars because of Israeli army security clearance delays, searches or refusal to permit individuals and ambulances to cross border checkpoints.[11]

- Harassment and discrimination on the basis of sex or sexual orientation

- Physical violence including beatings and torture

- Sexual exploitation, where sex is demanded in return for passage, the granting of refugee status, or for legal documentation[12]

- Rape and other forms of sexual abuse, such as:
  Abuse on the US-Mexico border, primarily targeting Mexican women[13]

Girls and women raped by soldiers at the Kosovo-Albania border[14]
Women forced by border officials to watch pornographic videos on the Thai-Burma border[15]
Alleged assault and sexual humiliation of a Bangladeshi man by Indian Border Security Forces at the Indian Border[16]

■ Forced prostitution around border areas

Women and men may experience human rights violations at borders in different ways (see Box 1). In areas of high tension or fear of terrorism, men and boys are more likely to be detained or denied entry than women. In the wake of the 9/11 attacks, men, but also women of Middle Eastern/Arab origin have increasingly become subject to racial discrimination at certain borders. Women, men, boys and girls are particularly vulnerable to abuse when they lack identification documents. They may be without documents because of poverty, lack of government services during armed conflict, or because they have been destroyed, stolen or kept by male family members or others who wish to restrict their mobility. Women may be denied passage when they are pregnant because of fears of their demands for health and social services. Passage may also be denied to mothers who cannot demonstrate the citizenship of their children on the grounds that proof of paternity is the defining means of citizenship identification.

During times of crisis with large population flows, border areas are often prone to violence. The majority of refugee populations are women, children and the elderly who, in the absence of adult males, are vulnerable to discrimination and abuse. As women attempt to cross borders to safety they may be victimised by border guards. Once in new locations, fear of deportation or detention by corrupt authorities can inhibit their willingness to report criminal activity and acts of violence. During or in the aftermath of conflict, women moving with illicit armed groups or with returning soldiers often find themselves unable to cross borders or to return home.

Taking gender into account in border management reduces the likelihood of abuses, improves respect for the rights of women, men and children, and enhances the reputation of border personnel as providers of just and equitable services.

3.3 Representative border management institutions

Women are currently highly underrepresented within the border guard, customs and immigration services. Although statistics are hard to find, women represent 7.5% of the Kosovo Border and Boundary Police[19] and 5.4% of the United States (US) Customs and Border Protection Force.[20] This is approximately half the percentage of women in other law enforcement bodies: for example, women comprise 14% of the Kosovo Police Service and 13-14% of US police personnel.[21]

The US National Center for Women and Policing identifies six specific advantages for agencies that hire and retain more women, which could also be applicable to border management:[22]

■ Female officers are proven to be as competent as their male counterparts.

■ Female officers are less likely to use excessive force.

■ Female officers can help implement community-based responses.

■ Increasing the presence of female officers improves the law enforcement response to violence against women.

■ Increasing the presence of female officers reduces problems related to sexual discrimination and harassment.

Box 1	Border officials impeding the ECOWAS Protocols on Free Movement of Persons and Goods in West Africa [17]

The CLEEN Foundation, an NGO based in Nigeria, monitored the activities of law enforcement officials along the nine official borders between Benin, Ghana, Nigeria and Togo with the aim of identifying impediments to the full implementation of the ECOWAS Protocols on Free Movement of Persons and Goods. The study surveyed traders and other citizens to gather information about the type, scale, and location of abuses perpetrated by border officials. Based on the findings, it recommended practical measures that could be put in place by ECOWAS and its member countries to ensure better enforcement of the protocols.

'The story of what West African citizens go through at the hands of border security officials is the same – harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across borders, sometime[s] lasting weeks due … to the … countless number of security checkpoints along the border highways, many of them mounted by unauthorised officials. A preliminary study carried out on the Nigerian side of the Nigeria-Benin border… revealed that a total of 25 security agencies mounted checkpoints and roadblocks within [a] 10 kilometer radius of the border crossing point. Only about 5 of these "security check points" could be said to be legitimate and necessary for border security.'[18]

Socio-demographic characteristics in the survey included: sex, occupation, education and country of origin. Of the 758 valid responses received, 67.4% were from men and 32.6% from women. Although the number of male respondents outstrips those of women, field observation revealed that the number of women moving between these borders is on the increase, as women migrate as a survival strategy. 48% of all travellers reported some level of harassment, from extensive delays at crossings to demands for payment, claims of false travel papers, or picking quarrels to provoke opportunities for bribery. Further observation indicated that women were particularly at risk of maltreatment by border officials.

Box 2	The Dushanbe-Kyrgyz Border Rehabilitation Project [23]

The project aims to boost regional trade and economic growth through the rehabilitation of an integral part of a regional road network in Central Asia that directly links Dushanbe, the capital of Tajikistan, to the Kyrgyz Republic. It is also expected to benefit women by increasing their access to basic services such as education and health, as well as to towns, enhancing the marketability of their products and improving their employment prospects. Another direct benefit associated with the project is the adoption of an integrated and community-based approach to HIV/AIDS in response to the seasonal migration of men, which has put local women at greater risk of contracting HIV and other sexually transmitted infections.

The Ministry of Transport together with local government, women's associations and NGOs will monitor the project's impact on women. In addition, the Ministry of Transport will ensure women's participation during project implementation and encourage contractors to employ women, with equal pay and safe working conditions for men and women.

■ The presence of women can bring about beneficial changes in policy for all officers.

The presence of female staff can be a key element of border security in some situations, increasing the effectiveness of detection and investigation. For example, women are necessary to conduct proper physical searches of veiled persons, to ensure that males do not masquerade as females to illegally cross borders, or to verify that attire is not used to conceal illicit goods. Female personnel may also be better able than men to identify female victims of trafficking and are required to interview such victims.

Further, operational effectiveness of border management is strengthened by ensuring that institutions are representative and mirror the society they serve in terms of sex, ethnicity, language and religion. The absence of women in border services reduces their legitimacy. The local population and travellers, especially women, may be less likely to trust and work with an all-male force. Female staff contribute to ensuring a 'normalised' border environment, can potentially play a distinctive role in defusing conflict situations, and bring to the fore alternative skills, perspectives and experiences.

3.4 Local ownership, civilian oversight and collaboration

The participation of civil society organisations (CSOs), including women's organisations, in border management reform processes can enhance local ownership and civilian oversight, and be a source of expertise on border security issues. Women's organisations, and other community-based organisations, can serve as a bridge between local communities and border authorities, both by communicating the security needs and concerns of individuals and communities and raising public awareness of reform initiatives (see Box 2). CSOs (including women's organisations with experience in the prevention and documentation of gender-based violence) can make a valuable contribution to official oversight processes.

Although border management is a state responsibility, women's organisations and other NGO, youth, religious, professional or agricultural organisations and associations can be valuable resources for border services. In a respectful, collaborative environment, women's organisations can provide access to critical local intelligence regarding criminal activity, particularly prostitution and human trafficking. They can provide policy advice and training on gender issues, ranging from general gender-responsiveness and protocols on interviewing victims of human trafficking, to establishing complaint mechanisms for sexual harassment and discrimination. They are key referral organisations for crime victims and may provide complementary support services, such as legal advice, psychological counselling and shelter.

4 How can gender be integrated into border managment?

While the integration of gender into police reform has received significant attention, little documented information exists on good practice in border management reform.

See Tool on Police Reform and Gender

This section takes a first step in providing practical strategies to increase the effectiveness of border management through being responsive to gender issues. As border management varies according to the context, these strategies will need to be adapted accordingly. See Section 5 for information and tips on border management reform in post-conflict, transitional, developing and developed countries.

4.1 Improving prevention and detection of human trafficking

Border services face dual challenges in responding to human trafficking. On the one hand, law enforcement requires action to reduce human trafficking and pursue perpetrators. Simultaneously, there is the expectation that responses to detection will centre on

Box 3	Tips for gender-responsive procedures

Women

Trafficked women may travel alone or in groups – with or without traffickers. Whatever the circumstance, they are victimised and exploited in one way or another. Attendant feelings of fear, guilt, shame, anger and relief will influence their behaviour, which is unpredictable, but certain steps are recommended in all circumstances.

- It is unlikely that a trafficked woman will respond to male investigators. Although there is no guarantee that female investigators will elicit better cooperation, it is far preferable that they conduct the investigation, particularly for the female victim's sense of security.
- A woman must be in attendance as a witness at all times. If no female personnel are available (on or off-duty), a known and trusted NGO or women's organisation can sit in as an observer. This will only be possible where border officials are trusted and the environment is non-threatening.
- Separate the victim from the trafficker.
- A female officer must conduct body and property searches.
- Establish immediate contact with women's organisations and victim advocates.
- Ensure that physical and medical needs are attended to.

Men

Border personnel must reconsider common assumptions about the power, authority and autonomy of men. Men, particularly if they are trafficked for sexual exploitation, will experience extreme shame and humiliation. If trafficked for labour/debt bondage or other forms of livelihood servitude, their primary motivation is often to provide for their

families. If detected, they develop feelings of personal failure and anxiety because they can no longer assume that provider role.

- Specific trafficking circumstances will dictate men's responses, but they may be unwilling to respond to male investigators.
- It may be difficult for male investigators to regard trafficked men as 'victims'. In such cases, consider using a female investigator, accompanied by a male observer.
- Separate the victim from the trafficker.
- Establish immediate contact with women's organisations and victim advocates (services and shelters for men are rare or non-existent).
- Ensure that physical and medical needs are attended to.

Children

Boys and girls experience trafficking in different ways. Girls are more likely to suffer sexual exploitation, whereas boys are more often victims of forced labour. Their common fear and mistrust of adults should be a major consideration.

- Child welfare advocates must be contacted immediately and be present at all times for further investigation and interviews, which need to be conducted by trained specialists.
- Special, child-friendly environments should be created as 'safe' locations for children during the interview process.
- Prior to the interview, access should be provided to any medical aid or assistance needed by the child and the interviewer should check if the child is hungry or thirsty, needs the toilet or wants to sleep. In all such cases, the needs of the child should be met before any interview commences.

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victims. Maintaining the delicate but essential balance between the needs of victims of trafficking and those of law enforcement requires extensive collaboration with other government institutions, as well as with various non-state actors.

Key elements of effective border management prevention and response to human trafficking include:

- Thorough, informed surveillance and crossing checks.
- Capacity to recognise and identify human trafficking.
- Sensitive responses to victims of trafficking: recognising vulnerabilities, resistance and needs.
- Familiarity with standard operating procedures for referral and investigation.
- Cooperation with women's organisations and other NGOs to provide services to victims.
- Meaningful collection, analysis and distribution of trafficking data.
- Collaboration and sharing of intelligence with border communities.
- Cooperation with community and other police services.
- Familiarity with trafficking trends, patterns, tactics, routes and traffickers' methods.

Gender-responsive policies, protocols and procedures

Border management policies, protocols and procedures related to human trafficking often reflect stereotyped approaches and fail to recognise the differences between the respective trafficking experiences of women, men, boys and girls. Female victims are often assumed to be sex workers. Male victims are often not identified because of a lack of awareness of the trade in men and boys and beliefs about the independence and mobility of men. Children are not identified because of assumptions regarding adults who accompany them. Identification is a complex and time-consuming task that weighs heavily on the resources of border management personnel. Gender-responsive policies, protocols and procedures can facilitate the identification process and ensure the safety of trafficked people.

In addition to national level policies, regional approaches to human trafficking can include joint training, joint operations and other practical cooperation, including the sharing of good practices.[24]

Tips when developing gender-sensitive policies, protocols and procedures

- Identification, interview and investigation processes need to be separately reviewed and revised. Each of these steps is likely to have a different impact, depending on the experiences of the trafficked

person. For example, the identification process may be lengthy depending on the mental and physical health of the individual, her/his readiness to talk to border services, or her/his response to the option of being granted a 'reflection' period.

- Focus on identification as the key to investigation and referral. The limitations of the investigative process by first response officers need to be rigorously enforced. It is unlikely that they have the skills to conduct a thorough interview. Their responsibility is rather to ensure the security and well-being of the suspected victim and to carry out the appropriate referrals to support services and specialised investigative units.

- Experienced, specialist interviewers (possibly from a specialised trafficking unit) are essential to achieving an outcome that supports both the needs of victims and law enforcement requirements (see Box 4).

- Review protocols and procedures with partners, particularly child and social welfare services, other law enforcement agencies, women's organisations and, where active, survivors' groups.

Multi-sectoral mechanisms

Developing joint policies, plans and procedures ensures a comprehensive and integrated approach to human trafficking. Generally, the Ministry of Interior/Home Affairs/Public Safety is responsible for developing working relationships between different institutions and identifying operational personnel to participate. In addition to border management institutions, other entities that should be involved in the response to trafficking include: specialised police units, medical examiners/forensics, child welfare services, women's shelters, psycho-social services, victim assistance organisations, victim advocates, legal assistance services and the private sector (e.g. transport and tourism).

National referral mechanisms can provide a cooperative framework through which state actors fulfil obligations to protect and promote the human rights of trafficked persons in coordination with civil society actors.[26] When designed cooperatively as practical tools, national referral mechanisms define the roles, areas of responsibility, principles of cooperation, and procedures (including standard operating procedures for the referral of trafficking victims) to be carried out by government institutions and civil society actors. Box 5 is an example of a questionnaire for use by the police as part of a situation analysis, which could be adapted for border management.

Another key institutional mechanism is the **systematic collection of data**. Preventing and effectively responding to human trafficking depend on the timely and systematic collection and distribution of reliable data; and border crossings are critical locations for data collection and use.[28]

! *Tips for enhanced information collection*

- Reform measures should include the establishment and maintenance of centralised information registers at border crossing points.

Box 4	Ten guiding principles for the ethical and safe conduct of interviews with people who have been trafficked [25]

1. Do no harm
Treat each woman, man, or child and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a trafficked person's situation worse in the short term or longer term.

2. Know your subject and assess the risks
Learn the risks associated with trafficking and each individual's case before conducting an interview.

3. Prepare referral information – do not make promises that you cannot fulfil
Be prepared to provide information in a person's native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

4. Adequately select and prepare interpreters and co-workers
Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

5. Ensure anonymity and confidentiality
Protect a respondent's identity and confidentiality throughout the entire interview process – from the moment she/he is contacted until after details of her/his case are made public.

6. Obtain informed consent
Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information given, her/his right not to answer questions, her/his right to terminate the interview at any time, and her/his right to place restrictions on how the information is used.

7. Listen to and respect each individual's assessment of the situation and risks to her/his safety
Recognize that each person will have different concerns and that the way she/he views these concerns may differ from how others might assess them.

8. Do not re-traumatise anyone
Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman's or man's distress and highlight her/his strengths.

9. Be prepared for emergency intervention
Be prepared to respond if a trafficked person says she/he is in imminent danger.

10. Put information collected to good use
Use information in a way that benefits an individual woman or man or that advances the development of good policies and interventions for trafficked people generally.

Box 5	National Referral Mechanism Model Questionnaire – analysis of actors and organisations [27]

Law Enforcement (Police)

Resources

- Are there special police units trained to deal with trafficking in human beings?
- Do these units include women? To what extent?
- Is it a policy to use female officers wherever possible for contact with female victims?
- Does the government provide these units with sufficient personnel (including translators) and financial resources?

Training

- Have the police been trained to identify and deal with potential victims?

- Are there facilities for police training on gender issues, victim sensitivity, and cooperation with victim-protection structures?
- Are the police training their staff in human rights principles and mechanisms?
- What level of training is needed to acquire the skills to investigate and prosecute criminal groups or networks operating on a national and international scale and to confiscate their assets?

Existing Referrals

- Are the police included in existing referral mechanisms?
- How well does this cooperation function?

Regional Cooperation

- Do the police cooperate across borders and work with regional and international organisations such as Europol and Interpol?

- Information must be disaggregated, at a minimum by sex, age, destination and purpose/intent of victim's travel.
- Ensure information sharing and use respects victims' rights as regards confidentiality.

Human trafficking training

Specialised training is essential for border services to detect human trafficking and to deal appropriately with victims. It must be remembered, however, that training, while important, is not enough. Training needs to be routinely monitored and evaluated for impact.

> **See Tool on Gender Training for Security Sector Personnel**

Tips for effective and gender-responsive human trafficking training

- Gender-responsive training on human trafficking needs to be multi-level and multi-service. It should be integrated into both specialised and basic law enforcement training, into all border service training (including customs, immigration and border guards), and into the training of specialised investigation units (see Box 6).
- Personnel interviewing victims of trafficking require specialised training.
- Training should include visits to and/or contact with CSO personnel, special units, and health and social services in order to encourage collaboration through

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Box 6	Human trafficking training for Kosovo border and boundary police [29]

Basic Training: *for entry-level border police after completion of a 6 month Basic Training for Kosovo Police Service.*

- 2-3 days of training included in 'Operations' module
- Topics include:
  - Introduction to human trafficking: definitions, distinctions between trafficking and smuggling.
  - Global, regional and local features: patterns and trends.
  - Identification of victims: use of visual, non-verbal communication and questions; actions and options available to border police.
- Focus is on the tasks, responsibilities and the actual skills needed by basic level officers.

Team Leader Training: *for supervisory level.*

- 1.5-2 days of training included in 'Operations' module

- Topics include:
  - Review of distinctions between trafficking and smuggling.
  - Implications of human trafficking: understanding the process, terminology, definitions, legislation – both international and domestic, and impact of organised crime.
  - Principles and practice of identification, investigation, interviews and referral.
- Focus is on direct relevance of law and principles of human rights protection to border police and the application of skills and correct practice.

In both Basic and Team Leader training sessions:

- Materials are highly interactive, practical and focus on border realities.
- Examples, scenarios and problem-solving are used extensively.
- Training curriculum includes modules on 'Human Rights' and 'Gender and Border Management'.

Box 7	**Civil society and border police collaboration on human trafficking in Nepal [30]**

An estimated 150,000 to 300,000 Nepalese girls and women are trafficked annually to India. Maiti Nepal is a CSO working on the prevention, rescue and rehabilitation of female victims of human trafficking. It is involved in a broad range of activities, including the provision of shelter, micro-credit, and non-formal education and income generation skills, as well as campaigns to implement anti-trafficking laws and policies. Survivors of trafficking work with border police as part of border surveillance teams that identify trafficked women and girls.

Their collaboration with the border police has led to the identification of police corruption, the rescue of trafficked women and girls, and the creation of a policewomen's unit to work specifically with Maiti's border surveillance team. The police refer to Maiti Nepal for training on trafficking. Outreach with men is also an integral part of the work, including with trusted religious leaders, NGO employees, police, teachers, bus drivers, border officials and hotel owners along the 'chain of trafficking'.

referral processes and understand the importance of protection and assistance.

- Consider joint training with other border management services, the police and with CSOs. Training of trainers or 'cascade' training together with representatives of leading CSOs can be effective and maximise outreach.
- Regular refresher training courses are essential.
- Training materials need to be regularly and systematically updated to reflect changes in trafficking patterns and trends.

Collaboration with civil society organisations

CSOs and border management services can complement each other's activities. The priority for border police is to obtain information about the trafficking process in order to identify traffickers. National or community-based CSOs, many of which are women's organisations, often have the capacity and expertise to respond directly to the needs of victims of trafficking (see Box 7). Further, CSOs can:

- Provide local intelligence on trafficking issues.
- Assist in the identification of trafficked people.
- Assist in building trust between law enforcement agencies, trafficking victims and vulnerable communities.
- Provide training on human trafficking issues.
- Trained CSO advocates can intervene on behalf of survivors and assist law enforcement in assuring that the rights of victims are respected by providing language services, phone calls to family members, observers to conduct searches, etc.
- CSOs can conduct public awareness campaigns to publicise trafficking concerns and other human rights issues relevant to border management.

4.2 Strengthening the protection and promotion of human rights

The combination of often poorly paid and trained border staff, border crossings subject to very limited scrutiny because of their isolated location, insufficient monitoring, oversight and discipline, and the vulnerability of people crossing borders is conducive to human rights abuses by border management personnel. Codes of conduct and human rights and

gender training are important tools to prevent human rights abuses. Other interventions to ensure that border personnel respect and promote the human rights of persons at borders and in border communities include:

- Mainstreaming gender and human rights perspectives into border management plans, policies and programmes of the Ministries of Interior, Foreign Affairs and Justice and of the provincial authorities, with an emphasis on preventing gender-based violence and violence against migrants.
- Establishing and enforcing monitoring and accountability mechanisms in collaboration with CSOs and border communities (which might include 'customer satisfaction' surveys).
- Reviewing salary pay scales, staff development and other incentives, as a critical step towards eliminating bribery and other forms of corruption. Personnel are more likely to be responsive to reform measures if adequate pay and conditions of service are in place.
- Ensuring that recruitment procedures exclude any person with a record of violent crime, including domestic violence, from border services.

Codes of conduct

Codes of conduct are sets of rules outlining responsibilities and proper practice for both an organisation and the individuals it employs. They are intended to support a public service in its professional activities and to enhance public confidence in the integrity of the service (see Box 8).

Tips for effective codes of conduct

- Codes of conduct for border services could be based on those of other law enforcement agencies.
- Codes of conduct should address the responsibility to promote human rights and treat colleagues and members of the public with respect, without discrimination on the basis of sex, race, religion etc.
- There should be clear complaint, investigation and disciplinary procedures for violations of the code (including mechanisms for staff complaints of sexual harassment or discrimination).
- Codes of conduct and complaint procedures should be displayed at all border crossings, ports and airports, accessible in all relevant languages.

- Mandatory training on the code of conduct and complaint procedures should be given to all incoming and current personnel.
- Disciplinary measures must be enforced to eliminate impunity.
- The code and its enforcement should be periodically reviewed. Results of 'public satisfaction' surveys should be distributed to senior and operational level border staff and be incorporated in the review process.

Gender training

Mandatory training on gender sensitivity, sexual harassment, human trafficking and human rights, including the rights of women and girl asylum seekers, should be included in the curriculum of all border guard, customs authority and immigration service personnel (see part on human trafficking training in Section 4.1). Supported by current, accurate information, practical tools for application, and clear procedures, border personnel will be able to develop their capacity to identify and prevent human rights violations and will be more effective in combating criminal activity (see Box 9).

To be effective, gender training should be based on training needs analysis and pre-course assessments that identify the level of existing knowledge and the needs of trainees. The content has to be contextualised, practical and relevant. It is crucial to make the connection between gender responsiveness and operational benefits. Courses must be of adequate length and organised according to a realistic schedule, rather than as 'ad hoc' quick fix programmes.

There are different methods for carrying out effective training. The choice depends on resource availability, the position/rank/status of those being trained, and the specific context requirements. While courses are time and cost-effective, other options can include study visits, personnel exchanges, round-table discussions, internships, mentoring, coaching, and 'shadowing' or 'pairing' of an expert with high ranking personnel to provide 'on-the-job' advice and guidance. Rewarding and publicising gender 'champions', both women and men, has the added advantage of providing role models to other staff.

> **See Tool on Gender Training for Security Sector Personnel**

! *Tips for training border management personnel*

- Do not introduce gender in a vacuum: its relevance will only be understood if border personnel can understand how it will support them in their mandated tasks.
- To avoid being seen as special and unusual, but rather as integral to border training, gender should be integrated into all training content in addition to specialised classes included in the curricula.
- Training materials need to be appropriate to the local context.
- Training materials need to be adjusted according to the rank and tasks of the target group and should include task-related instructional and practical content. For example, ensure that: managerial levels are challenged to work on gender-responsive policy/procedure design; supervisory levels are challenged to solve gender-related problems; and operational levels are challenged to identify appropriate gender-responsive practices.
- Include women's organisations and other CSOs as resources to provide diverse perspectives and examples of local issues, and to introduce referral processes.
- Attendance by senior officers reinforces commitment to the subject matter.
- Provide regular refresher courses and ensure feedback, evaluation and review of training delivered.

4.3 Creating more representative border management institutions

Border agencies and other security sector institutions are under pressure to recruit and retain qualified candidates, but traditional recruitment strategies often overlook women as potential applicants. As is highlighted in Section 3.3, there are many benefits to be derived from increased female recruitment, retention and advancement. Increasing female participation requires active steps, but is possible. For example, the US Albuquerque and Tucson Police Departments increased their percentage of female recruits from 10% to 25% and from 10% to 29%

Box 8	Canada's Border Safety Agency has introduced:

- A customised Code of Conduct.
- An intranet 'Values and Ethics' site for staff. This includes references to:
  - *Democratic Values* such as the accountability of ministries to parliament and the implementation of lawful ministerial decisions.
  - *Professional Values* including working within the law, practicing objectivity and impartiality, and the proper use of public funds.

  - *Ethical Values* such as making decisions in the public interest, improving services to Canadians and upholding transparent processes.
  - *People Values* including the treatment of all people with dignity and respect, and appointments made on the basis of merit.
- A Public Service Policy on disclosure of information concerning wrongdoing in the workplace.[31]

Box 9	Gender and border management training in Kosovo [32]

In 2006, the Border and Boundary Police Training Unit of the Kosovo Police Service included within its training course materials an introductory half-day *Gender and Border Management* module for basic, team leader and commander levels.

- Currently, half a day is allocated for this training as part of 2 - 5 week courses.
- The theme throughout training is to enable border personnel to make the link between gender and their own daily practice by asking themselves and learning the answers to questions such as: Why does gender matter? What are the advantages of using a gender lens? Why be concerned with integrating gender? What are the operational advantages?
- All three levels begin with a brainstorming session and discussion on 'What is Gender?' This is followed by discussion on 'Why is gender important to border management?'

- Course content then varies according to rank and functional need, based on the question: 'How can gender be integrated into border management?' The emphasis throughout is on active engagement and initiative rather than passive observation.

The *Basic* course focuses on: identification of risks/threats to women and men at borders, how these may be similar or different, and on the associated responsibilities of border police.

The *Team Leader* course focuses on: common situations with a gender theme and on suggestions/requests that can be made to command level to help resolve problems.

The *Command* level course focuses on: policies, procedures and practices that can be introduced to deal with the key headings in this Toolkit: human trafficking, protection of human rights and representative institutions.

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respectively by implementing specific strategies to recruit and retain female officers.[33]

Assessments

To ensure representative recruitment and retention in border services, different types of assessments can be useful. Assessments might focus on: work climate, rates and types of sexual harassment, and the obstacles and opportunities for increased female recruitment, retention and advancement. The assessment process should include a broad range of participants, such as women and men from all levels of the service, as well as civilians from pools of potential recruits – as external perceptions of the work climate for border service personnel can be powerful factors in effective recruitment.

When staff are asked to divulge sensitive information about themselves, their colleagues and management, the anonymity of information collected in the assessment must be assured. Where possible, assessments should be conducted by external experts/institutions. However, the conduct of assessments must be publicly supported by senior management.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

Inclusive and woman-specific recruitment policies and practices

There can be challenges to increased recruitment of women in border management agencies. If law enforcement agencies have a reputation for hostility, discrimination and harassment towards female officers, women will not apply. Other specific challenges in border services include: the likelihood of being posted to remote, isolated locations, possibly in hostile and difficult and conditions; limited transport; and being in the company of large groups of male colleagues. In many countries, such conditions are considered unsuitable for women.

Tips for increased recruitment of women

- Review selection criteria to ensure they reflect the actual skills and knowledge required for tasks.
- Ensure that job descriptions include the full range of skills required – including those traditionally considered 'feminine' – e.g. ability to communicate with diverse community members; ability to de-escalate violent situations and mediate disputes; ability to work cooperatively with other agencies; problem-solving skills.
- Develop a target level for the recruitment of women – e.g. 20%.
- Revise recruitment materials to make sure that they show pictures of both men and women and emphasise equal treatment and diverse responsibilities and tasks.
- Train recruitment officers on strategies to recruit women, and include women and men (if possible from all relevant ethnic/geographic/religious groups) as recruitment officers and on interview panels.
- Ensure interviewers are trained in equal opportunities and do not ask questions that discriminate on the basis of sex (e.g. 'Do you plan to have a baby?').
- Initiate a public information campaign that will encourage women to apply and change any negative social attitudes towards women's participation in border services.
- Consider new recruitment and deployment arrangements such as all-female units and wife-husband or brother-sister teams in societies where this would make it more acceptable for women to join border services.
- Offer training courses prior to selection to assist underrepresented groups to meet requirements (e.g. women-specific physical training, driver training).

- Commit resources to monitoring and evaluating the impact of having more women in border management roles.

Retention of female personnel

One of the reasons for bias against hiring female border personnel is the issue of retention. It is argued that women will not have the commitment of men and are likely to leave the service to provide child and family care. However, the job market reality is that both men and women need to maintain employment and if employers provide incentives for retention and family-friendly policies, it is in both their and the employee's interest. There are high costs associated with loss of staff, including the loss of institutional expertise and memory, continuity, team morale and specialised skills.

Tips for increased retention of women

- Ensure equal pay, benefits, pensions and other non-salaried remuneration for women.
- Ensure that women are employed in posts with possibilities for advancement – rather than relegating them exclusively to entry-level, low-status and low-paid jobs.
- Develop specific targets for retention.
- Introduce mentoring programmes and associations of female personnel (see Box 10).
- Ensure appropriate facilities and equipment for women, including separate bathrooms and changing rooms, and uniforms.
- Ensure that women have access to and the skills to drive all forms of transport available to the border service.
- Deployment arrangements, such as ensuring that women are always deployed with at least one other woman, may improve their working conditions.
- Where culturally appropriate, consider creating women-only units or work teams, which could potentially have specific duties, such as handling sniffer-dog teams.

- Conduct exit interviews to identify the reasons why women leave the service.

Family-friendly policies are essential to attract and retain both qualified women and men and to enhance job efficiency. These include:

- Flexible work hours with part-time and job sharing options.
- Adequate maternity and paternity leave.
- Provision of a maternity uniform option.
- Light duty assignment for pregnant employees aligned to normal promotion, pay increase and other benefit policies.
- A job restoration policy for women who wish to return to work after giving birth.
- Provision of nursing areas and access to on or off-site day-care facilities.

Advancement of female personnel

Measures to ensure that women and men have equal opportunities for advancement in their border management careers:

- Review promotional criteria to ensure they include the full range of skills required – e.g. for problem solving, working with the community, crime prevention, and referrals to social services.
- Ensure clear, transparent and objective job assessment standards and performance-based assessments.
- Assess promotional exams for gender bias.
- Ensure that women and men have equal opportunity for coveted assignments and in-career training.
- If women are not applying for promotional opportunities, conduct a survey to find out why and implement measures to overcome identified barriers.

4.4 Enhancing civil society oversight

The benefits of collaboration with CSOs, including women's organisations, are discussed in Section 3.4, and in relation to human trafficking, in Section 4.1.

Box 10	European Network of Policewomen [34]

The European Network of Policewomen (ENP) is a regional association of female law enforcement officers. By working in partnership with colleagues from law enforcement institutions in its member countries, the ENP strives to facilitate positive changes in regards to gender mainstreaming and the management of diversity, and to optimise the position of women.

Key aims of the ENP:

- Raise awareness and understanding of issues affecting women within police services in Europe.
- Facilitate and contribute towards discussions on issues of concern to both male and female police officers.

- Stimulate and deliver a contribution towards equal representation of men and women at all levels within police organisations.
- Exchange information on best practices within law enforcement organisations, and on current issues, new approaches, initiatives and measurements.
- Function as a European Expertise Centre to stimulate and synchronize cooperation between various police organisations and relevant networks on gender mainstreaming, management of diversity and equality issues.

Box 11	**Civil society oversight at the US-Mexico border** [35]

The Border Action Network, in conjunction with community organisations in the border states of the US, have developed a set of 'Guidelines for Alternative Border Enforcement Policies and Practices'. The guidelines address issues of accountability and oversight and cover the following elements: border operations, technology and infrastructure, ports of entry, border fencing, the dilution of law enforcement resources, militarization of the border, community security, and detention and deportation.

In June 2006, the Border Action Network submitted a shadow report to the Human Rights Committee documenting violations of human and civil rights in the US/Mexico border area. It has also made representations to the Inter-American Commission on Human Rights.

See Tool on Civil Society Oversight of the Security Sector and Gender

Strengthening **civil society oversight** of border management can be a critical part of reform processes that ensure accountability and build public trust in border services. Oversight mechanisms that may provide an opportunity for civil society input include independent border review commissions, human rights commissions and ombudspersons. Preparing shadow reports to international human rights bodies can raise human rights issues at borders in an international forum and open dialogue between governments and CSOs on these issues. The equal representation of men and women in oversight structures, the participation of women's organisations and the inclusion of gender issues, such as human trafficking and gender-based violence, strengthens oversight of border services.

! *Tips for increasing gender-responsive civil society oversight*

- Ensure that CSOs have opportunities to visit a selection of border locations to become familiar with conditions, circumstances and tasks.

- Provide training for CSOs, including women's organisations, on border management practices.

- Work with CSOs to collect data on gender-based violence and conduct gender assessments of border guard, customs and immigration services.

- Work with CSOs to publicise and make complaint procedures accessible.

5 Integrating gender into border management in specific contexts

5.1 Post-conflict countries

In times of armed conflict or inter-state disputes, borders can become highly militarised and contested areas, the sites of violence and human rights violations, and the focus of large-scale population movement. Pre-conflict police and border management personnel may have largely consisted of poorly trained conscripts or heavily armed paramilitary forces, whose priority was defence and not the safety and security of the populace. In post-conflict contexts, security sector institutions, including border services, are likely to be discredited and in disarray. Security personnel often abandon their posts out of fear of retribution, flee into exile, take flight as refugees, or join armed militias. It is common for border services to have been exclusively male.

Post-conflict border management reform may be an extremely sensitive process due to disputes over borders and control of borders by local armed groups. In many cases, border management systems will have to be built up from scratch. Demilitarising and de-mining borders, preventing the illicit traffic of arms, as well as ensuring the protection of refugees and displaced persons, are some of the immediate priorities of border management reform.[36]

Illicit movement across unprotected borders is common during wartime, but male combatants – commonly identified as those with weapons – are likely to be allowed to return to their country of origin, regardless of their status in the host country, as a part of a disarmament, demobilisation and reintegration programme. Conversely, women combatants are often excluded from such programmes and are in particular need of human rights protection by border authorities and the issuance of appropriate immigration documentation – together with collaborative measures with local women's groups to provide them with support.

Increased levels of prostitution and human trafficking often accompany militarised post-conflict environments. However, post-conflict environments are generally characterised by increased fluidity in gender roles, owing in part to the increased number of female-headed households and female ex-combatants, amidst ongoing reform processes which open up space for changes in legislation, policy and personnel.

Some of the challenges to integrating gender into post-conflict border management reform include:

- Borders often remain contested and potentially hostile areas for long periods after conflict and it may be deemed 'too dangerous' for women to work there.

| Box 12 | Recruitment for the Kosovo Border and Boundary Police Service |

In the immediate aftermath of the war in Kosovo, significant efforts were made to recruit women as cadets in the new basic policing programme. As in any post-conflict context, many former police officers had disappeared or been killed; others were known for their formerly discriminatory and abusive behaviour.

The impetus was to get local police officers on the streets as soon as possible. Of those who applied, background checks were required, but often proved difficult to carry out because employment records and personal identification documents had been destroyed or lost. The initial courses were basic – six weeks in the classroom followed by practical assignments to UN civilian police field training officers providing policing services.

A considerable number of demobilised Kosovo Liberation Army members were recruited – predominantly men, but also civilian women. Courses in the first years recorded up to 33% female graduates. Thereafter, this percentage declined: not everyone liked the job, some women quit when they had families, while others found better work offers elsewhere. Today the percentage of women in the Kosovo Police is closer to 14%.

The Kosovo Border and Boundary Police was formed later. Borders and boundaries in such conflicts – especially in the Balkans with the status of Kosovo unresolved – are politically sensitive. Initially, training was provided by UN civilian police assigned to border duties. In 2006, the European Agency for Reconstruction funded a one-year project, implemented by the International Centre for Migration Policy Development (ICMPD) to develop the Border and Boundary Police Training Unit (BBPTU). This included standard operating procedures for the unit, the selection of eight trainers and the delivery of a customised train-the-trainer course. The major aim of the project was to develop three customized training courses for the basic, team leader and command levels.

There are no women in the BBPTU, despite stated commitments to include them by the senior staff of the border police service and significant efforts by the ICMPD. However, women constitute 26% of the Field Training Officers working at border locations who will be expected to provide future on-the-job training. Efforts to persuade them to join the BBPTU unit failed. The stated reasons were: a) happy with current job and location; b) family would not permit her to work so far from home; c) getting married and husband would want her to remain posted close to home.

In January 2007, of a total of 1,009 border police, 76 were women. The General who heads the service is a woman.

- Borders are insecure because of the presence of large displaced populations – with the associated predators, bandits and human traffickers.

- Gender-based violence against women and girls is rampant where there is lack of oversight and impunity.

- Priority is often given to general policing reform, while reform of specialised policing, including border guards, is delayed.

- Initial recruitment efforts to include women in security forces often lose momentum as life returns to 'normal' and/or international pressure to ensure equal representation dwindles.

! *Opportunities/Tips*

- Security sector reform mandated in peace agreements or by peacekeeping missions, and international attention, may make resources available for border management reform. International actors may be especially willing to support measures to integrate gender issues and increase recruitment of women in border management reform.

- Gender advisors in international organisations and state institutions can provide support to gender mainstreaming initiatives within border management.

- Building up border management systems from scratch provides the opportunity to set targets for female recruitment and integrate gender issues into policy and protocol formulation, operational programming and training (see Box 12).

- Changed gender roles and social structures may facilitate female recruitment; women may have acquired leadership and organisational skills throughout the conflict.

5.2 Transitional countries

Transition in this context generally implies a movement from one type of political/economic system to another – commonly from an authoritarian, centralised system to a more democratic, free market economy. In Central and Eastern Europe the transition is from a socialist to neo-liberal capitalist system, as is the case in Central Asia (see Box 13). Here the police have a history of close ties with political leaders and state institutions and had a primarily political function. This meant tightly controlled borders, repressive tactics to control citizens and a focus on defence from external influences. The flow of external trade and the movement of people were severely restricted. In states such as Hungary, the army carried out duties at state borders and controlled border traffic. During certain periods, sections of the border were mined, fenced and electrified.[37] Sizable 'no-go zones' were established where entry was permitted only with the police or by holding a special permit.

In many cases, with the transition to democracy and liberal market economies, women in Eastern Europe, the Caucasus and Central Asia have experienced heavy job losses, an increase in low-paid jobs in both the formal and informal sectors, and significant cuts in social protection. Access to health services has deteriorated and there has been a substantial increase in poverty, in

parallel with a resurgence of the traditional role of women as primary care-givers and home-makers.

Some of the challenges to integrating gender into border management reform in transitional countries include:

- Large, mobilised border regimes fearful of loss of power and control.

- Inadequate de-mining in border regions inhibits both women and men from carrying out family and community activities.

- Overestimating the capacity of new border services to regulate immigration and customs, with negative consequences for migrants.

- Demands on border personnel by organised crime for concessions and illegal practices.

- Transitional countries are often source countries for human trafficking.

- Women likely to be treated as 'outsiders' in border services.

! *Opportunities/Tips*

- Border management reform initiatives, associated with the goals of NATO or EU membership, can be an entry point to integrate gender issues and increase the representation of women.

- Introduction of new services – e.g. sniffer-dog teams – that require new approaches and training, could be assigned to all-female or mixed teams.

- In certain transitional countries, the post-Soviet legacy includes more equal participation of women and men in security sector institutions, which could be a basis from which to recruit more women into border management services.

5.3 Developing countries

'The scene at the [Nigeria-Benin] border is always chaotic, hostile and unfriendly, suggestive of a high level of insecurity.' [40]

In developing countries, the lack of resources for border reform is a critical issue. Insufficient funding results in inadequate numbers of border personnel, equipment shortages and poor training. This contributes to an environment where, in lieu of pay and other rewards, border officials become corrupt and demand illegal payments for the safe passage of people and goods. Under-policed borders with little oversight, allows for complicity between border officials and criminals and other illegal formations. Criminals in many cases remain in the vanguard of technological advances and have well-tested, flexible transportation options and the financial resources to 'buy off' border guards.

Underdeveloped transportation infrastructure can result in lengthy queues at land borders, which are the principal travel routes, especially for traders. Extortion and lengthy waiting periods foster fears of theft and threats to the safety of goods and people. Men working as long-distance drivers travelling with large sums of cash to pay bribes and illegal 'taxes' are especially vulnerable. Unemployment, a major challenge in developing societies with weak economies, results in large numbers of people crossing borders in search of education, employment and better life opportunities elsewhere.

Of the respondents of a 2007 CLEEN study in West Africa, women from all three countries (Benin, Ghana and Nigeria) consistently indicated that they had more negative experience in the hands of law enforcement agents than men. 38% of the total respondents – the single largest group in the study – were women traders and market women, further indication of women's increased mobility and the scale of their importance in the local economy. [41]

Box 13	Border management reform in Central Asia

When the Central Asian Republics became independent states,' … borders that were suddenly international quickly took on major significance. Long-standing industrial and transportation links were disrupted. Control of territory meant control of resources and improved strategic positions. Ethnic populations that had long enjoyed access to friends and family just across borders were now isolated and often faced visa requirements and other access difficulties.' [38]

The five former Soviet Socialist Republics of Central Asia were faced with developing the capacity to manage new borders, particularly those with Afghanistan, China and Iran. Improving trade and transit in the region and the need to address cross-border crime – clandestine immigration, money-laundering, drug trafficking, arms smuggling and terrorism – demanded international assistance and cooperation.

The EU is playing a major funding role through the *Borders with a Human Face* project. [39] The primary objectives of the project are to ensure regional stability and security, eradicate poverty and develop closer regional cooperation with the EU. Concerns over the vast narcotics trafficking trade in the region provides much of the political motivation behind the project. The EU is introducing integrated border management methods to focus on increased legitimate trade and transit alongside increased security with simplified 'one-stop windows' for document and vehicle verification. The border services are being trained to change from the Soviet-style static military guard at fixed intervals to an inter-agency, mobile, professional force, with the necessary communications and intelligence skills.

In most cases statistics are unavailable, but the percentage of women employed in border services in developing countries is believed to be small to nil.

Some of the challenges to integrating gender into border management reform in developing countries include:

- Lack of state resources and oversight can contribute to high levels of corruption and little prevention and accountability for human rights violations by border management personnel.

- Hiring preference may be given to the large numbers of unemployed men, effectively excluding women.

- Lawlessness, violence and crime at or near border locations can deter women from wanting to work there.

- The effects of poverty and the demands of family survival may place educational requirements beyond the reach of many women.

- Absence of gender equality legislation.

! *Opportunities/Tips*

- Development initiatives focusing on border communities or border management can be an entry point for increased gender mainstreaming and recruitment of women.

- Increasing numbers of women travellers, whether migrants or traders, and the expansion of trafficking of girls and women, can be highlighted as reasons for increasing the recruitment and retention of female staff.

5.4 Developed countries

In developed countries, border management in recent years has focused its attention on becoming more representative of the communities they serve and the populations they need to be able to deal with at border locations. In the wake of criticism of racial profiling, the establishment of an appropriate balance between the need for responsive tracking and identification of potential extremist/terrorist/criminal group members and ensuring respect for civil liberties and human rights remains a challenge.

Corruption, the excessive use of force, and sexual harassment scandals have been financially costly and damaged the public reputation of law enforcement in many developed countries. For instance, in Canada, the mishandling of a case of an alleged terrorist, and his subsequent deportation from the US and torture in Syria, contributed to bringing the federal police into serious disrepute and provoked generalised anxiety about personal security and information sharing by border and other police.[42]

Globalisation has increased the diversity of population flows and the attraction of migration, legal or otherwise, to those who live in poverty. Increasingly, women are migrating to developed countries in search of employment in order to support their families. Migration policies and their implementation by border services remain difficult and often contentious issues. Questions related to lawful detention, the rights of refugees, asylum seekers and migrants, and the control of the cross-border movement of drugs, weapons and people are also major concerns (see Box 14).

Some of the challenges to integrating gender into border management reform in developed countries include:

- Power structures, values and approaches to security sector reform that emphasise militarisation over human security.

- Political pre-occupation with terrorism and fear of migrants undermines human rights at borders, in

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Box 14	North American Free Trade Agreement (NAFTA)

The principal objective of NAFTA, a trade agreement between Canada, Mexico and the US, is to facilitate the movement of goods, capital and services – not people. The daily value of trade between the US and Canada is US$1.2billion, compared to US$7.3 million between the US and Mexico. Reform processes have differed significantly at the two borders.

For the US, the illegal trade in drugs, guns and migrants has been a dominant focus of its relationship with Mexico. A fence, massive increases in border guards and a militarised environment characterises the border with Mexico.

In contrast, the US and Canada have collaborated on a 'smart border' approach. This includes a pre-approved process for commercial traffic (FAST) and a system for individuals to be pre-approved for border crossing (NEXUS), which has resulted in harmonized and streamlined commercial traffic clearance. Interagency work groups and task teams, co-location of customs and immigration, document coordination, and piloting of isometric identification projects (retinal and finger-print scans) have accelerated passenger movement. Within the US, overlapping jurisdictions among multiple competitive agencies remain problematic, while Canada created a new Ministry for Public Safety responsible for customs and border services in 2002.

The management of the US/Canada border, the longest joint land border in the world (8,850km) with 132 legal ports of entry, remains relatively seamless, while the US/Mexico border, with only 25 ports of entry, remains dominated by fear of crime and violence.

particular with regard to racial profiling and the rights of migrant workers.

- Competing demands within border management for sophisticated technology, surveillance and investigation equipment divert resources from gender-responsive initiatives.

- Aversion to affirmative action/quotas in states that consider gender equity problems resolved, or not an area in which government should intervene.

Opportunities/Tips

- Focus on public service-oriented values and skills traditionally associated with women.

- Public pressure for gender, race and ethnic diversity in law enforcement bodies creates momentum to address gender issues.

- Existence of legal structures to ensure equal employment rights of men and women can promote full and equal participation of both in border services.

- Develop and implement 'cultural sensitivity' training as part of standard border management training to ensure the protection of human rights of women and men.

6 Key recommendations

International community

1. Call for the inclusion of women, gender experts and representatives from women's organisations in the assessment, design, implementation, monitoring and evaluation of border management reform processes.

2. Support the mainstreaming of gender issues and increased recruitment, retention and advancement of women in all border management reform processes.

3. Undertake capacity-building programmes to enhance the ability of women's and other civil society organisations to effectively monitor border guard, customs and immigration services.

Government

4. Review and revise border management policies, procedures and protocols to incorporate gender issues and ensure service-oriented policies.

5. Create and enforce comprehensive codes of conduct that explicitly address sexual harassment and gender-based violence.

6. Ensure participatory reform processes and border management agencies:

    a. Actively involve gender experts, women's organisations and other civil society organisations, and border communities.

    b. Consult with women in border and other security services.

    c. Undertake public awareness-raising on border procedures and human rights.

7. Develop institutional mechanisms to ensure the integration of gender issues including:

    a. A gender focal point system to monitor and support the progress of gender equality policies.

    b. A gender forum across the service to implement policies, ensure budgetary allocations and as a means for women to articulate their views.

8. Implement and evaluate gender training for border management personnel:

    a. Embed training in larger strategies for gender mainstreaming,

    b. Include a focus on international and domestic human rights law, especially concerning gender-based violence and human trafficking.

    c. Build evaluation and feedback processes, including gender-sensitive indicators, into training and project management cycles – followed by gaps analysis, reviews, client surveys, etc. to collect feedback and build in corrections/improvements.

9. Increase the recruitment, retention and advancement of female personnel:

    a. Develop strategic targets for recruitment and retention.

    b. Launch specific recruitment campaigns

    c. Provide mentoring and support programmes for new female recruits.

    d. Develop associations for female personnel.

    e. Consider new deployment arrangements such as all-female units.

    f. Appoint qualified women to senior positions.

10. Develop and implement specific initiatives to combat human trafficking including:

    a. Regional cooperation mechanisms.

    b. Participation in national referral mechanisms.

    c. The systematic collection of data.

    d. An inter-ministerial working group with responsibility for maintaining high-visibility, up-to-date information on government initiatives to prevent human trafficking.

    e. Ensure that both women and men are equally represented on all bodies established and that members with gender expertise are included.

7 Additional resources

Useful websites

Amnesty International - http://www.amnesty.org

CLEEN Foundation - http://www.cleen.org

Coalition Against Trafficking in Women - http://www.catwinternational.org

Human Rights Watch - http://humanrightswatch.org

No Border Network - http://www.noborder.org

United Nations Development Fund for Women - http://www.unifem.org

Practical guides and handbooks

International Centre for Migration Policy Development, *Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response*, 2005. http://www.stopech.sacp. government.bg/file.php?fid=160

International Organization for Migration, *Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking*, 2006. http://www.ch.iom.int/fileadmin/media/pdf/publikation en/resource_book.pdf

National Center for Women and Policing, *Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement*, 2001. http://www.ncjrs.gov/pdffiles1/bja/185235.pdf

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23 UNDP Tajikistan. http://www.adb.org

24 Regional human trafficking initiatives include:
The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) is tasked by the EU to mainstream trafficking in all its work. The Agency shall assist Member States in training national border guards, including the establishment of common training standards.
The ECOWAS Plan of Action on Trafficking includes training of law enforcement staff together with NGOs and specialised units with the mandate to target human trafficking.
The police of 10 countries of South America are collaborating on a regional initiative from a Peruvian advocacy group that encourages reporting on human trafficking information via the internet: http://www.denunciatatrata.org
The Southeast European Cooperative Initiative (SECI) Centre addresses crime in that region, including human trafficking. The SECI Centre encourages member states to establish national commissions against trafficking and to adopt anti-trafficking legislation. It also works with the Stability Pact on organised crime to eliminate discrepancies of law between member states and ensure prosecution of crime networks.
In the Greater Mekong Region (Burma, Cambodia China, Laos, Thailand and Vietnam) a ministerial initiative against human trafficking includes multi-sector partners working at all levels of society, from individual to international, on rights-based responses that focus on the victim. A 2004 agreement between the six countries to fight human trafficking has resulted in robust operations to rescue Vietnamese women and girls destined for the sex trade in China. Police on both sides of the China/Vietnam border cooperate through joint training of personnel and information sharing as well as joint operations.

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38 International Crisis Group, 'Central Asia Border Disputes and Conflict Potential', *Asia Report* no. 33. (ICG: Brussels), April 2002, p. 3.

39 Van Der Meer, A.H., 'New Perspectives for Economic Cooperation in Central Asia', InWEnt Conference, Berlin, May 2006.

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41 Ibeanu, p. 27.

42 http://www.maherarar.ca

Border Management and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into border management, as well as practical information on doing so.

> This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 tools with corresponding practice notes – see *More information*.

Why is gender important to border management?

> **Border Management** 'concerns the administration of borders. Its precise meaning varies according to national context, but it usually concerns the rules, techniques and procedures regulating activities and traffic across defined border areas or zones'.[1] Border guard, immigration and customs services are the main actors responsible for managing the movement of people and goods across borders.

> **Gender** refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Prevention and detection of human trafficking and smuggling

- Adopting a gender-responsive approach to the prevention, investigation and control of human trafficking and smuggling can increase the detection and protection of victims.

Protection and promotion of human rights

- Border management personnel that protect and promote the human rights of men, women, girls and boys are more likely to secure public trust in their services. This in turn increases movement of persons, goods and services and enhances the criminal prevention and detection capacity of border management personnel.

> **Human rights violations can occur at border controls, including**:
> - Physical violence such as beatings, rape and torture.
> - Denial of right to asylum or refugee procedures.
> - Sexual harassment and discrimination on the basis of sex or sexual orientation.
> - Racial/ethnic profiling that hinders the right to freedom of movement.
> - Corruption, abuse and violence towards cross-border traders.
> - Denial of the right to health care.

Representative border management institutions

- Ensuring increased representation of women among border personnel may help, as men are currently highly over-represented:

- Ensure appropriate questioning, interviewing, body searches and follow-up procedures with respect to crimes such as human trafficking and smuggling.
- Create more representative institutions that mirror the society they serve in terms of ethnicity, language, sex, religion, etc., which strengthens legitimacy and 'normalises' border environments.
- Prevent human rights violations at the border such as sexual harassment, inappropriate body searches and the use of excessive force.

Local ownership, civilian oversight and collaboration

- Increasing the participation of key stakeholders, such as women's organisations, in border management reform processes strengthens local ownership and civilian oversight.
- Collaborating with women's organisations, along with other civil society organisations, can yield critical local intelligence regarding criminal activity, expert policy advice and gender training expertise. Civil society organisations are also key referral

organisations for crime victims and provide complementary support services.

How can gender be integrated into border management?

Gather information

- Collect, analyse and distribute accurate data on migration flows, human trafficking and human smuggling in order to improve border management policies and practices. At the minimum, disaggregate all data by sex, age, destination and purpose/intent of travel.

Establish gender-sensitive policies, protocols and procedures

- Develop gender-responsive policies, protocols and procedures (see Box 1) for identification, interviewing, body searches, investigation, detainment and other processes that take into account the different needs of women and men and differentiate between migration, human trafficking and human smuggling.
- Establish clear codes of conduct; internal and external complaint, investigation and disciplinary procedures; and external conduct and review processes.
- Make border management guidelines and policies openly available to the public and conduct regular consultations with various stakeholders on public opinion regarding perceived security threats and appropriate responses.
- Implement gender-responsive and family-friendly human resources policies and practices, including sexual harassment policies.

- As a critical step towards eliminating bribery and other corruption, review pay scales, staff development and other incentives for border management. Personnel are more likely to be responsive to reform measures if adequate pay and conditions of service are in place.

Conduct gender training
- Develop gender training and capacity-building materials, specifically targeted at border management personnel and the unique challenges they face, including border guards, customs authorities and immigration service personnel.
- Include women's organisations in the development and delivery of gender training and other capacity-building initiatives.

Increase detection and protection of human trafficking victims
- Make sure border management personnel have the capacity to recognise and identify human trafficking and distinguish it from smuggling, prostitution, voluntary work migration and other forms of cross-border movement:
  - Conduct thorough, informed surveillance and cross checks.
  - Recognise the different purposes and experiences of trafficking for women, men, girls and boys.
  - Build personnel capacity to provide adequate responses to victims of trafficking (see Box 2) – recognising vulnerabilities, resistance and needs – and familiarise personnel with standard operating procedures for referral and investigation.
  - Cooperate with women's organisations and other non-governmental organisations to provide services to victims.

Create more representative and participative border management institutions
- Plan and target recruitment to attract more female applicants, including reviewing selection criteria, developing appropriate job descriptions, training recruitment officers on gender issues, revising recruitment materials and reviewing interview formats.

Box 3	Female recruitment in Kosovo

In the immediate aftermath of the war in Kosovo, efforts were made to recruit women as cadets in the new basic policing programme established by the OSCE. Courses in the first years recorded as high as 33% female graduates, but not everyone liked the job, some women quit when they had families, while others got better work offers elsewhere. Today, women represent close to 14% of the Kosovo Police personnel. The Kosovo Border and Boundary Police (BBPT) was formed later. In January 2007, of a total of 1,009 border police, 76 were women, and the General who heads the service is a woman.

Box 4	Civil society oversight [3]

The Border Action Network, with community organisations in the border states of the USA, have developed 'Guidelines for Alternative Border Enforcement Policies and Practices', to provide for accountability, human rights and community security. In June 2006, the Border Network for Human Rights in El Paso, Texas and Southern New Mexico submitted a Shadow Report to the Human Rights Committee that documents violations of human and civil rights in the US/Mexico border area.

- Appoint or promote qualified women to senior positions in border management (see Box 3).
- Increase the participation of local actors such as civil society orqanisations, including women's groups, in the assessment, design, implementation and monitoring/evaluation of reform processes in order to increase transparency and local ownership (see Box 4).

Monitor and evaluate
- Have an independent authority conduct 'customer satisfaction' surveys as part of monitoring.

Also available in Tool 6...
- Tips for gender-responsive procedures
- National referral mechanism model questionnaire
- Tips for effective codes of conduct
- Examples of gender training curicula for Kosovo Border and Boundary Police
- Tips for increased recruitment, retention and advancement of female personnel

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Post-conflict challenges and opportunities

Post-conflict border management reform may be an extremely sensitive process due to disputes over borders and control of borders by local armed groups. In many cases, border management systems will have to be built from scratch. Demilitarising and demining borders, preventing the illicit traffic of arms and humans, as well as ensuring the protection of refugees and displaced persons, are some of the immediate priorities of border management reform.

Challenges for the integration of gender issues
- Borders remain contested areas and potentially hostile after conflict: an environment that is often deemed 'too dangerous' for women.
- GBV against women and girls in environments with little oversight and near total impunity.
- Increasing rates of human trafficking.
- Priority is often given to general policing reform – reform of specialised policing, including border management, may be delayed and initial recruitment efforts to include women in security forces lose momentum.

Opportunities for the integration of gender issues

- There may be more political will among members of the international community, international organisations and newly-established governments to invest in reform processes.

- Building up or reforming border management systems provides an opportunity to set targets for female recruitment and integrate gender issues into policy and protocol formation, operational programming, recruitment and training.

- There may be an increased number of women available for employment within border services – including women heading and supporting households, and demobilised women with leadership and organisational skills.

? Questions for border management

One of the best ways to identify entry points, strengths and weaknesses for incorporating gender issues into border management is to conduct an assessment. Below are sample questions on gender that are important to include in border management assessment, monitoring and evaluation processes.

- Have border management personnel received accurate information and adequate and appropriate training on gender issues?

- Are border personnel adequately prepared to protect the rights and respond to the needs of trafficked and/or smuggled persons?

- Have standard operating procedures for the referral of trafficking and smuggling victims been created?

- Are gender-responsive policies in place, such as codes of conduct and policies on sexual harassment and discrimination?

- Do border personnel reflect the society in terms of sex, ethnicity, religion, language, etc.?

- Are women and men equally employed at all levels of border management institutions?

- Are key stakeholders from government ministries and civil society, including women's organisations, involved in assessment, planning, decision-making, and monitoring and evaluation processes for border management?

- Have border identification, interview and investigation processes been reviewed from a gender perspective?

- Have centralised registers for information gathering and exchange been created at border crossings? Is all data disaggregated by sex, age, and other relevant factors?

More information

Resources

ILO – *Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement*, 2005.

IOM – 'Migration and Gender', *Essentials of Migration Management*, 2007.

IOM – *Identification and Protection Schemes for Victims of Trafficking in Persons in Europe: Tools and Best Practices*, 2005.

OSCE – *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*, 2004.

UNODC – *Toolkit to Combat Trafficking in Persons*, 2006.

WHO – *Ethical and Safety Recommendations for Interviewing Trafficked Women*, 2003.

Organisations

CLEEN Foundation – www.cleen.org

Coalition Against Trafficking in Women – www.catwinternational.org

Human Rights Watch – www.hrw.org

International Organization for Migration – www.iom.int

No Border Network – www.noborder.org

OSCE – www.osce.org

UNIFEM – www.unifem.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Nadia Nieri of UN-INSTRAW, based upon Tool 6 authored by Angela Mackay.

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Parliamentary Oversight of the Security Sector and Gender

Ilja Luciak

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Editors
Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on Parliamentary Oversight of the Security Sector and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

TABLE OF CONTENTS

ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration Processes
GBV	Gender-Based Violence
IPU	Inter-Parliamentary Union
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organisations
OSCE	Organization for Security and Cooperation in Europe
UN	United Nations

Parliamentary Oversight of the Security Sector and Gender

1 Introduction

Parliaments play an essential role in security sector reform. As representatives of the interests of citizens, parliamentarians play a crucial legislative and oversight role, holding the executive accountable. Parliaments approve budgets, review and implement legislation related to the security sector, and exercise a crucial bridging function between government and the citizens in shaping national dialogue on security. They are the only nationally elected bodies that can speak for all citizens and defend their security interests. When parliamentarians take gender issues into account – which includes an understanding of the different security needs of men, women, girls and boys – they strengthen their oversight of the security sector. Gender-responsive oversight can ensure inclusive, needs-based security policies; strengthen the operational effectiveness of security sector institutions; and hold them accountable for equitable budgeting.

This tool seeks to highlight the importance of parliamentary oversight of the security sector and the benefits parliamentarians derive from integrating a gender perspective into their work. The main audiences at the national level include parliamentarians, parliamentary staffers and political parties. Members and staff of regional parliamentary bodies, such as the Pan African Parliament, the Central American Parliament, the European Parliament and the OSCE and NATO Parliamentary Assemblies are also a target audience; as are institutions and groups of parliamentarians, such as the Association of European Parliamentarians for Africa, which undertake parliamentary assistance activities. Government security sector reform and governance project officers, civil society organisations, researchers and academics working on the intersection of security, parliaments and gender will also find this tool useful.

Following a brief discussion of the nature of parliamentary oversight of the security sector, this tool lays out the importance and benefits of integrating gender into parliamentarians' work on security issues. It gives suggestions on how to integrate gender into parliamentary oversight, and includes a section that addresses gender and parliamentary oversight in specific contexts of post-conflict and developed countries. The tool concludes with key recommendations and provides a list of additional resources for the practitioner.

2 What is parliamentary oversight of the security sector?

An established definition of parliamentary oversight of the security sector holds: '*The Legislature exercises parliamentary oversight by passing laws that define and regulate the security services and their powers and by adopting the corresponding budgetary appropriations. Such control may also include establishing a parliamentary ombudsman or a commission that may launch investigations into complaints by the public.*' [1]

Good governance requires parliamentary oversight. Parliament is at the very core of democracy, serving as a bulwark against autocratic rule. Parliament holds the power of the purse and thus determines the budgets that the security sector relies on. Further, it creates the legal parameters for security issues. Depending on the specific country in question, the following are some of the actions that parliament can take to oversee the security sector: [2]

- Approve, reject or propose amendments to security policies and defence laws.
  - Hold a parliamentary debate.
  - Ask parliamentary questions and make interpellations (demand that a government official explain some act or policy).
  - Call for a national consultation on security issues.
  - Commission research.
- Adopt and oversee budgetary provisions related to security.
- Authorise or end a state of emergency or war.
- Approve or reject government proposals regarding:
  - International treaties, alliances and sending troops abroad.
  - Appointment of high-level security personnel.
  - Major arms procurement.
- Monitor and evaluate security policies and programmes.
  - Establish a parliamentary inquiry or hearing.
  - Request an evaluation of policy/programme implementation from the government or hire consultants to conduct special performance audits.

- Institute or review the functioning of audit mechanisms e.g. a defence ombudsperson.

There are a variety of key actors within the parliamentary system:

- **Parliamentarians**, or members of parliament, are representatives elected by voters to the parliament. They can ensure that citizen concerns are taken into account in security related policies proposed by the executive. They can hold public hearings, provide civil society groups with pertinent information and, in some cases, individual legislators use town hall meetings to discuss government policy with their constituents. This last function, serving as a bridge to the public – be it at the party or individual legislator level – greatly strengthens the legitimacy of parliamentary decision making on security issues.

- **Political parties** are the main constituent parts of parliament. The organisational fabric of most parliaments is built around them. In most political systems, political parties, rather than parliament itself, are the main conduits between decision-makers and civil society. Political parties have their own specific positions on the security sector and use the legislature as a forum to get their views out to the public.

- **Parliamentary staffers** play the central role in making parliament function. The staff represent a repository of expertise that individual parliamentarians and political parties draw on. Professional staffers ensure continuity in the discussion of complex security issues and can provide a historical context. Thus, staffers are a crucial element in providing effective oversight of the security sector.

- **Parliamentary ombudspersons** have become quite common in Europe as a mechanism to assert parliament's oversight function. In Western Europe, with the exception of Germany, Greece, Italy, Luxembourg and Switzerland, all countries have ombudspersons at the national level. Italy and Switzerland have ombudspersons at the regional or municipal level, while Germany's Bundestag has a Petitions Committee which 'serves as a functional equivalent as does the military ombudsman for complaints from the armed forces'.[3]

- **Civil society** can be an effective partner in supporting parliamentarians in efforts to reform the security sector. Parliaments can employ different means to interact with civil society, including holding national dialogues, organising public parliamentary hearings on proposed laws, or soliciting presentations by experts. Such relationships are long-established traditions in many societies.

The differences in parliamentary oversight capability across the world are evident. Parliaments with a history of strong law-making powers, legitimacy based on a broad popular mandate and a record of robust oversight over the executive, will be more effective in exercising control over security sector reform than parliaments in many developing and transitional countries that do not operate under such favourable conditions. Legislatures in conflict-affected and transitional societies face political, constitutional, and resource constraints that impede their effectiveness. Notwithstanding structural and institutional shortcomings, parliaments have a central role to play in ensuring that security sector reform is an inclusive process.

All parliaments are constrained by the inherent complexity of the issues relating to security sector reform and thus face common **challenges** in their efforts to exercise effective oversight. Whether it is the United States Congress seeking to rewrite the USA PATRIOT Act in order to reign in an overzealous executive branch in the wake of 9/11, a European parliament concerned about European Union defence policy or an Arab legislature seeking to assert its authority in the wake of conflict, all legislatures share an understanding of the complexities parliaments face when they attempt to establish control over military and police forces. Parliaments are limited both by their lack of expertise and the preeminence the executive branch enjoys in the security arena. For example, presidents and their cabinets frequently resort to the use of secrecy laws in order to hinder parliament's free access to information.

At times, great challenges also present great opportunities. For example, conflict situations present parliaments with important opportunities to become effectively involved in security sector reform. In the wake of civil war or other forms of violent political change, parliament has a strong mandate to represent citizens' interests by exercising its oversight and legislative functions in order to improve human security.

3 Why is gender important in parliamentary oversight of the security sector?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[4]

For more information see
Tool on SSR and Gender

3.1 Inclusive, needs-based security laws and policies

Parliaments engaged in security sector reform benefit from integrating a gender perspective into their core functions. Parliamentarians, as elected representatives of their constituents, have the responsibility to ensure that the security needs of women, men, girls and boys are incorporated into security policy-making. Men, women, girls and boys face different threats to their security. Gender-based violence (GBV) is one of the most common threats to human security worldwide. Women and men have differential access to health care, education, decision-making power and other resources, affecting every aspect of their security. National security policy-making processes often focus on addressing external security threats such as terrorism and weapons of mass destruction, and military force preparedness. Laws and policies regulating policing, justice, prisons, border services, intelligence, defence forces and private security companies are often formulated without attention to how they may impact differently on diverse segments of the community. However, parliamentarians can use their legislative, budgetary and other oversight powers to ensure that security laws and policies meet the needs of all their constituents, taking into account GBV and other aspects of men and women's differential access to security.

The increased involvement of women in the security sector raises new questions for parliaments to consider, including issues of training, dress codes and housing. At the same time, there are traditional security sector needs that have only recently been given increased attention, such as adequate training of police personnel to respond to domestic violence and other forms of GBV. Attention to these important issues generates confidence and trust among traditionally marginalised sectors in the institutions of government. It also strengthens parliamentary legitimacy.

Further, when parliaments include a broad range of civil society actors, including representatives from women's organisations, in law and policy-making processes, this increases the responsiveness and legitimacy of security policies, security institutions and the parliament itself (see Box 1).

Box 1	Creating gender-responsive security policies in South Africa [5]

The South African process of reforming its security sector post-apartheid is often used as an example of gender inclusiveness and participation.

The 1996 White Paper on National Defence for the Republic of South Africa was drafted by Laurie Nathan of the University of Cape Town. The first draft of the paper was widely commented on by civil society organisations and members of the defence industry. It included a focus on human security and emphasised the creation of a non-sexist institutional culture, including an obligation of the Ministry of Defence to identify and eliminate discriminatory practices and attitudes in the armed forces. In addition, it called for affirmative action and equal opportunity programmes as well as acknowledgment of the right of women to serve in all ranks and positions, including combat roles.

The White Paper also called for a defence review to outline operational details such as doctrine, force design, logistics, armaments, human resources and equipment. At the insistence of women parliamentarians and others, the Parliamentary Joint Standing Committee on Defence called for a national consultation as part of the defence review process. A variety of measures were taken to ensure public participation, including using military planes and buses to transport religious and community leaders, NGO activists and representatives of women's organisations to regional meetings and workshops.

Grassroots women's organisations were vital in drawing attention to previously ignored issues such as the environmental impact of military use and the sexual harassment of women by military personnel. To respond to these issues, two new sub-committees were formed within the Defence Secretariat. After a two year process, the participatory defence review had helped build national consensus around defence issues and generated public legitimacy for the new security structures.

| Box 2 | Rwandan women parliamentarians' contribution to post-conflict reconstruction |

After the Rwandan genocide, electoral reforms introducing legislative quotas helped to make Rwanda the world leader in terms of women's representation in parliament, with 48.8 per cent of parliamentarians being women.[8] The Rwandan experience demonstrates the difference a significant number of female parliamentarians can make to post-conflict reconstruction. Women parliamentarians established the first parliamentary caucus that reached across party lines and included both Hutus and Tutsis. It addressed issues of women's security, regardless of their ethnic or party affiliation, initiating laws on women's right to inherit property and widows' right to claim property from their deceased husband's male relatives, and on GBV.[9] The Government created a ministry dedicated to women's empowerment and a national gender policy was drawn up in 2001. This paved the way for gender to be identified as one of three cross-cutting priorities in the poverty reduction strategy review process. The Government sponsored extensive research into different aspects of gender-based disadvantages. The findings were fed into discussions within every ministry and Government department about the barriers to gender equality and how they may be overcome. As a result, the Ministry of Agriculture is committed to increasing the number of women reached by its extension programmes; the Ministry of Education is striving to increase the retention of girls in schools; provincial government structures are committed to promoting the representation of women in local decision-making processes; and gender-budgeting exercises are used to train civil servants to translate policy decisions into concrete actions through resource allocation.[10]

3.2 Effective and representative security sector institutions

Parliaments can exercise oversight over the performance of the security institutions and personnel by promoting education, introducing codes of conduct, establishing accountability mechanisms and reviewing human resource policies. The integration of gender issues is essential for operational efficacy and efficiency within the security sector – including in armed forces, police, border authorities, the judiciary and the penal system – and thus should be monitored by parliament. Security sector institutions have been shown to be more operationally effective if they increase the participation of women and lower rates of discrimination, sexual harassment and violence. Women's participation in security services is also a key aspect of creating representative security sector institutions, which will enjoy broader public trust.

See the Tools on Police Reform and Gender, Defence Reform and Gender

Parliamentarians can institute proactive accountability measures to increase women's participation and decrease discrimination and violence. For instance, it is parliaments' role to adopt laws that ensure that all positions in security sector institutions, including combat, are open to women. In 2000, the Israeli Parliament adopted an amendment to the Security Service Law which opened all military professions to women.[6] As parliaments exercise control over the composition and mandate of peacekeeping missions, they have the opportunity to call for increased female participation.

There is increased awareness that such missions are more effective when their members have received gender training and the force itself includes women in the command structure as well as in the actual force. Female soldiers tend to be more aware of the gendered needs of the population they serve and are more likely to be approached by marginalised sectors of society.[7]

Parliaments also play an essential role in preventing and holding security sector institutions accountable for discrimination, sexual harassment and violence. From the scandals of peacekeepers involved in sexual exploitation and human trafficking, high rates of sexual harassment of women within the armed forces, to sexual assault by prison staff, these forms of GBV are criminal acts that reduce the effectiveness of security services. In response, parliamentarians can adopt policies that establish codes of conduct, enact legislation on disciplinary measures, establish a defence and/or gender ombudsperson, call for in-depth inquiries and monitor that sanctions are enforced.

One example is the European Parliament's resolution on the participation of women in peaceful conflict resolution, passed in 2000. It calls on member states to take a wide variety of actions to increase the participation of women and gender responsiveness in the context of peace and security-related initiatives. In addition to mandating gender training for military personnel and staff engaged in policies concerning conflict, the resolution calls for the recruitment and nomination of more women to the diplomatic services and promotes the use of all-female peacekeeping, fact-finding and assistance teams. With regards to human rights violations, the resolution condemns the sexual misconduct of soldiers involved in peacekeeping operations; calls for actions against trafficking; and recommends that human rights observers accompany peacekeepers to ensure that international law is upheld.

3.3 Equitable budgeting and resource management

Parliaments adopt and oversee budgets related to security. Budget control is one of the most important ways in which they can influence government policy.[11] Parliamentary committees also play an important role in the procurement of arms and military equipment. Analysing budgets for military and police forces through a gender lens – known as gender budgeting – can be an important tool to help parliaments recognise the different security needs of women, men, boys and girls and make sure that they are being adequately prioritised and resourced. It can also highlight whether gender initiatives, such as providing gender training for security sector personnel, have sufficient earmarked funds.

Gender budgeting remains a challenge since economic decision-making itself is far from gender-balanced. As in the case of the key security sector portfolios, women are grossly under-represented when it comes to economic decision-making. As of 2005, only twenty women throughout the world held portfolios on finance and the budget.[12] Still, over fifty countries have adopted gender budgeting initiatives, with about half of them having institutionalised such programmes.[13] Among the Council of Europe member states, the Nordic countries, Austria, Belgium, France, Germany, Great Britain, Ireland, Poland, Spain, Switzerland and Turkey have all implemented gender budgeting initiatives.[14]

3.4 Gender equality in parliamentary decision-making

To strengthen the legitimacy and representativeness of parliamentary oversight of the security sector, there is a need to increase the number of female parliamentarians. Formal gender parity in political decision-making, despite some improvement in women's representation in recent years, is still a distant goal. Significantly, the percentage of parliaments with less than 10% female representation has dropped from 63% in 1995 to about 30% in 2007.[15] At the same time, there are still seven countries (among those proving data to the IPU) that have not a single woman in parliament.

In 2007, less than 20% of the world's parliamentarians were women (see Table 1).

Table 1	Gender composition of the world's parliaments, 2007 (single or lower house) [16]	
Region	**% of female MPs**	**% of male MPs**
Nordic Countries	41.6	58.4
Europe OSCE (Nordic countries included)	20.4	79.6
Americas	20.0	80.0
Europe OSCE (Nordic countries not included)	18.4	81.6
Sub-Saharan Africa	17.2	82.8
Asia	16.6	83.4
Pacific	13.1	86.9
Arab States	9.6	90.4
World Average	**19.6**	**80.4**

Only the Nordic countries have parliaments with a gender composition that consistently approaches gender parity. Recently Rwanda has joined this elite group and has elected a parliament that has equal representation of men and women (see Box 2). Although considerable progress has been made since 1995, when the proportion of women in parliament was only slightly above 11%, the gender gap is still significant.

The lack of a gender balance in the world's legislative and executive decision-making bodies is a structural impediment to making parliamentary security and defence decision-making more representative. In general, women hold only a small number of ministerial positions throughout the world, an imbalance that is particularly prominent in the areas of defence and justice. In 2005, of 183 countries assessed, only 12 women headed defence and veteran affairs ministries and there were only 29 female justice ministers. Of 97 parliaments reporting data on the gender composition of their parliamentary committees in 1997, only 3% had a woman chairing the defence committee. Overall, less than 20% of the presiding officers of all parliamentary committees were women.[17] Thus, one challenge is to include a greater number of female parliamentarians on security committees and have women appointed to the key security portfolios of defence, police and justice.

A more equal participation of women and men in the democratic oversight process strengthens the legitimacy of parliamentary decision-making. Therefore, parliaments themselves stand to benefit from addressing the unequal power relations found in society and ensuring formal, legal equality between women and men.

4 How can gender be integrated into parliamentary oversight of the security sector?

'As parliamentarians, women can play a key role in demanding accountability and transparency from the security services; determining budgets and policies to ensure that military expenditures do not take away resources from developmental issues such as education, the environment, social services and health care; including the public in debate and dialogue on these issues; and ensuring democratic representation in the new security structures. In South Africa, women parliamentarians promoted public participation in the reform process by including NGOs when formulating new policies. They also took a stand, pleading for honesty and transparency when an arms deal was concluded without public debate and allegations of corruption were rampant. Women also criticised the government for spending scarce funds on arms instead of alleviation of poverty, and one key female parliamentarian resigned in protest over the deal.'[18]

In conclusion, integrating gender into parliamentary oversight of the security sector is essential for good governance and sustainable development. For example, there is a link between gender equality and lower levels of intra-state armed conflict. Taking gender aspects fully into account when reforming the security sector makes future conflict less likely. Gender equity in decision-making, including in the security sector, is beneficial for all members of society. As has been asserted, 'the higher the rate of female representation in parliament, the lower a state's level of intrastate armed conflict will be'.[19]

Compliance with obligations under international laws and instruments

Integrating gender into parliamentary oversight of the security sector is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *The Beijing Declaration and Platform for Action* (1995)
- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

All countries, whether they have enjoyed long periods of peace and democratic government or have recently emerged from violent conflict, have to confront complex, difficult issues concerning the security sector. At the same time, the specific challenges and opportunities involving parliamentary oversight of the security sector differ between countries. Thus, any strategy needs to be adapted to the specific reform context. For instance, in many developed societies, issues of incorporating women more fully into military and police forces, as well as equal pay or promotion opportunities often take precedence, whereas in conflict-affected societies questions such as how to protect women and girls from GBV, exacerbated by war, may dominate the agenda. This section presents some practical strategies while specific contexts are elaborated in Section 5.

4.1 Formulate inclusive, needs-based security laws and policies

It is parliament's role to represent the frequently divergent interests present in society and use its 'ability to build relationships within parliament and within the broader community'.[20] At this point in time, parliaments 'often inadequately engage non-governmental actors'.[21] Parliaments in conflict-affected societies, in particular, tend to have weak relations with their constituencies. Many parliamentarians seek contact with the voters only during election time. In order to strengthen their legitimacy, parliaments need to reach out to their constituents, 'increasing relationships between parliament and other governance partners such as civil society'.[22]

In the context of war-affected and transitional countries, civil society is starting to play a more active role. Several African parliaments, including those of Liberia, Somalia and Zimbabwe, have been increasingly engaged with civil society organisations. In Central America, too, we find similar engagements between parliaments and non-governmental organisations. Yet the initiative for these dialogues rarely comes from parliament.[23]

From a gender perspective, women's organisations are a key ally in parliament's efforts to strengthen gender equality. Gender-responsive policies passed by parliament often have their origin in proposals emanating from civil society, which in turn, has an interest in facilitating their implementation. For example, women's groups in many countries are actively engaged in campaigns against GBV. As a result, those parliaments that have strengthened their laws against domestic violence can count on the

support of women's groups to see these laws implemented.

Parliaments play a crucial role in the attainment of inclusive security by passing gender-responsive security legislation and policies. Practical strategies include:

Participatory processes

- Set up mechanisms for public debate and consultation, such as public hearings, to facilitate civil society input into policies concerning defence, policing, border management, justice and penal issues.
- Encourage women's organisations to participate in policy consultation processes.
- Individual parliamentarians can make themselves available to hear concerns expressed by both urban and rural women's organisations.

Gender-responsive security laws and policies

- Include gender-related content in security laws and policies, such as addressing GBV and promoting the full and equal participation of men and women in security sector institutions.
- Use gender-inclusive ('police officers') and gender-specific language ('male and female military personnel') as appropriate.
- Seek the advice of gender experts in drafting and reviewing security policies.
- Conduct a gender impact assessment of proposed and existing security policies.

Gender training and mandates for security policy-makers

- Ensure that parliamentarians and their staff, especially those on defence and security committees, are trained on gender and security issues.
- Ensure that defence and security committees include gender issues within their mandate.

See Tool on National Security Policy-Making and Gender

4.2 Build representative and effective security sector institutions

Effective security institutions are both representative and understand the gendered security needs of the populations they serve. Operational efficacy and effectiveness can be strengthened if gender is taken into account, in particular through efforts to increase the representation of women and to implement gender training.

Women tend to be a distinct minority in security sector institutions, including the police, military forces, judiciary, penal institutions and border services. For example, women officers are only four per cent of the

Rwandan National Police force.[24] Parliaments can call for quotas and other measures of positive discrimination in changing the composition of the security apparatus. For instance, before the war there were no female police in Kosovo.[25] Quotas were successfully instituted, and women now constitute 14% of the police force of this UN-administered territory, which is attributed to the introduction of a mandatory quota.[26] Under the new system, 20% of all new recruits have to be women.[27] Liberia has adopted a 20% quota for women's inclusion in the police and armed forces. In 2004, there were only 11 female judges to 32 male judges on the European Court of Human Rights. The European Parliamentary Assembly passed a resolution that it would no longer consider lists of candidates that did not include at least one candidate of each sex. This rule was changed a year later to allow for single-sex candidate lists, provided they were from the under-represented sex on the Court (currently women).

Apart from focusing on increased female recruitment, additional initiatives are necessary to create a non-discriminatory institutional culture that can help ensure the retention and advancement of women. One key initiative in this area is gender training. Parliaments approve the budgets for security sector training programmes and can use their oversight function to call for the inclusion of specific gender training as well as the mainstreaming of gender issues into core training curriculum. For example, female leaders in Burundi advocated during the peace negotiations that it was essential for security forces to 'have technical, moral, and civic training … with a special emphasis on the protection of women and children'.[28]

Practical strategies include:

Gender training for security sector personnel

- Ensure that all security sector personnel are trained on gender sensitivity.

See Tool on Gender Training for Security Sector Personnel

Initiatives to increase the recruitment, retention and advancement of women

- Monitor the implementation of international, regional and national commitments as regards full and equal participation of women.
- Ensure that legislation governing participation in security sector institutions promotes the participation of women and other under-represented and excluded groups.
- Exercise oversight over the human resource and recruitment policies, training and management of security sector institutions. These are crucial elements in ensuring that security sector institutions promote the full and equal participation of women

and men, operate effectively, are non-discriminatory and address gender-based insecurities.

- Call for mandatory targets to increase women's representation in security sector institutions.

4.3 Address gender-based violence

Parliamentarians involved in security sector reform need to give special attention to GBV, as well as to laws on land ownership, inheritance, marriage and sexual orientation.

> See the Law Reform section of Tool on Justice Reform and Gender

Caroline Moser has emphasised that 'women and men as social actors each experience violence and conflict differently, both as victims and as perpetrators.'[29] Representative security forces are more likely to be aware of and sensitive to the impact of GBV, whether it concerns domestic violence in Western Europe and the US or the effect of war-time rape in Africa or the Balkans.

Parliaments can address GBV by ensuring that current laws recognise such violations and by passing new legislation that encompasses all forms of GBV and establishes appropriate sanctions for perpetrators. When rebuilding post-conflict justice systems, parliamentarians can make certain that GBV is included in the mandate of truth commissions and special courts that are established in the wake of war. Further, parliament can serve as a forum to increase social awareness of the gendered impact of violence.

Bouta, Frerks and Bannon have emphasised that 'GBV polices need to target both men and women' in order to 'reach all actors involved (survivors, survivors' families, witnesses and perpetrators)'.[30] Although it is recognised that men are affected by GBV, existing policies fail to take the needs of male victims into account.[31] Thus, in support of inclusive security, parliamentarians need to direct attention to both female and male survivors of sexual violence.

New police forces require training to be more effective in responding to gender-based crimes. In recognition of this reality, specific training programmes have been implemented in countries around the world. For example, in 2002, one third of the Rwandan police force received training to strengthen its response to cases concerning sexual and gender-based crimes.[32] Mechanisms also need to be put into place to prevent security sector personnel from committing GBV and to hold them accountable for their crimes.

Practical strategies include:

Pass comprehensive legislation to prohibit and punish GBV
- Ensure that all forms of gender-based violence, including rape within marriage, male-on-male rape,

forced pregnancy and abortion and 'honour killings' are crimes, with penalties commensurate with their seriousness.
- Ensure that legal definitions of rape and other sexual offences are gender neutral, and that sexual offences are treated equally whether occurring with or outside a sentimental relationship.
- Monitor the implementation of international, regional and national commitments concerning the elimination of GBV.

Hold security institutions and personnel accountable for the prevention and response to gender-based violence
- Ensure clear legislation and codes of conduct on the responsibility of security sector personnel for human rights violations, including disciplinary procedures.
- Monitor complaints, investigation and punishment of human rights violations by security sector personnel, with a view to ending impunity for GBV.
- Establish inquiries/studies into the nature and extent of GBV and discrimination within security sector institutions.

Ombudsperson
- Consider the creation of a position, such as an ombudsperson, with special powers to oversee the integration of gender issues within defence and other security sector institutions, and/or ensure that any such oversight positions examine gender issues. Parliamentary ombudspeople have become institutionalised in many countries. In Germany, for example, a special ombudsperson deals with armed forces issues. Ombudspeople can be effective advocates and play a key role in highlighting the impact of both domestic violence and of conflict-related crimes.

4.4 Increase women's representation in parliaments and parliamentary security decision-making

Parliament can take various types of action to increase the number of female parliamentarians, as well as increasing their participation on defence and security related committees. For instance, parliamentarians can enact electoral reform to ensure the full incorporation of women and minorities into the political process. Important considerations for parliaments involve the type of election system to be used and the introduction of electoral and party quotas.

Electoral quotas play an important role in changing the gender composition of the world's parliaments. About forty countries have constitutional or electoral gender quotas for parliamentary elections.[33] As is often stated, it is crucial for female representation in parliament to achieve a 'critical mass' – considered to be about 30%. The 'critical mass argument' holds that for women to have a substantive impact on parliamentary decision-making, they need to be present in significant numbers. As of August 2007,

Table 2	Transforming parliament: countries achieving 30%, 2007 [34]		
Country	**Electoral system**	**Existence of quotas** [1]	**% Women in NA** [2]
Rwanda	Plurality: first past the post	YES	Type 1: Constitution establishes quota for women. Type 2: 24 seats out of 80 are reserved for women in the National Assembly. Type 3: 20% district councillors are reserved for women.	48.8 (2005)
Sweden	Proportional representation: list system	YES Type 4: 50% quota for women in the Social Democratic Labour Party, the Left Party and the Green Party	47.3 (2006)
Finland	Proportional representation: list system	NO	42.0 (2007)
Costa Rica	Proportional representation: list system	YES Type 2: 40% quota for women in all public elections. Type 4: 40% quota for women in the National Liberation Party and the Christian-Social Unity Party; 50% in the Citizen Action Party.	38.6 (2006)
Norway	Proportional representation: list system	YES Type 4: 40% quota for women in the Socialist Left Party, the Norwegian Labour Party, the Centre Party, and the Christian People's Party.	37.7 (2005)
Denmark	Proportional representation: list system	NO Used to have Type 4. Quotas were abandoned around 1996.	36.9 (2005)
Belgium	Proportional representation: list system	YES Type 2: One third minimum quota for either sex; two top positions on party list cannot be held by members of the same sex. Type 4: 50% quota for women in Flemish Socialist Party and French Socialist Party.	36.7 (2007)
Netherlands	Proportional representation: list system	YES Type 4: Labour Party has 50% quota for women; Green Left has a quota for women also (% not confirmed).	36.7 (2005)
Cuba	Majority: two-round system	NO	36.0 (2005)
Spain	Proportional representation: list system	YES Type 4: Spanish Socialist Workers' Party has 40% quota for either sex.	36.0 (2005)
Argentina	Proportional representation: list system	YES Type 1: Constitution establishes quota for women. Type 2: 30% of party's list must include women in winnable positions. Type 3: The capital and provincial laws include quotas. Type 4: Most parties adopted a 30% quota for women.	35.0 (2005)
Mozambique	Proportional representation: list system	YES Type 4: The Front for the Liberation of Mozambique has a 30% quota for women.	34.8 (2005)
South Africa	Proportional representation: list system	YES Type 4: The African National Congress has a 30% quota for women, 50% quota for women on party lists at local level.	32.8 (2005)
Austria	Proportional representation: list system	YES Type 4: The Green Alternative has 50% quota for women; the Austrian People's party has 33.3% and the Social Democratic Party of Austria has 40%.	32.2 (2006)
New Zealand	Mixed member proportional system	YES Type 4: Voluntary party quotas	32.2 (2005)
Iceland	Proportional representation: list system	YES Type 4: The People's Alliance and the Social Democratic Party have 40% quota for women.	31.7 (2007)
Germany	Proportional representation: mixed-member system	YES Type 4: The Party of Democratic Socialism and the Greens have 50% quota; the Christian Democratic Union has 33.3%; the Social Democratic Party of Germany has 40%.	31.6 (2005)
Burundi	Proportional representation	Yes Type 4: Legislated quota of 30% women candidates	30.5 (2005)

Note 1: The following types of quotas are considered:
  Type 1 = Constitutional quota for national parliament
  Type 2 = Election law quota or regulation for national parliament
  Type 3 = Constitutional or legislative quota for local government
  Type 4 = Political party quota for electoral candidates.
Note 2: Year of the latest elections in parenthesis.

Box 3	Cambodian NGOs: promoting women's participation and cross-party cooperation

An absence of cross-party cooperation in Cambodia and dominance of one party has had negative consequences for women's alignment across parties for the purposes of promoting gender issues, particularly at the national level. Despite this, Cambodian women, working through NGOs, are at the forefront of building bridges across party lines. Women for Prosperity (WfP) is one of the most effective organisations in this sector. Led by returnee Pok Nanda, WfP has pioneered a programme that not only encourages and enables women to enter politics, but also bridges cross-party divides at the commune level. Among its network are women council members from all sides, including the three main political parties. WfP focuses on the common challenges facing women in politics, regardless of ideology, and provides ongoing coaching, thus building their skills over time. In preparation for the 2000 communal council elections, WfP supported 5,527 candidates, offering guidance in public speaking, assisting in speechwriting, answering questions from voters and combating challenges from male party members, unsympathetic to women's participation. WfP has forged new political ground for women's participation, as well as provided an effective model for cross-party cooperation.[36]

eighteen countries had reached or surpassed 30% female representation in parliament (see Table 2).

Parliamentary committees give legislators the opportunity to organise their work and to focus expertise. Parliamentarians can use the defence and security committees to exercise their oversight function by requiring members of the security establishment to testify on the operational efficiency of security forces, or by seeking expert input from outside experts on security matters. The participation of female parliamentarians on these committees is a key aspect of women's full participation in security decision-making.

A variety of initiatives can be taken to ensure that parliamentary committees are gender balanced, including quotas. For instance, in 2005 the Knesset, Israel's parliament, passed an amendment to the 1956 Equal Representation of Women law which mandates the inclusion of women in teams appointed for setting domestic, foreign or security policy and peace negotiations. Two members of parliament initiated the law in collaboration with Isha L'Isha, a women's grassroots organisation. In order to get the law passed, an ad hoc coalition of women's and peace organisations was formed and an extensive lobbying and media campaign was initiated.[35]

The following strategies can be used to increase the participation of women (and other under-represented groups) within parliament and within security and defence committees:

Increase the participation of women in parliament
- Set quotas, whether in the Constitution, political party legislation or electoral regulations, reserving seats in parliament for women.
- Work with civil society to implement programmes, at the level of parliament as well as political parties, to encourage and equip women to stand for office (see Box 3).
- Provide incentives to political parties to nominate women for office.
- Create a women's parliamentary caucus, so that female parliamentarians can support each other and cooperate on policies to promote gender issues;

and/or create a male/female parliamentary caucus devoted to advancing gender issues (see Box 5).
- Conduct an audit of the gender implications of the electoral system.
- Experienced female parliamentarians can mentor less experienced or aspiring female parliamentarians.

Increase the participation of women in parliamentary security and defence committees and security decision-making
- Pass legislation calling for the increased participation of women in defence and security related committees.
- Consider creating gender quotas for all committee structures.
- Request more women in high executive positions, i.e. in the cabinet and in the national security council.

4.5 Implement equitable budgeting and procurement

Parliamentarians can implement gender budgeting initiatives to strengthen the equitable and appropriate use of funds. Gender budgeting is 'an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.'[37]

The parliament can input into security-related budgeting in the four main phases of a typical budget cycle:[38]

- **Budget preparation**: this phase is for the executive to propose allocations of money for several purposes but parliament and its members can contribute to the process through different formal and informal mechanisms.

- **Budget approval**: parliament should be able to study and determine the public interest and suitability of the money allocation and may, in certain contexts, complement security-related appropriations with specific guidelines.

- **Execution or spending**: parliament reviews and monitors government spending and may strive to enhance transparency and accountability. In the case of extra-budgetary demands, parliament monitors and scrutinises these demands to prevent cost overruns.

- **Audit or review**: parliament scrutinises whether there was misuse of the money allocated by the government. It also evaluates periodically the entire budget and audit process to ensure accountability, efficiency and accuracy.

A tool which is often used within gender budgeting is the Gender-Aware Budget Statement. This statement can be developed based on the entire budget or specific sectors such as security. Expenditures and revenues are analysed in terms of their likely impact on different groups of women and men, boys and girls. The goal is to ensure that women's and men's needs are considered equally.[39]

The Council of Europe explains that parliaments 'negotiate, amend and finally adopt the budget proposed by the executive authorities, but they can also submit requests and engage in lobbying activities, thereby participating in the formation of political will and strengthening governments' commitments to gender budgeting.'[40] Within government, gender budget initiatives draw attention to the issue of gender equity in the allocation of resources. For civil society advocates and parliamentarians, they are useful tools for calling for greater transparency of budget decisions and accountability to women.[41] Gender budgeting initiatives aim to transform the budget process itself, by increasing the role of legislatures and civil society.[42]

Gender-sensitive budgeting systems are being advocated for and implemented in a number of countries around the world. For example, in Brazil, civil society organisations work with female parliamentarians to advocate for gender-responsive budgets.[44] In the Philippines, women's groups raise awareness of the importance of gender budgeting and emphasise the crucial role legislative provisions play in pushing for gender equity.[45] South Africa was among the first countries to introduce a gender perspective in its economic policy-making. The South African Women's Budget Initiative was the result of a joint effort of parliamentarians and several civil society organisations. The initiative focuses on the gender dimensions of taxation and expenditure and seeks to ensure that the budget process conforms to the principle of gender equity. The effort is participatory, involving discussions at the national and local levels of government and seeks input from citizens. Civil society groups were commissioned to analyse the budget and the policies behind it for their gender impacts, and the parliamentarians used the research findings in their efforts to shape the budget debates in parliament.[46]

Strategies for more equitable budgeting and procurement include:

Gender budgeting
- Conduct a gender audit of all proposed and existing budgets to ensure funding to address the security needs of women, men, boys and girls.
- Mainstream gender issues into proposed budgets.

Gender and defence procurement
- Ensure that funds are earmarked to be spent on uniforms and equipment that fit women, separate facilities for women and women's reproductive health needs.
- Ensure that national arms trade regulations prohibit trade with regimes or individuals that perpetrate GBV.

Box 4	Parliament's tools and methods for gender budgeting [43]

Analysing expenditures/revenues. In order to analyse the current situations of women and men or girls and boys in a specific sector – or assess the gender effects of policies or policy measures – further measures have been developed which link budgets to policies, focusing on different aspects (revenues, expenditures, public services or time use).

Gender-disaggregated revenue incidence analysis is a research technique examining direct and indirect taxes as well as user fees paid by women and men.

Gender-disaggregated public expenditure analysis compares public expenditures on a given programme, usually with data from household surveys, to reveal the distribution of expenditures between women and men or girls and boys.

Gender-disaggregated beneficiary assessment is a research technique used to ask actual or potential beneficiaries the extent to which government programmes and/or public services match their needs, wants and priorities.

Gender impact assessment is an *ex post* evaluation of budgets or *ex ante* evaluation of budget proposals and probably the most extensive and complex tool of gender budgeting since it refers to short and long-term budgetary effects on the distribution of and access to resources (including time) and on gender roles and norms.

Gender-aware policy appraisal involves scrutinising the polices of different portfolios and programmes and paying attention to the implicit and explicit gender issues involved. It questions the assumption that policies are 'gender-neutral' in their effects and asks instead in what ways policies and their associated resource allocations are likely to reduce or increase gender inequalities.

Box 5	The construction of alliances

It is the joint responsibility of male and female parliamentarians to integrate gender perspectives into their work. Donna Pankhurst affirms that 'the chances of success are vastly increased where the responsibility for changing the culture of institutions is not left entirely in the hands of women, but also becomes the responsibility of men'.[47] In order to be successful in transforming parliament into a gender-responsive institution, men and women have to share an understanding of gender analysis.

Such a transformation toward greater gender equality is only possible if men and women work together to change societal consciousness. As a group, men tend to be privileged in the current hierarchies of power and can be expected to resist change. It is therefore particularly important to demonstrate the importance of gender analysis to men. Parliamentarians benefit when applying a gender lens in their parliamentary work, since gender analysis assists them in better recognising the needs of both female and male constituents. Tsjeard Bouta and Georg Frerks emphasise that '[g]ender-sensitizing policies require a thorough gender analysis that clarifies the interrelationship between gender, the specific conflict situation and the potential different impact of external interventions on women and men'.[48] For example, gender analysis brings to the fore the different ways women and men are exposed to sexual violence during armed conflict or highlights the distinct reintegration needs of girls and boys who have been abducted and forced to serve in armed movements operating in Africa, Asia and Latin America.

A successful example of female and male parliamentarians joining forces to strengthen gender equality is the United Kingdom's Associate Parliamentary Group on Women, Peace and Security. The group organised around the effective implementation of UN Security Council Resolution 1325. The Committee, led by Labour Party MP Joan Ruddock, consists of sixteen women and six men. The gender composition and substantive focus of the group stand out, considering the rather traditional makeup of British committees, including those on security. In contrast, the British Parliament's Joint Committee on Defence has a single female member out of a membership of fifteen. Similarly, the Defence Committee appointed by the House of Commons includes a single female parliamentarian.

5 Integrating gender into parliamentary oversight of the security sector in specific contexts

5.1 Post-conflict countries

War-torn societies face specific challenges in attending to the security needs of their populations. Parliamentarians can play a constructive role in ensuring that gender issues are integrated into the security-related provisions of peace processes such as disarmament, demobilisation and reintegration (DDR) and transitional justice mechanisms, and are taken into account when addressing post-conflict violence and crime. Post-conflict contexts also present opportunities for increasing the number of female parliamentarians as part of political and electoral reform.

In addition to dealing with crimes committed during war, parliaments can take the initiative in addressing the security environment that emerges in the wake of conflict. Post-war violence, whether committed in the public or private sphere, plagues many countries. Parliaments can address societal security issues through reform of military and police forces, the judiciary and prisons, and by passing legislation that better addresses crime.

Peace processes
Ideally, parliaments play a role in conflict prevention or preventive security. Once conflict has broken out, however, parliaments can play a constructive role in peace negotiations and subsequent peace agreements. These peace agreements often serve as a framework for security sector reform and therefore the integration of gender issues at an early stage is essential. Parliamentarians can insert themselves directly into the negotiation process and constitute an important forum for raising the public's awareness of the formal and informal peace processes taking place in their countries.

For instance, parliamentarians can be advocates of a negotiation process that fully incorporates women. In cases where parliament itself has gained representation at the peace table, female legislators need to be included in its delegation. A more balanced composition of the negotiating teams sends an important initial signal that the gender dimensions of a conflict will be taken into account during the negotiation process and makes it more likely that a gender perspective informs the ensuing peace agreements and security arrangements. Parliamentarians have significant leverage, since they can withhold approval of agreements that are not based on a gender-inclusive and thus legitimate process. A parliament that emphasises the gender dimensions of conflict resolution is supported by an emerging international consensus which holds that any peace process that 'fails to include women in agenda setting, substantive talks and implementation has no democratic legitimacy'.[49]

When women are excluded there is a natural tendency to focus on the male experiences of conflict and their expectations for conflict resolution, instead of considering the needs of both male and female actors and their respective positions in the societal structure.[50] Women's participation enriches the process, since women 'are likely to make a different contribution to the peace process. When compared to

men, women are more likely to put gender issues on the agenda, introduce other conflict experiences, and set different priorities for peace building and rehabilitation, and they may bridge political divides better.'[51]

In conflict-affected countries, the implementation phase of peace agreements requires parliament's special attention. Peace accords and subsequent constitution-building present important opportunities for countries emerging from conflict to transform their political systems toward greater gender equality. Parliament can monitor official peace negotiations and give voice to informal initiatives emanating from civil society.

Disarmament, demobilisation and reintegration

The resolution of violent conflict entails the disarming and demobilisation of combatant forces. An effective DDR process recognises that women and men are differently affected by war and attends to the needs of both male and female ex-combatants, as well as women and children associated with armed forces and fighting groups. Parliaments can play a constructive role as advocates for gender-responsive DDR processes (see Box 6). The needs of women and girls who are part of or associated with non-statutory armed forces are often overlooked in DDR processes. Other gender aspects include counselling, education and effective reintegration of male former combatants, in order to allay the risk that they become perpetrators of domestic and other forms of violence in their post-conflict lives.

Restructuring the security sector in the wake of conflict is an important opportunity for parliament to create representative security forces. In the wake of conflict, countries like El Salvador, Guatemala, Mozambique or Liberia integrated former combatants into established police and military forces. Demobilisation records collected by UN peace missions around the world indicate that women represent up to 30% of the fighters of many insurgent forces. Thus there exists a recruitment pool, which permits the transformation of traditional police and military forces into a more balanced gender composition.

See Tool on Defence Reform and Gender

Transitional justice

Parliaments play an important role in ensuring that gender considerations are given weight in the administration of post-conflict justice. A public accounting of crimes committed during conflict, including those that are gender-based, is essential for social reconstruction to succeed. Whereas women tend to be the main beneficiaries of gender justice initiatives, a gender lens also helps to better recognise male victims of violence. Parliament's legislative and oversight functions, together with its budgetary authority, give parliamentarians the opportunity to deal with issues of post-war justice. Parliament can be a venue for public debate on divisive post-conflict issues and play a leading role in promoting tolerance.[53]

Parliaments share in the responsibility to create fact-finding bodies, such as truth commissions, which establish a record of crimes committed during conflict. They also participate in the creation of special courts to prosecute offenders. Parliaments can demand that the gender composition of these bodies be equitable and that a gender perspective inform their proceedings and policies. Parliaments have significant control over the work of these commissions, since they pass enabling legislation, participate in the appointment of individual commissioners, allocate operational funding and oversee the implementation of commission findings.[54]

Over the past 30 years, more than two dozen truth and fact-finding commissions have been established at the international and national level to investigate human rights abuses that occurred during conflict.[55] Women have chaired two of the commissions, the UN International Commission of Inquiry, which investigated breaches of International Humanitarian Law in East Timor, and the Sri Lankan Commission on the Western and Southern Provinces.[56]

Parliaments can also ensure equal access to proceedings before truth and reconciliation commissions by being sensitive to the specific needs of male and female victims (see Box 7). For example, legislators can insist that some sessions are exclusively dedicated to hearing testimony from female victims and/or that a chapter of the commission's report is dedicated to GBV. Compared with male victims, women that have been victims may be less likely to have access to justice processes because they are often economically disadvantaged and have

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Box 6	Transforming the DDR process: the role of parliaments [52]

The legislative and oversight functions of parliaments provide them with an important institutional role in guaranteeing that gender is duly considered in the DDR process. Parliamentarians can assure that the respective needs of male and female combatants are acknowledged from the outset. Special attention has to be given to ensure that the disarming process itself is gender-sensitive. In Uganda, parliament assumed an active role in visiting demobilisation camps to investigate the conditions of male and female fighters. Subsequently, it demanded action by the government. In Latin America, Colombian legislators are taking increased interest in demobilisation issues confronting their constituents. In order to assume a constructive role in the demobilisation of combatants, parliamentarians need to understand the complex role of women and men in war, as well as their gendered peace-time needs.

Box 7	South African Truth and Reconciliation Commission: integrating gender issues

The South African experience presents a case of successful parliamentary involvement in introducing a gender dimension into the creation of a truth and reconciliation commission. Members of the South African parliament, representing the country's political parties, together with leaders of civil society organisations, formed a selection committee that played a key role in determining the composition of the truth commission. Based on 300 nominations received in a public process, the selection committee established a list of 25 finalists.[57] President Nelson Mandela chose the 15 commissioners from this list. One third of them were women.[58] This quota reflects a commitment by the African National Congress to allocate one third of decision-making positions to women. The commitment to strengthen gender equality translated into a much-improved gender balance in parliament where women held almost 33% of the seats by 2006.

Despite the significant inclusion of women in the commission, it was well into its investigation when women's organisations denounced that men had privileged access and that women's experiences were marginalised. Women were reluctant to discuss rape and other incidences of sexual violence in front of male commission members. The women's movement successfully pushed for the inclusion of gender issues on the commission's agenda.[59] In an effort to be more sensitive to women's needs, all commissioners received gender training and the commission held several special women's sessions.[60]

greater family and household duties, which restrict their mobility.[61] Parliaments can also put victims' compensation on the national agenda, something the legislature in the Ivory Coast succeeded in doing when the executive branch failed to act.[62] A group of legislators served as victims' advocates and lobbied parliament to act. Compensation schemes should also be designed in a gender-sensitive manner, recognising the particular abuses experienced by men and women during the conflict, and their distinct needs for reparation.

See Tool on Justice Reform and Gender

Post-conflict violence and crime

Whereas gender-based crimes committed during war have been recognised as war crimes, little attention has been given to the way in which conflict-related circumstances influence the continuation of violence within the home following the cessation of hostilities.[63] Increased understanding of gender issues can help parliamentarians to appreciate the importance of addressing domestic violence and post-conflict stress, experienced by both male and female former combatants and displaced people. UN studies have found a dramatic increase in domestic violence in conflict-affected areas, fuelled by the availability of weapons, the violence male family members have experienced or meted out, the lack of jobs, shelter, and basic services. Displaced people are particularly vulnerable.[64]

Post-conflict Central America provides an example of the transformation of war-related violence into a crime wave that affects both the public and private spheres.[65] Whereas political violence subsided in the wake of the peace accords, criminal violence rose. Increasingly, women have become victims. Guatemala registered the murder of 383 women in 2003, an increase of 135% compared with 2002. In 2004, 527 women were assassinated. During the first eight months of 2005 the death toll amounted to 427, evidence that the rate of assassination continued to rise.[66] While the violence directed against women is part of a general crime wave affecting the country, the rate at which women are being assassinated is outpacing that for men.

Although women suffer greatly under conditions of post-conflict violence, it is important to recognise that violence prevailing in war-torn societies affects men in disproportionate numbers. In Colombia, for example, one quarter of all male deaths are attributed to violence, as are 60% of deaths for males between 15 and 44 years old.[67] Colombian men are four times as likely to die a violent death than women.[68] In general, men are the vast majority of gun and gang violence victims, while also being the main perpetrators of violence.

Parliamentarians in Central America and other regions of the world are increasingly concerned about the proliferation of small arms, which are used in a majority of these murders. Recently, members of the Guatemalan Congress commissioned and directed a study on the scourge of 'femicide' in Guatemala. This study has been presented in a number of public fora highlighting the problem of male gun violence and its victims.

Representative parliaments

The post-conflict context also holds the promise of transformation for parliament itself. It affords legislatures the opportunity to change their composition and to become truly representative bodies (see Table 3). The transformation of parliament toward a more equal gender composition is an important indicator that gender equality is given priority in societal reconstruction.

The international focus on increasing women's role in political decision-making has served as an incentive for governments in conflict-affected societies to strengthen the gender balance of their parliaments. This has been generally accomplished with the help of legislative and constitutional quotas. Afghanistan and Iraq represent the most recent successful examples of implementing constitutional quotas (see Box 8).

Table 3	Initiating change in the wake of war: the gender composition of post-conflict parliaments [69]	
Country	**% Women**	**% Men**
Rwanda (2003)	48.8	52.2
Mozambique (2004)	34.8	65.2
South Africa (2004)	32.8	67.2
Burundi (2005)	30.5	69.5
Uganda (2006)	29.8	70.2
Timor-Leste (2007)	27.7	72.3
Afghanistan (2005)	27.3	72.7
Iraq (2005)	25.5	74.5

5.2 Developed countries

Parliaments in developed societies face many of the same domestic challenges concerning security sector reform as their counterparts in the developing world, albeit from a different position. For example, European and North American parliaments have to assert their authority in overseeing peace missions or military interventions. The NATO missions in Afghanistan and the Balkans, the US-led military intervention in Iraq or the UN-led humanitarian intervention in Haiti are some recent examples. International and regional security cooperation agreements pose challenges to effective parliamentary oversight. In all instances, parliaments need to ensure that security policy is being implemented in a manner consistent with International Humanitarian Law and principles.[71] International instruments – notably UN Security Council Resolution 1325 – mandating due consideration of gender issues in all peace and security operations, are particularly relevant.

Several countries have used Security Council Resolution 1325 as an important starting point for reform and have either developed National Action Plans for its implementation or are in the process of doing so. The plans in most cases refer both to addressing gender issues in the country's own security sector, and to gender aspects of peacekeeping and post-conflict reconstruction (in some cases including security sector reform). Austria,

Demark, Norway, Sweden, Switzerland and the United Kingdom all have fully developed 1325 Action Plans, and Canada is in the process of developing one.

A central focus of the Swedish plan, initiated in 2006, concerns peacekeeping operations. The plan directs the Armed Forces to develop 'conscious efforts to increase the number of women conscripts and officers who can participate in peacekeeping operations' and creates projects such as *GenderForce* in order to develop measures to 'incorporate a gender perspective into international operations'. Similarly, the National Police Board 'implemented special efforts to increase the proportion of women in the Swedish contingencies in peace support operations'.[72] Further, all members of peacekeeping operations are supposed to receive gender training.

Parliamentarians share responsibility for developing national action plans. Efforts to develop the Canadian plan emphasise the importance of parliamentarians supporting and driving the effort to develop the plan, asking the Standing Committee on Foreign Affairs and International Trade and the Parliamentary Women's Caucus to 'take an interest in this file and even play a role in implementation'.[73]

Box 8	Implementing constitutional quotas: the reforms in Afghanistan and Iraq [70]

Afghanistan changed from a country where women's rights were severely restricted to one that guarantees gender equality by law. In the area of political representation, the new constitution guarantees the formal inclusion of women in political decision-making processes. Article 83 states that at least two female candidates from each province should be elected to parliament. This constitutional provision was successfully implemented. In the September 2005 elections, 69 women, representing about 27% of the 249 members of the Wolesi Jirga, were elected.

Similarly, the new constitution of Iraq, ratified in October 2005, guarantees women one quarter of parliament's 275 seats. In Iraq too, the constitutional quota was enforced. Following the December 2005 election, women represent one quarter of the National Council of Representatives. These two electoral outcomes are of particular significance in a region where women continue to be under-represented in political decision-making and, in some instances, lack full citizenship rights.

6 Key recommendations for parliamentarians

1. Support the signing, ratification and implementation of **international and regional treaties and conventions** that mandate the inclusion of gender issues in security sector reform, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

2. **Increase the representation of female parliamentarians** through implementing quotas, reforming electoral systems and supporting capacity building among female candidates.

3. Increase the representation of **female parliamentarians on defence and security-related committees**, including the passing of legislation on women and men's equal representation or parliamentary committee quota systems.

4. **Build the gender capacity of male and female parliamentarians**, especially members of defence and security committees, through briefings, training, and other awareness-raising initiatives.

5. **Involve civil society**, especially women's organisations, in security policy-making through broad-based consultations, public hearings and other formal and informal mechanisms.

6. Establish a **gender caucus** including both women and men in order to raise awareness of, and support for, gender-responsive budgeting and legislation.

7. Introduce and strengthen **gender budget initiatives** and conduct **gender impact assessments** of security policy.

8. Commission and request **sex-disaggregated data** concerning gender mainstreaming and the composition of security sector institutions in order for policymakers be able to make informed decisions.

9. Monitor the deployment and implementation of **peacekeeping missions** to ensure that women are well represented in peacekeeping forces and that initiatives are taken to prevent sexual exploitation and abuse, and build the capacity of peacekeeping staff to integrate gender issues.

In post-conflict contexts in particular:

10. Use parliament as a forum to integrate gender issues and ensure women's participation in the **peace process**.

11. Demand that women are fully included and gender issues are incorporated in **truth commissions, special courts and reparation programmes**, including through the legislation that supports their creation.

12. Reform the **judicial system** to more effectively combat gender-based violence.

7 Additional resources

Useful websites

Association of European Parliamentarians for Africa - http://www.awepa.org

I Know Politics - http://www.iknowpolitics.org

Initiative for Inclusive Security - http://www.womenwagingpeace.net

International Development Research Center - http://www.idrc.ca

International Institute for Democracy and Electoral Assistance - http://www.idea.int

Inter-Parliamentary Union - http://www.ipu.org

UNDP, 'In focus: Parliaments and Gender Mainstreaming' - http://www.undp.org.vn/projects/vie02007/in_focus/gender.htm

UNIFEM - http://www.unifem.org/www/genderbudgets/work/html

Practical guides and handbooks

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Parliamentary Oversight of the Security Sector and Gender

CONTENTS

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instraw united nations

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

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into parliamentary oversight of the security sector, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 tools with corresponding practice notes – see *More information*.

Why is gender important to parliamentary oversight?

Parliamentary oversight of the security sector: 'The Legislature exercises parliamentary oversight by passing laws that define and regulate the security services and their powers and by adopting the corresponding budgetary appropriations. Such control may also include establishing a parliamentary ombudsman or a commission that may launch investigations into complaints by the public.'[1]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Integrating gender into parliamentary oversight of the security sector can help create accountable, effective and equitable security policies and institutions:

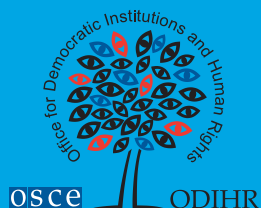**Inclusive, needs-based security policies**
- Parliamentarians, as elected representatives of specific constituencies, have the responsibility to ensure that the security needs of women, men, girls and boys are incorporated into security policy-making. For instance, gender-based violence (GBV), including human trafficking, intimate partner violence, sexual assault and anti-gay violence, is one of the greatest threats to human security worldwide.
- Participative policy-making processes that involve a broad range of civil society actors, including women's organisations, help ensure public consensus on security priorities, and increase the responsiveness and legitimacy of security policies, security institutions and the parliament itself.

Operationally effective security sector institutions
- Parliaments can take measures to increase the representation of women within security sector institutions and in relevant government positions, which has been shown to have a wide range of operational benefits.
- Parliament plays an essential role in preventing and holding security sector institutions accountable for discrimination, sexual harassment and human rights violations.

Representative parliamentary decision-making
- A more equal number of female and male parliamentarians, including on defence and security committees, can strengthen the legitimacy and equity of parliaments. Globally, in 2007, 82.6% of parliamentarians were men.[2]

Box 1	Creating participatory and gender-responsive security policies in South Africa [3]

The 1996 White Paper on National Defence for the Republic of South Africa was drafted by Laurie Nathan of the University of Cape Town. The first draft of the paper was widely commented on by civil society organisations and members of the defence industry. It included a focus on human security and emphasised the creation of a non-sexist institutional culture, including an obligation of the Ministry of Defence to identify and eliminate discriminatory practices and attitudes in the armed forces. In addition, it called for affirmative action and equal opportunity programmes as well as acknowledgment of the right of women to serve in all ranks and positions, including combat roles.

The White Paper also called for a defence review to outline operational details such as doctrine, force design, logistics, armaments, human resources and equipment. At the insistence of women parliamentarians, the Parliamentary Joint Standing Committee on Defence called for a national consultation as part of the defence review process. A variety of measures were taken to ensure public participation, including using military planes and buses to transport religious and community leaders, NGO activists and representatives of women's organisations to regional meetings and workshops.

Grassroots women's organisations were vital in drawing attention to previously ignored issues such as the environmental impact of the military and the sexual harassment of women by military personnel. To respond to these issues, two new sub-committees were formed within the Defence Secretariat. Ultimately, the participatory nature of the Defence Review was credited with assisting the process of building national consensus around defence issues and generating public legitimacy for new security structures.

Equitable budgeting and resource management

- Gender analysis of budgets and resource management can strengthen transparency, accountability and the equitable distribution of funds to address the security needs of men, women, girls and boys.

Compliance with obligations under international laws and instruments

Integrating gender into parliamentary oversight of the security sector is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination Against Women* (1979)
- *The Beijing Declaration and Platform for Action* (1995)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into parliamentary oversight?

The particular challenges and opportunities involving parliamentary oversight of the security sector differ between countries, so the following suggestions for the integration of gender issues should be adapted to the specific country context:

To create inclusive, needs-based security policies

- **Participatory process**
  - Implement broad-based public consultations, including women's and men's organisations, on security polices.
  - Set up mechanisms for public debate, such as public hearings.
  - Individual parliamentarians can make themselves available to hear concerns expressed by urban and rural women's organisations.

- **Gender-responsive security policies**
  - Include gender-related content such as addressing GBV and promoting equal participation of men and women in security institutions.

  - Use gender-inclusive ('police officers') and gender-specific language ('male and female military personnel') as appropriate.
  - Seek the advice of gender experts in drafting and reviewing security policies.
  - Establish a gender caucus, including female and male parliamentarians, in order to raise awareness of gender issues.
  - Conduct a gender impact assessment of proposed and existing security policies.

- **Gender training and mandates for security policymakers**
  - Provide parliamentarians and their staff, especially those on defence and security committees, with training and other capacity building on gender and security issues.
  - Ensure that gender issues are included within the mandate of defence and security committees.

To strengthen the effectiveness of security sector institutions

- **Initiatives to increase the recruitment, retention and advancement of women within security sector institutions**
  - Call for specific targets for women's recruitment and retention.
  - Change human resource policies and practice for a better work-life balance.
  - Commission and/or request sex-disaggregated data concerning gender mainstreaming and composition of security sector institutions.
  - Request analyses of the drop-out of female cadets in police and military academies, as well as in later stages of their career, and monitor initiatives to enhance female retention.

- **Gender training for security sector personnel**
  - Ensure that all security sector personnel are given appropriate gender training.

- **Comprehensive legislation on GBV**
  - Monitor the implementation of international, regional and national commitments on the elimination of GBV, including within security sector institutions.

- Develop legislation, policies and national action plans on the elimination of GBV that highlight the specific responsibilities of the law enforcement, justice and penal systems.

■ **Hold security institutions and personnel accountable for prevention of and response to GBV**
- Ensure clear legislation and codes of conduct on the responsibility of security sector personnel concerning the internal prevention and response to human rights violations, including disciplinary procedures.
- Monitor complaints, investigation and punishment of human rights violations by security sector personnel.
- Establish inquiries/studies into the nature and extent of sexual harassment and other forms of GBV with security sector institutions.

■ **Ombudsperson**
- Consider creating a position, such as an Ombudsperson, with special powers to oversee the integration of gender issues within defence and other security sector institutions.
- Ensure that the ombudsperson's office has an appropriate mandate and expertise to address GBV, including a gender team or gender experts.

To increase women's representation and participation within parliaments

■ **Increase women's representation in parliament**
- Implement constitutional, legislative or voluntary party quotas, reform electoral systems and provide support and capacity-building to female candidates.
- Raise the awareness of political party representatives, and the general public, on the importance of women's representation in politics.

■ **Make security and defence committees more gender-balanced**
- Pass legislation calling for an increased participation of female parliamentarians on security-related committees (see Box 2).
- Consider creating strategic targets or quotas for women's participation in all committee structures.

To promote equitable budgeting and resource management

■ **Gender budgeting**
- Conduct a gender audit of proposed and existing budgets to ensure funding to address the security needs of women, men, boys and girls.
- Integrate gender issues into proposed budgets.

Box 2	Israel: equal representation in security policy decision-making [4]

In 2005 the Knesset, Israel's parliament, passed an amendment to the 1956 Equal Representation of Women law which mandates the inclusion of women in teams appointed for peace negotiations and setting domestic, foreign or security policy. Two members of parliament initiated the law in collaboration with Isha L'Isha, a grassroots women's organisation. In order to get the law passed, an ad hoc collation of women's and peace organisations was formed and an extensive lobbying and media campaign was initiated.

■ **Gender and defence procurement**
- Ensure that funds are earmarked for purchasing uniforms and equipment that fit women, for separate facilities for women and for women's reproductive health needs.
- Ensure that national arms trade regulations prohibit trade with regimes or individuals that perpetrate GBV.

Also available in Tool 7...
- Examples of different forms of quotas for women
- Practical strategies for addressing GBV
- Methods for gender budgeting

Post-conflict challenges and opportunities

In post-conflict environments, the oversight role of parliament is often quite weak. However, parliaments have the opportunity to play constructive roles in ensuring that gender issues are integrated into the process of creating security and reconstructing security sector institutions.

Challenges for the integration of gender issues
■ The role and authority of parliaments may be severely compromised, especially in relation to oversight of security institutions such as the military.
■ As the security sector is a highly complex field, not all parliamentarians have sufficient knowledge or expertise for effective oversight, especially in post-conflict contexts.
■ Parliamentarians and security institutions may see civil society organisations as political opponents, and therefore be reluctant to work with women's organisations.
■ Participation in politics and in the security forces may have negative associations due to past violence and human rights abuses. This might make it harder to increase the participation of women.
■ There may be resistance to prioritising gender issues, such as GBV, when other security threats are seen as more pressing.

Opportunities for the integration of gender issues
■ Parliaments can advocate for the inclusion of women (such as female parliamentarians) in peace negotiations and the integration of gender issues into peace agreements. Peace agreements often serve as a framework for SSR.
■ Oversight over disarmament, demobilisation and reintegration processes can provide an entry point to ensure that the needs of male and female ex-combatants are adequately addressed.
■ Parliament's legislative, oversight and budgetary authority enables it to influence the gender-responsive reform of the justice and penal systems.
■ SSR processes provide the opportunity for parliamentarians to ensure that gender issues such as GBV are addressed and that specific initiatives are taken to recruit women.
■ Post-conflict transformation of electoral policies and parliament itself provides an opportunity to implement measures to increase the percentage of female parliamentarians (including on defence and security committees) and establish mechanisms for consultation with civil society organisations.

Box 3	Implementing constitutional quotas: reforms in Afghanistan and Iraq [5]

Afghanistan changed from a country where women's rights were severely restricted to one that guarantees gender equality by law. In the area of political representation, the new constitution guarantees the formal inclusion of women in political decision-making processes. Article 83 states that at least two female candidates from each province should be elected to parliament. This constitutional provision was successfully implemented. In the September 2005 elections, 69 women, representing about 27% of the 249 members of the Wolesi Jirga, were elected.

Similarly, the new constitution of Iraq, ratified in October 2005, guarantees women one quarter of parliament's 275 seats. In Iraq too, the constitutional quota was enforced. Following the December 2005 election, women represent one quarter of the National Council of Representatives. These two electoral outcomes are of particular significance in a region where women continue to be under-represented in political decision-making and, in some instances, lack full citizenship rights.

- Donors may be willing to support gender-responsive reforms including the gender capacity-building of male and female parliamentarians.

Questions for parliamentary oversight

Key questions to ask when assessing whether or not gender issues are being integrated into parliamentary oversight of the security sector include:

- Have the parliamentarians on defence and security committees received capacity building on gender, such as gender training or briefings?
- Are formal and/or informal structures in place for consultation with civil society organisations on security issues, including women's organisations?
- What is the representation of male and female parliamentarians on defence and security-related committees?

- Has an ombudsperson's office been established and does it have the mandate and capacity to address gender issues?
- Are initiatives in place to increase the representation of women within parliament, such as quota systems or support for female candidates?
- Has legislation been passed to guarantee the full and equal participation of women and men within security sector institutions? Is there adequate legislation in place on GBV?
- Has a gender/women's caucus been established? Are security issues being discussed within the caucus?
- Has a gender budget analysis been applied to security-related budgets?

More information

Resources

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Born, H., Fluri, P. and Johnson, A. eds. - *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, DCAF and IPU, 2003 (available in 40 languages).

Freeman, M. - *Making Reconciliation Work: the Role of Parliaments - IPU Handbook for Parliamentarians N° 10*, 2005.

Organisations

Association of European Parliamentarians for Africa (AWEPA) – www.awepa.org

iKNOW Politics: International Knowledge Network of Women in Politics – www.iknowpolitics.org

Initiative for Inclusive Security – www.huntalternatives.org/pages/7_the_initiative_for_inclusive_security.cfm

International Institute for Democracy and Electoral Assistance – www.idea.int

Inter-Parliamentary Union – www.ipu.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel

Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Mugiho Takeshita of DCAF, based upon Tool 7 authored by Ilja Luciak.

[1] DCAF and IPU, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, DCAF and IPU, 2003, p. 22. http://www.dcaf.ch/oversight/_publications.cfm?navsub1=12&navsub2=3&nav1=3

[2] IPU, *Women in National Parliaments,* 31 Oct. 2007. http://www.ipu.org/wmn-e/world.htm

[3] Anderlini, S.N. and Conaway, C.P., *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women,* (Initiative for Inclusive Security: Washington DC), 2004, pp.17-18; 23-25.

[4] Isha L'Isha News Release (21 July 2005), *Parliament/Knesset Passes New Law Mandating Inclusion of Women for Peace and Security Negotiations & Policy.* http://www.peacewomen.org/news/Israel-OPT/July05/Knesset.html

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National Security Policy-Making and Gender

Peter Albrecht and Karen Barnes

National Security Policy-Making and Gender

Peter Albrecht and Karen Barnes

About the Authors
Peter Albrecht and Karen Barnes of International Alert.

International Alert is a London-based NGO that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. International Alert's multi-faceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build skills and capacity through training.

International Alert's regional work is based in the African Great Lakes, West Africa, the South Caucasus, Nepal, Sri Lanka, the Philippines and Colombia. International Alert's thematic projects work at local, regional and international levels, focusing on cross-cutting issues critical to building sustainable peace. These include business and economy, gender, governance, aid, security and justice.

Editors
Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on National Security Policy-Making and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

ANC	African National Congress
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CIDA	Canadian International Development Agency
CPF	Community Police Forum
CSO	Civil Society Organisation
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DISEC	District Security Committees
DoD	Department of Defence
ESDP	European Security and Defence Policy
FFRP	Forum of Rwanda Women Parliamentarians
GBV	Gender-Based Violence
GSE	Gender and Socio-economic Analysis
LCC	Local Citizen Councils
M&E	Monitoring and Evaluation
MoD	Ministry of Defence
NATO	North Atlantic Treaty Alliance
NGO	Non-Governmental Organisation
NSC	National Security Council
NSCCG	National Security Council Co-ordinating Group
NSP	National Security Policy
NSS	National Security Strategy
ONS	Office of National Security
PRSP	Poverty Reduction Strategy Paper
PROSEC	Provincial Security Committees
SAPS	South African Police Service
SANDF	South African National Defence Force
UNIFEM	United Nations Development Fund for Women
UN SCR 1325	United Nations Security Council Resolution 1325 on women, peace and security

National Security Policy-Making and Gender

1 Introduction

As part of the *Gender and Security Sector Reform Toolkit*, this tool provides an introduction to the benefits and opportunities of integrating gender issues into national-level security policy making.[1] As strategic documents, security policies are critically important in establishing a coordinated response to security threats, and can serve as a platform for security sector reform (SSR) processes. This includes national security policies (NSPs) as well as sector-specific policies, such as a white paper on defence. Ensuring that gender issues are integrated into security policies may increase participation and local ownership, and create policies and institutions that are more likely to effectively and sustainably provide security and justice to men, women, girls and boys on an equitable basis.

This tool is designed to be a resource for staff responsible for initiating security policy-making processes within the executive branch of government, including those responsible for drafting, implementing and evaluating security policies. In addition, the tool may be useful to a variety of other actors involved in security policy-making processes, including parliamentarians and parliamentary staffers, ministerial staff, civil society organisations, municipal-level government, international and regional organisations, and donor countries supporting the development of security policies.

Specifically, this tool provides:

- A brief introduction to security policies, including NSPs and sector-specific policies
- Discussion of the significance and benefits of applying a gender perspective to security policy-making
- Practical actions to integrate gender dimensions into security policy-making
- An introduction to development of security policies in post-conflict, transitional, developing and developed countries
- Key recommendations
- Additional resources

On the critical issue of policy implementation by specific actors encompassed by the security sector please refer to the other tools of the *Gender and SSR Toolkit*. The focus of this tool is policy-making, and how gender may best be incorporated into the process. It should be mentioned that a policy of itself has little value. Only when it is implemented will it impact on how security and justice are provided in a given country.

2 What are national security policies?

A national-level security policy sets out a government's perception of threats to the security of the state and its population and its responses to these threats. A policy differs from rules or laws. A law, for instance, can compel or prohibit certain behaviours, while a policy merely guides actions that are most likely to achieve a desired outcome. As such, a policy designates a deliberate plan of action to guide decisions on the part of the executive. Developing a security policy involves establishing an approach to security issues, prioritising security threats and making major decisions about the security sector. Security policies at the national level, including national security policies and institution-specific policies, address both internal and external threats to security and are developed within the framework of international and regional legislation to which the state is party.[2]

Many different actors are involved in the production of security policies:

- **The executive** branch of government, including government ministries, initiates the process of establishing new security policies or amending existing ones. The executive appoints the members of security coordinating bodies and policy drafting committees.
- **Parliament** may approve, propose changes to or reject a security policy. In many democratic states, the parliament also has the final say on the budget, and monitors and evaluates the implementation of security policies.
- **Local government** includes state or district government and mayoral offices. In collaboration with local security sector institutions, they can be key implementers of national-level security policies.
- **Non-state security actors,** such as paramount chiefs, village councils and non-statutory armed forces, are in many post-conflict and some developing countries the main providers of security
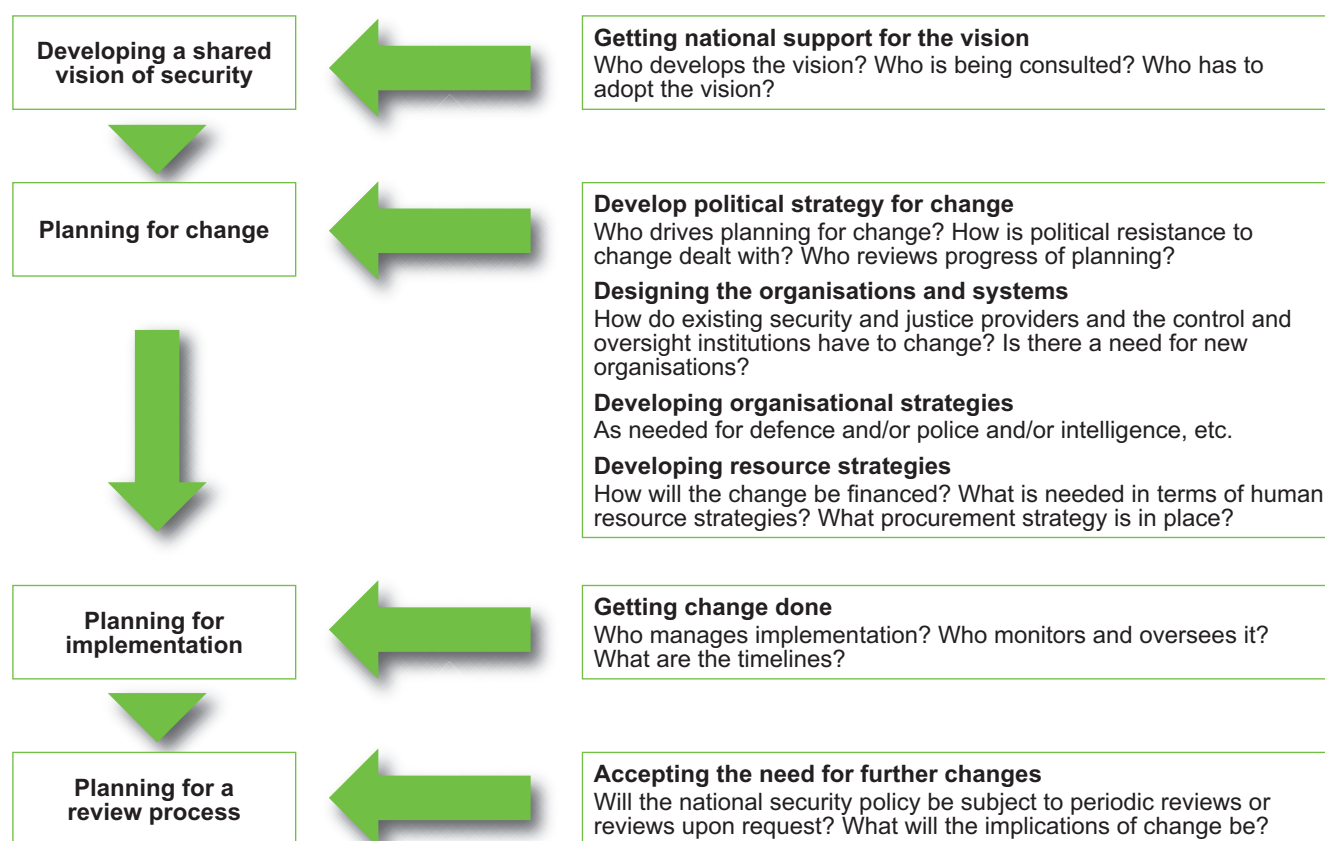
Developing a shared vision of security	**Getting national support for the vision** Who develops the vision? Who is being consulted? Who has to adopt the vision?
Planning for change	**Develop political strategy for change** Who drives planning for change? How is political resistance to change dealt with? Who reviews progress of planning? **Designing the organisations and systems** How do existing security and justice providers and the control and oversight institutions have to change? Is there a need for new organisations? **Developing organisational strategies** As needed for defence and/or police and/or intelligence, etc. **Developing resource strategies** How will the change be financed? What is needed in terms of human resource strategies? What procurement strategy is in place?
Planning for implementation	**Getting change done** Who manages implementation? Who monitors and oversees it? What are the timelines?
Planning for a review process	**Accepting the need for further changes** Will the national security policy be subject to periodic reviews or reviews upon request? What will the implications of change be?

Figure 1: Questions to ask when developing security policies [3]

and justice. Non-state security actors should therefore be included in processes of developing and implementing security policies.

- **Civil society organisations** (**CSOs**) may participate in the assessment, design, implementation and evaluation of security policies.

Figure 1 outlines the process to be followed and key questions to be asked in producing security policies. It can be adapted to assist the development of NSPs as well as sector-specific security policies.

2.1 A national security policy

DCAF proposes a broad definition of a NSP as 'a framework for describing how a country provides security for the state and its citizens'.[4] This policy document can also be referred to as a plan, vision, strategy, concept or doctrine. A NSP is often presented as an integrated document that delineates how the security sector is to be structured to address both external and internal security threats.[5] Because NSPs seek to encompass national security as a whole, they tend to be hierarchically superior to sector, agency or issue specific policies such as those which address military doctrines or policing. Box 1 describes the process of developing NSPs.

Box 1	Developing a national security policy [6]

1. Conduct a **strategic environmental analysis** and identify a 'national vision' for the country and its people through broad-based consultation. This process should encompass consultations with CSOs to discuss perceived and actual security concerns – e.g. through written submissions and direct participation in public meetings.
2. **Analyse and prioritise current and future threats and opportunities** to the achievement of objectives outlined in the 'national vision'.
3. **Determine and prioritise national capabilities,** both within the security/justice sectors and beyond, that can address security threats and deliver key security services to citizens. This includes the financial basis for implementing the NSP, and the general financial management procedures of a given country.
4. **Undertake a gap analysis** to assess the current capability of national security/justice institutions to address threats and deliver key services, compared with required capabilities. A gap analysis should, where appropriate, be based on sources both within and outside state institutions.
5. Establish a **prioritised and budgeted NSP** to deliver improved security and justice in support of broader national development objectives.

Box 2	Content of Lithuania's National Security Strategy [9]

Lithuania's National Security Strategy provides a good example of the broad issues that NSPs may address. It provides a 'national vision' for the state's development, its national interests and actions required to move them forward. Importantly, it encompasses political, diplomatic, defence, economic and other spheres of state policy. 'Lithuania perceives its security as preserving its sovereignty and territorial integrity, internal security and order, democratic foundations, economic security of all legal entities and population and protection of its natural environment.' The sections of the National Security Strategy are:

■ **Basic assumptions of security policy:** this section outlines the current international security system as favourable, and deems the majority of existing traditional and new challenges as transnational in nature. There is no immediate military threat to Lithuania's national security.

■ **Security interests of the Republic of Lithuania**: these are divided into vital and primary interests. The former include state sovereignty, territorial integrity and democratic constitutional order; respect and protection of human and civil rights and freedoms; and peace and prosperity of the state. Primary interests include global and regional stability, freedom and democracy in Central and Eastern Europe and the Baltic States; ensuring alternative energy supplies and supply of resources that are of strategic importance; and a region free of environmental dangers.

■ **Challenges**, **dangers and threats**: included under this heading are terrorism, organised crime, arms proliferation, drug trafficking, illegal migration and epidemics, as well as Lithuania's dependence on resources and energy supplies from only one country. Economic conditions, including the well-being of the population and avoidance of uneven social and economic development and independence of the state, are also acknowledged as possible threats to national security.

■ **Security policy of the Republic of Lithuania**: included are the major goals and objectives of national security; strategic concepts and implementation guidelines; circumstances that would justify the use of military force; and the importance of domestic stability and prosperity.

■ **Primary actions and means for implementation of strategy**: included are integration into NATO and the EU, strengthening international cooperation bilaterally and multilaterally, participation in international peace operations and crisis management, etc. Particular emphasis is placed on the importance of strengthening internal, economic and social security, crime control and prevention, environmental and cultural protection, and strengthening intelligence, counter-intelligence and protection of classified information.
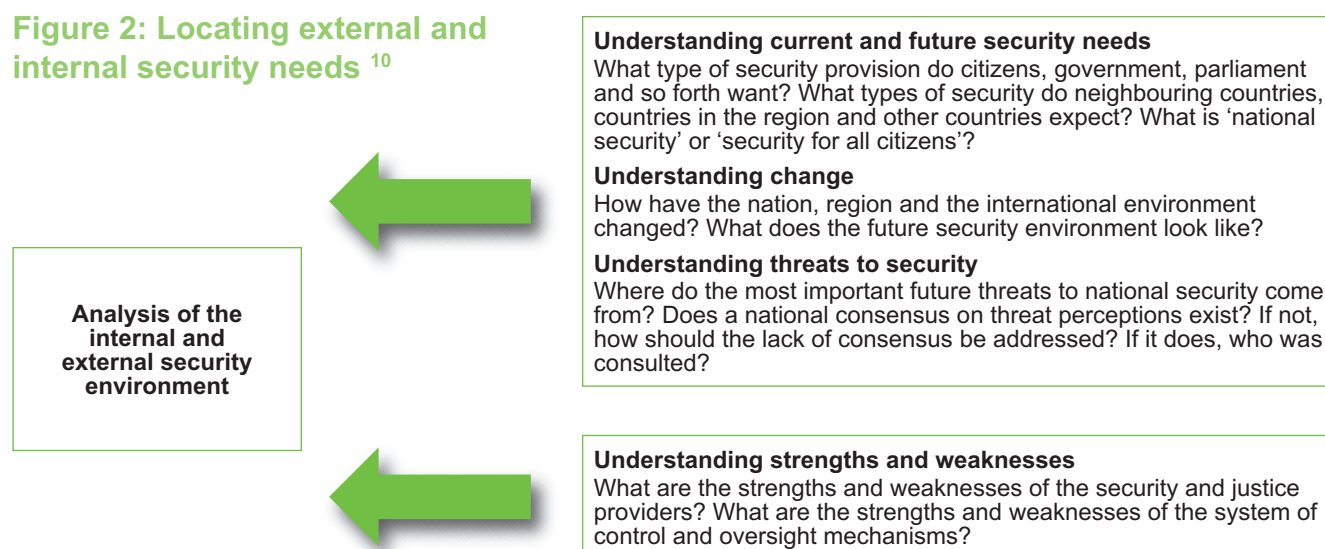
NSPs are also distinguished from other security policies by the range of subjects that they address. NSPs have tended to focus on external threats to security that demand a national response. This continues to be the case, for example, in the **United States** (US). The NSP of the US deals with issues ranging from military force preparedness, nuclear strategies and terrorism to chemical and biological weapons.[7] However, NSPs increasingly include a comprehensive evaluation of both domestic and international security environments (see Figure 2). For example, **Bulgaria**'s *1998 National Security Concept* is based on the premise that there is no direct military threat to national security. The focus is instead on issues such as organised crime (transnational and cross-border), trafficking (drugs, arms and human

beings), illegal trade (mostly trade in arms in violation of UN embargoes), terrorism and environmental degradation.[8]

Another model is the **Afghan** and the **Azerbaijani** NSPs, which are divided into external and internal security issues. In the Azerbaijani case, the external issues included are territorial integrity, integration within European and Euro-Atlantic structures, strengthening defence capabilities, and so forth. Internally, the policy focuses on issues such as strengthening democracy, protection of national and religious tolerance and information security.

In **Sierra Leone**, a post-conflict country, a NSP has been called for as a follow-up to the two-year process

Figure 2: Locating external and internal security needs [10]

Analysis of the internal and external security environment

Understanding current and future security needs
What type of security provision do citizens, government, parliament and so forth want? What types of security do neighbouring countries, countries in the region and other countries expect? What is 'national security' or 'security for all citizens'?

Understanding change
How have the nation, region and the international environment changed? What does the future security environment look like?

Understanding threats to security
Where do the most important future threats to national security come from? Does a national consensus on threat perceptions exist? If not, how should the lack of consensus be addressed? If it does, who was consulted?

Understanding strengths and weaknesses
What are the strengths and weaknesses of the security and justice providers? What are the strengths and weaknesses of the system of control and oversight mechanisms?

Box 3	Bosnia-Herzegovina and Lithuania: contents of white papers

Bosnia-Herzegovina's Defence White Paper[11] places specific emphasis on defence reform and identifies key threats to Bosnia-Herzegovina's security environment (globally, regionally and internally). It then focuses on:

■ **The defence policy of Bosnia-Herzegovina,** including strategic principles, integration into the Euro-Atlantic security architecture, Partnership for Peace/NATO standardisation and interoperability and contribution to regional cooperation in South East Europe.

■ **The defence system of Bosnia-Herzegovina**, including democratic control of the armed forces, civilian command, parliamentary oversight, transparency in defence planning and budgeting, operational and administrative chains of command and size of the armed forces.

■ **Human resources and capacity-building**, including individual and collective training, professional development, employment of the armed forces, peace support operations, assistance and support to civilian authorities' operations, the officer corps, soldiers, reserves and personnel management systems.

Lithuania's Defence Policy (White Paper)[12] outlines the changing overall security environment of the country and the new role and new missions of the armed forces. It then focuses on:

■ **The main directions of Lithuania's defence policy**, including strengthening of Euro-Atlantic security, projection of stability, and international, multilateral and bilateral defence cooperation.

■ **Defence reform**, including the shift from territorial to collective defence principles, new tasks and requirements for the Lithuanian armed forces, and review of the armed forces structure.

■ **Personnel management and training**.

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of producing a Security Sector Review. The Security Sector Review makes a number of recommendations, including the need for greater coordination across the security sector. Significantly, it highlights the dangers of internal instability rather than external threats as the potential source of renewed conflict.

2.2 Sector-specific security policies

Sector-specific security policies such as defence white papers or homeland security strategies differ from NSPs by addressing national security concerns as they relate to specific agencies or issues. As a rule, a sector-specific policy provides more substantial guidance on the role, organisational structuring and responsibility of an agency, and on how it should address particular security needs. At the same time, sector-specific policies have to be set in the context of national policy as a whole, thereby harmonising and unifying government policies and bodies dealing with security-related issues. Therefore, as with NSPs, sector-specific security policies are important platforms from which to launch systematic and coordinated SSR efforts.

A security policy may be presented as a 'white paper', which is essentially an informal name for a parliamentary paper articulating government policy (see Box 3). It is a document issued by the government laying out policy and/or proposed action in an area of current concern. While not binding by law, a white paper may at times be seen as part of an open-ended consultation process. However, a white paper does tend to signify a clear intention on the part of a government to pass new legislation. A 'green paper' is usually more open-ended and may merely propose a strategy or be formulated as a discussion or consultation paper.

3 Why is gender important in security policy-making?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[13]

For more information see Tool on SSR and Gender

The following section presents a number of reasons why gender is important in the process of national security policy-making, and how it contributes to enhancing local ownership and broad-based participation. Fundamentally, gender perspectives are important because they help to recognise that a population is not a homogenous group, but constitutes a broad range of needs and interests. Given that the security sector has the task of protecting all groups within the population, it is imperative that security policy-making includes gender perspectives. This will help to develop strategies for security sector actors that identify a broad range of needs – not just those of the most visible and privileged communities or demographic groups in society.

Institutions and personnel in the security sector can at times be sources of insecurity, in particular for disempowered groups in society. However, violence can also derive from legislation and policies that make up the rule of law. Where policies are gender-blind, they may both directly and indirectly condone gender-based violence against women, men, boys and girls; gender inequality and exclusionary practices. This in itself requires that policy-making processes are inclusive and incorporate the perspectives of all groups in a given population.

3.1 Local ownership through participatory policy-making processes

In order to create legitimacy and local ownership of national-level security policies, as well as consensus on security priorities, there needs to be a participatory process of assessing, designing, implementing and monitoring/evaluating the policy. Participatory processes also enhance accountability, transparency and sustainability, three key principles of SSR. One of the key steps to ensuring participatory security policy-making processes is the inclusion of both women and men in decision-making (see Box 4). The equal participation of women and men in local, national and international security policy processes is in accordance with international norms and instruments, such as UN Security Council Resolution 1325, and makes the structures of governance more representative of society's composition.

Compliance with obligations under international laws and instruments

Integrating gender into national security policy-making is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *The Beijing Declaration and Platform for Action* (1995)
- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

See Annex on International and Regional Laws and Instruments

In many countries, women continue to be excluded from decision-making processes. For instance, rebuilding and enhancing the security of **Liberia** has required a complete restructuring of the security forces, including the formulation of a NSP and sector-specific security policies. While the Liberian Government established a 20% quota for the

Box 4	Benefits of participatory security policy-making in South Africa

South Africa's process of post-apartheid transformation of security policies and institutions is often presented as a good practice of participatory and locally owned SSR. For instance, the 1996-1998 Defence Review process included a national consultation which ensured the participation of religious and community leaders, activists, NGO representatives and women's organisations. Within this process, grassroots women's organisations were vital in drawing attention to key security issues such as the environmental impact of the military and sexual harassment of women. In response, two new sub-committees were formed in the Defence Secretariat. Ultimately, the participatory nature of the Defence Review was credited with assisting the process of building national consensus around defence issues and generating public legitimacy for new security structures.[16]

Consultation with women within civil society and political parties also ensured that security policies were gender-responsive and highlighted the role of women as consumers and providers of security. This, for instance, was illustrated in the 1994 *White Paper on Intelligence*, the 1996 *White Paper on Defence for the Republic of South Africa* and the 1998 *Safety and Security White Paper*.

The South African experience indicates that the inclusion of women and representatives from women's organisations in security-related debates can lead to an expanded understanding of what should be included in security policies and statements.

Key findings from this process, which all impacted directly on policy-making, included: [17]

1. South Africa went beyond mere reform to transform the security sector by taking steps to consult the public about the role of the security sector and placing human security and development at the centre of its national security framework.

2. Women with differing views and values and of all races were central to articulating the vision and shaping the process by which the security of the people became a priority of the state.

3. Women from across the political spectrum mobilised to attain 50% representation in negotiations leading up to the 1994 election and 28% of parliamentary seats. They continue to encourage public participation in policy-shaping and remain the strongest proponents of human security.

4. Within the security establishment, it is increasingly acknowledged that women:
   a. Bring a critical perspective to the planning and implementation of programmes.
   b. Have a positive influence as members of security forces.
   c. Are critical to building peace and security.

5. Security sector transformation will remain incomplete if the institutional culture is not changed. Overcoming gender-based discrimination, as with racial discrimination, is a key component and indicator of transformation.

participation of women in the security forces, women have nonetheless not taken part in security policy-making processes. National consultations with women to ensure differentiated input on, for example, social and economic insecurities, and to enhance prospects of a coordinated response to widespread sexual violence, were not ensured.[14] This contradicts current international thinking which emphasises that only by giving women equal rights with men, and access to decision-making processes, can sustainable development take place.[15]

Including men and women on an equal footing in security policy-making also acknowledges that they often have differing security needs and priorities. Different approaches to the provision of security and justice are needed for different groups if equal access for all to these public services is to be achieved. Importantly, using gender as a guiding principle to widen debates on security and justice provision is not only a matter of looking at the different needs of men and women, but also directly relates to specific security needs based on ethnicity, class, sexual orientation and religion.

A wide variety of initiatives can be taken to ensure the full and equal participation of women and men, including:

- Broad-based consultations with rural and urban community-based organisations and community leaders, including women and women's organisations.
- Appointments of women to key security decision-making bodies at the ministerial level.
- Soliciting input from women's organisations, parliamentary women's caucuses and representatives from ministries of women's affairs in security policy-making processes.

By establishing a participatory process, guidance on effective service delivery is ensured from the outset. The outcome is potentially one of greater operational effectiveness, including the ability of security forces to respond to specific security and justice needs as identified in security policies. As a document, a policy of this nature, developed under the leadership of the executive and promulgated by parliament, is also an effective advocacy instrument to hold the political leadership to account for pledges made.

A gender-responsive, participatory approach to security policy-making processes thus ensures equal access by a variety of groups, both to the policy itself, and the process whereby it is being developed, implemented and evaluated. This is particularly critical in a post-conflict context and in a number of transitional countries where security architectures have been built from scratch due their abrupt or gradual collapse.

3.2 Comprehensive security policy that addresses diverse security needs

As mentioned in Section 2, security policies are increasingly designed to address both internal and external threats to security. In line with a human security focus on meeting the security needs of individuals and communities, a comprehensive security policy takes into account the different security needs of women, men, girls and boys, including internal security threats such as gender-based violence (GBV).

See Tool on SSR and Gender

GBV is perhaps one of the most obvious manifestations of the need for different approaches to the delivery of security and justice. It is a global phenomenon, affecting women and girls, as well as men and boys. Statistically, UNIFEM estimates that one in three women across the world will be subjected to some form of GBV, such as assault, rape, trafficking or beating.[18] The Centers for Disease Control and Prevention state that every year in the US 1,500,000 women and more than 800,000 men are raped or physically assaulted by an intimate partner.[19] In Jamaica, the National Security Strategy recognises that domestic violence contributes to a general pattern of crime and violence, due to its debilitating effects on the social fabric and its role in socialising youths to use violence as a means of dispute resolution.[20] The financial implications of GBV are also substantial, impacting directly on the effectiveness of service delivery as well as other sectors of the state. According to the United Kingdom (UK) Home Office, domestic violence is the leading cause of morbidity

Box 5	Gender-based violence committed by the security forces in Sierra Leone [22]

Sierra Leone's ten-year conflict was officially declared over in January 2002. Armed forces and police committed sexual violence during the conflict, and men remain over-represented in both institutions, which limit reform efforts along more gender-responsive lines. The militarised culture within the Sierra Leonean security sector can exacerbate and institutionalise GBV within the rank and file of the armed forces and police.

In response, human rights issues have been integrated into the training offered to the armed forces by the British-led International Military Advisory and Training Team, and to the Sierra Leone Police (initiated by the Commonwealth Community Safety and Security Project). Training, codes of conduct, enforcing disciplinary measures, developing protocols and institutional mechanisms to handle complaints of GBV, and increasing the representation of women can help to address GBV within security sector forces.

among women aged 19-44, costing £23 billion a year in the UK. [21]

Gender issues, in particular GBV, are often equated with women and girls. However, gender issues are equally relevant to men and boys, and taking into account their particular security needs in policy-making processes ensures a comprehensive approach. For example, sexual violence against men within the armed forces and prisons is a highly taboo issue but one that merits attention. A study of prisons in four states in the **US** found that approximately one in five male inmates reported a pressured or forced sex incident while incarcerated.[23] GBV against men and boys is also an issue during conflict, where they are subject to sexual violence, sex-selective massacres and forced conscription. Despite this prevalence, GBV programming that targets men and boy survivors is virtually non-existent in post-conflict contexts.[24]

Considering the high prevalence and heavy social and financial implications of GBV, it is a security issue that should be addressed in national security policies – both NSPs and sector or issue specific policies.

3.3 Non-discrimination in security policies and security sector institutions

Reducing discrimination by security sector personnel on the basis of religion, sex, race, sexual orientation or other improper bases can build trust, increase legitimacy and improve the provision of security and justice. As a strategic document, a security policy commits a government to address issues of security and justice, both in the public sphere and within the rank and file of the security forces themselves. As such, a security policy can establish protective rules against discrimination within security sector institutions. Gender-responsive security policy-making helps to ensure that policies do not include wording that perpetuates discrimination. By also including specific statements on the issue of non-discrimination, security policies can have a positive impact upon the structures and personnel of the armed forces, the police, intelligence services and other security sector institutions.

4 How can gender be integrated into security policies?

This section provides examples and suggestions on how to ensure that security policy-making processes incorporate gender issues. As the development of security policies invariably is different in each context,

there will be different challenges and opportunities for the integration of gender issues. The following suggestions should be adapted to the local context. For discussion on security policy-making in particular contexts, see Section 5. This section is structured by the different institutions engaged in producing security policies: national government (including security coordinating bodies and policy drafting committees), parliament, local government and CSOs. It also includes two cross-cutting issues that should be addressed within all of the different institutions: gender training, and monitoring and evaluation.

As already noted, development or revision of national security policy requires input from a wide range of actors, including internal and external security providers. Drafting an effective security policy is therefore resource intensive, both in human and financial terms. For this reason, national security policies may only infrequently be opened up for revision, debate and broad-based consultation. It is therefore vital that when the opportunity for fresh policy-making arises, the groundwork has been done to make sure that gender issues are included.

4.1 National government

It takes the executive's political commitment to initiate the development or modification of a security policy. For instance, the minister of defence will usually oversee the realisation of a revamped defence policy. Thus, commitment to an inclusive security policy-making process and addressing gender issues must be embedded at the highest levels of government and amongst senior ministerial staff, to ensure a gender-responsive process and outcome.

In the case of **Canada's** NSP,[25] drafting was kept firmly in the hands of the Privy Council Office. The Prime Minister decided that the formulation process should not be interdepartmental because it was believed that this would delay the drafting process. Actors both within and outside government, including those with gender expertise, were thus excluded. Including different perspectives on what security means is time-consuming, but necessary to produce strong and embedded security policies. If exclusionary policy-making processes are established, this narrows transparency, democratic oversight and entry points for addressing gender issues.

A number of steps can be taken, either by ministerial staff, parliament or CSOs, to build the gender capacity and commitment of senior-level government and staff involved in security policy-making:

- Awareness-raising among the head of state, ministers, senior ministerial staff and key personnel in security sector institutions on international and national commitments to gender equality and human rights.
- Arrange gender briefings and reports for senior management on policy issues, enhanced service

delivery and operational effectiveness of applying a gendered approach in policy-making.
- Draft speaking notes on security-related matters for senior level staff, which appropriately address gender issues.
- Provide briefing notes to senior management demonstrating where gender issues may be included in security policies, and contribute to the aim of the policy.
- Lobby for the appointment of qualified women in management staff and for the inclusion of an understanding of, and demonstrated commitment to gender equality, in terms of reference.[26]
- Initiate mentoring programmes that place gender experts together with senior staff in order to build their gender capacity.

Security coordinating bodies

National Security Councils (NSCs) ensure coordinated action and the integration of a wide range of security-related policy, legislative, structural and oversight issues. The NSC – or a similar body – may also be called upon to coordinate policy, to implement policy, to assess or advise and to allocate resources to deal with security threats. These coordinating bodies are therefore a crucial, if not easily accessible entry point to ensure that gender issues are put on the agenda and that women participate in security decision-making.

The NSC in **Sierra Leone**, the Cabinet Office in the **UK**, or the Advisory Council on National Security in **Canada** have various functions, but all have the objective of centralising senior-level government thinking about national security issues.[27] However, in new democracies and post-conflict countries the capacity in government to manage and coordinate responses to national security concerns may be weak. Similarly these bodies are at times dominated by the armed forces and lack a civil-military balance.

Though NSCs, or similar bodies in different countries have a variety of members and different mandates, they rarely include women or address gender issues:

- In **Nepal** in 2004, the NSC was comprised of army personnel and representatives from the Defence Ministry and the Prime Minister's office, but women were not included (indeed, there were no high-ranking women in the police or key ministries of the Nepalese Government).

- **Pakistan**'s NSC has a similarly limited set of members because national security is defined narrowly under the headings of sovereignty, integrity, defence, security of the state and 'crisis management'.[28] The NSC of the **US** also has a narrow set of members, formally including the President, the Vice President, the Secretary of State and the Secretary of Defence, with regular attendance of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency and the President's National Security Adviser. The gender balance of the Pakistani and US NSCs is poor, and issues relating to insecurities of men and women are

generally not differentiated or taken into account. One of the reasons for this is that these bodies primarily deal with macro-political concerns, not distinguishing individual groups in society.

As outlined in Section 3.1, a variety of benefits flow from increasing women's participation and integrating gender issues into security decision-making. For example, consulting with representatives from a parliamentary women's caucus is likely to broaden the debate within NSCs on which security concerns to prioritise. Taking gender issues into account can initiate a productive discussion on accepted approaches to security and security priorities, and effective methods of providing security and justice.

Steps that can be taken to integrate gender issues and increase the participation of women in security coordinating bodies include:
- Appoint female representatives to NSCs as a matter of priority.
- Include or consult with representatives from the ministry focused on gender and women's issues, other government gender machinery or parliamentary women's caucuses.
- Build the gender capacity of NSC members through training, briefings, mentoring and other initiatives. See Section 4.5 on Gender Training.
- Institute mechanisms to ensure consultation with external gender experts and representatives from women's organisations.

One of the challenges of increasing the appointment of women to NSCs is that women are still marginalised in most countries from high-level political office, and therefore few women attain the positions included in these councils. For instance, in 2005 there were only 12 female ministers of defence and veteran affairs (6.6%) and 29 (15.8%) female ministers of justice in a sample of 183 countries.[29] Initiatives to increase the number of women in senior political positions are therefore also necessary, such as: scholarships for women to attend relevant university programmes, capacity building for female members of parliament and quotas within political parties. Inclusion of women in security coordinating bodies will not necessarily mean that more attention will be given to gender issues, but diversity of opinion and experience amongst NSC members will bring a greater number of perspectives to the table.

Security policy drafting committees

If gender is to figure robustly in security policies, the specific bodies that draft security policies should have the capacity to understand the different security needs of men, women, girls and boys, and how a proposed security policy will impact these needs. Security drafting bodies can be either standing or ad hoc committees. Policies can be designed by a team of people from a single government department (e.g. policies on policing) or from several departments (e.g. for a NSP).

Members of the drafting committee must have the technical skill to prepare policies that are

comprehensive, precise and unambiguous. The main criteria for selecting members of the committee should be:

- Technical skills and knowledge – *including in integrating gender issues.*
- Representation in relation to the implementing agencies and key decision-makers – *potentially including a representative from the government ministry responsible for gender issues.*
- Commitment to democratic reform – *including promotion of gender equality.*[30]

Oversight bodies such as parliament or CSOs can play an important role in advocating for the inclusion of gender expertise on the drafting committee, or that committee members undertake training that includes gender-related components.

To ensure a gender-responsive security policy the drafting committee should both explicitly address gender issues and use gender-sensitive language.

Explicitly address gender issues

Depending upon the type of security policy under development, gender issues that should be highlighted include (see Box 6):

- The importance of achieving equality between men and women, and social, religious and ethnic groups as a matter of national security.
- Affirmation of the equal right of all men and women to participate in security sector institutions.
- GBV against men, women, girls and boys as a key internal threat to security; and strategies to prevent, respond to and sanction GBV, with allocation of appropriate human and financial resources.
- Eliminating discrimination within security sector institutions or in the provision of security services on the basis of sex, race, religion, sexual orientation or any other improper basis.
- Institutional codes of conduct, including specific provisions on discrimination, sexual harassment and other forms of GBV.
- Establishing mechanisms that ensure the participation of civil society in oversight of the implementation of security policies, SSR processes and security sector institutions.

Various types of security policies in different countries have addressed gender issues in this manner. **Sierra Leone**'s Defence White Paper states that 'the Ministry of Defence together with the RSLAF [Republic of Sierra Leone Armed Forces] is committed to recruiting and retaining high calibre personnel irrespective of tribe, region, gender, religion …'.[31] Trafficking in human beings is included in the respective National Security Strategies of Romania and the Ukraine. In **Ukrainian** policy it figures under the heading 'Ensure Favourable External Conditions for Development and Security of the State'.[32] In **Romania**, 'the Strategy ascertains the need for implementation of some means to stimulate national solidarity and civic responsibility, an interest in labour equality between men and women, equal opportunities for access to education and training and social protection'.[33]

Use gender-sensitive language

It is also important to use 'gender-inclusive' and 'gender-specific' language within security policies in order to avoid discrimination or exclusion. The generic use of 'he' or 'man' excludes women. Many security-related policies, from **Sierra Leone**'s Defence White Paper to **Ireland**'s White Paper on Defence, acknowledge this by, for instance, referring to 'servicemen and women'. Other NSPs, such as those of **Russia** and the **US**, make no differentiation between men and women. While using 'gender-neutral language' – e.g. 'people' instead of 'men and women'

Box 6	**Gender responsiveness in South Africa's security policies**

South Africa's White Papers on Intelligence, National Defence, and Safety and Security include gender-sensitive language, and address GBV and discrimination, and equal participation within security sector institutions.

White Paper on Intelligence (1994):

The compilation of a national intelligence service shall endeavour to reflect the gender and racial composition of society whilst also taking into consideration the objective criteria of merit. To this end, an affirmative action programme shall be implemented to address imbalances.[35]

White Paper on National Defence for the Republic of South Africa (1996):

In order to secure the legitimacy of the armed forces, the DOD [Department of Defence] is committed to the goal of overcoming the legacy of racial and gender discrimination. It will ensure that the SANDF [South African National Defence Force], and its leadership in particular, is broadly representative of the South African population.

The DOD acknowledges the right of women to serve in all ranks and positions, including combat roles.[36]

White Paper on Safety and Security (1998):

Makes special mention of treating sexual offences, rape or domestic violence with 'extra dignity, compassion and care'. It also calls for crime prevention strategies towards those groups most at risk of either offending or becoming victims of crime, including 'poor communities, the youth, women and children and the disabled'.[37]

– is appropriate in many circumstances, it can limit the acknowledgement of gender differences, and can leave in place the assumption that all security groups in society have similar security needs.

Finally, there are NSPs such as those of **Jamaica**, **Georgia** and **Ukraine**, which continue to use language such as 'manpower' and 'man-made hazards'.[34] These are arguably discriminatory terms emanating from an idea that only men (not women) are active in public life.

Examples of gender-sensitive language include:
- Servicemen and women – not servicemen
- Police officer – not policeman
- Humankind – not mankind
- Artificial or manufactured – not man-made
- She/he or he/she – not he
- Staffed – not manned
- Labour, staffing, workforce – not manpower
- Chair or Chairperson – not Chairman
- Specify men, women, girls and boys where appropriate – rather than people

4.2 Parliament

The executive proposes security policies and the parliament usually accepts, amends or rejects policies; controls the budget; and can monitor and evaluate its implementation (see Box 7). While the function of parliament differs from country to country, it is expected to include two tasks when it comes to

policy development: monitoring the executive and representing the interests of the citizenry. This means that parliament can play a key role in ensuring that the policy responds to the particular needs of men, boys, women and girls, including through: participatory policy-making processes and the equal representation of men and women, including different social, ethnic and religious groups.

> **See Tool on Parliamentary Oversight of the Security Sector and Gender**

In emerging or new democracies and post-conflict countries, neither the concept nor practices of democratic and financial oversight are likely to be appropriately in place. One consequence is lack of coordination and information-sharing between civilian and military authorities, and reluctance on the part of government and parliament to accept civilian oversight. Accountability, transparency and civilian inclusion in designing responses to national security concerns are as a consequence limited. However, even if parliaments in emerging democracies lack substantive decision-making power, they are potentially vital forums for transparency and can contribute significantly to executive accountability and checks on executive power.

Similarly, in political systems where strong party discipline prevails within the legislature and its committees, the oversight role of parliament may in practice be highly constrained. In **Canada**, parliament has been criticised for being a rubber stamp for policy decisions made in a centralised way by the Prime Minister and political and senior cabinet advisors. In

Box 7	Parliament's role in security policies [39]

Development

Because the development of security policies is the task of the executive and competent government departments and agencies, parliament's role in the development phase is limited.

Decision-making

When the security policy reaches parliament it takes direct responsibility over it. Parliament can give its consent to new policies and legislation that the government proposes, reject them or suggest changes. Parliament also has particular leverage with respect to budgetary appropriations through the main phases of the typical budget cycle: budget preparation, budget approval, execution or spending, and audit or review. See Section 4.6 on gender budget analysis.

The time frame of the decision-making process should allow for further public consultations with a representative cross-section of the population. This would enhance the potential for public support of the security policy and ensure that it meets the needs of the population.

Implementation

During implementation of security policies, it is the role of parliament to scrutinize the activities of the government, including through continuous budgetary analysis. Security policies have major financial consequences and are essentially about taxpayers' money.

Assessment and lessons learned

Parliament has a role in auditing both figures and performance regarding implementation of security policies. Progress reports by relevant government agencies are essential to control the process and gain insight into whether the objectives laid out in the security policy are being implemented.

Box 8	Integrating gender into security policy-making: the role of women within the ANC in South Africa [42]

South Africa's transition to democracy demonstrates how a conducive political environment, the formation of a women's league within a political party, and advocacy on gender issues across the political spectrum can influence national security policy-making.

The political space to address gender issues was created by women within civil society and political parties. For example, concerned that women were being marginalised, the African National Congress' (ANC) Women's League was reformed in 1990 and called for women's inclusion in leadership positions and the inclusion of gender equality in ANC platforms and policies. Their advocacy is evident in the ANC's 1992 publication *Ready to Govern*: *Policy Guidelines for a Democratic South Africa.* The document proposed embracing four interrelated values: democracy and civilian authority, human security, anti-militarism, and gender equality. With an emphasis on the latter, the manifesto highlighted the goals of non-sexism, and the need to create special agencies to ensure the implementation of equal opportunity policies. In regards to security sector institutions, the manifesto reiterates that they must respect the ideals of democracy, non-racialism, and non-sexism; reflect the national and gender composition of South African society; and acknowledges that 'gender discrimination has either excluded or subordinated women's participation in all socio-economic and political institutions'.[43]

Women members of the ANC and civil society were also credited for emphasising a human security focus, turning the discussion from issues of 'state security' to security as a broad people-centred concern. This is reflected in *Ready to Govern's* explicit adoption of a human security approach and call for demilitarised security with political, economic, social and environmental dimensions.

defence and security policy, the legislative committees and subcommittees have not served as effective oversight mechanisms, and it has been alleged that there are no truly substantive discussions of defence policy taking place in the Canadian parliament.[38]

Participatory policy-making processes

Parliamentary involvement in security policies is critical to ensuring transparency and accountability to the public. This is achieved through open debate, consultation and public availability of information on government security policies.

Consultations with relevant parliamentary committees on NSPs – and other security policies – will be most successful if carried out at an early stage in the drafting process so that changes and redirection of policies can take place. Parliamentarians and parliamentary committees should not merely be presented with a final document, which they can either accept or reject.

Parliaments – including defence and security committees – should also be at the forefront of ensuring that security policies go through appropriate public consultation. Although these processes are not necessarily financially costly, they require time, funds, human resources and political will that may not be available domestically in post-conflict or developing countries. Donor support may therefore be required to cover the costs of, for example, workshops in rural areas. Donors could also fund consultation processes that are specifically designed to maximise the participation of women and other groups that are often marginalised during the development of security policies.[40]

Mechanisms to ensure participation may include:

- Structured consultations with a representative segment of CSOs, including urban and rural women's organisations (see Box 10).

- Municipal town hall meetings with direct interaction between political leaders and the public.
- Parliamentary hearings and open debates.
- If necessary, separate meetings with marginalised groups at the local level, which may not participate in public meetings with the majority population.

To ensure broad-based and representative participation specific measures should be taken to include:

- Rural and urban women's community organisations
- Labour unions
- Religious organisations
- Community leaders and activists
- Youth organisations
- Indigenous, ethnic and other minority associations
- Associations for people with disabilities
- Children's advocacy groups
- Academics and researchers
- Associations for migrants
- Gender experts
- International organisations
- Social justice and service organisations

Equal representation of men and women

Parliamentarians are in regular and direct contact with the general population, in practice more so than the executive, and are therefore well-placed to ascertain public security concerns. From an equal representation perspective, however, the ratio of women and men in most parliaments worldwide is one of inequality. In 2006, 83.1% of parliamentarians globally were men.[41] In addition, female parliamentarians rarely sit on defence and security-related committees. Therefore, to ensure input from female parliamentarians in security policy-making it may be appropriate to:

- Increase women's participation on defence and security committees, including as chairpersons.
- Encourage women to meet across party lines on security-related issues and to develop shared

platforms and common strategies for input into broader policy discussions.

- Support the establishment of women's caucuses and coalitions in parliament and within political parties (see Box 8).
- Encourage the establishment of national or party-based quotas for minimum female and male participation.

In addition to ensuring equal representation, it is important to build the awareness and understanding of gender issues amongst parliamentarians, especially the men and women sitting on defence and security committees.

4.3 Local government

In order to ensure the full implementation of national-level security policies, initiatives must be taken at the local level. In addition, local-level security committees, for instance, can provide essential input into national-level security policies, making sure that they reflect local security realities and priorities. Experience shows that locally embedded security analyses and strategies are vital to guarantee that community-level insecurities are robustly addressed. These initiatives can constitute key entry-points for integrating gender issues into the implementation of security policy.

Examples of initiatives that can be taken by municipal government, local security sector institutions, or civil society include:

- Security/safety audits
- Citizen/Community security plans
- Security/safety committees or councils
- Community police forums

Community police forums, security plans and safety audits

In **South Africa**, the local government and the South African Police Force participate in, and collaborate with, Community Police Forums (CPFs) to set joint priorities and objectives on crime prevention. CPFs involve CSOs in formulating local policing priorities and crime prevention initiatives. CPF activities are based on community security plans, which identify: programmes, projects or actions that the CPF will implement; where the CPF will get funds for the projects; and how the project will promote the aims of the CPF. In turn, the community security plan is based on a community safety audit that helps to:

- Focus on the most serious problems when you have few resources.
- Give people facts when they disagree about the most serious problems.
- Coordinate the work of different organisations to prevent duplication.

A community safety audit is carried out through a five-step process to identify:

1. **The crime problems in the community**: e.g. domestic violence.
2. **Which organisations are doing what**: Some organisations may already have crime prevention projects, and there may therefore already be activities to prevent domestic violence and support those affected directly and indirectly.
3. **The physical and social characteristics of the area**: To understand the causes of crime in a community, you must know the physical and social characteristics of the area. For example: young people are often more likely to commit crime; women are more at risk of domestic violence and sexual assault; young men are more at risk of other violent crime; and young men are also most likely to commit crime.
4. **The problems which are most important.**
5. **Details of the most important problems.**[44]

Box 9	**Local security committees and early warning mechanisms in Sierra Leone** [46]

In Sierra Leone, the Office of National Security (ONS) set up Provincial Security Committees and District Security Committees as local level consultation forums to assess and respond to security threats throughout the country. They have also been put in place to ensure that security policies reflect actual security needs and gather input from the community level. Decentralised security committees located in the interior of the country can serve as a conflict early warning mechanism for the government, because they report directly to the ONS.

The inclusion of women or representatives from women's organisations in these bodies has so far been limited, but would improve the ability to collect data as part of the early warning mechanism. A bottom-up approach of this nature could be combined with the recruitment of a gender adviser to the ONS who would be able to analyse and structure the data received from Provincial and District Security Committees, and ask relevant questions such as:

1. Are security sector institutions responding adequately to the security needs of men, women, girls and boys?
   a. Do men and women have freedom to leave their homes or travel outside their district?
   b. Are men, women, girls and boys vulnerable to human trafficking and sexual exploitation?
   c. What services are available for men and women suffering from domestic violence?
2. What types and rates of GBV exist? Is GBV increasing or decreasing?
3. Are there sufficient resources in the community to respond to the differentiated security threats that men and women and different societal groups experience?

Box 10	**Jamaica's National Security Policy – an inclusive process** [50]

In mid-2007 the Government of Jamaica adopted a comprehensive National Security Policy – *Towards a Secure and Prosperous Nation*. This policy was based on a National Security Strategy Green Paper, which was first tabled in Parliament in January 2006, and a subsequent National Security Strategy White Paper. The White Paper was developed after numerous consultations with Jamaican communities and stakeholders, including CSOs. The NSP is aligned with the holistic and sector-wide policy objectives of current SSR thinking and initiatives, and was the result of collaboration between the Jamaican Government and Canadian, UK and US and advisors.

Initially the Jamaican Government planned to conduct a defence review. However, it was quickly realised that a broader approach was required to address the existing range of potential threats to national security, including organised crime, gang violence, socio-economic concerns and environmental disaster. A broad-based consultation was initiated, involving all potentially relevant branches of government and state agencies and CSOs, including women's groups.

The result was a national security policy that addresses all the main security and justice institutions including the armed forces, the police, the Ministry of Justice and non-state stakeholders. It integrates the country's major security policies, goals and responsibilities into an overall master plan for the fulfilment of a 'National Vision' for Jamaica. The NSP prescribes the combined use of the political, economic, social, and informational and security instruments to increase security and justice. It clarifies the institutional framework within which the armed forces and civil institutions of the state will coordinate their activities to create an integrated, cohesive security network to safeguard national interests. It also addresses the complementary roles and responsibilities of the public and private sectors, as well as CSOs.

Under the heading 'The Effects of Violence on Communities,' the NSP calls for close attention to the impact of violence on individuals, communities and society. 'Domestic violence,' it is noted, 'is one of the more pervasive and common forms of violence plaguing the society. It contributes to the overall pattern of crime and violence due to its debilitating effects on the social fabric and its role in socialising the youths to violence as a means of dispute resolution. Women and children are disproportionately at risk from domestic violence.'

Following the approval of the NSP, the challenge is now its implementation. A National Security Strategy Implementation Unit has been established, which works on behalf of the National Security Council. It is tasked to coordinate the work of relevant ministries.

Local security committees and citizen security plans

Different types of bodies have been created to plan, coordinate and monitor initiatives to improve local security (see Box 9).

In **Peru**, the parliament created a National Citizen Security System to promote local participative crime prevention initiatives and make police more responsive to communities. This system relies on local-level institutions, with the establishment of Local Citizen Security Councils (LCSC) (*Consejos Distritales de Seguridad Ciudadana*). In the LCSCs, local police commanders work directly with local authorities and community representatives on crime prevention. The LCSCs can be described as bottom-up mechanisms to hold police accountable for their conduct and service quality and offer an important opening for community participation in local security issues. They are mandated to design a citizen security plan at the municipal level on the basis of an assessment of local safety and security issues. The security plan is implemented by mobilising local cooperation and resources. LCSCs are also in charge of evaluating the plan's impact and monitoring the performance of public employees implementing the plan, including the police.[45]

Similar bodies, such as Local Security Councils (*Consejos de Seguridad*) have been established in Chile, Colombia and Guatemala. In **Colombia**, members of the Local Security Council have included the local police and military chiefs, the mayor and representatives from the academic and private sectors.

Examples of measures to take to integrate gender issues into local government security initiatives:

- Involve gender experts and representatives from women's organisations in community security committees/councils.

- Ensure that community safety audits include: consultation with women, men and different societal groups on an equal footing; a focus on GBV; data disaggregated by sex, age, ethnicity and neighbourhood; and specific questions regarding the different security needs of the groups comprising the area under the local government's jurisdiction. See Section 4.6 on Assessment, Monitoring and Evaluation.

- Take into account the different security needs of men, women, boys and girls when developing and implementing crime prevention and response initiatives.

- Communicate the results of safety audits and planning processes to regional and national security bodies. This data is critical to ensure that regional and national security policies reflect local security realities, and in some contexts as a conflict early-warning mechanism.

- Provide training and guidance to build a gender-responsive approach among those engaged in drafting community-level security plans. See Section 4.5 on Gender Training.

4.4 Civil society organisations

A significant reason for the involvement of CSOs in the development and implementation of security policy is to ensure a democratic, transparent, accountable and inclusive process. CSOs do not by definition represent these principles of good governance, and, needless to say, are not homogenous regarding their economic and political interests. However, civil society potentially provides the space for building up expertise and capacities to independently evaluate, challenge or endorse governmental analyses and decisions on defence and security matters. CSOs encompass a multitude of different organisations, including women's organisations, labour unions, religious groups, ethnic or minority or indigenous associations, professional business associations, advocacy organisations, NGOs, think tanks and foundations, research groups, media groups and training institutions. This variety is both a strength and a weakness. It is a strength because it has the potential to represent a wide variety of groups in society that do not necessarily have a voice in policy-making processes. It is a weakness because finding common ground is a challenging and time-consuming exercise, particularly with respect to the issue of security policy-making.

> **See Tool on Civil Society
> Oversight of the Security
> Sector and Gender**

The development of policies relating to national security has in the past been surrounded by secrecy, which the demands of national security do require to some degree. However, if the process is cast strictly as an intra-governmental process, it is going to be counter-productive.[47] Secrecy may cover up financial mismanagement through corruption or lack of expertise. One way of overcoming this problem is to ensure that the types of information and documents that can and should be classified are dealt with unambiguously in statutory law, while at the same time upholding freedom of expression and freedom of the press.[48]

CSOs can take any number of the following actions in support of gender-responsive security policy-making:

- **Influence** public policy through advocacy regarding new policies and laws on policing, intelligence, defence reform or national security.
- **Create** a conducive and participative policy climate by raising the awareness of the public on NSPs and security policies, and their gender dimensions.
- **Provide** a pool of technical experts for policy-makers to draw upon who have specific capacity and skills in gender analysis.
- **Support** security policy development through research on community level security needs, differentiating between the needs of men, women, girls and boys.
- **Monitor** the implementation of security policies and actions of security sector institutions to ensure transparency and public accountability.

- **Represent** the views and preferences of citizens relating to security – including marginalised groups – which are critical components of inclusive NSP/security policy development and can broaden the debate on what 'security' is.
- **Encourage** local ownership of the policy process outside of the state institutions.
- **Build the capacity** of government staff and parliamentarians by producing and distributing information such as policy briefs relating to community level security concerns and needs.
- **Promote** public oversight of the development of security policies through media reports and building the capacity of journalists on security policies and gender issues.
- **Facilitate** and participate in public debate on core defence and security matters.
- **Draft and distribute** independent analyses and information on the security sector to parliament and the public.
- **Offer** capacity-building to government, parliament and other CSOs on gender and security policy through workshops and training.
- **Conduct** gender audits and assessments, including gender-budget analysis, of security policy and security sector institutions.
- **Lobby** for public debate on security issues and making certain information accessible to the public.

Women's organisations

Women's organisations and organisations that work on gender issues have specific expertise and access to information that make them valuable partners for other CSOs, parliaments, security sector institutions and government in the process of elaborating security policies. They can often serve as a critical link between the reality of community level insecurities that men and women experience, and policy-makers at the national, regional and international level. Gender-focused organisations operating at the community level often have grassroots networks that allow them to identify crucial security needs of disparate groups in society. Such data will be of critical significance, both in the process of producing security sector reviews and as conflict early warning, which in turn are vital for determining national security priorities.

Ways of engaging women's organisations in security policy debate and formulation include:

- Facilitate interaction between women's groups and local security providers, for instance through their inclusion in local security committees.
- Build the capacity of women's organisations on security policy issues including advocacy and oversight.
- Include representatives from women's organisations as gender experts in parliamentary hearings or conduct gender training.

CSOs can be more powerful when speaking with one voice. One example of the influence a CSO network can have is the NGO Working Group on Women,

Peace and Security. It was formed in May 2000 by 11 different organisations to advocate for the adoption of a UN Security Council Resolution on women, peace and security. Due to the Working Group's intense lobbying and activism, UN SCR 1325 was unanimously adopted on 31 October 2000. Since then, the focus of the NGO Working Group has shifted to supporting the implementation of UN SCR 1325 through promoting a gender perspective and respect for human rights in all peace and security, conflict prevention and management, and peace-building initiatives of the UN and member states.[49]

4.5 Gender training

Gender training should be provided to all the different actors involved in security policy-making in order to support gender-responsive policy development and implementation. The call for gender training can come from policy makers themselves or from oversight bodies such as parliaments and CSOs. For training to be effective, it should be tailor-made to fit the needs and tasks of the particular audience, focus on practical examples, be accompanied by relevant materials and resources, and be monitored and evaluated.

> **See Tool on Gender Training for Security Sector Personnel**

Key target groups for gender training amongst security policy-makers include:

- Staff of relevant ministries, including the ministries of defence, interior, and foreign affairs.
- Members of NSCs.
- Parliamentarians on defence and security committees and their staff.
- Members of local citizen security councils or community police forums.
- CSOs working on security policy.

Various actors can provide gender training, from CSOs with specialised expertise in the area to government gender experts. Potential gender training topics might include:

- Different security needs of men, women, boys and girls.
- Reducing discrimination, sexual harassment and GBV by security sector personnel.
- Strategies to eradicate GBV.
- International, regional and national legal and normative frameworks that emphasise equal rights and access of men and women.
- Increasing the recruitment, retention and advancement of women within security sector institutions.
- Mechanisms to increase the participation of civil society, including women's organisations, in security policy-making processes.

- Gender policy impact assessments.
- Gender budget analysis.

Together with specific training on gender issues, gender topics can be integrated into training focused on security issues. The latter option may prove a more effective approach to contextualising the importance of gender among actors in the security sector. In order to build, for instance, the capacity of parliamentarians to oversee security policy-making processes, training on strategic analysis and policy formulation, as well as on parliamentary oversight of the security sector, are needed.[51]

4.6 Assessment, monitoring and evaluation

Comprehensive assessment, monitoring and evaluation (M&E) processes help ensure that security policy meets the needs of men, women, girls and boys and that the formulation and implementation process fulfils its identified objectives. Gender issues can be integrated into existing security assessment and M&E frameworks, or specific gender audits and impact assessments can be undertaken (or both). These processes should be undertaken as part of official security policy-making processes but can also be used as a tool for oversight by parliamentarians and CSOs.

> **See Tool on SSR Assessment, Monitoring and Evaluation and Gender**

Gender impact assessment

A gender impact assessment of security policy helps to determine the potential or existing impact of security policy upon men, women, girls and boys (see Box 11). Though it is better to conduct the assessment while the policy is still in draft form and changes can be made, it can also be a useful tool to determine whether a revision of the policy is necessary.

Gender and socio-economic analysis

An adapted gender and socio-economic analysis (GSE) may also be employed, both in developing security policy and as an instrument to monitor and evaluate its implementation. Through gender analyses, existing gender roles and relations are better understood, in particular differences in activities, access to resources and decision-making, and the economic, social, political and other constraints faced by women and men.

A GSE analysis takes into account the multiple challenges experienced when gender intersects with other inequalities facing women and men such as class, ethnicity, culture and religion. Therefore, GSE analyses applied throughout the development and implementation of NSPs and other security policies can help to ensure the policy's effectiveness for all members of an institution, country or community.

Box 11	Gender impact assessment of security policy [52]
Steps:	*Questions to ask:*
Step 1: **Define issues and goals**	■ What is the policy trying to achieve, and who will it benefit? ■ Does the policy meet the different security needs of men, women, boys and girls? Are GBV issues, such as domestic violence and human trafficking, being addressed? Is prevention included? ■ Is the emphasis on national or human security? ■ Is the policy in line with international, regional and national mandates on gender issues? ■ Is the policy meant to overcome gender inequalities or eliminate barriers and, if so, should there be a gender equality objective? ■ Is gender-specific and gender-sensitive language included? ■ What do men and women, including gender/women's CSOs or the Ministry of Women, say about the issues and outcomes?
Step 2: **Collect data**	■ How are stakeholders and different groups of women and men going to be consulted? ■ Do representative organisations truly reflect the voice of the men and women expected to benefit from the policy? If not, what is the strategy for reaching them? ■ What is the gender make-up of the people affected by the policy? ■ How can data and statistical information be collected by sex, ethnicity, disability, age, religion and sexual orientation? ■ What other information apart from sex-disaggregated data is needed to understand the issue? ■ What are the risks of early consultation – how are expectations and conflicting interests going to be managed?
Step 3: **Develop options**	■ How does the recommendation or each option impact positively or negatively on women and men? ■ Do the recommendations or any of the options reinforce or challenge traditional or stereotyped perceptions of women and men? ■ Which option gives men and women real choice and an opportunity to achieve their full potential in society? ■ Is there a need to consider mitigation where there will be a negative impact on one group over another, and what action can be taken to reduce the impact or to create a more gender-balanced policy?
Step 4: **Communicate**	■ What message needs to be communicated? ■ How will the message reach different groups of women and men? ■ Are separate approaches necessary? ■ How does the policy reflect the government's commitment to equality and is a specific message about equality to be included? ■ Have gender-sensitive language, symbols and examples been used in the materials communicating the policy? ■ How will you communicate with women and men who speak other languages or who are illiterate?
Step 5: **Implement**	■ Will the policy or service be experienced or accessed differently by a woman or man, and will the difference be affected by ethnicity, disability, age, religion or sexual orientation? What arrangements are in place to reach those who may be excluded? ■ Can the service be delivered jointly – i.e. can other government departments, local, nationally and internationally-based organisations help deliver the service to the women and men targeted? ■ Do those implementing/delivering the policy or service represent the diversity of the community being served? Are women equally involved in implementation? ■ Have specific and sufficient resources (financial and human) been allocated to enable the achievement of gender equality objectives? ■ Are the implementers gender-responsive and aware of the specific gender issues?
Step 6: **Monitor**	■ Do female and male beneficiaries participate equally in the monitoring process? ■ Do monitoring requirements include a measure for gender equality, a measure for customer satisfaction and do they reveal the extent to which the policy is successfully addressing the different needs of women and men? ■ How can external organisations representing different groups in the community help in monitoring the policy outcomes? ■ Are measures in place to initiate an investigation or to change the policy if it is not delivering either the equality objective defined at the outset of the project or equality of opportunity for women or men?
Step 7: **Evaluate**	■ Is the policy promoting and delivering equality of opportunity for women and men? Have the objectives been met for women and men? ■ Did one group receive greater benefit than others – if so how will the imbalance be addressed? Were inputs allocated equitably? ■ What was the overall impact on the status and quality of life for women and men? ■ Did the process involve women and men? Did it seek out and value their views equally? ■ Is there a need for additional data collection and do targets and indicators need adjusting in the light of experience? ■ What lessons are there for improving future policies and services, who needs to be informed and how is the information to be presented?

Box 12 is a list of areas that it would be relevant to cover when assessing security needs.

Gender budget analysis

Budget analyses can be a powerful instrument for oversight institutions to use in the development and M&E phases of security policies. Though it is often the parliament that takes the lead in calling for a gender budget analysis as part of opening up the debate on how state revenues are to be spent, CSOs may also initiate a gender budget analysis. A gender budget analysis can determine whether adequate funding is allocated to addressing the different security and justice needs and priorities of men, women, girls and boys.

Key questions to ask as part of a gender budget analysis of security policies:

1. To what extent did the general allocations equally provide for the security of women, men, boys and girls?
2. To what extent did the budget specify funds for women, men, girls or boys? (For instance through earmarking funds for domestic violence prevention programmes targeting men, or support to girl survivors of trafficking.) Was resource allocation adequate for effective implementation?
3. To what extent did the budget specify gender-related activities, inputs and costs? (For instance through earmarking funds for gender training or a gender focal point position.)
4. To what extent did gender specialists/advisors and women's organisations participate in the different steps of the budget cycle (e.g. preparation, auditing)?[54]

On the basis of the budget analysis, oversight bodies may provide input to discussions by:

- Generating debate in the media.
- Publishing budget framework papers.
- Making available reports to members of parliament, especially those on relevant defence, security and budget committees.
- Providing parliamentarians with technical assistance in analysing the proposed allocations to the security sector. This may be done through training or through CSO advocacy activities.

5 Integrating gender into national security policy in specific contexts

This section describes some of the key ways in which gender may be integrated into national security policy-making in post-conflict, developing, transitional and developed countries. At the same time it should be noted that there is no 'one-size fits all' model for creating security policies in different contexts. Each country's own conditions influence its security context and processes of policymaking, and if the specific political, economic and social context is not taken into account, policies are likely to fail (see Table 1).

5.1 Post-conflict countries

In many conflict-affected countries, initially the actors and institutions necessary to develop and implement security policies may not exist. The security sector, the armed forces in particular, often has powers above the law. Instead of serving the population, security sector actors are often used by the state to oppress any form of opposition and increase the militarisation of society. In some places, powerful militaries have destabilised civilian governments. In others, the security sector receives a disproportionate amount of the national budget, in effect, redirecting resources from development to military expenditure. It is highly likely in such circumstances that resistance to reform will be strong.

In the reconstruction and transformation of any post-war country, SSR is a key priority. Security policies will form an important basis for structuring this process. For example, national security strategies have formed the basis – and continue to do so – in the Sierra Leone SSR process. While considerable time and resources are usually necessary for reforms to take root, the post-conflict context offers an opportunity to renegotiate the role and responsibility of state and non-state actors alike through the process of policy-making.

Box 12	Gender and socio-economic assessment techniques for security policies [53]
Disaggregated statistics	The collection and analysis of data by categories (e.g. sex and ethnicity) in order to identify security/socio-economic gaps and patterns of discrimination in a given situation, such as those between women and men, or between women and men of various ethnicities. This data will help to identify security needs and priorities of different groups in society, and help shape the focus of security policies.
Practical needs assessment	The measurement of the immediate security needs of women and men as they arise due to their status in society.
Strategic needs assessment	The evaluation of the broader needs of women and men, including the risk of insecurity related to inadequate legislation or lack of employment opportunities.

Table 1	Contextualising security policy-making in SSR [55]			
	Developing countries	**Transitional countries**	**Post-conflict countries**	**Developed countries**
Key criteria	Level of economic development.	Nature of political system.	Specific security situation.	Political will.
Key challenges	Development deficit. Excessive military spending; poorly managed/governed security sector leads to ineffective provision of security, thereby diverting scarce resources from development.	Democratic deficit. Oversized, over-resourced military-industrial complex; strong state, but weak civil society institutions; deficiencies in implementing SSR policies.	Security and democratic deficits. Government and civil society institutions collapsed; displaced populations; privatisation of security; possibly pockets of armed resistance; abundance of small arms and anti-personnel mines.	Political will. At times, relatively oversized, over-resourced armed forces.
Possibilities for conducting SSR	Mixed (depending on political commitment to reform, strength of state institutions, role and state of security forces, regional security environment, donor approach to SSR, etc.).	Rather good (strong state institutions, professional security forces, broader democratisation process), even better if external incentives available (e.g. accession to EU or NATO).	Rather poor (weak and contested state institutions, privatisation of security, dependence on peace support/intervention forces).	Mixed (depending on the political commitment to reform, and the relative strength of the military-industrial complex); strong state institutions and CSO community, but great distance between the two.
General reform process	Transition from underdeveloped to developed economy.	Transition from authoritarian to democratic system.	Transition from violent conflict to peace.	Responding to a change in the security environment.
Nature of external involvement	Development assistance coupled with political conditionality.	Accession to multilateral institutions as incentive for reform.	Military intervention/occupation; mostly UN-led peace support operations.	Usually none.
Key external actors	Development/financial actors: multilateral donors (e.g. OECD, UNDP, World Bank); bilateral donors; non-state actors.	Security actors: international (e.g. EU, NATO, OSCE); governments; non-state actors (e.g. International NGOs, private military companies).	Security actors: intervention forces; peacekeeping forces under international auspices; non-state actors (e.g. private military companies).	Usually none.

Challenges for the integration of gender issues include:

- State institutions and infrastructure may have collapsed or been severely weakened. There may therefore be limited capacity and limited financial resources to conduct broad-based consultation processes, to the detriment of including gender perspectives in policy-making.
- Generally low levels of education and lack of technical expertise are barriers to public engagement in policy-making processes, impacting women and certain ethnic groups in particular.
- The executive and security institutions often see CSOs as political opponents, and are therefore reluctant to work with them, creating barriers to the inclusion of perspectives from women's groups, for instance.
- There may be resistance among personnel in security sector institutions that are being rebuilt, in the executive, and among politicians in general to

focusing on gender in policy-making when there is a lack of basic resources and a perception that more pressing issues need to be addressed.
- When working in very poor countries, it is necessary to ensure that gender initiatives that are mandated in legislation and policies are sustainable and make sense financially.
- Legislation and policies are often not implemented when developed (in particular if driven by external actors).

Tips/recommendations for integrating gender into security policy-making in post-conflict countries:

- **Peace agreements**: Where SSR is mentioned in a peace agreement, explicit reference should be made to the intention of drafting a NSP that is gender-responsive.
- **National dialogue**: In post-conflict contexts where a unifying security vision can form the basis of a NSP

is lacking, it will be beneficial to commence a comprehensive, national dialogue on security that includes a focus on gender issues.

- **Rural consultations**: The rural-urban divide in post-conflict countries is often significant, and the involvement and needs of men and women outside the capital require particular attention.
- **Commitment**: Donor support for the development of inclusive security policies is critical because of the usual lack of resources in post-conflict contexts. Developing and publicising gender-responsive security policies will help a sitting government to indicate political commitment to address security and justice issues in the post-conflict setting.
- **Local ownership**: While local ownership has become a catch-all phrase, it still equals legitimacy and long-term sustainability of the policies that are being developed. A gender-sensitive NSP is only viable if it is shaped, driven and implemented by local actors, both men and women.
- **Acknowledging GBV in policy-making**: In many conflicts, GBV is used as a strategy against civilians, and the aftermath of conflict sees rising rates of GBV, for instance in the form of domestic violence. It is essential that men and women participate on an equal footing in defining their own security needs in policy processes.
- **Women in official positions**: Increase the participation of women through advocating for upper-level appointments or establishing strategic targets or quotas. Also strengthen the capacities of women in official positions in order to raise their profile on security issues and ensure that they integrate gender issues and meet with civil society groups.

5.2 Transitional and developing countries

Transitional and developing countries straddle a wide range of polities that differ significantly in terms of socio-economic, technical and human resource capacity. While, for example, Bulgaria and Ukraine have developed NSPs, this is not the case in many developing countries. At the same time, transitional and developing countries share certain similar challenges and issues in developing security policies including:

- Lack of expertise – and at times political and social cohesion – to deal appropriately with organisational, managerial, planning, financial and policy matters
- Corruption
- Challenge of regulation of private security companies

Transitional countries

In some transitional democracies, sometimes referred to as post-authoritarian countries, it may very well be that technical capacities to undertake SSR are significant, and that the main priority will be to build up accountable, legitimate and transparent government structures vis-à-vis security and justice provision. Challenges may persist, such as the legacy of an authoritarian, a criminal and/or corrupt regime, and unaccountable segments of the security apparatus. Or there may be strong bureaucratic opposition to building governmental and parliamentary oversight of security actors, and allowing CSOs to play an oversight role. In many of the states of the former Soviet Union and Eastern and Central Europe, the issue of ethnicity has played a significant role in security institutions. A large number of policies may therefore have to be changed simultaneously; these changes are likely to be substantial.

In the Euro-Atlantic context, the incentives of EU and NATO membership play a significant role in opening up the political system to external scrutiny. NATO has largely focused on the external security environment, including the armed forces and defence reform. In turn, the EU has focused on various aspects of internal SSR, including policing and border management, and has played a key role in broadening the debate on SSR.

Box 13	Women's groups in post-conflict fragile states [56]

In a report commissioned by the OECD Development Assistance Committee Network on Conflict, Peace and Development Co-operation, it is suggested that women's groups show notable flexibility in coping with changing and deteriorating situations. In Nepal, informal providers of justice, mostly men, were displaced by the conflict and in many cases replaced by women's groups. In the cases of Guatemala and Somalia, women have been at the forefront of peace movements. This has similarly been the case in the Mano River Union (Guinea, Liberia and Sierra Leone) where a sub-regional network of women effectively led to trilateral talks among the three countries' presidents. The network was also able to lobby successfully for peace negotiators to ensure the inclusion of women's issues in the Liberian peace accords.

Paradoxically, deteriorating environments may provide a unique opportunity for donors – and state actors however fragile they might be – to strengthen women's rights by supporting their participation in non-state justice institutions. The report goes on to suggest that efforts should be made to encourage the recording and registering of disputes addressed in the non-state justice system as women in these contexts appear more conscientious than men in keeping records. In the short to medium-term, this will be a crucial first step in creating linkages between non-state and state systems.

For the very reason that groups of women end up playing a key role in the delivery of justice during and immediately after conflict, it will be vital to take their views and experiences into account when/if developing a national security plan.

Developing countries

As in transitional countries, there are significant challenges in the respective political systems of developing countries, including the legacy of military or authoritarian rule, and a strong bureaucratic opposition to building governmental and parliamentary oversight. In addition, CSOs are seldom regarded as partners, but rather as opposition groups to the state.

Due to the particular role of donor agencies in many developing countries, local ownership of reform processes is of key importance. Policy-making pushed by donor agencies may end up inhibiting ownership of the process by the recipient government and population. This is particularly the case if receiving assistance is conditioned on reaching certain reform benchmarks or promulgating policies that are to be implemented by a variety of institutions. Donor agencies nonetheless have an important role in advising on how to ensure the participation in policy-making processes of all groups affected by the policy. In this context, gender may be promoted as a key component in the policy-making process.

In many developing countries, as in post-conflict contexts, non-state actors are important providers of security and justice, and intersect with formal state systems. These may include traditional courts, paralegal services and local defence units. Security policy-making should emphasise how authority is managed, how services are delivered, and what their legitimacy is in the eyes of men and women.

Challenges for the integration of gender issues in transitional and developing countries include:

- In transitional states, elites in power are often those that were in power during authoritarian rule, and there may therefore be significant opposition to change.
- The legitimate role of CSOs to participate in security policy-making processes may be contested, which can create barriers to the inclusion of gender perspectives, and differentiation between the different needs of different groups in society.
- Donor agencies that do not take gender into consideration in their advice to developing countries may unwittingly reinforce disregard for gender perspectives in the policy-making process.

Tips/recommendations for integrating gender into security policy-making in transitional and developing countries:

Capacity-building: In transitional and developing countries, state institutions may be in place, but their transformation into accountable, democratic institutions is a difficult, long-term undertaking. It requires commitment by the executive and, in some cases, support from the international community. The building of capacity regarding gender-related aspects must take place on multiple levels:

- **Executive**: Ensure that senior officials such as the Head of State and ministers are aware of international and national policies and commitments in relation to gender equality and human rights. Trusted external actors might assist.
- **Parliament**: Parliamentary committees in transitional and developing countries lack expertise on the technicalities of security and defence issues and military budgets, let alone how they relate to gender issues.
- **Civil society**: In transitional and development countries where the political establishment is weak and the security sector is strong, politicians in the executive and parliament might rely on the overt or tacit support of the security services. They might therefore avoid substantial reforms for fear of provoking a coup. Building the capacity of CSOs to oversee actions of security actors and their sensitivity to gender concerns can therefore, in the short to medium-term, prove the most efficient oversight mechanism. Even if CSOs, as part of the oversight bodies of the security sector, are not well-versed in technical matters relating to defence and security, they can still play a significant role regarding representation of ordinary men and women.

5.3 Developed countries

Increasingly, developed countries such as the **UK** and the **US** view the most immediate threats to their national security as questions that are dissociable from the well-being and stability of society, as reflected in their NSPs and other security policies. National security nevertheless continues to revolve around macro-political/security concerns. The US has defined its national security threats as the development and proliferation of weapons of mass destruction, the threat to peace from terrorism, the use of missiles against the US, and natural disasters. Similarly, major national security concerns for the UK have broadly been identified as terrorism, espionage, the impact of weak states on global stability, and the proliferation of weapons of mass destruction. It can be difficult to make visible the gender dimensions of national security concerns at this level.

At the same time, an enhanced gendered approach to the development of national security priorities in developed countries would broaden the debate on what national security is, and more importantly what response mechanisms should be put in place. As it stands today, men are highly over-represented in the police, military, border guards, judiciary, government and other security sector institutions and oversight bodies in developed countries. Increased representation of women in the institutions that provide security and/or the institutions that govern these institutions could potentially have implications for what providing security means in developed countries, and thus for policy-making processes.

Similarly, developed countries – including the UK and the US – are at the forefront in delivering advice and technical expertise to countries undergoing SSR, including on NSP and security policy processes. Increased gender expertise within donor SSR teams

can increase the gender-responsiveness of support and advice on security policy formulation.

Challenges for the integration of gender issues include:

- The tendency to focus on external and macro-political threats to the state is often maintained at the expense of internal security threats, which impact differently on different groups in society.
- Aversion to actively include gender perspectives in states where the executive – and the general population – consider that gender equality has already been achieved.

Tips/recommendations for integrating gender in security policy-making in developed countries:

- **Broaden the debate on what national security is**: open the space for public participation in defining national security needs. This is a matter for the executive to consider and oversight bodies to advocate for.
- **Inclusive policy debates**: well-functioning technological means and high levels of education ensure that a broad-based segment of society can participate in debates on security and defence. By extension, space for gender can be ensured, which requires willingness on the part of the executive and parliament, and advocacy campaigns by CSOs.
- **Inclusive policy development**: developed countries are usually characterised by vibrant civil societies, including the activities of think tanks, academics and NGOs. Traditionally, however, central government policy-making has only selectively solicited advice from 'external parties'. Public hearings would make the policy-making process inclusive, and constitute an entry-point for gender issues.
- **Gender as a key component of SSR assistance**: pooled capacity in developed countries to assist other governments in SSR and appropriate policy-making should include gender experts and advisers.

6 Key recommendations

1. Initiate a **consultative and participatory national dialogue** on security issues when national-level security policies are being modified or drafted.

2. Conduct a **gender-responsive assessment of national and local-level security needs**, including the different security needs and resources of men, women, girls and boys.

3. Adopt a **comprehensive approach to national security** within security policies, including both external and internal threats to security, such as GBV.

4. Build the **gender capacity and commitment of security policy decision-makers** within the executive, ministries, parliament and political parties through gender training, mentoring, information distribution and lobbying.

5. Ensure **equal appointment and promotion of men and women** to security decision-making bodies such as National Security Councils, as well as to senior level ministerial and security sector institution positions.

6. Include **gender expertise** in security decision-making bodies, for instance through representation of the parliamentary women's caucus or ministry responsible for women and gender issues.

7. Establish **participatory local security bodies** to provide information for national level security policy-making and ensure the local-level implementation of national security policies through security audits, plans and coordinated activities.

8. **Allocate sufficient resources**, as part of the implementation of national security policies, to effectively prevent, respond and penalise the specific insecurities facing women, men, boys and girls and fund gender specific initiatives such as gender training.

9. Conduct **gender-responsive monitoring and assessment** of national security policies, including through a gender impact assessment of security policy and gender budget analysis.

10. Establish **mechanisms for the increased participation of civil society organisations**, including women's organisations, in proceedings such as parliamentary hearings and consultations by the National Security Council.

11. **Build the capacity of civil society organisations** to participate effectively in security policy-making processes, including building the technical capacity of women's organisations.

12. Develop **networks of civil society organisations**, including women's organisations, working on security-related issues in order to ensure their strategic input into national security policy-making.

7 Additional resources

Examples of national security policies

National Security Policy for **Jamaica** – Towards a Secure and Prosperous Nation.
http://www.cabinet.gov.jm/docs/pdf/NSS_DOCS/nspannet.pdf

South Africa's White Paper on National Defence for the Republic of South Africa – Defence in a Democracy.
http://www.info.gov.za/whitepapers/1995/defence.htm

South Africa's White Paper on Safety and Security.
http://www.info.gov.za/whitepapers/1998/safety.htm

Romania's National Security Strategy.
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Doctrine of the Armed Forces of the **Slovak Republic**.
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Ireland's White Paper on Defence.
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http://www.whitehouse.gov/nsc/nss.pdf

The **Uganda** Defence Review – Learning from Experience.
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Practical guides and handbooks

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DCAF Backgrounder: *National Security Policy*, 2005.
http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=18417&nav1=4

Bearne, S. ed al, *National Security Decision-Making Structures and Security Sector Reform*, DfID, 2005.
http://www.dfid.gov.uk/Pubs/files/security-decision-making.pdf

ENDNOTES

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6 Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform – Supporting Security and Justice* , Paris, 2007, p. 92.

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National Security Policy-Making and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and the legitimacy of SSR processes.

This practice note provides a short introduction to the benefits of integrating gender into national security policy-making, as well as practical information on doing so.

This practice note is part of the **Gender and SSR Toolkit**. Designed to provide an introduction to gender issues for SSR practitioners and policy-makers, the Toolkit includes 12 tools with corresponding practice notes - see *More Information*.

Why is gender important to national security policies?

National Security Policies set out a government's approach to security and how security is expected to be achieved. They include broad national security strategies and policies, which may be referred to as a plan, vision, strategy, concept or doctrine, as well as institution-specific policies, such as a white paper on defence.

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

The integration of gender issues into national security policies increases their relevance and sustainability:

Local ownership through participatory policy-making processes

■ Broad-based consultations on security needs and priorities that include a wide range of civil society organisations strengthen local ownership, public legitimacy and help build national consensus on security issues. The different perspectives that women's and men's organisations can bring to the table are critical.

Comprehensive security policy that addresses diverse security needs

■ Taking into account the different security and justice needs of women, men, girls and boys leads to more comprehensive and effective security policies.

■ Attention to gender issues in national security policies highlights the importance of addressing actual internal threats to security, such as gender-based violence (GBV).

Non-discrimination in security policies and security sector institutions

■ Reducing discrimination by security sector personnel builds trust, increases legitimacy and improves the provision of security and justice. A security policy can establish protective rules against discrimination within security sector institutions.

Compliance with obligations under international laws and instruments
Integrating gender into national security policy-making is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:
■ *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
■ *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)
For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

ODIHR
osce

instraw united nations

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

How can gender be integrated into national security policies?

The development or revision of national security policy requires the participation of a wide range of actors, including the national government, parliament, local government and civil society organisations (CSOs). Each set of actors can take steps to integrate gender into security policy-making:

National government

(including security coordinating bodies and security policy drafting committees)

- Build the capacity and commitment of senior-level staff and officials to address gender in security policy-making through training, briefings and reports on gender issues, and mentoring programmes.

- Increase the participation of women in security policy-making by:

  - Appointing women to national security councils and security policy drafting committees.

- Including in security bodies representatives from the ministry and/or other government entities or parliamentary caucuses responsible for gender and women's issues.

- Instituting mechanisms to consult with representatives from women's organisations and gender experts on security policy issues.

- Explicitly include gender issues in security policies (see Box 1).

- Use gender-sensitive language to avoid discrimination and exclusion – e.g. refer to 'police officer' rather than 'policeman' and 'chairperson' rather than 'chairman'.

Parliament

- Ensure that security policy-making processes are inclusive and participatory by:

  - Undertaking broad-based public consultation processes (see Box 2).

  - Holding parliamentary hearings, open debates and town hall meetings to seek the input of men and women throughout society on security issues, and to discuss draft security policies.

  - Holding separate meetings for groups in society that will not or perhaps cannot speak out in public – e.g. minority ethnic groups.

- Strive for equal participation of male and female parliamentarians in security policy-making by:

  - Promoting the participation of women parliamentarians on defence and security committees.

  - Encouraging female parliamentarians and/or parliamentarians interested in gender issues to meet across party lines to develop a shared platform on gender and security issues.

  - Supporting the establishment of women's caucuses/coalitions in parliament and within political parties (see Case Study 2).

Local government

- Involve women, gender experts and representatives from women's organisations in community level security committees and councils and community safety audits.

- Take into account the different security and justice needs of men, women, boys and girls in local crime prevention and response initiatives, as well as with regard to GBV issues.

- Communicate the results of safety audits and planning processes to regional and national security bodies, so that local security realities of men and women can be incorporated into national security policies.

Civil society organisations

- Advocate for gender issues to be addressed in national security policies.

<table>
<tr><td>**Box 2**</td><td>**Consultation on national security policies should include:**</td></tr>
</table>

- Rural and urban women's community organisations
- Labour unions
- Religious organisations
- Community leaders and activists
- Youth organisations
- Indigenous, ethnic and other minority associations
- Social justice organisations
- Migrant associations
- Associations for people with disabilities
- Children's advocacy groups
- Academics and researchers
- International organisations

- Represent the views of men, women, boys and girls across society, including those from marginalised groups, in security policy-making processes.
- Provide a pool of technical knowledge and training expertise on gender and security issues for security policy-makers and parliamentarians to draw upon.
- Monitor gender issues in the implementation of security policies.
- Conduct gender audits and assessments of security policy and security sector institutions.

Gender training is an important tool to build capacity for the development and implementation of gender-responsive security policy. Key target groups for gender training include:

- Staff of ministries involved in security policy-making, including staff in the defence, interior and foreign affairs ministries.
- Members of security coordinating bodies and security policy drafting committees.
- Parliamentarians on defence and security committees and their staff.
- Members of local citizen security councils or community police forums.
- CSOs working on security policy.

Gender-responsive assessment, monitoring and evaluation of security policies is necessary to ensure that they meet the needs of men, women, girls and boys. Useful strategies include:

- Gender and socio-economic analysis of existing gender roles and relations, in particular, differences in activities, access to resources and decision-making, and the economic, social, political and other constraints faced by women and men.
- Gender impact assessment of security policy to determine the potential or existing impact of security policy upon men, women, girls and boys.

- Gender budget analysis to determine whether equitable and adequate funding is allocated to meet the different security and justice needs of men, women, girls and boys.

Also available in Tool 8…
- Examples of gender-sensitive language in national security policies
- A five-step community safety audit process
- Actions that CSOs can take to support gender-responsive security policy-making
- Questions for a gender impact assessment of security policy
- Questions for gender analysis of budgets
- Challenges and opportunities for the integration of gender issues into security policy-making in post-conflict, transitional, developing and developed countries

Post-conflict challenges and opportunities

Security sector reform is a key priority in post-conflict countries, and security policies will form an important basis for structuring this process. Security policy-making processes can be an opportunity to renegotiate the security-related roles and responsibilities of state and non-state actors alike.

Challenges for the integration of gender issues

- State institutions and infrastructure may be weak and thus have limited capacity to conduct broad-based consultation processes. This in turn limits the involvement of women's organisations and the inclusion of gender issues.
- Low levels of education and lack of technical expertise may be barriers to public engagement in policy-making processes, impacting women and certain ethnic groups in particular.

<table>
<tr><td>**Case Study 2**</td><td>**Integrating gender into security policy-making: the role of women within the African National Council (ANC) in South Africa [2]**</td></tr>
</table>

South Africa's transition to democracy demonstrates how a conducive political environment, the formation of a women's league within a political party and advocacy on gender issues across the political spectrum can influence national security policy.

The political space to address gender issues was created by women within both civil society and political parties. Concerned that women were being marginalised, the ANC Women's League was reformed in 1990. It vigorously demanded women's inclusion in leadership positions and the inclusion of gender equality in ANC policies. Its advocacy is evident throughout the ANC's pivotal 1992 publication *Ready to Govern: Policy Guidelines for a Democratic South Africa*, which acknowledged that 'gender discrimination has either excluded or subordinated women's participation in all socio-economic and political institutions'.[3] *Ready to Govern* proposed embracing four interrelated values: democracy and civilian authority, human security, anti-militarism and gender equality. It reiterated that security sector institutions must respect the ideals of democracy, non-racialism and non-sexism, and reflect the national and gender composition of South African society.

Box 3	Engaging women's organisations in security policy-making

- Facilitate interaction between women's groups and local security providers – e.g. through their inclusion in local security committees.

- Build the capacity of women's organisations to address security policy issues, including security sector oversight.

- Include representatives from women's organisations as gender experts in parliamentary hearings.

- The executive and security institutions may see CSOs as political opponents and therefore be reluctant to work with women's organisations.

Opportunities for the integration of gender issues

- Peace agreements can mandate the development of gender-responsive national security policies.

- Participatory national dialogues on security and reconciliation can make it possible for both women and men to have a voice in identifying national security needs and priorities.

- Women's civil society groups that worked for peace and supported community-level security throughout the conflict can offer valuable expertise to security policy-making.

- Constitutional and electoral reform that increases the proportion of women in parliament makes it more possible for women to hold positions in security decision-making bodies.

- Rising rates of post-conflict GBV can bring to the forefront the need for security policies to include the prevention and response to GBV as a security priority.

- Donors and international organisations may support gender-responsive security policy-making processes.

? Questions for national security policy-making

Key questions to ask to ensure that gender issues are addressed in national security policy-making include:

- Is the emphasis on national or human security? Have internal security threats and day-to-day threats to human security been included?

- Has the policy been developed in a participatory manner, including women's groups and other CSOs, staff from the ministry of women's affairs, female parliamentarians and gender experts?

- How does the policy address the particular security needs of women, men, girls and boys?

- How does the policy address GBV?

- How does the policy emphasise the importance of gender equality goals, including non-discrimination and the equal participation of women and men?

- Is the policy formulated in gender-sensitive language?

- Is the policy in line with international, regional and national legislation and policies on gender issues?

- Will the policy be implemented, monitored and evaluated in a gender responsive manner?

More information

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Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

Each of these tools and practice notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Mugiho Takeshita of DCAF, based upon Tool 8 authored by Peter Albrecht and Karen Barnes of International Alert.

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[1] *National Security Strategy for Jamaica: Towards a Secure and Prosperous Nation*, a Green Paper, revised in May 2006; and Stone, C. et al, *Supporting Security, Justice, and Development: Lessons for a New Era*, 2005.
[2] Anderlini, S.N. and Conaway, C.P., *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital contributions of South African Women*, (Washington DC: Women Waging Peace), 2004.

[3] African National Congress (ANC), *Ready to Govern*, ANC Policy Guidelines for a Democratic South Africa adopted at the National Conference 28-31 May 1992.
http://www.anc.org.za/ancdocs/history/readyto.html

Civil Society Oversight of the Security Sector and Gender

Karen Barnes and Peter Albrecht

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International Alert is a London-based NGO that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. International Alert's multi-faceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build skills and capacity through training.

International Alert's regional work is based in the African Great Lakes, West Africa, the South Caucasus, Nepal, Sri Lanka, the Philippines and Colombia. International Alert's thematic projects work at local, regional and international levels, focusing on cross-cutting issues critical to building sustainable peace. These include business and economy, gender, governance, aid, security and justice.

Editors
Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on Civil Society Oversight of the Security Sector and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

APG	Associate Parliamentary Group (UK)
CSOs	Civil Society Organisations
EP	European Parliament
EU	European Union
GAPS	Gender Action for Peace and Security
GBV	Gender-Based Violence
NAP	National Action Plan
NGOs	Non-Governmental Organisations
SEA	Sexual Exploitation and Abuse
SSR	Security Sector Reform
STIs	Sexually Transmitted Infections
WIPNET	Women in Peacebuilding Network
WOZA	Women of Zimbabwe Arise
WRC	White Ribbon Campaign
UN	United Nations
UN SCR 1325	United Nations Security Council Resolution 1325 on women, peace and security

Civil Society Oversight of the Security Sector and Gender

1 Introduction

This tool provides an introduction to the importance and benefits of integrating gender issues into civil society oversight of the security sector, including practical examples and recommendations. Civil society can contribute to the process of security sector oversight in a number of different ways, including through both formal and informal mechanisms. Ensuring that gender issues are addressed, and that women and women's organisations are fully included, can make these mechanisms more participatory and comprehensive. Gender-responsive civil society oversight mechanisms can more effectively ensure that the needs and interests of both women and men are visible and included, and therefore that the security sector is held accountable for protecting all members of the population.

A transparent, accountable and effectively governed security sector is a linchpin of the democratic process. Oversight by civil society is an important mechanism to support the realisation of these values, through articulating and communicating the security needs and interests of the population to policymakers, and through the provision of expertise and monitoring of state security services. Poorly regulated or unaccountable security forces can lead to increased insecurity and the misallocation of resources, and can undermine good governance efforts. Furthermore, a non-democratically governed security sector can easily be used for partisan ends, or can cause the state's monopoly on the use of force to unravel.[1] Oversight of the policies, structures, programmes, actions and reform processes of the security sector is one way of ensuring that human rights standards and the rule of law are upheld by the security sector.

This tool is designed to be a resource for civil society organisations (CSOs) engaged in oversight of the security sector, as well as those CSOs that seek to play a more active role in this regard. The tool is also relevant for policymakers and officials in national governments, international and regional organisations, and donor countries around the world that are engaged in designing and implementing security sector reforms and that could play an active role in strengthening and supporting civil society engagement.

This tool includes:

- A description of the role of civil society in oversight mechanisms
- The rationale behind the inclusion of gender issues and ways in which this can strengthen and enhance oversight
- Entry points for incorporating gender into different aspects of civil society oversight, including practical tips and examples
- An overview of integrating gender into civil society oversight in post-conflict, transitional, developing and developed countries.
- Key recommendations
- Additional resources

2 What is the role of civil society in security sector oversight?

2.1 What is civil society?

Civil society can be understood as the political space that exists between the individual and the government:

> **Civil society** is a domain parallel to, but separate from the state and the market, in which citizens freely group together according to their own interests. It encompasses a self-initiated and voluntary sector of formally associated individuals who pursue non-profit purposes in non-governmental organisations (NGOs), community-based organisations, religious bodies, professional associations, trade unions, student groups, cultural societies, etc.[2]

Civil society fulfils a range of functions in any given society

- Representing diverse constituents within a population.
- Providing technical expertise to policymakers and government institutions.
- Capacity-building of NGOs and other bodies.
- Delivering and providing services in lieu of the state.
- Providing a space for social interaction and networking.[3]

The media is also included in this tool, given its vital role in both communicating to civil society the roles and responsibilities of the state, and in acting as a conduit of interests and demands of civil society to policymakers.

2.2 How is civil society involved in security sector oversight?

Oversight of the security sector can be both internal and external, and it occurs at many different levels and through a range of bodies. External oversight of the sector can be exerted in two main ways: first, by the security sector being directly answerable to the population, and second, by politicians and bureaucrats within any country's government being held accountable for the actions of the security sector. Some of the most typical external oversight bodies are parliaments, constitutional courts, anti-corruption and public accountability bodies, and ombudspersons.

Civil society oversight of the security sector, including oversight of security sector reform (SSR), involves the active participation of CSOs in defining security policies and overseeing the structures and practices of security sector actors.[4] The objective is to ensure the incorporation of community-level and grassroots interests and perspectives in the provision of internal and external security, and to support local ownership and sustainability. In addition, civil society oversight ideally supports internationally accepted democratic norms on transparency and accountability. Civil society oversight can occur at local, national, regional and international levels, and can include CSO participation in both formal and informal oversight mechanisms.

The security sector encompasses:
- **Core security actors** including: armed forces, police, *gendarmeries*, paramilitary forces, intelligence and security services, border guards, and customs authorities.
- **Security management and oversight bodies** including: parliament and its relevant legislative committees; government/the executive, including ministries of defence, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; and financial management bodies.
- **Justice and rule of law institutions** including: justice ministries, prisons, criminal investigation and prosecution services, the judiciary, other customary and traditional justice systems, human rights commissions and ombudspersons.
- **Non-statutory security forces** including: liberation armies, guerrilla armies, private bodyguard units, private security companies, private military companies and political party militias.[5]

A culture of participation and transparency is key to a functioning and democratic security sector, and this can be facilitated through engagement with civil society. The expertise and autonomous interests of civil society provide an important checks-and-balances function in regard to the power of the state to determine security and defence matters. Most importantly, the incorporation of civil society actors into oversight provides policymakers with a wider range of perspectives, interests, information and alternatives. However, it is important to recognise that CSOs are not always democratic or representative of the population's needs or interests, and so their inclusion will not automatically lead to effective oversight.

The main ways in which civil society participates in security sector oversight are:

- **As a source of policy advice and technical expertise** which can inform policymakers and provide insight into community needs and interests related to security issues.

- **By enhancing local ownership and inclusion** through the involvement of diverse groups in discussions around security-related issues.

- **As a watchdog** to hold authorities accountable for their actions through lobbying, public awareness campaigns, or direct pressure from the population.

- **By facilitating dialogue and negotiation** between policymakers, security sector institutions and officials, and the population.

- **Through advocacy campaigns** that raise awareness of key security concerns and issues, human rights abuses, misappropriation of funds, or other such violations.

- **Through service delivery** and the provision of alternate sources of security and justice in cases where the state is unable and/or unwilling to take on these roles, or where civil society is better-placed to provide such services.

2.3 What are the challenges to civil society involvement in security sector oversight?

A number of key challenges can constrain the ability of civil society to engage in effective oversight:

- **Tradition of secrecy** surrounding the security sector makes attempts to regulate or inform the public about its policies and activities difficult.

- **Prioritisation of national security concerns** over civil liberties and human rights means that there is less scope for demanding accountability from the security sector.

- **Lack of expertise and capacity** amongst CSOs to engage with issues related to the security sector.

- **Lack of trust and/or transparency** between CSOs and the security sector can make it difficult for CSOs to access key decision-makers and influence security and justice policies and programming. Lack of trust or cooperation amongst CSOs themselves can also be limiting.

- **Lack of independence of CSOs** because they are either funded or co-opted by elements of the security sector, which compromises their independence.

- **Too little donor support** for transparency and democratic accountability of the security sector, in favour of technical assistance and efficiency within the sector, which excludes an emphasis on strengthening civil society oversight.[6]

- **Fragmented civil society** with organisations failing to collaborate or collectively advocate on issues related to security sector oversight. CSOs can be dominated by specific groups and certain organisations which can lead to women's groups or rural organisations, for example, being marginalised and finding it difficult to engage in oversight mechanisms.

Civil society organisations are not homogenous, and their nature, capacity and structure can vary widely between and within given contexts. This diversity presents both challenges and opportunities. The diversity of CSOs is one of civil society's most important strengths, since their wealth of knowledge and experience, as well as their different perspectives and priorities, enable them to make important contributions in many different spheres and across a range of issues. Furthermore, CSOs can be well placed to oversee the security sector, given that their independent position can enable them to be more critical of state security actors and structures.

This is a challenge for donor organisations that, for a variety of reasons, may end up collaborating with the most accessible and established CSOs, even though they may not be representative of the interests of the majority of local actors. If CSOs are not perceived as legitimate by the broader population, or by the government and other key stakeholders, then this can compromise their effectiveness, as well as their ability to contribute constructively to oversight mechanisms. It is particularly important that CSOs engaged in oversight have networks that extend beyond capital cities and the elite groups that can often dominate formal structures.

Harnessing the diversity of perspectives to ensure broad representation and legitimacy, while recognising that some CSOs have more experience, capacity and access to oversight mechanisms than others, is a challenge facing both CSOs themselves as well as external actors that seek to support their engagement in the security sector.

3 Why is gender important to civil society oversight?

> **Gender** refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.
>
> **Gender mainstreaming** is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[7]

For more information see Tool on SSR and Gender

Overall, the role of any oversight process is to strengthen the structures, policies and mechanisms that are in place to ensure that the security sector can be held to account, both financially and in its actions. There are many different ways in which the integration of gender perspectives and the full involvement of women's organisations strengthen civil society oversight of the security sector, including fostering local ownership, effectiveness and accountability.

> **Compliance with obligations under international laws and instruments**
>
> Integrating gender into civil society oversight of the security sector is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:
>
> - *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
> - *The Beijing Declaration and Platform for Action* (1995)
> - *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)
>
> For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

3.1 Strengthening local ownership

'The involvement of civil society in SSR programmes is a precondition for wider and more inclusive local ownership and, ultimately, sustainability. Civil society organisations have an important role to play owing to their potential for giving voice to the interests and concerns of the wider population and encouraging reforms that respond to popular security and justice needs.'
OECD-DAC Handbook on Security System Reform [8]

While it can take time, extensive dialogue, cooperation and compromise amongst a range of actors, local ownership is critical to the development of a democratic, transparent and accountable security sector. However, donors and other external actors still sometimes impose models, policies and programmes on local stakeholders, even where they do not reflect their priorities or interests.[9] The consequences of top-down approaches are stark: 'The imperative of local ownership is both a matter of respect and a pragmatic necessity. The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained. In the absence of local ownership, SSR is bound to fail.'

Integrating gender issues can generate and consolidate local ownership by ensuring that both men and women are engaged and have a stake in the development or reform of the security sector as it affects their communities and countries. It also highlights the importance of involving women's organisations as key local stakeholders (see 3.3). Furthermore, without local ownership and, in particular, the engagement of local perspectives and actors in the process of reforming or strengthening the security sector, integrating a gender approach will be nearly impossible. A necessary step in the integration of a gender perspective into the security sector involves engagement with all members of the population to identify their roles, responsibilities, capacities, needs and interests as they relate to the provision of security. The process of generating this understanding can only come about if local actors are involved and actively engaged in security-related issues.

Donors, such as the UK Department for International Development and the Organisation for Economic Co-operation and Development (OECD), have recognised that without local ownership, security sector reform is unlikely to succeed.[10] While the extent of local ownership of SSR does depend in large part on the capacity of civil society to participate and the government's political will for an inclusive approach, external actors can also play a role in supporting broader engagement and participation in programmes and projects initiated by local actors.[11]

3.2 Effective and comprehensive oversight mechanisms through the integration of gender issues

Gender perspectives are important to civil society oversight for several reasons, not least because they help to recognise that any given population is not a homogenous group, and constitutes many different security needs and interests. The roles and responsibilities that men and women assume in relation to the security sector can also differ widely, and are frequently the result of socially constructed ideas about gender. For example, men are often expected to be the security providers within their families and communities and generally risk far higher

exposure to gun-related violence. Women, on the other hand, often have specific security needs, such as protection from domestic violence, that may not be properly addressed by law enforcement or the justice system. Given that the security sector is mandated with the provision of security and justice to both men and women, it is critical that processes of civil society oversight incorporate gender issues into their oversight function to ensure that the systems and structures in place protect the needs of everyone, not just those of the most visible or privileged sectors within society.

Through their analysis, monitoring and oversight functions, civil society can reveal those who are being excluded from security sector decision-making and which segments of the population have less access to, or ownership over, the mechanisms and protection of the security sector. Ensuring that marginalised voices are part of the process is an important role of any oversight mechanism. This in turn may lead to increased involvement of women's organisations in security processes.[12]

Institutions and individuals mandated with the provision of security can at times also be a source of insecurity for the general population, in particular for women and marginalised groups that may face violence at the hands of security forces. This violence, including gender-based violence (GBV), may be perpetrated by security sector personnel or it may derive from the legislation, policies and structures that make up the rule of law. Where civil society oversight mechanisms fail to take gender issues into account, the security sector's structures, policies and culture may continue to condone GBV against women, men, boys and girls; gender inequality; and exclusionary practices. This in itself is a powerful justification for ensuring that civil society oversight includes the perspectives of all groups within a given population.

It is important to note that oversight is not just concerned with formal structures and procedures, but also involves looking at less quantifiable factors such as tradition, political culture and other informal rules of behaviour that play a role in determining the accountability of the security sector.[13] Gender dynamics are a powerful mediating force in shaping all these factors, and thus understanding how they influence the security sector can shed light on entry points and mechanisms to bring about more accountable and transparent practices.

3.3 Enhanced oversight through the involvement of women's organisations

Women's civil society organisations are too often an untapped resource when it comes to ensuring effective oversight of the security sector. In cases where the state falls short of providing security and justice for all the population, women's groups can step in to set up safe houses for victims of GBV; advocate for gender-responsive legal reform; raise awareness

among men and women of their human rights and the obligations of the state to protect them; and provide many other services and forms of capacity-building in their communities. Their expertise and insight into the security and justice needs of diverse groups of people cannot be overlooked. Women's organisations can enhance gender-responsive security sector oversight through:

- Providing gender-responsive policy advice on improving transparency, accountability and responsiveness.
- Monitoring the implementation of international and regional agreements, as well as national and institutional policies on gender equality as related to security sector institutions.
- Providing capacity-building for governance and oversight bodies on gender and security issues.
- Helping ensure that oversight is comprehensive and responsive to communities' needs through identifying security threats and issues facing individuals and communities, especially 'marginalised groups'.
- Facilitating dialogue and negotiation between local communities and security sector oversight bodies.
- Raising public awareness of how to hold security sector institutions accountable, for instance through reporting police abuse.
- Promoting women in decision-making and leadership within security sector institutions and oversight bodies.

Another benefit of involving women's organisations in security sector oversight is their ability to access populations that are difficult to reach. Given that they are often seen as less threatening, women can sometimes more easily move about in conflict contexts, and therefore have more accurate information and insight into the security needs of the most affected members of the population. However, while ensuring the full and equal participation of women and women's organisations is one step towards CSOs being truly representative, it will not alone lead to the achievement of gender equality. It is also critical that a gender perspective be mainstreamed throughout all aspects of civil society oversight to ensure that both men and women's concerns, needs, interests and perspectives are taken into account (for more information on this, see Section 5).

The reality is that it can be difficult to ensure that gender perspectives are fully integrated into civil society oversight due to lack of expertise, resources, political will, time and other factors. However, developing strategies to integrate gender issues, and more actively involving women's organisations in these processes, can have a positive impact on the overall effectiveness of civil society oversight. Some potential consequences include:

- More complete understanding of security structures and processes through the involvement of all key stakeholders within any population, including women and marginalised groups. They bring different perspectives, knowledge and experiences

to security sector oversight that provide alternative understanding and strategies for improving overall security in a given context. The inclusion of women may also make men think differently about themselves as security providers as well as their own insecurities.

- Makes key security issues such as violence against women more 'visible'. This enables oversight mechanisms to more effectively identify, monitor and advocate around these issues.
- Enhances legitimacy of oversight mechanisms through increased participation and representation of the needs and interests of the entire population, rather than just those of the dominant groups.

4 How can gender be integrated into civil society oversight of the security sector?

There are several key entry points for effectively integrating gender issues into civil society oversight processes of the security sector and SSR. It must be remembered that this will not happen automatically, but that a certain degree of political will, resources and capacity are necessary for effective gender mainstreaming to occur. In addition, just as adequate funding is critical to effective oversight, funding specifically directed to the incorporation of gender issues is also essential.

Opportunities and entry points for integrating gender into civil society oversight processes will vary depending upon the specific context, including the capacities of the CSOs, security and justice needs, and the specific security sector institution involved. Integrating gender into oversight may entail, but is not limited to, the following measures:

- Ensuring transparent and equitable disciplinary procedures.
- Setting minimum standards of behaviour and codes of ethics for security service personnel.
- Ensuring that gender-specific needs are identified and incorporated into security sector structures and practices.
- Advocating for more women in the security services, particularly at senior decision-making levels.
- Raising awareness of key security issues among the general population, particularly as they relate to women and vulnerable groups.
- Channelling complaints from the public to the appropriate individual or organisation within the security sector.

The recommendations contained in this section are general. For more detailed recommendations and information on civil society engagement in security sector oversight in post-conflict, transitional, developing and developed contexts, see Section 5.

4.1 Security sector monitoring bodies

Civil society can participate in a range of official security sector oversight bodies, such as civilian review boards, public complaints commissions, expert technical teams and independent monitoring groups, as well as state-commissioned evaluations of aspects of the security sector such as prisons, police behaviour, etc. These bodies are tasked with assessing, monitoring or evaluating security sector institutions and are therefore a crucial entry point for ensuring that gender issues are addressed and that women, as well as women's organisations, are participating. Civil society could feed into parliamentary oversight mechanisms by working with parliamentarians to frame parliamentary questions on security-related issues or initiate debates around the issues.

> **See Tool on Parliamentary Oversight of the Security Sector and Gender**

Women's organisations, given their specific knowledge and expertise on security provision and women's needs within communities, can bring important added value if included in a participatory or consultative role within monitoring bodies:

- In **Fiji**, women's NGOs collaborating with the Ministry of Women's Affairs met with the Fiji Government's National Security and Defence Review Committee as part of its review process in 2003. The women's organisations were in a position to raise critical issues such as:
  - The way in which the review process was being conducted.
  - Who was being consulted.

- The issues being identified as security threats.
- How international standards and norms, including UN Security Council Resolution 1325, were being incorporated into the process.

As a result, two submissions were made to the Committee, including recommendations for the permanent appointment of the Minister of Women's Affairs on the National Security Council, and representation of women on provincial and district-level security committees.[14]

- In **Cambodia**, women's organisations and human rights groups such as the Cambodian League for the Promotion and Defense of Human Rights are cooperating with government oversight agencies to investigate allegations of abuse and to monitor compliance with Cambodia's recently adopted Law on the Prevention of Domestic Violence and the Protection of Victims. This law gives police greater powers to intervene in domestic violence cases and strengthens the legal recourse available to victims. In addition to monitoring, the CSOs provide legal aid and safe houses for victims.[15]

In addition to including women's organisations, there should ideally be an equal representation of men and women in oversight bodies. The current lack of women's participation could be due to barriers such as:

- Lack of time or opportunity for women to contribute, owing to their domestic responsibilities.
- Socio-cultural attitudes that prevent women from engaging with security sector institutions in the public sphere.
- Lack of skills to provide constructive input.

Many of these obstacles can be overcome through training, awareness-raising and proactive policies on the part of CSOs who participate in monitoring and oversight bodies. Doing so will benefit overall monitoring mechanisms by ensuring that a broader range of expertise, knowledge and resources is being accessed.

It is critical that gender is mainstreamed throughout all activities of monitoring bodies, and that there are adequate structures and processes in place to make

Box 1	Sample gender checklist for security sector monitoring bodies in post-conflict contexts [16]

✔ Does the security situation affect women, men, girls and boys differently?

✔ Are women's and men's security issues known and concerns being met?

✔ Are women peacekeepers deployed? If so, at what levels?

✔ Do peacekeepers receive gender training before deployment and during the mission?

✔ What role do women play in the military, armed groups, police or any other security institutions such as intelligence services, border police, customs, immigration and other law enforcement services (percent of forces/groups, by grade and category)?

✔ Are actions supported to ensure that women can be part of military, police or any other security institutions?

✔ What are the training needs of women and men in the military and armed groups?

✔ Is gender training provided to the army and other security services?

Box 2	Sex-disaggregated data [18]

Sex-disaggregated data (i.e. statistical information that differentiates between men and women), is an essential contribution to gender-responsive security sector research and data collection. It can make visible the different security and justice threats, needs, perceptions and resources that men and women have, which in turn is a highly valuable tool to drive gender-responsive reforms.

Sex-disaggregated data can be used to:

- Identify the different threats to security and justice that women, men, boys and girls face, including how these threats change over time.
- Evaluate whether security and justice services are being provided equally to men and boys, women and girls.
- Generally, identify and define problems, develop options and choose the option which will be most effective and beneficial for both women and men.
- Allocate resources in a more equitable fashion.
- Monitor and evaluate security policies and programmes by their specific impact upon men, women, girls and boys.

sure this happens. However, there can be a tendency to overlook gender issues in monitoring of the security sector or not to perceive them as relevant to security issues. One way to address this is to provide gender training to participants in security sector monitoring bodies to enable them to identify opportunities for integrating gender and provide them with practical skills such as how to monitor human rights violations against women and girls. Checklists or guidelines on integrating gender can be useful (see Box 1).

CSOs that have capacity for research and analysis, such as academic centres, think tanks and policy institutes can be particularly well placed to provide input for security sector monitoring bodies. It can be especially important for CSOs with technical expertise, for example in reform of discriminatory legislation, to be consulted on gender-related issues that come before oversight bodies.

! **Tips for CSOs engaging with security sector monitoring bodies to integrate gender**

- Provide gender training to security sector monitoring bodies, including CSO participants, to enhance their capacity to integrate gender issues.
- Develop gender checklists for different monitoring and evaluation activities to ensure that gender issues are being systematically integrated.
- Ensure that women's organisations are included and/or consulted.
- Advocate for the equal participation of men and women in the monitoring body.

4.2 Research and data collection

Accurate and effective oversight depends to a large extent on the existence of clear, representative and comprehensive research and data about the activities and conduct of the security sector. CSOs can play a key role in the independent monitoring and gathering of information that ultimately can be used to either

expose abuses, hold the security sector to account for its responsibilities, or identify suggestions on how the sector could be strengthened. However, research and data collection on the security sector frequently fails to take gender issues account.

As demonstrated at the beginning of this tool, the experience and perception of security and justice varies significantly between men and women. For research and data, either collected by or used by oversight bodies, to accurately reflect all perspectives it is critical that it be sex-disaggregated, and that it pays specific attention to gender issues. It is also important to include gender-responsive indicators and measurements of change to enable monitoring and evaluation of progress.[17]

Data and research on the security sector can act as an accurate baseline to determine the effects of security policies and programmes. Given that civil society actors typically have more access to local communities than state security forces, they are in a much better position to collect this type of information, ideally through consultative and participatory processes that involve all members of the community. Specific initiatives should be taken to ensure the full participation of women and girls as well as marginalised men and boys. It may be, for example, that in **Afghanistan** it is difficult for women to participate in consultations without being accompanied by male chaperones. In such cases, it is important to ensure that CSOs set aside adequate resources to enable women to participate (i.e. also provide accommodation and food to any travelling companions). In addition to generating sex-disaggregated data, it is important that the collection methods are transparent and the results are made widely available. Involving women's organisations in the collection and analysis of data can be one way of increasing access to women within the community and increasing understanding of specific security needs and concerns.

In addition to ensuring that the data collected is sex-disaggregated and that research involves women and girls, research and data collection can also be focused

Box 3	**Guides on documenting human rights abuses**

'Documenting women's rights violations by non-state actors: Activist strategies from Muslim communities', Jan Bauer and Anissa Hélie, Rights & Democracy and Women living under Muslim laws, 2006.

'Monitoring and Reporting Human Rights Abuses in Africa: A Handbook for Community Activists', Amnesty International, 2002.

Elizabeth Shrader,'Methodologies to Measure the Gender Dimensions of Crime and Violence', World Bank, 2001.

'Researching Violence against Women: A Practical Guide for Researchers and Activists', Mary Ellsberg and Lori Heise, WHO and PATH, 2005.

on documenting the violations of women and girl's human rights (see Box 3). Women's organisations with experience in supporting survivors of GBV can be better equipped to conduct in-depth studies on the topic. However, it is also important that general surveys and documentation of human rights abuses also include women, girls and boys and ask specific questions about GBV. Research should be done both on the prevalence and prevention of human rights abuses within society in general, as well as on human rights abuses committed by security sector personnel.

Once gender-sensitive information and data have been collected, it is critical that it is effectively distributed to ensure an impact, both downwards to local communities and upwards to key decision-makers within the security sector and the rest of government. Often, in cases where such data is collected, it may not actually be included in policies, reports or assessments of the security sector. It is therefore important for civil society to advocate for the data and research to be used effectively. This can be done in a variety of ways, for example through:

- Direct communication or contact with specific policymakers working in different areas of the security sector.
- Public campaigns around key issues, based on research and data collected.
- Compilation of research and data into evaluations/analyses/briefs of key aspects of the security sector that can be shared widely and used as an advocacy tool in engagement with government officials and other stakeholders.
- Use of innovative methods to disseminate information, such as through community-based radio stations, online networks or mobile information centres.
- Adaptation of research and data into non-written formats (i.e. posters, comics, plays, songs, etc.) to make it accessible to non-literate populations.

! Tips for CSOs to improve use of gender-sensitive research and data collection

- Train CSO staff in gender-sensitive data and research methods.
- Ensure that sex-disaggregated data and gender-sensitive research is incorporated into analyses of the security sector.
- Use gender-sensitive research to develop public campaigns on security issues largely specific to women (e.g. domestic violence) and men (e.g. small arms misuse).
- Develop multiple innovative strategies to distribute gender-sensitive research, in particular to illiterate rural and female populations.

4.3 Gender audits

Gender audits are a specific tool for analysing a particular process, structure, policy or organisation from a gender perspective. These audits provide an evaluation of what has already been done and can also identify entry points or gaps for future action. Applied to the security sector, gender assessments could be useful in determining the degree to which security sector institutions are meeting the needs of women, men, boys and girls; if the workplace is non-discriminatory; the obstacles to increased female participation; and the general level of gender-responsiveness in policy and practice. CSOs, either as participants in monitoring bodies or independently, are well placed to conduct gender audits if they possess the requisite expertise and resources, and are given the necessary access to security sector officials.

> **See Tool on SSR Assessment, Monitoring and Evaluation and Gender**

! Tips for CSOs seeking to carry out gender audits

- Include gender audits as part of SSR assessments or evaluations.
- Integrate gender questions into regular security sector assessment or evaluation mechanisms.
- Continue to engage with key stakeholders around the findings of the audit to ensure they impact on reform.

4.4 Gender budget analysis

Another tool for security sector oversight is the analysis of defence and security-related budgets from a gender perspective. As defence budgets often represent a significant portion of a country's expenditure, strengthening fiscal transparency and oversight is a key role of oversight bodies, and one

that CSOs can support. Money that is being spent on defence is being channelled away from other needs such as social service provision or development. Allocation of government budgets can therefore have different impacts on men, women, girls and boys who may stand to benefit more or less from certain types of spending. Gender budget analysis has emerged as a tool for analysing the gender-differentiated impact of government spending, which could be usefully applied to the security sector. Such an analysis could then lead to more equitable, accountable and transparent allocation of funds, as well as overall effective growth and development, since more groups within the population will benefit positively from government spending.[20]

Given that the security sector is often closed to scrutiny, obtaining accurate data and information about the amount of defence spending and resource allocations can be difficult, and obtaining sex-disaggregated information even more so. Whilst governments or parliaments can undertake a gender budget analysis of their own spending, CSOs can also monitor and evaluate resource allocations and advocate with policymakers to change government spending patterns. In particular, CSOs, research institutes and oversight bodies working on the security sector could establish coalitions to strengthen analysis of different aspects of government spending, and develop creative platforms to advocate for more gender-sensitive budget allocations.

Gender budget analysis is a very technical exercise, and CSOs may therefore have to reach out to external actors who can provide the necessary expertise and support. International CSOs could be particularly useful in this respect, and could provide support to local organisations that are seeking to analyse the impact of security sector spending on the population.

! Tips for CSOs in gender-sensitive budgeting

■ Develop skills in gender budget analysis to better understand the impact of security sector spending on men and women, and use these findings as an oversight and advocacy tool.

4.5 Advocacy and awareness-raising

Civil society organisations play a key oversight function through raising public awareness of the role, responsibilities and obligations of the security sector, as well as direct advocacy with security sector institutions and governance bodies. Gender-sensitive research and data collection, including gender assessments and gender budget analysis, can be used as tools for awareness-raising and advocacy initiatives.

CSOs can advocate for reforms to strengthen the transparency, accountability and effectiveness of the security sector. Given the generally limited participation of CSOs in the activities of the security sector, existing channels of advocacy can be important entry points for advocacy around the security sector. Some of the areas of advocacy that are particularly relevant to the integration of a gender perspective into oversight relate to legal reform, increased representation of women within the security sector, respect for human rights and the need for gender skills training. Advocacy related to civil society oversight of the security sector can, and should be, targeted at many different levels. Advocacy campaigns can combine direct lobbying of high-level security sector personnel, parliamentarians, government ministers or donor agencies with other advocacy activities such as:

Box 4	Stages of an SSR gender audit [19]

1. Review: A background review constitutes an important starting point for a gender audit. In the event that the SSR process is taking place, a gender expert from the country in question should conduct the review. The review provides an overview of relevant gender issues relating, not only to gender relations in the audit country, but also to the particular focus of the audit. This background review includes 'in-depth' information which can then usually be referenced in the shorter audit.

2. Briefing and focus groups: The substance of a gender audit is developed from a wide range of interviews and focus group discussions. In-depth interviews with relevant actors within the specific part of the security sector being reviewed are an important element of information gathering.

3. Documentation review: The documentation review complements interviews and focus group discussions and can provide an important, detailed source of empirical information as well as the basis for triangulation with other data sources.

Challenges in this regard can be: access to the necessary documents; incomplete files; staff turnover and changes in the names of projects/programmes during implementation or redesign, especially for donor-driven SSR programmes, which makes locating relevant documents difficult.

4. Distribution of results: Once a gender audit has been finalised, it is important to distribute the results with key stakeholders, particularly those involved in the sector being audited.

Box 5	Involving men in combating violence against women

The White Ribbon Campaign (WRC) was launched in Canada in 1991 by a group of men who advocated for the end of violence against women and sought to educate other men about the issue. Through awareness-raising campaigns, public statements, and their growing network, members of the WRC provide an alternative vision of men as non-violent and offer positive role models for men and boys in communities around the world. While they do not deal directly with the security sector, actions such as those undertaken by the WRC contribute to the changing of attitudes and the culture of violence that perpetuates violence against women, including within the police and military. The WRC offers an innovative approach to addressing the roots of aggression and violence within households and communities, and is a powerful way of drawing public attention, awareness and recognition to the issue while tackling unequal gender roles and relationships.[21]

Other resources for involving men in addressing violence against women:

- 'Elimination of Violence against Women in Partnership with Men', Women in Development Section, ESCAP, 2006.
- 'Men as partners: South African men respond to violence against women and HIV/AIDS', Dean Peacock, EngenderHealth, 2002.
- 'Ending Violence Against Women in Eastern Congo: Preparing Men to Advocate for Women's Rights', Women for Women International, 2007.

- Submissions during consultations or security sector review processes
- Media initiatives
- Demonstrations
- Policy debates
- Drafting policy briefings

The general population in most countries tends to be largely unaware of their own right to security and justice or of the specific policies and processes within the security sector designed to uphold these rights. By raising public awareness of issues, ranging from accessing the justice system and filing a complaint against the police, to how to influence SSR policies through contacting members of parliament, the public can also be involved in holding the security sector accountable for meeting their needs in an effective and respectful manner. Examples of actions that CSO's can take to raise public awareness of gender and security sector issues include:

- Holding roundtable discussions or seminars on issues of gender and security policy.
- Producing materials, such a leaflets, on how to report human rights abuses – including GBV – by security sector personnel.

It is critical to remember that it is not only women's organisations that have a role to play in awareness raising and advocacy around gender and security issues. The role of men and men's organisations in oversight of security sector organisations and advocacy around gender-related issues, GBV in particular, is extremely important and sends a powerful message to security sector actors who are predominantly male. Changing the attitudes, mindsets and practices of key stakeholders is one of the most important objectives of gender-related awareness-raising and advocacy, and this can be done very effectively by men.

In order to ensure that advocacy campaigns are gender responsive, CSOs can make sure that the content and language is gender-sensitive; that the campaign aims to increase security and justice for women and girls as well as men and boys; collaborate with women's organisations; and ensure the high-level involvement of women. CSOs can also advocate for specific gender-related changes to the security sector including:

- Creation and implementation of gender policies and plans, including codes of conduct, for security sector institutions.
- Standardised gender training for police, armed forces and other security sector personnel.
- Reform of discriminatory legislation to adequately prevent, address and sanction GBV.
- Recruitment, retention and advancement of more women into security sector institutions and governance bodies.
- Adequate allocation of financial, human and material resources to address specific insecurities facing women and girls.
- Increased accountability of security sector personnel for human rights violations, including GBV.

Tips for CSOs planning advocacy and awareness-raising activities

- Awareness-raising campaigns which target the general public can be a crucial part of an advocacy campaign that aims to influence security sector policies and programming.
- Plan your advocacy campaigns carefully. Identify key stakeholders and targets for your messages, including key policymakers that have influence within the security sector, and ensure that your advocacy is grounded in reliable, comprehensive, gender-sensitive research.
- Take advantage of opportunities such as security sector or defence policy reviews to incorporate gender issues into civil society advocacy.
- Involve men in advocacy campaigns, particularly those dealing with violence against women.

Table 1	Questions to ask when planning an advocacy campaign
What is the issue and what are its causes?	Use research of policies, budgets and so forth to identify the problem, and obtain concrete data.
What are your aims and objectives?	The **aim** refers to the long-term goal of the campaign, which will be realised through a combination of advocacy and practical activities. An **objective** is a more immediate goal, and should be concrete and measurable as an outcome (not a proposed activity). Example: 'The Government is to establish by the end of 2010 a consultative mechanism for CSOs on gender-sensitive defence budgeting.'
What are the concrete changes that you are trying to attain (e.g. awareness, knowledge, attitude or behavioural changes of policymakers or security sector actors)?	In other words, what will be different as a result of the advocacy?
What indicators will be used to track progress towards results?	Think about the different sorts of progress you want to keep track of throughout the life of the advocacy strategy, e.g. of the process, of the impact and outcomes, and of a change in the context that you are working.
Who are your primary stakeholders? How have they been involved in designing the goals, objectives, results and indicators of your strategy? Who are your secondary stakeholders and significant others?	**Key stakeholders** include those who have the power to effect change, but who may need to be persuaded to act; **secondary stakeholders** include groups whose support can be rallied; **primary stakeholders** are those who will benefit from the changes being made, and **significant others** include target groups among security actors that might oppose the strategy. Taking the time to think through how you will work with and influence each stakeholder increases chances of success.
What research do you need to carry out to test assumptions about knowledge, attitudes, etc.?	How will you reach a representative sample of you target audience, and what techniques will you use to find out their views about the issues? How do they access information on this topic?
What are the key messages that you need to communicate to each group of stakeholders to bring about the desired change (e.g. increase their knowledge, change their practices)?	Use focus groups with media practitioners and other kinds of media research to understand the context and target your messages accordingly.
What types of communication (e.g. popular versions of research findings, fact sheets), channels (face-to-face communication, seminars, the media) and activities are most appropriate for your key stakeholders?	Be explicit about whom you are targeting to do what; do background research on groups and target them with appropriate messages. Think also about who is communicating, involve those who have credibility/influence with key stakeholders.
What is the timing/work plan for your advocacy strategy? What are the key dates/occasions for release of messages and materials?	Do a timeline when planning your strategy so that deadlines are met and tasks distributed in an effective way. Time the dates on which materials are released and distributed.
How much will you need to budget for your advocacy strategy and what skills, materials and expertise are necessary?	Resources include funds, materials, people and their expertise as well as your organisation's reputation (i.e. social capital) regarding the particular topic that you are advocating on.
How will you assess and distribute the impact of your strategy and lessons learned from your experiences?	Think about how future advocacy campaigns and other organisations can benefit from your experiences.
How will you ensure sustainability of your advocacy strategy?	If you have successfully brought about change, you need to think about how to ensure sustainability of the changes. If the advocacy campaign has been focusing on the level of policy, the need for looking at policy implementation will be critical. Who will sustain the intervention? What programmatic approaches will be most effective?

4.6 Working with the media

The media plays a particularly important role in promoting public scrutiny of the security sector and in sharing information about defence and security reform. CSOs can collaborate with the media in order to strengthen their awareness-raising and advocacy campaigns.

Journalists and others working within the media are not necessarily familiar with the gender aspects of security issues, or with speaking to and getting information from women. There are also few gender guidelines or policies within media institutions themselves.[23] CSOs can therefore work with media to train them on how to collect information and report on security issues in a gender-sensitive manner. It can also be difficult for the media to access female

Box 6	Tips for working with the media for a multiplier effect [22]

Key messages
- Identify and follow through on 2-3 points that you want to get across.
- Always bring an interview/discussion back to these points.

Speak with one voice
- If working in a coalition, ensure that all members understand the messages that are being communicated to the press.
- It is advisable to nominate a spokesperson.

Contacting the press directly
- Be proactive – do not only respond to issues that are already in the news, but provide stories and press releases.
- Write letters to the editor to spark debate – they must be brief and to the point.

Make it easy for them
- Provide concise and clear written information – e.g. a press information kit or briefing. This can include contact information, information about the issue that is being advocated for, background to the issue, information about opposite views, facts and statistics.

Press briefings/releases
- Know the deadlines and the best time to contact the press.
- Have press kits at all events.
- Provide background briefings so that journalists can conduct their own investigations.

Be a credible source
- Become a reliable source so the press comes to you and your organisation for authoritative information about different aspects of the security sector. Credibility when dealing with security sector actors is closely affiliated with a level of technical expertise.
- Only invite the media when you have something important to say.
- If you use statistics make sure they are reliable.

Appearing on TV and radio
- Stick to the key messages.
- Invest in training in interviewing techniques.

Evaluate your campaign
- Document and evaluate press coverage and learn from previous campaigns.

witnesses or victims of specific human rights abuses such as rape at the hands of security forces, so CSOs can also play a role in facilitating this process and in providing the necessary care and assistance to victims who are willing to share their stories in public.

Tips for CSOs in using the media more effectively

- Use the media to disseminate your advocacy messages to a wide audience. Work with small newspapers, community radio stations and local television stations, as well as state-run media outlets.
- Sensitise and train journalists and others working in the media about the gender aspects of the security sector and the use of gender-sensitive language (see Box 7).

4.7 Gender training of security sector personnel

Gender training is a key strategy to build the capacity of security sector personnel to execute their daily tasks in a gender-responsive manner. Gender capacity is a skill like any other, and therefore must be learned. Training can be an extremely effective way of changing attitudes and behaviours of security sector staff, and is an important element in enhancing oversight of the security sector. Gender training can also be used as a process for enhancing mutual understanding and facilitating future collaboration between CSOs and security sector personnel. Gender training is not always included as a part of standard military, police or private security training regimes, or in the security sector oversight training targeted at other actors such as parliamentarians, ministry of defence staff or NGOs. Where such training exists, it is generally not uniform, mandatory or comprehensive.

Box 7	**Gender-responsive media reporting** [24]

Communicating gender requires journalists to observe the ways that people may be marginalised because of their gender.

It requires us to ask questions such as:

- Who gets coverage?
- From what perspective?
- Through which lens?
- Reflecting which stereotypes about people?
- Are stories helping to advance gender equality and equity in society or are they angled in a way that upholds traditional attitudes and values?
- Are women's or men's concerns being separated from the concerns of society in general?

See Tool on Gender Training for Security Sector Personnel

Women's organisations may have specific expertise on gender issues and experience giving gender training and can therefore be well placed to either provide or offer input into the existing training modules of security sector personnel, or in developing stand-alone training on gender and security issues, in particular on sexual exploitation and abuse. In addition to collaborating on conducting gender training, CSO's with expertise in gender issues can:

- Develop standard gender training curricula for different security sector institutions, such as training for police officers on domestic violence, that can be adapted and used by trainers.
- Lobby for policies that mandate comprehensive gender training for security sector personnel.
- Advocate for, and participate in, the creation of gender guidelines, manuals and handbooks to serve as practical resources for security sector personnel.

- Lobby for the creation of a gender position within security sector institutions to coordinate, implement and monitor gender training.[26]

In a recent online discussion involving more than 140 policymakers and practitioners, 10 key recommendations in the area of gender training for security sector personnel emerged:

1. Address traditional male roles and norms
2. Engage men as gender trainers
3. Prioritise training for senior managers and officials
4. Integrate gender into regular security sector training
5. Implement training as part of a broader gender mainstreaming strategy
6. Write an action plan or an institutional policy that includes gender training
7. Organise pre-deployment training for peace-keeping personnel
8. Benefit from collaboration between CSOs and security sector institutions
9. Ensure the use of gender-aware language
10. Carry out a long-term evaluation and identify indicators[29]

Box 8	**Mongolia – inclusion of sexual health education in the military training curriculum** [25]

Mongol Vision, an NGO established in 1998, works to implement activities on reproductive health, including prevention and control of HIV/AIDS and other sexually transmitted infections (STIs). Mongol Vision focuses its activities on men, including officers and soldiers of Mongolia's armed forces. The work was led by the Mongol Vision public health policy steering committee, which included the Deputy Commander of the Mongolian Armed Forces.

The issue: New recruits to the Mongolian Armed Forces, especially those from the countryside, have little or no knowledge of HIV/AIDS and STIs. Consequently, the rate of STIs has been relatively high among officers and soldiers.

The aim: To gain support from the Ministry of Defence and the Mongolian Armed Forces to increase HIV/AIDS, STI and reproductive health awareness among officers and soldiers.

Key stakeholders: Ministry of Defence and headquarters of the Mongolian Armed Forces.

Primary stakeholders: Soldiers/officers and their sex partners.

Approaches and communication: Letters were sent to the Ministry of Defence and headquarters of the armed forces; official and unofficial meetings were held with high-level officials; a project was developed in collaboration with high-level officials; a workshop was held with high-level officials; commanding officers and military unit doctors presented report on the current STI situation among armed forces personnel.

Indicators of success and sustainability: Sexual health was included in the official education curriculum for military staff; increased awareness of high-level officers; increased support from the Ministry of Defence; broadened base of activities of Mongol Vision.

Box 9	Gender training resources [27]

Inspiration for relevant training may be found in the following gender training toolkits:

- *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* – includes tools targeting women on security issues, justice, governance and civil society, protection of vulnerable groups, etc.
  http://www.international-alert.org/our_work/themes/gender_training.php
- *Toolkit for Working with Men and Boys to Prevent Gender-Based Violence* – includes readings, case studies, handouts and exercises.
  http://toolkit.endabuse.org
- *Toolkit to Combat Trafficking in Persons* - includes tools on international laws, assessment, protection, public education, monitoring and evaluation, etc.
  http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf
- *Gender Resource Package for Peacekeeping Operations* – includes background information, highlights key gender issues, and practical tools.
  http://pbpu.unlb.org/pbpu/genderpack.aspx

Tips for CSOs involved in training security sector personnel

- Conduct a training needs assessment to identify gaps in current training and areas for improvement.
- Initiate or contribute to the development of standardised gender training modules for new recruits and existing officers in the police and the army.
- Create a roster of qualified civil society trainers in-country who could provide gender training to security sector personnel.
- Use training opportunities as a basis for enhanced linkages and partnerships with government officials, the army and the police.
- Don't reinvent the wheel: use and build on gender training modules that have already been developed.

4.8 Women's organisations

For oversight to be inclusive and adequately representative of the population, it is important that women's organisations are involved in civil society oversight efforts. Security issues are often perceived as a 'male domain'. Nevertheless, as discussed in Section 3.3, women's organisations often play vital roles that oversight bodies could capitalise on more effectively. By virtue of their different membership and priorities, women's organisations can make many important contributions to oversight processes:

- CSOs working on gender issues are an expert resource on the different types of insecurity that men and women experience.
- Women's organisations are often able to access different groups, in particular other women or marginalised groups, and may therefore be able to collect information that would otherwise be overlooked.

Box 10	UK National Action Plan on UN SCR 1325 and gender training for the armed forces

In March 2006, the UK Government released its national action plan on the implementation of UN SCR 1325. In developing the plan, the Cross-Whitehall Group on 1325 (made up of representatives from the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development), consulted with Gender Action for Peace and Security (GAPS), a UK-based network of civil society actors focusing on women, peace and security issues.

GAPS began as the UK Working Group on Women, Peace and Security, and was initiated in mid-2004 by International Alert to raise awareness around gender and security issues and to support and monitor the UK Government's implementation of UN SCR 1325. Formally established in June 2006, GAPS now has fourteen member organisations and individuals.[28] GAPS was given the opportunity to input into the priorities of the national action plan, and ongoing consultation with civil society was singled out as one of the objectives of the plan itself.

Gender training was identified as a key need, and following the release of the plan steps were made to map the provision of gender training to UK troops and identify ways to improve it. In addition, GAPS along with key parliamentarians and the Cross-Whitehall Group on 1325, established an Associate Parliamentary Group (APG) on SCR 1325, one of few in the UK that permit civil society and civil servants to work alongside parliamentarians. GAPS pushed for a sub-group on gender training to be established, and this group is now supporting the Ministry of Defence in efforts to enhance the provision of gender training and to collect information and research on the impact of this gender training. While no data is yet available, it will be a potentially valuable model for gender training of the military in other countries.

Box 11	Women's organisations lobbying for democratic reform of the security sector in Iraq, Russia and West Africa

The Union of the Committees of Soldier's Mothers of **Russia** was established with the objective of drawing attention to human rights abuses within the Russian military, and to advocate for improved protection mechanisms and the welfare of soldiers, particularly around the Chechen war. Members of the Union also launched public campaigns against involuntary conscription and for amnesty for soldiers. The organisation has been successful in some of its efforts to influence military policy in Russia and on securing freedom and protection for many conscripts.[30]

In post-conflict contexts, women's organisations often come together at the national level to identify their key priorities in the security, political, economic and social spheres. For example, in 2003 at a conference held in Washington DC, women from **Iraq**, including representatives from civil society organisations, government ministers and security sector personnel, identified a number of key areas such as increased border security, increased numbers of police throughout the country, improved street lighting, and training in gender and human rights issues for police and army officers as essential for their security and the success of the SSR process in the country.[31] Such information is a valuable resource for security policymakers and oversight bodies and efforts should be made to ensure the recommendations of women's organisations are included in formal security review and policy-making.

In partnership with the West Africa Network for Security and Democratic Governance and Friedrich Ebert Stiftung, the Women in Peacebuilding Network (WIPNET) in **West Africa** designed a specialised methodology for mainstreaming gender and in particular women's issues in security sector reform. As a follow-up activity, WIPNET is expected to train experts and women's groups on 'Gender and Security Sector Reform'.[32]

- Women's organisations may bring specific gender perspectives to bear on the security sector's policies and practices.
- Women's organisations may be specifically concerned with standards of behaviour and conduct that address serious violations against women such as rape or harassment by security sector personnel.

However, it is important also to acknowledge that all women's organisations do not necessarily effectively represent the needs of diverse groups of women and might not always have specific expertise on gender issues.

Without fully engaging women's organisations in oversight processes, civil society will not be benefiting from the full range of expertise available, or capitalising on all the entry points for effective monitoring and analysis. However, the ability of women's organisations to effectively participate in security sector oversight is also linked to their capacity. There is an urgent need to increase and improve the 'security literacy' of civil society, including women's organisations. Capacity building to increase 'security literacy' could take the form of specific training for women's organisations in areas such as:

- Security sector oversight terminology and basic theory
- Security sector policies
- International policy frameworks and standards related to gender and security issues and how they may be used as advocacy instruments
- Security sector institutions, their mandates and decision-making procedures
- Gender issues and SSR/oversight
- Gender-sensitive budgeting for the security sector
- Gender impact assessments[33]

It is essential for women's organisations, or other CSOs, to establish themselves as 'experts' in order to strengthen informed engagement with security sector actors. If CSOs working on gender-related issues have the capacity to provide technical assistance, they become valuable partners for security sector oversight bodies as well as for state institutions that aim to undertake security and justice reforms. Similarly, there is also a need to enhance the 'gender literacy' of CSOs in general. The lack of attention to gender issues means that they will be unlikely to consider the gender dimensions of SSR or have the capacity and expertise to integrate gender into civil society involvement into existing oversight mechanisms (see Section 4.9 on gender-responsive CSOs). Similarly, this may limit the extent to which they acknowledge the important contribution that women's organisations can make to their work.

Creating forums or building coalitions that link CSOs with relevant government departments to develop strategies to enhance accountability and effectiveness of the security sector in relation to gender issues can be one way of doing this. In the **UK**, members of the Gender Action for Peace and Security have provided training and expert advice to the UK Ministry of Defence, defence/army training academies and regional organisations. In **Sierra Leone**, local and international CSOs in several districts have effectively partnered with district medical officers, police Family Support Units and the justice sector to ensure that victims of domestic violence receive adequate medical and psychosocial care and that the crimes are followed-up on, reported and prosecuted.[34] This can also help to build transparency and trust between CSOs and security sector institutions.

Tips for involving women's organisations in security sector oversight

- Research the informal activities of women's organisations related to security provision and/or advocacy with the security sector and include them in formal oversight mechanisms.

Box 12	**Partnering with security institutions in Bougainville to prevent violence** [35]

Women's groups in Bougainville, Papua New Guinea, played an important role in bringing the conflict to an end, both directly by negotiating with fighting forces and through supporting the reintegration of ex-combatants and peace education within their communities. In particular, they have engaged specifically with the security sector on a number of initiatives:

- Women have provided training and sensitisation on women's rights to male ex-combatants. This had the direct result of reducing the extent of domestic violence committed by these men.
- Women's groups recruited and trained men to educate ex-combatants on women's rights, HIV/AIDS and conflict resolution in schools and villages.
- Leitana Nehan Women's Development Agency provides gender training for new police recruits in collaboration with the police, and also conducts awareness-raising workshops to highlight the negative impact of violence against women and children in various communities.

- Provide 'security literacy' training to women's organisations to enable them to more effectively engage on security issues with civil society, government and other stakeholders.
- Create mechanisms to link women's organisations with relevant government departments to strengthen their access and influence over security-related policy debates.

4.9 Civil society networks

In general, CSOs are more powerful when speaking with one voice. Networks provide strength in numbers and can help protect individual CSOs from being targets for abuse or political pressure. One of their key functions is to demonstrate the support for reform from a range of diverse groups in society.

This became apparent as the NGO Working Group on Women, Peace and Security formed in May 2000 by 11 organisations to advocate for the adoption of a UN SCR 1325 on women, international peace and security. UNSCR 1325 was unanimously adopted on 31 October 2000. Since then, the focus of the NGO Working Group has shifted to supporting implementation of UNSCR 1325, promoting a gender perspective and respect for human rights in all peace and security, conflict prevention and management, and peacebuilding initiatives of the UN and member states.

In many countries it may be difficult for CSOs to engage directly in security and justice issues and the development of security policies at the national level because of a closed or even hostile political environment. Participation in security-related discussions and mechanisms at the regional level can prove to be a good means of exerting pressure on policymakers at the national level. Individual CSOs are normally seen to have more credibility if they are members of regional or international networks or have international partners. This support can be used as a lever for national engagement with governments on the development of security policies.

Building such networks can take place through dialogue, both at national, regional and international levels. Through the participation of a wide range of stakeholders in a series of workshops, greater understanding of issues relating to a specific security policy may be developed. Also, a network of those interested in supporting progressive change can be established. Because a national security policy seeks to encompass the needs of society as a whole, and particularly when dealing with gender, the network's legitimacy will rise proportionally with:

- The diversity of groups/organisations represented in the network. Such groups should be consciously sought out and approached.
- Creating a common set of principles for the network to avoid impinging on the individual areas of work of each member.
- Specialised knowledge on how the security sector operates, policy-making processes and gender are represented in the network for strategic guidance.
- Availability within the network of specialised knowledge that otherwise is not immediately accessible to policymakers.
- Representation of experts and individuals that are highly regarded among policymakers.

4.10 Gender-responsive CSOs

CSOs that are involved in security sector oversight also have an obligation to revise internal policies and practices so that they are reflective of the ideals of gender equality. This is necessary to ensure that they are fully representative and participatory, and also to contribute to the CSO's overall effectiveness.

Most civil society organisations, however, fall short of having gender balance and staff members may not have the requisite skills and capacity to effectively integrate gender issues into their work. To improve this situation, efforts should be made to adopt gender-responsive recruitment, promotion and human resource policies, and specific mechanisms should be adopted to prevent discrimination or sexual harassment in the workplace. Internal codes of conduct, policies and guidelines are one way to ensure that these standards are being met (see Box 13). Linking gender-related criteria to performance evaluations can also contribute to increasing accountability for individual staff members

to address gender issues in their work. CSOs working on security sector oversight could increase their efforts to attract, hire and retain female staff through improved recruitment and work-life balance policies.

It is also important that gender is mainstreamed into all institutional policies and programmes of CSOs working on security issues. To do this, adequate financing for gender-related work and in-house expertise and capacity are critical. It is also the case that specific training should be provided to all staff members to ensure that they have the technical capacity and expertise to undertake gender-specific work. Conducting internal gender audits and identifying areas for improvement are also an important step in identifying how gender mainstreaming can be strengthened.[36]

! Tips for CSOs to be more gender-responsive

- Develop comprehensive gender and equal opportunities policies that cover human resources issues, job performance requirements and sexual harassment and discrimination, including a code of conduct.
- Evaluate job descriptions and requirements to ensure that they do not discriminate against women or men.
- Provide gender training to all staff members and volunteers.
- Conduct an internal gender audit to assess organisational capacity.
- Donors who are supporting CSO involvement in security sector oversight can hold CSO's accountable for being gender-responsive.

5 Integrating gender into civil society oversight in specific contexts

There is no one model for oversight of the security sector, as it is a process that must occur at different levels, and varies between regions and contexts.

5.1 Post-conflict countries

Women and girls are particularly vulnerable to increased levels of insecurity during conflict as a result of sexual and GBV. This vulnerability can, and often does, continue in the aftermath of conflict. Security sector personnel may have committed egregious human rights abuses, and may continue to perpetrate abuses in peacetime. In addition to this, state-sanctioned security and justice delivery may have collapsed in certain areas or lost legitimacy due to the roles that they played during conflict.

Evidence shows that gender roles and relationships also often shift during and after conflict, which can open up an important space for negotiating change. For example, following the end of the conflict and the election of Africa's first female president, **Liberia** passed tough new legislation in the form of a 'rape bill' that came into force in February 2006. Women's organisations such as the Association of Female Lawyers of Liberia played a key role in drafting the new bill and raising awareness of it within communities throughout Liberia.[38] However, conversely, these shifts in roles and relations can also result in new threats, decreased capacity to address already existing insecurities, or retrenchment of traditional roles following the end of conflict.[39]

Box 13	Oxfam's gender policy [37]

Oxfam has made significant strides in developing its approach to gender mainstreaming within the organisation's work, as well as in its internal practices. In addition to an Equal Opportunities and Diversity policy, Oxfam has developed a gender policy that lays out certain commitments of the organisation and its staff members. This policy can then be used to ensure accountability, transparency and equal representation and serves as a benchmark against which to monitor the extent to which the organisation is successful in mainstreaming gender in its work. Although Oxfam does not work specifically on security issues, it is a useful example that could be adopted by CSOs working on security sector oversight. Some of the provisions of the gender policy are:

- Managers will encourage groups and forums across the organisation to share learning and best practice on gender equality. Gender training will also be made available to staff and volunteers.
- In all our work we will demonstrate commitment to gender equality through setting appropriate team and individual objectives, and through allocating adequate staff and resources to enable us to fulfil the gender equality policy.
- Managers of all divisions will devise and report on measurable objectives and actions relating to the gender equality policy; and our management, finance and human resource systems will facilitate and contribute to our gender work.
- Gender awareness and understanding will be used as a criterion for recruitment and development of staff and volunteers.
- Within the organisation we will pursue family friendly work practices that enable both men and women to participate fully in work and family life.

Box 14	NGO liaison offices – a possible gender entry point [41]

Many governments in Eastern and Central Europe and the Baltic States have established NGO liaison offices, according to different models:

- Croatia, Czech Republic, Poland, Slovakia, Slovenia: Functions of the office are carried out by a bureaucratic unit and a broadly representative advisory body, which work in partnership as stipulated in laws, decrees or charters.
- Hungary, Romania: Government bodies oversee NGO-government cooperation without an advisory body.
- Estonia, Latvia: Existing departments handle NGO-government liaison functions in addition to their other responsibilities, including local government and regional administration.
- Lithuania: Various government departments are responsible for coordinating with NGOs within their area of authority.

The overarching rationale of NGO liaison offices in the above listed countries has been to enhance linkages between civil society and government. NGO liaison offices are not specifically set up for the purpose of dealing with the security sector, or with gender issues. They can nevertheless constitute important entry points for CSOs to have a voice in these matters, and could be used to advocate with key government officials to address gender issues within security sector policy and practice. Building on existing mechanisms, such as these liaison offices, is an important aspect of developing capacity for integrating gender into civil society oversight of the security sector, since creating new bodies can be time-consuming and resource-intensive.

Furthermore, the laws, structures and mechanisms to protect women and girls from various security threats are rarely in place or properly functioning, reducing the recourse available to ensure their own protection. The capacity of state institutions is often weak to the degree that even if there is political will, the means to deliver security and justice services are not available in technical, financial or human resource terms. At the same time as being a challenge, it is important to remember that SSR that occurs after conflict can also be an opportunity to foster increased levels of gender equality and inclusiveness within that sector's structures and processes.

CSOs may have become fragmented or weakened during conflict and as a result do not have the reach, legitimacy or capacity to effectively perform their oversight duties. In other cases, CSO collaboration may increase in the post-conflict period as ongoing insecurity and army and police reform are key concerns of many of the organisations, providing them with opportunities to work together.

Opportunities and tips for the integration of gender issues

- GBV is known to be used as a strategy during conflict, and the number of cases is likely to rise in its aftermath. Oversight of how security sector actors deal with GBV in their daily work will be vital, as will monitoring of police and army personnel to ensure that they are not involved as perpetrators.
- Where applicable, incorporate gender-related recommendations made at local or national-level consultations into broader advocacy around security issues.
- Promote public national and community-level debate to ensure that as the security sector actors are being reformed or rebuilt, gender issues are at the centre of the process from its outset, and not add-ons when reforms are in a process of consolidation.

- Identify any informal and traditional structures that enable women to assert influence over policymakers and/or community members. If appropriate, seek to strengthen them.
- Work with extra-legal structures that may ensure a degree of oversight of justice delivery in contexts where state institutions are unable to deliver such services, in particular in support of cases of violence against women.
- Conduct a gender assessment of the SSR process and disseminate findings and recommendations widely through the media and among targeted government and donor officials.

5.2 Transitional and developing countries

Transitional and developing countries straddle a wide range of contexts that differ significantly in terms of socio-economic, technical and human resource capacity. Transition to democracy is a long-term process and one that does not necessarily equally benefit all members of the population. Whilst overall economic growth tends to increase, inequalities in the short-term can become more pronounced and women in particular can face increased insecurity in the form of GBV, trafficking or exploitation in the sex industry.[40]

In both developing and transitional countries, private security companies – fundamentally non-state, even if regulated by legislation passed by parliament – are increasingly becoming important actors in delivery of security services. Consequently, they should be subjected to CSO oversight.

Some transitional countries may very well have a large pool of well-educated candidates for the armed forces, the police, and state institutions. At the same time, these institutions may be lacking democratic accountability and transparent governance structures and procedures. Politically, the challenges to civil society oversight of the security sector include the

legacy from an authoritarian regime, strong bureaucratic opposition to change, and often strained relationships between state institutions and CSOs. These conditions impact directly on the ability of CSOs to oversee security sector actors, and the possibility of dialogue between civil society and state institutions on common security concerns.

Particularly in developing countries, as well as in many transitional and post-conflict contexts, CSO capacity-building remains a major challenge. As is evident after several decades of development assistance in Africa, the lack of locally owned and sustained expertise remains a concern, and is one of the reasons why development goals are not met. Donor-driven SSR interventions might be resisted in favour of nationally led processes. Transitional countries are equally likely to resist external pressure for reforms, although the possibility of EU and NATO membership will be a significant incentive to reform for some. In both country types, armed forces may be excessive in size, having taken on wide-ranging internal security roles. This may have a variety of security-related consequences for men and women, as well as for the likelihood of sustainable socio-economic development.

As in post-conflict contexts, non-state actors in many developing countries can be significant providers of security and justice and intersect with formal state systems. These may include traditional courts, extra-legal services and local defence units. CSOs that operate at the local level can have a significant role in overseeing their actions and in advocating for ways of including them in national SSR processes, as well as in international assistance programmes. In particular, there should be an emphasis on how authority is managed, how services are delivered and what legitimacy they have in the eyes of men and women alike as non-violent conflict resolution mechanisms. This becomes all the more relevant as many

developing countries are unable to financially support expensive legal personnel such as professionally educated lawyers. Additionally, the police may have limited presence in some areas because of limited resources or because of high levels of insecurity.

Opportunities and tips for the integration of gender issues

- If not already in place, advocate for a space to engage with state institutions to voice popular insecurities – such as an NGO liaison office (see Box 14). Ensure that gender issues are highlighted and that women's organisations are also involved in the work of the NGO liaison office.
- External actors should support CSO capacity-building, including women's organisations, rather than only security sector institution-building.
- CSOs should assess the extent to which non-state actors such as chiefs and private security companies provide security and justice, their legitimacy in doing so, and the quality of services being delivered. Information should be gathered using gender-sensitive methods.
- If appropriate and needed, advocate for downsizing of the armed forces, and introduce key points around gender that could widen the debate on security in the process.

5.3 Developed countries

In developed states that are democratically governed there is also significant scope for CSOs to play an oversight role, especially in relation to gender issues. This can be done by engaging in debates on what should be included under the banner of national security; how security and justice are provided to men

Box 15	**SSR in South Africa – mainstreaming gender in the transition from apartheid to democracy** [42]

The case of South Africa's transition to democracy provides an example of how a conducive political environment and networking/organisation among women across the political spectrum and within the security forces themselves led to a broadened and inclusive process of defence transformation. Key lessons learned from this process, which all impacted directly on policymaking have included:

1. South Africa went beyond mere reform to transform the security sector by taking steps to consult the public about the role of the security sector and placing human security and development at the centre of its national security framework.

2. Women with differing views and values and of all races were central to articulating a vision and shaping the process by which the security of the people became a priority for the state.

3. Women from across the political spectrum were mobilised to attain 50% representation in negotiations leading up to the 1994 election and 28% of seats in parliament. They continue to encourage public participation in policy-shaping and remain the strongest proponents of human security.

4. Within the security establishment, it is increasingly acknowledged that women:

    a. Bring a critical perspective to the planning and implementation of programmes.

    b. Have a positive influence as members of security forces.

    c. Are critical to building peace and security.

5. Security sector transformation will remain incomplete if the institutional culture is not changed. Overcoming gender-based discrimination, as with racial discrimination, is a key indicator of transformation.

and women; and enhancing parity between men and women within security sector institutions. In some cases, it may even be appropriate to emphasise what the implications of excessive military spending are for other sectors such as health and education which are essential to human security.

Insisting on incorporating gender into strategies to restructure security forces or institutional reform does not only have the potential to ensure parity between men and women in developing and implementing policies. It can fundamentally broaden the debate on what national security is, and thus include voices outside government and/or the National Security Council. The case of developing South Africa's Defence White Paper and other security-related policies provides an example to follow in this regard, where CSO representatives participated as important interlocutors, both as defence and gender experts.

See Tool on National Security Policy-Making and Gender

Depending on who they are mandated to speak on behalf of, CSOs are particularly well-positioned to infuse national security debates with the realities of people's daily lives, and consequently constitute important channels to decision-makers. They can also act as channels for the voices of women who are too frequently marginalised from formal security sector policy debates. Finally, it is worth pointing out that developed countries' donor agencies are at the forefront of offering and delivering advice and technical expertise to countries undergoing SSR processes. They have a key role and responsibility in ensuring that gender-related aspects of civil society oversight are included in their programming. International NGOs can also have a role in providing assistance to the building of security sector oversight, and input into donor agendas related to SSR.

Opportunities and tips for the integration of gender issues

- Advocate for a broadened debate on what 'national security' is, in particular incorporating GBV.
- Be aware and ready to act in the event that policies – including national security policies – are being redefined and publicly debated.
- Monitor and liaise with donor agencies to ensure that their support for SSR is gender-responsive and includes an emphasis on civil society oversight.
- Provide capacity building and other support for CSOs, including women's organisations, in other country contexts that wish to build their ability to oversee the security sector.
- Make use of existing mechanisms to request information from the security sector to aid effective oversight.

6 Key recommendations

For donors, international and regional organisations:

1. **Support the creation of participatory security sector monitoring bodies**: When supporting SSR, it is important to ensure the inclusion of civil society organisations, such as women's organisations, in security sector oversight bodies. Ensure that local ownership and participatory mechanisms underpin policy and practice related to SSR.

2. **Support training on gender and security sector issues to CSOs:** Training in both gender and security sector issues is an important way of developing the necessary skill base within CSOs, enabling them to engage more effectively in oversight of the security sector and enhance the inclusiveness and legitimacy of these activities. Also ensure that donor staff and other decision-makers working on security-related policies receive gender training.

For civil society organisations:

3. **Be a security sector expert**: Make sure that you understand the local, national and regional security needs and priorities of diverse groups of men, women, girls and boys. Develop your expertise in national security sector policies, structures and programming, including the language that is spoken among security actors.

4. **Join or collaborate with local, national or regional security sector monitoring bodies**: CSOs, including women's organisations, can advocate for inclusion in security sector monitoring bodies, and can help place gender issues on the agenda.

5. **Collaborate with women's organisations**: CSOs can strengthen gender-responsive oversight of the security sector through partnering with local, national and international women's organisations.

6. **Advocate for gender-responsive security policies and programming**: CSOs can take an active role – through advocacy campaigns or lobbying – in demanding policies and practices that increase women's participation in all ranks and positions; strengthen gender mainstreaming and reduce gender-based violence.

7. **Raise public awareness on gender and security sector issues**: Public awareness campaigns, including working with the media, can focus on topics such as combating gender stereotypes and encouraging the recruitment of female security sector personnel; access to justice; or reporting GBV police reporting mechanisms.

8. **Conduct a gender audit of a security sector organisation or SSR process**: CSOs can hold security sector institutions responsible for integrating gender issues by conducting audits or assessments.

9. **Document violence against women, men, boys and girls**: CSOs can play a crucial role in security sector oversight through research on gender-based violence and documenting GBV by security sector personnel, which can then be used for awareness-raising and advocacy activities.

10. **Monitor security and defence budgets:** Implementing gender budget analysis of security and defence reform budgets, expenditures and procurement at the national or institutional level can strengthen transparency and accountability.

11. **Create CSO networks**: Formal collaboration with other CSOs, including women's organisations, can create a shared platform on security sector oversight issues and strengthen awareness-raising and advocacy initiatives.

12. **Build and strengthen collaboration between CSOs and security sector institutions:** Convene women and men who show an interest in working on gender issues from the armed forces, police and other security sector institutions as well as CSOs. Create a common agenda and strategies to ensure a more robust approach to integrating gender issues. Provide gender training for security sector personnel.

13. **Integrate gender issues**: CSOs can increase their capacity for gender-responsive oversight and create a non-discriminatory workplace by implementing internal gender training, adopting sexual harassment policies or codes of conduct, and taking measures to ensure a gender balance of staff.

7 Additional resources

Useful websites

International Alert – http://www.international-alert.org

Topic Guide: Civil Society and Security, Global Facilitation Network for Security Sector Reform - http://www.ssrnetwork.net/topic_guides/civil_soci.php

UNIFEM Portal on Women, Peace and Security - http://www.womenwarpeace.org

WILPF PeaceWomen - http://www.peacewomen.org

Practical guides and handbooks

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http://www.crisisstates.com/download/others/SSRReformNathan2007.pdf

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Civil Society Oversight of the Security Sector and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into civil society oversight of the security sector, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the **Gender and SSR Toolkit**. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to civil society oversight?

Civil society oversight of the security sector, including SSR, involves the active participation of civil society organisations (CSOs) in defining security policies and overseeing the structures and practices of security sector actors.[1] The objective is to ensure the incorporation of community-level and grassroots interests and perspectives in the provision of internal and external security, and to support local ownership and sustainability. CSOs participate in oversight of the security sector in many different ways, including through policy advice and technical expertise, monitoring, awareness-raising, and research and analysis.

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Strengthening local ownership
■ Integrating gender issues and including women's organisations can generate local ownership of SSR processes by ensuring that both men and women are engaged and have the opportunity to express their distinct needs, views and priorities. This makes security institutions more representative, responsive and legitimate in the eyes of the population.

Comprehensive oversight through the integration of gender issues
■ Security sector oversight that monitors how security and justice policies and institutions address gender-based violence (GBV) *can strengthen the provision of security and justice*.
■ Security sector oversight that holds security sector institutions accountable for having a non-discriminatory workplace and preventing sexual harassment and other forms of GBV *can increase productivity and operational effectiveness*.
■ Security sector oversight that holds security sector institutions accountable for increasing the recruitment, retention and advancement of women and other under-represented groups *can strengthen public trust and effectiveness*.

Effective oversight through the involvement of women's organisations
■ Women's organisations are often an untapped resource for security sector oversight. They can strengthen oversight through:
  - Providing policy advice on improving transparency, accountability and responsiveness.

osce ODIHR

instraw united nations

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

Box 1	Monitoring the implementation of legislation [2]

In Malaysia, CSOs such as the Women's AID Organisation have monitored the enforcement and efficacy of Malaysia's Domestic Violence Act, as well as the delivery of its services to victims. Findings were used to advocate for improvements in the substance and implementation of the legislation.

In Cambodia, women's organisations and human rights groups such as LICADHO are cooperating with government oversight agencies to investigate allegations of abuse and to monitor compliance with Cambodia's recently adopted Law on the Prevention of Domestic Violence and the Protection of Victims. This law gives police greater powers to intervene in domestic violence cases and strengthens the legal recourse available to victims. In addition to monitoring, the CSOs provide legal aid and safe houses for victims.

- Monitoring the implementation of international and regional agreements, as well as national and institutional policies.
- Providing capacity building for oversight bodies on gender issues.
- Identifying security threats and issues facing individuals and communities.
- Facilitating dialogue between local communities and security sector oversight bodies.
- Raising public awareness of how to hold security sector institutions accountable.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into civil society oversight is not only a matter of operational effectiveness; it is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Beijing Declaration and Platform for Action (1995)*
- *United Nations Security Council Resolution 1325 on Women, Peace and Security (2000)*

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into civil society oversight?

Security sector monitoring bodies

- Strengthen the participation of women's organisations in formal security sector oversight bodies, such as civilian review boards, public complaints commissions, expert technical teams and independent monitoring groups (see Box 1).
- Place gender issues, such as the prevention of GBV or increased female recruitment, on the agenda of security sector monitoring bodies.

Research and data collection

- Ensure that gender issues are integrated into internal and external assessments or reviews of security sector institutions and policies.
- Ensure that all data is disaggregated by sex. Sex-disaggregated data highlights the different circumstances of men and women, and is a necessary basis for equitable security services.
- Carry out a gender audit of a security sector institution or policy.

- Conduct a gender analysis of the SSR process and disseminate findings and recommendations through the media and to government officials and donors.
- Perform a gender budget analysis of government spending on security and defence or of individual security sector institution budgets, in order to better understand the distinct impact of budget allocation on men and women. Use these findings as a tool for advocacy.
- Ensure that women and women's organisations are included in all audit, assessment, planning, implementation, monitoring and evaluation processes undertaken by CSOs.

Advocacy and awareness-raising

Use gender-sensitive research and the results of assessment and data-collection processes to develop public information and advocacy campaigns on security issues related to gender – such as raising awareness on how to report GBV to the police or lobbying for government funding for gun violence prevention programmes.

- Identify ways to convey this information to marginalised populations (such as rural populations, illiterate women, or ethnic communities) who may not speak the dominant language.
- Target advocacy at different levels – local, provincial and national – reaching key policymakers who can influence security sector programming.
- Engage local media by distributing information through small newspapers, community radio and local television stations, as well as state-run media outlets.
- Work with the media to sensitise journalists and others to the gender dimensions of security and justice issues.
- Involve men in advocacy campaigns, particularly those dealing with violence against women (see Box 2).

Gender training

Women's organisations and CSOs with gender expertise can support the development and delivery of gender training for security sector personnel (see Box 3), including by:

- Conducting a training needs assessment.
- Developing gender training materials and delivering training.

- Developing a standard gender training curriculum that can be adapted and used by trainers.
- Lobbying for policies that mandate comprehensive gender training.
- Creating a roster of civil society gender trainers.

Participatory and effective CSOs

CSOs that are involved in security sector oversight also have an obligation to revise internal policies and practices so that they promote gender equality, and to ensure in-house capacity on gender issues:

- Develop gender and equal opportunities policies and procedures that address human resources issues, recruitment practices, job performance requirements and sexual harassment and discrimination.
- Provide gender training for all staff – including training on gender-sensitive data collection and research methodologies.
- Mainstream gender issues into security sector oversight work.
- Conduct an internal gender audit to assess organisational capacity.

Also available in Tool 9...
- Stages of an SSR Gender Audit
- Questions to ask when planning an advocacy campaign
- Tips for working with the media
- Training topics to build the oversight capacity of women's NGOs
- How to strengthen the legitimacy of civil society networks
- Examples from Eastern Europe, Fiji, Iraq, Russia, South Africa, the United Kingdom and West Africa

Post-conflict challenges and opportunities

CSOs may have become fragmented or weakened during conflict and, as a result, may not have the reach, legitimacy or capacity to effectively perform oversight of the security sector. In other cases, collaboration between CSOs may increase in the

post-conflict period, as army and police reform, as well as ongoing insecurity, are key concerns of many organisations, providing them with opportunities to work together.

Challenges for the integration of gender issues

- The capacity of state institutions is often weak, to the degree that even if there is political will, the means to deliver security and justice services is not available in technical, financial or human resource terms.
- Laws, structures and mechanisms to prevent and respond to GBV are rarely in place, or properly functioning.
- Security sector personnel may have committed human rights abuses, and may continue to perpetrate abuses in peacetime.

Opportunities for the integration of gender issues

- SSR processes can open up the political space for CSO input into security and justice decision-making, which is an opportunity to raise gender issues.
- Evidence shows that gender roles and relationships often shift during and after conflict, which can open up an important space for negotiating the integration of gender issues and increased recruitment of women.
- Donors may be willing to provide support to CSOs in order to build their gender-responsive oversight capacity.

Box 4	Sample gender checklist for security sector oversight bodies in post-conflict contexts

- ✔ How is civil society, including women, being included in oversight processes?
- ✔ How are women's and men's particular security needs being identified and met?
- ✔ How many men and women work within the military, police, intelligence services, border police, customs, immigration and other law enforcement services, and in what capacities (percentage of women/men, by grade and category)?
- ✔ Are measures in place to ensure that women have equal opportunities to be part of every security institution?
- ✔ Is gender training provided to the police, military and other security services?
- ✔ What measures are in place to prevent, investigate and punish GBV by security sector personnel?
- ✔ Is there adequate funding for gender-related programming?

? Questions for CSOs to ask

One of the best ways to identify entry points to integrate gender issues into SSR processes is for civil society organisations to conduct an assessment. Below are sample questions on gender that CSOs might include in SSR assessment, monitoring and evaluation.

- What are the particular security and justice needs, perceptions and priorities of men, women, girls and boys?
- Do security sector personnel have the capacity to respond to all of these needs? If not, why not?
- Are women, men, boys and girls equally able to access security and justice services?

- Are security legislation, policies and protocols gender-responsive? Is there adequate legislation against GBV?
- Do women have full and equal access to employment within security sector institutions?
- What is the work environment like within security sector institutions? Are there problems of sexual harassment and other barriers to women's advancement?
- Do security sector oversight bodies include women and consult with women's organisations?
- Do security sector oversight bodies monitor issues related to GBV and equal opportunities for men and women?

More information

Resources

Amnesty International – *Monitoring and Reporting Human Rights Abuses in Africa: A Handbook for Community Activists*, 2002.

Amnesty International – *Understanding Policing: A Resource for Human Rights Activists*, 2006.

DCAF – *Public Oversight of the Security Sector: A Handbook for CSOs on Democratic Security Governance*, forthcoming 2008.

Family Violence Prevention Fund – *Toolkit for Working with Men and Boys to Prevent Gender-Based Violence*, 2003.

International Alert and Women Waging Peace – *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, 2004.

OECD DAC – *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, 2007.

Organisations

DCAF – www.dcaf.ch

International Alert – www.international-alert.org

UNIFEM Portal on Women, Peace and Security – www.womenwarpeace.org

UN-INSTRAW – www.un-instraw.org

WILPF Peacewomen – www.peacewomen.org

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel

Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Rahim Kanani of UN-INSTRAW, based upon Tool 9 authored by Karen Barnes and Peter Albrecht of International Alert.

[1] Caparini, Cole and Kinzelbach, *Public Oversight of the Security Sector: A Handbook for CSOs on Democratic Security Governance* (Renesans: Bratislava), forthcoming July 2008.
[2] Adapted from: OECD DAC. *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (OECD DAC: Paris), 2007, p. 117.
[3] Adapted from: 'The White Ribbon Campaign'.
http://www.whiteribbon.ca/about_us/
[4] Cited from: Albrecht, P., 'Advocacy', *Public Oversight of the Security Sector: A Handbook for CSOs on Democratic Security Governance*, eds. Caparini, Cole and Kinzelbach (Renesans: Bratislava), forthcoming July 2008.

Private Military and Security Companies and Gender

Sabrina Schulz and Christina Yeung

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The Gender and SSR Toolkit
This Tool on Private Military and Security Companies and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

TABLE OF CONTENTS

ACRONYMS

BAPSC	British Association of Private Security Companies
CANASA	Canadian Security Association
CEDAW	Convention on the Elimination of All Forms of Violence and Discrimination against Women
CIA	Central Intelligence Agency
CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration
GBV	Gender-Based Violence
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IPOA	International Peace Operations Association
KBR	Kellogg, Brown and Root
KFOR	Kosovo Force
MEJA	Military Extraterritorial Jurisdiction Act
MPRI	Military Professional Resource Incorporated
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OECD-DAC	Organisation for Economic Co-operation and Development – Development Assistance Committee
OHCHR	UN Office of the High Commissioner for Human Rights
PMCs	Private Military Companies
PSCs	Private Security Companies
PMSCs	Private Military and Security Companies
PSCAA	Private Security Companies Association in Afghanistan
PSCAI	Private Security Companies Association in Iraq
PTSD	Post-Traumatic Stress Disorder
SFOR	Stabilisation Force (Bosnia and Herzegovina)
SOP	Standard Operating Procedures
SSR	Security Sector Reform
TVPA	US Trafficking Victims Protection Act
UCMJ	Uniform Code of Military Justice
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UN SCR 1325	United Nations Security Council Resolution 1325 on Women, Peace and Security (2000)
US	United States of America

Private Military and Security Companies and Gender

1 Introduction

This tool addresses the gender aspects and challenges of a relatively new phenomenon: the privatisation of security on a global scale. So far, reliable research data is scarce. Moreover, much of the relevant information, such as companies' standard operating procedures as well as the contents of most of their contracts, is strictly confidential. However, this must not lead to complacency. In order to ensure the effectiveness and long-term success of security sector reform (SSR) involving Private Security Companies (PSCs) and Private Military Companies (PMCs) it is indispensable to integrate gender aspects into all operations. This tool will explain why gender is important and how gender initiatives can be developed and implemented in operations involving PSCs and PMCs, largely focusing on international PSCs and PMCs.

The key target audiences of the tool include:

- PSCs and PMCs
- Industry associations of PSCs and PMCs
- Clients of PSCs and international donors to SSR programmes
- Stakeholders in the policy-making process and in the debate on private security, including as part of SSR (governments, international agencies)
- Signatories to the Voluntary Principles on Human Rights and Security (oil, gas and extractive industries)

Secondary audiences are:

- Civil society organisations working on issues related to PSCs and PMCs
- Academics and researchers working on issues related to PSCs and PMCs

The global private security industry has grown exponentially in the past five to ten years. Although the dynamics differ greatly depending on the specific context – that is in developed countries, countries in transition, post-conflict countries and developing countries – there seems to be one common denominator: privatisation of security takes place where the state, the traditional provider of security, is unable or in fact unwilling to fulfil this role. Furthermore, considerations of cost-effectiveness have contributed to a growing trend towards outsourcing and privatisation of state security functions. Public-private partnerships in the security domain are one of the most pertinent examples of this phenomenon.

PSCs in particular have emerged to meet the increasing demand for security services from communities, ordinary citizens, private businesses, international organisations and agencies and the state itself. Some of these services, such as residential security and static guarding – in both developed and developing countries – are usually performed by unarmed local PSCs. Other services ensure the smooth functioning of a state's armed forces in an era of military overstretch.

The role of PSCs and PMCs in SSR, post-conflict reconstruction and related activities such as Disarmament, Demobilisation and Reintegration (DDR) has been steadily increasing. This is not only the case because of a growing demand for private security services; PSCs and PMCs themselves have also intensified their efforts to present themselves as professional and effective providers of SSR solutions.

With the arrival of private, commercial actors in the field of SSR, new challenges and opportunities have arisen for the integration of gender This tool will provide a background for understanding these challenges and opportunities and make practical suggestions for addressing them in the following ways:

- Men and women as actors/contractors within the private security industry
- Men and women as stakeholders in SSR processes led by PSCs and PMCs
- Men and women as victims of gender-based violence (GBV)

PSCs and PMCs will be considered from two perspectives:

- PSCs/PMCs as providers of SSR
- PSCs/PMCs as subjects of SSR

2 What are PMSCs and the 'privatisation of security'?

Private security companies are defined here as 'companies that specialise in providing security and protection of personnel and property, including humanitarian and industrial assets'.[1] This means that their services are not necessarily armed; their operations are defensive rather than offensive in nature; and they cater to a large group of customers including governments, international agencies, non-governmental organisations (NGOs) and commercial organisations.

Private military companies 'are private companies that specialise in military skills, including combat operations, strategic planning, intelligence collection, operational

support, logistics, training, procurement and maintenance of arms and equipment'.[2] This implies that their clients are usually governments, but may comprise insurgents, militia groups, and other armed factions.

The Organisation for Economic Co-operation and Development – Development Assistance Committee (OECD-DAC) defines **Private Military and Security Companies** (PMSCs) as 'those commercial companies directly providing protective military or security-related services for profit, whether domestically or internationally'.[3] This definition is also adopted in this tool.

A more comprehensive overview of the activities of PSCs and PMCs can be found in Box 1.[4]

Although these definitions reflect the empirical reality of two distinct types of services in the private security sector, they may not easily be applied to any company in any given national context. This is even more relevant in the field of SSR which is carried out by both PSCs and PMCs. For this tool, the overarching term Private Military and Security Companies will therefore be used both for companies *undertaking* SSR and companies *subject to* SSR, wherever appropriate. An exception will be made for the domestic private security sector, which is not involved in services for the state and/or the military: the companies in this domain are labelled PSCs.

PMSCs may either cater for a strictly domestic market or operate globally. Domestic PSCs usually offer armed or unarmed static guarding and personal protection services but also technical equipment such as CCTV cameras and panic-button systems. These services are most prevalent in the developing world and in transitional countries, but are expanding increasingly in the developed world. In South Africa, these companies now outnumber the police, and the market for private security services is the biggest worldwide as a percentage of gross domestic product. By June 2004, 3,553 PSCs were registered in the country. By March 2007 they were employing 301,584 'active security officers' while around 116,000 uniformed police officers were performing police functions for the South African Police Services.[6]

In contrast, international PMSCs with headquarters or offices in several countries offer what is sometimes called 'premium protective security services' in high-risk environments on a global scale. Their employees usually have a military or law-enforcement background and substantial experience in what are commonly termed 'hostile environments'.

PMSCs can be both actors assisting in or delivering SSR ('top-down') as well as entities 'subject' to an SSR process ('bottom-up') for instance when the regulation and control of their activities is developed and implemented.[7]

Challenges with the privatisation of security

The privatisation of security provides great opportunities as well as posing severe risks, especially from a human security perspective. PMSCs have the potential to improve the security situation if their services are delivered in a professional and accountable manner and, in particular, if democratic state institutions are involved in control and oversight.

However, private security can also exacerbate existing social tensions if security becomes a commodity which only the rich can afford, thus excluding a majority of the population from its benefits. Moreover, PMSCs with strong ties to state institutions can aggravate and reinforce oppressive practices and structures of a state's security sector.

A further challenge relates to the difficulties of ensuring accountability and transparency in the private security industry, in particular when services are being exported abroad. It is extremely difficult, practically, to hold companies and individual contractors accountable through existing laws and regulations (see Section 5). This kind of legal environment risks undermining long-term SSR and/or development efforts as well as fundamental tenets of the human security paradigm and the gender mainstreaming agenda.

The precise dynamics, advantages and risks of privatisation are, of course, different depending on the local and regional

Box 1	Services provided by PSCs and PMCs [5]

Services provided by PSCs	Services provided by PMCs
■ Physical protection (static/mobile). ■ Close protection (e.g. bodyguard assignment). ■ Rapid response. ■ Technical security, ■ Surveillance services. ■ Investigative services. ■ Comprehensive risk assessment and risk mitigation services for private businesses. ■ Business intelligence, due diligence, political risk analysis.	■ Military training/consulting for national or foreign troops. ■ Military intelligence. ■ Arms procurement. ■ Combat and operational support. ■ Humanitarian de-mining. ■ Maintenance. ■ Military and non-military support services. ■ All other services that have been outsourced from the military.
■ Supporting post-conflict reconstruction processes through protective and defensive security services to the agencies involved in the reconstruction. ■ New areas such as SSR, DDR, disaster relief and development.	

context. A clear distinction of private security services has to be made between developed countries, transitional and developing countries and post-conflict countries. A discussion of these individual cases will follow in Section 6.

Private security and SSR

The delivery of SSR is a very new phenomenon for the private security industry. PMSCs are trying to break into a market, which is currently dominated by development consulting firms, risk management companies, freelance consultants and NGOs. Governments and other donors are increasingly prone to giving SSR-related contracts to PMSCs but it will take some time until the latter become fully established actors in SSR. At the moment, the main SSR activity PMSCs are involved in is the training of foreign troops and police forces, for instance in Afghanistan and Iraq. However, their activities are likely to expand as SSR becomes more dangerous in many post-conflict environments and as more traditional actors have to pull out of high-risk areas.

PMSCs are bringing in outside expertise, for instance from the development community, in order to submit credible bids for SSR-related tenders from governments and other donor agencies. Because they can recruit from a wide range of experienced personnel from a variety of backgrounds, as well as deploy teams comparatively quickly, they can offer tailor-made solutions to SSR challenges. Staff and contractors are often familiar with the administrative processes in government because revolving doors between the public and the private sector mean a continuing exchange of expertise.[8]

Both the number of private SSR providers and data on their performance remain hard to establish. Even donor agencies can rarely raise reliable data in a coherent and effective manner because SSR work is frequently distributed across different budgets (such as security/defence and development). The OECD-DAC Handbook on SSR, however, provides valuable guidance for donors and identifies good practice in SSR; this includes operations involving the private sector.[9]

Because of the lack of reliable data, but also because of a real or perceived lack of transparency and accountability among private, commercial actors in SSR, they are still struggling to establish themselves as legitimate players. Moreover, they face the criticism of insufficient standards for their operations. Yet it is largely up to the client/donor to define appropriate standard operating procedures (SOPs) and terms and conditions of contract. So far, there are no guidelines for outsourcing in SSR in any given national context, so it is difficult for donor agencies to make informed decisions about the skills, qualifications and credentials of those bidding for contracts.[10] Private contractors themselves are now asking for more transparent and accountable decision-making and review processes. In a climate where their legitimacy in any security or development-related field is still questioned, it is in their own interest to demand standards and frameworks of accountability.

Among the tasks performed by the private sector in SSR programmes are training, management support, diagnosis and policy review. Training may be either technical (e.g. skills to use new equipment) or conceptual (human rights, international law, civil-military relations etc.), or a combination of both. Management support may refer to

police and justice reform and it may include: strengthening financial and human resources managerial processes, improving judicial case management, reformulating armed forces budgets, reforming pay and grading systems, revising promotion and disciplinary regimes, supporting civil management bodies and improving procurement systems. Diagnosis and policy review services for government institutions cover primarily strategic, operational and organisational analyses of SSR needs in the recipient country.[11]

3 Why is gender important to PMSCs?

> **Gender** refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.
>
> **Gender mainstreaming** is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[12]

For more information see Tool on SSR and Gender

As the trend towards privatisation of security increases and regulation of PMSCs develops, incorporating gender could greatly improve operational effectiveness throughout the sector and positively shape its future development.

One indicator of the effectiveness of an operation is the generation of a safe and secure environment that is conducive to economic development, education and health care, and the growth of vibrant civil society organisations. These goals can only be achieved if women enjoy the same rights as men in shaping their immediate social environment.

3.1 To improve operational effectiveness – international PMSCs as SSR providers

International PMSCs can benefit enormously from the integration of a gender perspective into all aspects of their operations:

- Men and women usually have different experiences, needs and understandings of security and justice. In order to increase the chances of operational success, security personnel need to consider the impact of all of their activities on men, women, girls and boys in host communities.

- Gender training will also help staff adjust to the host community and will help them to be more responsive to

the cultural milieu in which they will work. Local acceptance of the presence of private security staff may be enhanced significantly if operators have undergone gender training tailored to the local situation.

■ Condoning and cultivating certain forms of aggressive behaviour is part of the institutional culture in many PMSCs and has, in the past, been linked to human rights abuses. Appropriate gender training, alongside training in international humanitarian law (IHL) and international human rights law (IHRL) for PMSC operators will help prevent human rights abuses and the concomitant loss of revenue and reputation.

Recruiting women into PMSCs is an important strategy for improving operational effectiveness. So far, men are highly over-represented in PMSCs, not least because the companies largely recruit former service personnel. The following points highlight, however, why women can have a positive impact on operational effectiveness:

■ Research shows that local men and women tend to see female staff as more approachable and less threatening, even in traditional societies. Thus, the presence of female staff can strengthen the legitimacy of a company and its operations amongst host communities. [13]

■ Female operators are needed for guarding buildings, road-blocks, airports, etc. to perform body searches on women. Women may also play a placatory role in potentially threatening situations during these searches.

■ When involved in SSR-related operations, female security operators can serve as positive role models for local women who are considering joining, for instance, the police.[14]

■ Female operators may be able to take a different approach in the detection of security risks, thereby potentially enhancing identification of the specific types of danger that women are exposed to in host societies.[15]

■ When gathering intelligence on safety issues ahead of a planned operation (such as ensuring the safe passage of a convoy or guaranteeing the safety of an individual client travelling in a high-risk environment) security personnel need to understand how to liaise with women as well as men in the population. In traditional societies, such as Afghanistan and Iraq, it is dangerous for a local woman to be seen speaking to male security personnel; she could, however, talk to a woman. Therefore, the employment of female staff can ensure a better utilisation of resources; the extraction/gathering of information may be more effective and the analysis of issues affecting local communities more accurate.

■ It must be kept in mind that the capacity of PMSCs to recruit large numbers of women is constrained by women's under representation in the military and the police, the main recruitment pools for PMSCs. As police and militaries increasingly strive to recruit more women, this provides a larger recruitment pool for PMSCs. Further, PMSCs can learn from good practices within militaries and police in recruiting and retaining female personnel.

> **See Tools on Defence Reform and Gender, Police Reform and Gender**

3.2 To improve staffing procedures and employment standards – PMSCs as 'subjects' of SSR

■ Macho subcultures, which can be found in the military and police, do not provide a hospitable environment for women. This must change if the skills of women are to be drawn on for the operations of PSCs and PMCs alike. One researcher has noted that as men test their masculinity against one another they must repeatedly reconstitute their bravado; one of the methods they employ to do so involves the objectifying, sexualising and/or diminishing of women.[16] Where they have female colleagues, this often takes the form of sexual harassment. Sexual harassment undermines an institution through a loss of productivity, lowered moral, absence from work, increased staff turnover, and hinders the integration of women. In the military, a study in the United States of America (US) has shown a strong correlation between the high incidence of sexual harassment, lower combat readiness and a poor leadership climate.[17] These impacts should be of serious concern to PMSCs also.

■ Gender trends in the security sector largely imitate the broader trends of the labour market. Namely, while women are entering the workforce, particularly in domestic PSCs, their integration is uneven and often they are given positions which are low in status, largely unskilled, and tedious.[18] Many women are subject to a form of 're-segregation' whereby they are assigned positions viewed as suitable for their gender.[19] In particular, women tend to be perceived as unsuitable for and excluded from jobs requiring: a great deal of authority, such as high-level management; physical strength; technical skills; exposure to physical risk or physically uncomfortable work environments; and involving authoritative social control, such as private police work.

■ Reducing gender discrimination, harassment and violence on the job will inevitably increase effectiveness and reduce friction both within the company and in the operating environment. It will also reduce existing macho occupational cultures, thus making employment in the industry of privatised security more attractive to women, who bring differing skills and experiences to their employers.[20]

3.3 To create an institutional culture that prevents misconduct and human rights violations – PMSCs as 'subjects' of SSR

■ A single case of major misconduct – especially when occurring in an environment of legal grey zones – can discredit the entire private security industry and thereby undermine international and local public trust in ongoing SSR operations by private actors.

■ Violent forms of masculinity are prevalent in militaries and (despite the absence of reliable data) it can be inferred that they are equally common in the private security sector.[21] Human rights violations, such as sexual exploitation, sexual abuse and other forms of GBV, must

be prevented by addressing the institutionalisation of violent forms of behaviour.

■ There have been instances of private security personnel, both male and female, being implicated in GBV including the sexual abuse of women, men, boys and girls. At the Abu Ghraib Prison in Iraq, a juvenile male detainee alleged that he was raped by a civilian interpreter working for the contract company Titan. At the same facility, allegations of sexually demeaning interrogation techniques have been made against a civilian employee of CACI Corporation. Neither cases have been prosecuted.[22] (Also see Box 8). Reporting of such incidents remains poor, however. Instances of GBV and sexual abuse can discredit both an individual company and, potentially, an entire operation.

■ There is a historical link between prostitution/sex work, the trafficking of women and children for the purposes of prostitution and the presence of regular armed forces.[23] Because of the tendency by PMSCs to draw employees from regular armed forces, it is likely that these linkages and practices also apply to private contractors.[24] The involvement of DynCorp personnel in illegal prostitution and trafficking in Bosnia (see Box 2) and the wrongful dismissal by DynCorp of one female employee and one male employee for implicating colleagues in forced prostitution served to tarnish the industry as a whole.[25] In Afghanistan, there have been reports that security contractors have fuelled the emergence of numerous brothels and are involved in trafficking of arms and women. They are also widely perceived to have been the cause of the deterioration of relations between the international (Western) community and local Afghan communities.[26] These examples starkly highlight the importance of addressing misconduct, including sexual exploitation and abuse by PMSC personnel, as well as the need for companies to have effective internal complaint procedures.

■ If security operators are involved in sexual assault, abuse, or the exploitation of local women, not only are they committing human rights violations, but they also cause increased security risks for their clients and for themselves. This poses a significant threat to operational success.

■ Private companies should take steps to address the risk of misconduct by their personnel. Industry-level discussions and training to eliminate GBV and improper sexual

conduct will address a *de facto* culture of immunity for gender-based crimes. It will also correct the false belief in some quarters that due to a gap in regulation, *de jure*, private security actors and their employees cannot be held responsible for violations of IHL, international criminal law or IHRL (see Section 5).

3.4 To improve coordination among agencies in peace support operations – PMSCs as actors in complex multi-agency operational environments

■ For the coordination of agencies and the organisation of interventions, it is critical to operational effectiveness that all actors, including private contractors, understand and agree to operational practices that will increase security for all members of the host society. This should specifically include measures to eradicate GBV, including sexual exploitation and abuse.

■ All actors involved in peace support operations have to know where they can report instances of GBV. Moreover, there should be mechanisms for the local community to report any such incidents to non-partisan third parties and to seek advice.

■ More broadly, for gender mainstreaming within peace and reconstruction operations to be fully realised, PMSCs need to be included in planning and implementation regarding gender mainstreaming.

■ Most actors in SSR would agree that better cooperation is necessary to achieve a higher degree of coherence and consistency, and avoid duplication, within the framework of peace support operations, SSR programmes and related fields. However, each organisation at present seems to be happy to take the lead and somewhat less prone to follow. This has clear implications for the viability of including gender in SSR. In particular, private companies involved in SSR may only accept orders from their client/donor organisation and ignore broader programmes within the donor community to include gender in SSR. This underscores the need for client and donor organisations to play a role in integrating gender issues into PMSCs.

Box 2	Illegal prostitution and trafficking in Bosnia

Contractors of the US company DynCorp Aerospace Technology UK Ltd were allegedly involved in illegal prostitution and human trafficking in Bosnia. The company was mainly providing services for the US military and the United Nations (UN) International Police Task Force, which was formed to monitor, advise, and train law enforcement personnel in Bosnia.[27] DynCorp personnel have been accused of frequenting brothels where women were imprisoned and of trading in under-age sex slaves.[28]

The accusations were made by another DynCorp employee, Kathryn Bolkovac, who was subsequently fired by DynCorp, but won a lawsuit for wrongful contract termination. While DynCorp dismissed the implicated personnel, no formal charges were made by Bosnian, British or US authorities. Uniformed peacekeepers were also accused, but a US Department of Defense Office of Inspector General case report noted that 'contract employees, while considered members of the SFOR and KFOR community, are not subject to the same restrictions that are placed on US Service members'; this included permission to live outside military installations and some companies' lack of monitoring of employee behaviour and misconduct. As a consequence, the likelihood of misconduct is greater among private military contractors than uniformed personnel.[29]

Box 3	Third party oversight of SSR activities in Croatia

Croatia provides a successful example of how PMSCs may be used to encourage institutional development and the transference of democratic norms within the security sector, including civilian control of the military, professionalism and respect for human rights. At the same time, the example demonstrates that third-party oversight of SSR activities is crucial to achieving the full potential of SSR programmes led by civilian contractors.

Beginning in 1994, MPRI signed a contract to help the Croatian government restructure its defence department.[30] Early on, the services Croatia purchased from MPRI were designed to help its armed forces prepare for eventual participation in NATO's Partnership for Peace (PfP) Programme. In this case, the contracts to professionalise the Croatian Armed Forces were justified by and operated under a specific international framework, NATO's Democracy Transition Assistance Programme, with the purpose of democratising the military and transforming the troop structure. Researcher Deborah Avant argues that the framing of privatised SSR through contractual obligations by international organisations may produce cases where PMSCs can have a positive effect on state-building, by influencing the impact of private forces on political processes and social norms on the use of force.[31]

4 How can gender be integrated into PMSCs?

The integration of gender into private security operations is challenging from several points of view. First, most contracts – be they with clients in the public or the private sector – rely on an extremely high degree of confidentiality. The terms and conditions of contract, or even the business relationship itself, are therefore rarely known to outside observers. This in turn makes it difficult to monitor the implementation of and compliance with human rights and gender-related standards and best practices.

Second, the transnational nature of the industry and a lack of political will make it challenging to hold companies accountable for their actions abroad.

Finally, convincing the commercial private security sector of the operational benefits of gender mainstreaming might be challenging at first because the cost of gender training and other initiatives might not translate immediately into commercial profit goals. The long-term advantages, therefore, have to be emphasised and clients have to use their leverage to impose standards and best practices.

Initiatives to integrate gender into PMSCs' operations, in particular SSR operations, should thus include combined approaches of:
- Including gender issues in contractual obligations and quality control processes.
- Developing specific internal policies on sexual harassment and abuse.
- Industry mainstreaming of gender issues in hiring, staffing, training and vetting, to improve professionalism and effectiveness.
- Including gender issues in evolving industry self-regulation.

National and international regulation of PMSCs as it concerns human rights violations, including against women, is discussed in Section 5.

4.1 Contractual obligations and quality control of PMSCs

Contracts are the most immediate tool through which standards and binding guidelines can be introduced to PMSC operations. Clients thus play a key role in shaping PMSC behaviour, especially if fulfilment of contractual obligations is monitored through regular audits and other quality control procedures.

It is therefore crucial for governments and other clients of PMSCs to include standards of good practice regarding gender issues in their contracts with PMSCs. For instance, there should be clear mechanisms of accountability; guarantees that human rights abuses will be prosecuted; assurances that personnel have completed gender training; and that PMSC staff have otherwise been sufficiently trained and vetted.

When PMSCs act as deliverers of SSR within host societies, donors, in particular, have to ensure that companies adhere to acceptable standards, including the integration of gender issues. This could be achieved through an accreditation system for SSR providers – who can be companies or individuals – which could be run by a government, an independent agency or an international body.

Quality control, auditing and review processes should accompany SSR operations. This ensures a satisfactory outcome to the operation and helps to improve future operations through the collection of data and lessons learned.

4.2 Include local PSCs in SSR processes

Another measure donors should take is the explicit incorporation of local PSCs in the SSR process. In developing countries, countries in transition and in post-conflict settings, PSCs are frequently a major source of insecurity and violence, including GBV. The main reasons for this include companies' close links to influential political movements; the collapse of law and order; and the reliance of former combatants on work in the private security sector to make a living after the end of war.[32] At the same time, however, the potential of PSCs to improve the security situation in a country, in particular for the more vulnerable members of society, has to be taken into account in any SSR

process. As Abrahamsen and Williams stress, '[i]n countries where private companies perform vital security functions, focusing on public security forces alone may significantly reduce the effectiveness of reform and, at worst, have unintended negative outcomes'.[33] Thus, gender issues could be introduced into a country's private security sector whenever PSCs are subject to a broader SSR process.

4.3 Policies and codes of conduct to address sexual harassment and abuse

As discussed in Section 3.2, PMSCs will benefit from reviewing and reforming staffing practices to ensure a non-discriminatory and inclusive work culture. In particular, companies need to address sexual harassment and/or assault, crude and offensive behaviour, such as inappropriate sexual jokes and comments made to other employees or about third parties, and sexist behaviour, including condescending or differing treatment of employees due to their sex or perceived gender roles.[34] This should also apply to company-sponsored events, and policies regarding rest and relaxation that might contribute to a discriminatory or offensive work environment and culture.[35]

PMSCs should therefore have clear policies and codes of conduct which include workable grievance procedures for complaints about sexual harassment, bullying and GBV. Four recent allegations of rape and sexual harassment of female civilian contractors by other male PSC employees in Iraq have highlighted this lack of clarity on internal codes of

conduct.[36] Policies should explicitly include prohibition of sexually abusive or exploitative behaviour or behaviour that might facilitate human trafficking. Complaints should be possible from PMSC staff, as well as from members of the local community within which PMSCs are working. Employers must make it clear to employees that no culture of impunity exists and that infractions of company policies will be dealt with firmly and will have legal consequences.

Box 4 is a checklist developed by the US National Center for Women and Policing of the type of information that should be included in a sexual harassment policy, which could be adapted by PMSCs to formulate appropriate internal polices on sexual harassment, bullying and GBV.

Once such a policy is developed, the following steps can be taken to promote effective implementation within the PMSC:

- Reinforcement of the importance of the policy by the head of the PMSC, such as by a communication to all personnel that there will be 'zero tolerance' for transgressors
- Establishment of mechanisms to monitor or report violations of the policy (including anonymous complaint processes)
- Wide distribution and posting of the policy in all PMSC workplaces
- Incorporation of the policy into the terms and conditions of contract for individual personnel (e.g. by having them sign a code of conduct)
- Training programmes for all personnel on or including the policy.[38]

Box 4	Sexual harassment policies should include: [37]

A statement that the organisation supports the rights of every employee to be free of sexual harassment in the workplace. Harassment based on gender, sex, race, sexual orientation, age, disability or other 'difference' is unacceptable.

A statement that offenders will be held accountable for acts of sexual harassment and disciplined appropriately.

A statement that supervisors and managers are responsible for maintaining a harassment-free workplace and that they will be held accountable for stopping and appropriately reporting harassment.

A statement that acts of retaliation against members who complain about sexual harassment shall be considered as additional acts of misconduct, and investigated and disciplined accordingly.

An explanation of the law prohibiting sexual harassment.

A definition and examples of harassing behaviours that can be easily comprehended.

Formal procedures to resolve complaints of harassment.

A process to encourage early intervention and resolution of hostile work environment complaints, such as ombudsperson programmes.

An assurance that complaints will be kept confidential to the extent possible.

A description of the level of discipline that may be imposed for violations of the policy.

The process for reporting complaints, with an emphasis on multiple places for filing complaints such as:
- Any department supervisor
- Any command officer
- A designated diversity coordinator
- The state labour division responsible for enforcing discrimination laws

Timelines for investigating and resolving complaints of sexual harassment.

A statement that complainants shall be notified of their rights, statutes of limitation for filing civil complaints and referrals to administrative agencies.

The names and telephone numbers of persons to contact if the employee has questions about the policy.

Box 5	Recruitment of women into the National Interdiction Unit, Afghanistan [46]

Since 2004, Blackwater USA, contracted to the US Drug Enforcement Administration (a component of the US Department of Justice) trains, mentors and supports the Afghan Ministry of Interior's (MoI) National Interdiction Unit (NIU) - an investigative narcotics unit working all over the country. To date, the NIU has been responsible for 50% of all drug seizures in Afghanistan. Blackwater recruitment for the NIU ran from August 2004 to August 2005. Since then, recruitment and vetting have been conducted by the MoI.

The NIU consists of 174 Afghan men and women. As of 2005, over 6% of all graduates from Blackwater's training programme were women. Before the first course took place in 2004 interviews with potential recruits demonstrated the interest of women in a career with the NIU.

Two women who participated in the first NIU training course are still working with the NIU. A woman was the honours graduate on the second course, demonstrating women are well able to perform on a par with men.

Each of Blackwater's courses lasts six weeks covering, amongst other things, training in firearms, first aid, negotiation techniques, searches, navigation, patrols, and intelligence gathering. The women carry out exactly the same exercises and duties as men, and all do so in uniform and with their hair uncovered. With the highest salary of all of the MoI's law enforcement programmes, men and women are paid the same wage.

The training programme is now being transferred into Afghan hands. Blackwater will soon begin a 'training of trainers' programme whereby trainers are recruited from within the NIU, which means that such a career would be open to both men and women.

4.4 Recruiting and retaining more women

Section 3.1 discussed the operational benefits of including women in PMSC work, especially as SSR providers. Companies need to know how and where to recruit female as well as male staff and operators.[39]

PMSCs can draw upon the wealth of experience in the police and military, as well as in other parts of the private sector, in promoting the recruitment, retention and advancement of women.

> See Tools on Police Reform and Gender, Defence Reform and Gender

A PMSC's strategy to target recruitment and retention of women should include:

- Assessment of current status: e.g.
  - How many women are working for the PMSC and in which roles?
  - How do women's salaries compare with men's at the same level?
  - Do current female employees (in focus groups and exit interviews) have any concerns regarding their work or work environment?
  - What are male employees' attitudes toward female colleagues?
- Assessment of current barriers to recruiting and retaining women: e.g.
  - Is recruitment largely carried out through an 'old boys' network? How can female former police and military personnel be recruited?
  - Do job descriptions and performance evaluations include the full range of skills needed – e.g. in SSR jobs – such as facilitation and communication skills, and the ability to work with people from different cultures?
- Reviews of policies and procedures: e.g.
  - What are the company's policies and practices on sexual harassment and sexual misconduct?

  - Does the company's health insurance cover everybody's (including women's) particular health needs?
  - Are equipment, uniforms and living quarters, where relevant, appropriate to both men and women?
- Analysis of problems, challenges and ways forward
- A plan of action, with targets, timelines, designated responsibilities and mechanisms for monitoring and follow-up

4.5 Employees' mental and physical health

A little researched area is the health and social impact on PMSC operators, arising from their work in high-risk, high-stress conflict areas such as Afghanistan and Iraq. New research and evidence suggest that contractors suffer the same kinds of combat-related mental health problems that affect returning military personnel.[40] The brunt of the effects of post-traumatic stress disorder (PTSD), for instance, are usually borne by the spouses and close relatives of PTSD sufferers; thus, those in the family home will be indirectly affected by events in the field.

Unfortunately, most contract employees are not provided with comprehensive briefs concerning the possibility of developing PTSD as well as its prevention and treatment; neither are they likely to receive treatment. In the US, there have been numerous cases where PMSC employees, not covered by the US Department of Veterans Affairs, were also denied treatment by insurance companies.[41] The US Army estimates that about 17% of personnel in Army combat units in Iraq showed symptoms of PTSD one year after their deployment, but this figure rises to 30-35% if one includes marital problems, alcohol abuse and other adjustment issues. A DynCorp study of their police trainers in Iraq similarly revealed that 24% of employees showed PTSD symptoms.[42]

The effects of these health issues extend beyond the individuals to affect their families and other social relations, sometimes in severe ways. Family violence in particular is

largely male violence against women and children. Companies need to be aware of these post-deployment issues and should provide resources for their employees upon return. Incorporating PTSD issues into pre-deployment training and post-deployment briefs should be a minimum requirement.

4.6 Vetting and training

As the industry of privatised security has exploded, the vetting of employees has become a problematic issue.[43] At a minimum, PMSCs should include thorough background checks that vet for criminal charges, human rights abuses and GBV in their recruitment processes.

Training deserves closer attention as well. Because employees and contractors usually have a military or law-enforcement background and because most well-established companies apply vetting and selection procedures, it is commonly assumed that additional training is either not necessary at all or only required in terms of refresher training. The requirement that personnel undergo additional training, specifically on IHL, IHRL and gender issues should be included in contractual obligations by clients. This will reduce the tendency for PMSCs to deploy new employees without adequate training.

4.7 Gender training

Training in identifying and addressing gender issues is important for everyone in SSR and related fields.[44] There are no general standards or commonly followed best practices for training, including gender training, of private security operators. PMSCs should integrate gender issues into all existing staff training. Ideally, these programmes should be ongoing and involve civil society organisations, such as women's organisations. Gender training could also be incorporated into a broader course of one to three days on international law and related issues.

Most importantly, however, gender training always has to be based on context-specific evidence in order to be effective.

> **See Tool on Gender Training for Security Sector Personnel**

Topics for gender training for PMSC operators and management personnel could include:[45]

- What does gender mean?
- Definitions of the core work of PMSCs and understanding the disaggregate impact on women and on men of all activities.
- Why incorporating gender can increase chances of operational success and effectiveness.
- Viewing your work through gender spectacles – how to include a gender perspective within your security operational work.

- Addressing gender in SSR (e.g. working with local women's organisations, recruitment of women into security forces).
- How to work with and protect female and male members of your host community.
- What does GBV mean? How can it be addressed?
- Company codes of conduct and zero tolerance policies on sexual harassment, sexual misconduct and sexually offensive behaviour.

4.8 Industry self-regulation and internal company codes of conduct

Gender mainstreaming should also be part of emerging self-regulatory frameworks that govern increasing parts of the industry. The setting and monitoring of standards in the area of gender could be done alongside other issues (such as human rights) in a comprehensive standards-setting process. In order to enforce standards and in order for self-regulation to work, a government mandate and a degree of government involvement is certainly desirable. Cooperation between the state and the industry on regulatory questions would, for instance, avoid the problem of driving companies underground if regulation becomes too cumbersome or too expensive. For instance, bids for competitive international tenders have to be produced according to tight schedules; if a company needs a bid to be signed off by the government where it is registered it might be tempted to move offshore or to a less regulated environment. At the same time, however, norms and policies regarding gender mainstreaming have to be audited and monitored, and the involvement of a government would certainly be beneficial.

Standards, in particular if they become compulsory, work in two ways. Firstly, they improve the performance, transparency and accountability of PMSCs. Secondly, they drive 'cowboys' out of the industry. However, these positive effects can only be achieved if enforcement mechanisms ensure companies' compliance with standards.

Codes of conduct at the company or industry-level may be one of the most effective means of promoting accountability, gender mainstreaming and respect for human rights by encouraging organisational and professional norms. The Canadian Security Association (CANASA), for example, includes in its code of ethics a detailed mechanism for complaints to be investigated by an ethics committee, with possible sanctions that include expulsion from CANASA.[47] The International Peace Operations Association (IPOA) Code of Conduct[48] and the British Association of Private Security Companies (BAPSC) Charter and Code of Conduct[49] are documents that could lend themselves to the inclusion of gender issues, in clauses on employment practices, respect for human rights, and sexual exploitation and abuse. The current absence of gender issues from these Codes of Conduct highlights the importance of creating awareness of gender issues within the bodies representing the industry.

However, despite reputational incentives to self-regulate, not all PMSCs adhere to an internal, association or external Code of Conduct. In 2006, the IPOA conducted a survey of its 30 members. 21% of the respondent companies admitted that they did not maintain and follow an internal Code of

Box 6	Self-regulation in the United Kingdom

The first steps towards the self-regulation of the industry were taken in early 2006 when the British Association of Private Security Companies (BAPSC) was launched. Against the background of the 'Iraq bubble', the British private security industry had grown disproportionately in the years 2003 to 2005, but was struggling with issues of legitimacy and respectability. Against the background of a complete lack of regulatory tools in the UK and in the absence of any government action in this area, the Association was therefore launched in order to regulate and control the UK-based industry. The BAPSC represents roughly 95% of the British industry by contract value, so any standards-setting efforts – if enforced appropriately – would have considerable effects on the market.

The strict membership criteria, including a thorough vetting process; the introduction of mandatory training courses in IHL and IHRL; and the development of a comprehensive Code of Conduct have made BAPSC an effective tool to raise standards in the industry. The British Government is therefore poised to give BAPSC a mandate for self-regulation.

Yet self-regulation can only ever be effective with some degree of government involvement. The development of an investigative capacity and the potential appointment of an ombudsperson in a government department would be two crucial tools whereby self-regulation could be made credible and effective.

Since private security operations are usually delivered overseas where audits can only be performed with difficulty and on an irregular basis, companies need to recognise that a real business advantage can be gained from the implementation of standards, including with regards to gender issues. Gender training in particular would ensure a better understanding of the benefits of gender mainstreaming for a company's operations.

Self-regulation provides a unique opportunity to introduce gender issues in the private security industry because the standards-setting process is inclusive and bottom-up. Moreover, the self-regulatory body knows the members of the Association and can discuss advantages and problems of gender mainstreaming on a bilateral basis if necessary.

Conduct. 14% of respondents also did not subscribe to any external Code of Conduct.[50] Moreover, self-regulation, by definition, cannot regulate companies that choose to stay outside a regulatory regime at the industry level. Self-regulation is therefore no silver bullet and only makes sense in the framework of a matrix of interlocking and, ideally, mutually reinforcing regulatory schemes at both national and international levels and at the level of the industry itself.

At the same time, however, advocating self-regulation has become the default position of the United Kingdom Government with regards to the regulation of most industries (see Box 6).

5 Addressing gender issues in international and national regulation of PMSCs

So far, only two countries have specific regulatory regimes for their national private security industries with operations overseas: South Africa and the US. However, both regimes are deeply flawed, as ongoing debates in both countries demonstrate.[51]

The development of regulatory regimes for PMSCs, both at national and international levels, should be guided by the existing international legal framework. A range of international and regional instruments and laws:

- Mandate the integration of gender issues into all aspects of peacekeeping and post-conflict resolution.
- Establish the possibility of states being held responsible for violations by PMSC personnel.

- Establish the direct accountability of PMSC personnel for violations of IHL, IHRL, international criminal law and national laws on extraterritorial crimes and wrongs.

While this section does not provide comprehensive recommendations for international or national regulation of PMSCs, it identifies relevant existing standards with particular reference to gender issues.

5.1 International human rights and international humanitarian law

International law does not explicitly regulate the activities of PMSCs and individual contractors. Specific norms in international law exist only in relation to the issue of mercenaries – a largely outdated term, which fails to adequately describe the modern PMSC phenomenon.[52] Nor do international or regional instruments enshrining the rights of women or children, or general human rights instruments, specifically address the private security industry.[53]

UN Security Council Resolution 1325 (UN SCR 1325) on women, peace and security focuses on gender mainstreaming in conflict resolution, peace-building, and post-conflict reconstruction but does not explicitly discuss the private security sector and how gender issues could be integrated.[54] The resolution does, however, call for gender perspectives to be mainstreamed into peacekeeping operations according to the Windhoek Declaration and the Namibia Plan of Action, including DDR and police and judiciary reform programmes; presumably this would include private contractors to UN peacekeeping missions.[55] Moreover, UN SCR 1325 declares that all peacekeeping personnel should receive special training on the protection, special needs and human rights of women and children in conflict situations. The resolution also reminds 'all parties to

armed conflict to fully respect international law applicable to the rights and protection of women and girls as civilians'.

State responsibility for human rights violations by PMSCs

Nonetheless, states have a duty to protect persons from human rights abuses. IHL standards are directly relevant because States can, and are in fact obliged to, implement them and thereby hold companies to account when they engage in behaviour that is detrimental to human rights. A good example is the **Convention on the Elimination of all Forms of Violence and Discrimination against Women** (CEDAW), which has been ratified by 185 states.[56] Article 2, for example, commits States to undertake a range of measures that impact on the private sector, such as:

- 'To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all 'Discrimination against women', (Article 2b).
- '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', (Article 2c).
- 'To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise', (Article 2e).

More specifically, the understanding of state responsibility for human rights violations has significantly widened in recent years to include not only violations of human rights by the state or its agents, but also positive obligations to prevent abuses by private actors. Under international law, states have a general obligation to act with 'due diligence' to prevent, investigate and punish international law violations and pay just compensation. States may be held responsible if they fail to exercise due diligence to prevent or respond to a violation of human rights by a 'private actor' (such as a PMSC).

A number of international legal instruments specifically confirm this due diligence obligation in relation to violence against women. In the **Declaration on the Elimination of Violence against Women**, adopted by the UN General Assembly in 1994,[57] Article 4 states that:

'… States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should: … (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'.

At the regional level, Article 7(b) of the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women** (1994) (Convention of Belém do Para) similarly requires that States 'apply due diligence to prevent, investigate and impose penalties for violence against women'; Article 125 of the 1995 **Beijing Declaration and Platform for Action** reaffirmed state responsibility to exercise due diligence to prevent, investigate and punish acts of violence against women committed by non-state actors.[58]

States are thus under a positive obligation to prevent, investigate and punish crimes associated with GBV and discrimination.[59] If the state fails to act with due diligence to prevent, investigate and punish abuses committed by private actors (including acts of GBV by PMSC personnel) it may also be responsible under IHRL.

Direct accountability of PMSC personnel

Staff of PMSCs can also be held directly accountable as individuals under IHL if the latter applies during an operation, i.e. if the operation is conducted in a zone of armed conflict. According to IHL, PMSC staff have the status of civilians (unless they are part of the armed forces of a state). They can face individual criminal responsibility for any war crimes they may commit. Any prosecution of crimes would usually require action by states, the enforcers of both IHL and IHRL in most jurisdictions. State action in this area is currently largely absent. The potential for the International Criminal Court (ICC) to try PMC personnel for war crimes should also not be discounted. The Rome Statute of the ICC recognises and prosecutes sexual and GBV as war crimes and crimes against humanity.[60]

One reason for the lack of state action may be the practical difficulties concerning the conduct of investigations for a criminal case in a high-risk or hostile environment. A further reason may be political expediency. Governments can use PMSCs as a convenient political tool in a conflict or a post-conflict mission, either to ensure deniability, especially if a mission fails, or to cover the death of individuals working on a dangerous operation – after all a contractor's death matters less in public consciousness than the death of a soldier. This implies that it may not necessarily be in the interest of governments to impose tight regulation and oversight on PMSCs since regulation can, of course, increase a government's accountability for the actions a PMSC performs in its name.

5.2 National legislation and guidelines for extraterritorial crimes and wrongs

Even if private companies could be held legally accountable by international legal frameworks on human rights, these obligations would most likely have to be enforced through legislation and legal systems of individual states.[61]

At the moment, only very few countries, notably South Africa, Switzerland and the US have taken legislative measures to regulate PMSCs registered in their territory or ban their citizens from working as mercenaries, in an effort to prevent violations of international law and human rights.[62] Since the US Government and US PMSCs are amongst the most significant actors in SSR activities worldwide, it is worthwhile examining the regulatory environment in the US in more depth.

For contractors with agreements with the US Government, applicable instruments include the US Military Extraterritorial Jurisdiction Act (MEJA)[63] and the Uniform Code of Military Justice (UCMJ).[64] Both laws proscribe gross misconduct, such as rape or homicide. Although, theoretically, both instruments can already be used, major debates are being

conducted regarding the constitutionality of some aspects of the UCMJ and the feasibility of applying MEJA. As to the UCMJ, it is unclear how an amendment making the law germane to military contractors in contingency operations, as well as in times of war, will apply to non-US companies and nationals as well as to contractors who are working for clients other than the US Government. Similar challenges apply to MEJA, although the act does not apply to non-Defence Department contractors, such as those on contract to the Department of the Interior.[65] An additional problem for the enforceability of MEJA is the complicated and expensive nature of extraterritorial prosecution: witnesses have to be questioned and evidence has to be produced thousands of miles from the US mainland. Although it has been suggested that approximately twenty civilian contractors (working for the military or CIA) have been implicated in cases of abuse of detainees in US custody in Afghanistan, Guantanamo Bay and Iraq, thus far only one, a CIA contractor, has been prosecuted by the US Department of Justice for committing acts of torture in Afghanistan (see Box 7).[66]

Further, regulation of PMSC personnel can be directed at specific illegal behaviour. For example, the US Trafficking Victims Protection Act (TVPA) establishes the jurisdiction of US courts over federal government employees and contractors accused of trafficking offences committed abroad. Enforcement of the TVPA should be strengthened through regular compliance audits of contractors and subcontractors, and other states should be encouraged to adopt similar legislation and compliance mechanisms.

There are several practical problems that may be raised with respect to national legislation and guidelines regulating the privatisation of security. For example, states have a duty to protect persons from potentially harmful activities by companies and private actors within their own territory and within territories under their control (e.g. during an occupation). However, there is no corresponding obligation within IHRL to establish extraterritorial jurisdiction to protect potential victims who are under the effective control of a third state, unless the violations are subject to universal jurisdiction as grave breeches of the Geneva Conventions or other serious violations of human rights, such as genocide

and apartheid. If a company operates outside the state in which it is registered, the state of registration only has 'the obligation to enact legislation and regulations to prevent the abuse of human rights by the company registered in its own jurisdiction *as far as possible'*.[68]

Many states where PMSCs operate do not have the political will or the capacity to protect persons within their own territory from the actions of PMSCs. This is especially the case in failing or failed states where the legal system has effectively ceased to function. This has led one legal advisor with the International Committee of the Red Cross (ICRC) to remark that 'the lack of accountability in the state in which companies carry out activities, especially in situations of conflict, combined with the lack of enforcement in the state of registration because of procedural obstacles or the lack of legislation can lead to serious protection gaps'.[69]

The pursuit of a violation of human rights in a third state is difficult, and few states recognise the criminal responsibility of companies.[70] There is, however, the possibility of civil litigation for damage suffered in another state in a number of national legal systems, such as those of the UK and the US. This option has yet to be fully explored, but companies are expecting lawsuits under instruments such as the Alien Torts Claims Act (US) and vicarious liability in English law. Vicarious liability is legal responsibility imposed on an employer for a tort (civil wrong) committed by his employee in the course of his employment.

Civil litigation is currently occurring in four cases being brought before the civil courts in the US for alleged sexual harassment and rape perpetrated in Iraq by employees of the contractor Kellogg, Brown and Root. (See Box 8). This demonstrates that internal investigations are not sufficient and that companies should pass on any cases concerning allegations of sexual harassment and rape to the relevant authorities as a default policy.

Box 7	United States of America v. David A. Passaro [67]

One example where national law was applied effectively was the case of David A. Passaro, an independent contractor working in Afghanistan on behalf of the CIA. In June 2003, he was engaged in paramilitary training activities in support of the US military at the Asadabad Base in Kunar Province, North Eastern Afghanistan.

Abdul Wali, a local Afghan farmer, was among a group of individuals who were suspected of perpetrating attacks. On 18 June 2003, Wali voluntarily turned himself in to American forces at Asadabad Base after being assured of his safety.

Passaro tortured Wali during interrogation while at least three paratroopers from the Army's 82nd Airborne Division watched. Witnesses said Passaro enthusiastically volunteered to interrogate Wali and became enraged when he wasn't able to answer questions, evidently because Wali had nothing to do with the rocket attacks. According to the prosecutors, Wali, whilst chained to the floor and wall of a cell, was tortured and beaten by Passaro on the arms, wrists, knees and abdomen using a metal flashlight, closed fist and shod foot. Passaro also, on at least one occasion, kicked Wali in the groin and his prostrate body. On 21 June 2003, Wali was pronounced dead.

On 17 June 2004, Passaro was the first civilian to be charged in connection with prisoner torture in Afghanistan and Iraq and the first American charged under the USA PATRIOT Act, which extended the jurisdiction of US prosecutors overseas.

Passaro was found guilty of one felony and three misdemeanour assault charges and sentenced by a North Carolina Federal Court in February 2007 to serve a term of 8 years and 4 months.

Box 8	Civil action against Kellogg, Brown and Root over rape and sexual harassment

The plaintiffs, employees of Kellogg, Brown and Root (KBR), claim that they encountered a sexually-charged, alcohol-fuelled atmosphere in 2004-2005, where women were repeatedly demeaned and solicited for sex despite reporting harassment to supervisors. One suit alleging rape claims that '[t]his attack never would have occurred but for the 'boys will be boys' attitude that permeated the environment that the defendants first created, then failed to warn (the women) about – an environment that was excused, if not encouraged, and of which the defendants had ample prior notice'.[71] Despite the fact that KBR claims to have fully investigated this case of rape, the US Equal Employment Opportunity Commission found that the company's internal investigation of the incident was inadequate and did not offer an adequate remedy.[72]

5.3 Non-binding international guidelines

One example is the Code of the Voluntary Principles on Security and Human Rights, adopted in 2000 by governments, corporations in the oil and extractive industries, NGOs and observers.[73] The Voluntary Principles provide clear guidelines for interactions between companies, and private security providers; gender issues could be incorporated in the implementation of the Voluntary Principles at the company level. A more recent example is the Sarajevo Code of Conduct for Private Security Companies, which was drafted by industry representatives from South Eastern Europe and the UK as well as a number of representatives of NGOs and international organisations.[74]

These international guidelines cover a variety of areas where gender issues could be integrated, such as hiring practices, training and respect for human rights. However, as with the company and industry-level codes of conduct, these instruments are purely voluntary and thus far only involve a fraction of the hundreds of PMSCs operating globally. They also tend to be the lowest common denominator which various stakeholders could agree on.

A more promising initiative has been launched by the Swiss Government in cooperation with the ICRC, which encourages states to promote and ensure respect for IHL and IHRL by PMSCs operating in conflict situations. The drafting of a code of conduct for international PMSCs is being considered, and gender issues are likely to be included.

5.4 Other relevant international instruments

There are other international 'soft law' standards which might be of particular relevance to PMSCs that use force.[75] Examples include the UN Code of Conduct for Law Enforcement Officials; the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials; the Standard Minimum Rules for the Treatment of Prisoners; the Basic Principles for the Treatment of Prisoners; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. While these international instruments have been established to apply to states and their agents, clients and hiring states could make contractual references to them as standards.

6 Integrating gender into PMSCs in specific contexts

6.1 Conflict and post-conflict countries

In conflict and post-conflict countries there is usually a shortage of public security services, and PMSCs frequently fill the gap. The dynamics in post-conflict countries are of particular interest because the recent boom in the private security sector worldwide has largely taken place in post-conflict countries, and in particular in Afghanistan and Iraq. The problems, challenges and opportunities for the use of private contractors to provide security in these two countries are highly idiosyncratic. They are therefore unlikely to be encountered again in a different setting in forthcoming years. However, because a significant presence of PSCs will still be required in both Afghanistan and Iraq for at least another five to ten years, it is crucial to consider these cases in more depth.

Reliable figures on the number of PMSCs – both local and international – in Afghanistan and Iraq are hardly available. Estimates within the industry suggest that there are about 20,000 to 25,000 private security contractors in Iraq. It is not always clear whether these figures include local Iraqi forces or not, but according to the Private Security Company Association of Iraq (PSCAI) only about half of them are from foreign countries, of which 5,000 are from Western countries and even more are nationals of third countries. Because no data is collected centrally it is also not known how many foreign contractors provide support services, such as cooking and cleaning, to the foreign forces and the PMSCs in the country today. Estimates on the number of private security contractors in Afghanistan range from 18,500 to 28,000.[76] This figure seems to include local forces but again there is no reliable data available.

Afghanistan and Iraq have highlighted the globalised nature of the private security industry and growing inequalities. PMCs and PSCs operating in these two countries have hired thousands of employees, mostly poor and under-employed men from the developing world, often at wages only one tenth of the salary of Western contractors performing similar duties.[77] Workers recruited by Middle Eastern labour brokers hail from impoverished countries such as Bangladesh, Nepal and the Philippines; they do menial labour for PSCs, such as cooking, serving food and cleaning toilets.[78] Other

contractors, former combatants from countries such as Fiji and Uganda, and from all over Latin America, more typically take up dangerous physical protection and military support duties.[79] Guards from these countries are often preferred by US companies because they are familiar with US weapons and security procedures, having been trained by American instructors during their military service.

Post-conflict reconstruction efforts in Afghanistan and Iraq largely account for the so called 'bubble', i.e. the unexpected inflation of business opportunities for PMSCs in the private security industry in recent years; and have opened up new directions for the development of the overall market. Due to the proximity to the post-conflict reconstruction effort, international PMSCs started to develop significant capacities in new areas such as SSR, DDR, development and disaster relief. With an imminent 'burst' of the bubble it can be assumed that these areas will become real growth areas for a specialised subset of the private security sector. This is therefore the time to create meaningful guidelines on gender issues for international PMSCs who are involved in these activities. These guidelines (both generic and context-specific) have to be developed in close cooperation with PMSCs and their industry associations such as the IPOA, the BAPSC, the PSCAI and the Private Security Companies Association in Afghanistan (PSCAA), as well as with government representatives and donor organisations. Only the inclusion of all stakeholders will guarantee the effective implementation, monitoring and enforcement of guidelines and standards.

Civilians, especially women, children and the elderly, are particularly vulnerable during conflicts and in their aftermath. Rates of GBV in the post-conflict period usually remain significant.[80] Thus, it is imperative that employees of PMSCs operating in a post-conflict environment be aware of and receive special training on the protection, special security needs, and human rights of women, girls and boys in conflict and post-conflict situations. Employees or contractors should also be given clear instructions on Codes of Conduct and zero tolerance policies, including as regards the sexual exploitation and abuse of vulnerable members of the host community and other PMSC employees. This sort of pre-deployment training already exists for many national armed forces engaging in international interventions, due to the mainstreaming of gender considerations in the UN peacekeeping and peacebuilding operations.[81]

Post-conflict situations also provide unparalleled opportunities for societal change where gender discrimination can be redressed and gender roles re-defined. Contractors, especially those involved in SSR activities, such as police and military training, should pay special attention to gender and human rights issues. These may include GBV, dealing with vulnerable members of society and supporting increased opportunities for women in the security sector. Liberia, for example, has adopted a 20% quota for women's inclusion in the police and armed forces,[82] meaning that PMSCs working with the Liberian police or military need appropriate skills to work with new female recruits. PMSCs, where they provide significant services in the implementation of SSR activities, should be included in the planning of gender mainstreaming from the beginning.

In post-conflict countries, it is also vital to include the local private security sector in all SSR processes, to prevent the emergence of an unaccountable and effectively parallel sector in competition with reformed state security provision. Such parallel structures would significantly increase the risk of human rights abuses, GBV and other crimes. The international community, donors and SSR providers therefore have to develop, ideally on a case-by-case basis, clear policies on the incorporation of gender issues in their SSR operations that affect local PSCs. Lessons learned and best practices then have to be collected and made available for other SSR operations. More specifically, in many post-conflict countries, demobilised former members of the military and security forces often find work in the police and private security industry (see Section 6.2). Female former combatants and former supporters of armed groups should be fully involved in DDR processes, including their possible entry into the private security industry as part of their reintegration and as a source of civilian employment.

Challenges and opportunities for the integration of gender issues in post-conflict countries:

- PMSCs can be valuable players in any post-conflict reconstruction and SSR effort. They are almost always seen as 'ambassadors' of Western countries by host communities. Because PMSCs will respond to clients' demands, there is a real opportunity today to create standards and regulations that make PMSCs legitimate partners in overall operations. Clients and donors can, and should, insist on integrating gender issues in contracts with PMSCs.

- A post-conflict environment does not always provide legal clarity, but this does not mean that contractors operate in an environment of impunity. Improper sexual conduct, involvement in illegal prostitution or GBV must not be tolerated, either in regards to the host communities or other employees of PMSCs.

- In order to increase the effectiveness of their operations, PMSCs need to recruit more female staff for SSR work, such as police reform. This challenges PMSCs to ensure that their professional environment is one that is conducive to recruitment and retention of female staff.

6.2 Developing countries

Overall, developments in the private security market in developing countries are more staggering than in the developed world: the fastest growing markets are to be found in Africa, China, India and Latin America.[83]

The developing world, and in particular Sub-Saharan Africa, has seen increasing privatisation of predominantly domestic security services, such as policing. Although the two phenomena of private security provision at the domestic and the international level need to be distinguished analytically in that they are caused by different circumstances,[84] they are both linked to structural changes in the social, economic, political, and strategic spheres that are truly global in nature.[85] In other words, processes of globalisation facilitate the conduct of business and the exchange of ideas across borders and thereby lead to the reproduction of models of controlling violence and dealing with security challenges. At the same time, both the demand and the supply of private security services are becoming increasingly globalised and 'commodified'.

In Africa, some of the reasons for the exponential growth of the private security market include: the downsizing of the armed forces after the Cold War; global processes of market liberalisation; the proliferation of arms and small weapons; and a general situation of insecurity.[86] One of the most important enabling factors for the emergence of private security forces is, supposedly, weak state capacity and the concomitant security vacuum in large parts of Africa.

Problems common to many African states are a pervasive sense of insecurity, a low level of trust in public security forces, general poverty and the exploitation of security guards through long working hours and extremely low salaries, thereby making them prone to involvement in criminal activity. Ameliorating the work conditions and salaries of local private security guards is likely to improve the socio-economic situation for a vulnerable sub-section of the workforce, namely, poor, uneducated men who, in many cases, have migrated to urban centres from rural areas.

In some countries, such as Angola and Sierra Leone, PSCs are the main labour market for former rebels and insurgents. The demobilisation of UNITA in Angola in 2002, for instance, made a cheap labour force with military skills available to emerging PSCs. 35,715 people are now employed by the 307 PSCs in the country. One of the main challenges in Angola is the continued use of unregistered 'weapons of war', such as AK-47s, by private security guards. This not only perpetuates a culture of war but also spurs involvement in criminal activities and human rights abuses, in particular in the diamond regions, by PSC staff. Recently, there have been initiatives to include PSCs in human rights training designed for the National Police Forces and provided by the UN Office of the High Commissioner for Human Rights (OHCHR) in Luanda. However, in the absence of systematic monitoring efforts, the long-term effects of the training are questionable.

In Sierra Leone, the private security sector is growing as well and provides employment opportunities for former combatants of the civil war that ended in 2002. In total, 3,000–5,000 people may be employed by PSCs today. Serious disputes exist over the arming of PSCs and the unequal treatment of foreign and local PSCs by the government. Both these issues, as well as the problem of exploitation of guards by local PSCs can only be resolved through the introduction of standards, regulation and oversight, which are currently absent.[87] It must be acknowledged, however that the challenges to the accountability of both local and international PMSCs operating in post-conflict environments are mainly due to weak structures which fail to ensure the rule of law.

Moreover, public and private security actors in African states are usually 'closely connected through increasingly networked security structures'.[88] Political leaders, state officials and military officers very often (co-)own PSCs; they may therefore have a personal interest in avoiding regulation or the prosecution of individual companies and/or contractors involved in human rights abuses and other crimes.

At the same time, international PMSCs sometimes avoid government regulation in the state where they are incorporated by claiming that they are held accountable by the local laws of whatever country they are operating in. While this may be technically true, the laws and enforcement capabilities of the host country are all too often inadequate.

Capps argues that 'if the locals do attempt to do something, the company pulls them out [of the country] because they'd rather not see their own employee get prosecuted. "It's bad for business".'[89] These challenges of accountability especially apply to PMSCs operating in post-conflict environments or in failed states, where institutions to ensure the rule of law are either inadequate or no longer functioning.

Challenges and opportunities for the integration of gender issues in developing countries:

- As PSCs in the developing world are increasingly providing security in public and private spaces, the lax control of registered arms is a growing concern and may increase the risk of GBV.
- Local PSCs in developing countries, as well as international PMSCs, tend to recruit their most vulnerable and lowest paid employees from marginalised groups in the developing world. These employees are often poor, uneducated, rural men, many of them former soldiers, who have been improperly demobilised and reintegrated into their societies. Enormous challenges flow from these practices and must be addressed by donors, governments and companies alike. However, with fairer wages and better benefits (in comparison to their colleagues from the developed world), greater gains towards employment equity could be achieved.

6.3 Transitional countries

The dynamics behind the emergence of private security companies are different again in transitional countries in Central and Eastern Europe and Russia. The often inflated security sector during the Communist era was radically downgraded after the end of the Cold War and left hundreds of thousands of security personnel without jobs. At the same time, the security situation deteriorated and crime rates rose, which prompted some of them to form legitimate private security businesses and others to operate at the margins of legality.

Most importantly, however, the private security sector in countries of the former Soviet Union cannot be understood through a 'Western' perspective of the public-private divide. On the contrary, the interests of state officials and PSCs are often inseparable and it would be more appropriate to speak about the commercialisation' rather than the 'privatisation' of security.[90] The private security sector in the Commonwealth of Independent States, and in particular in Georgia, Russia and Ukraine, is of significant concern because of insufficient or ineffective regulation and clashes of interest between various actors in the field. As Hiscock notes, 'perhaps the greatest concern is that private security governance does not appear to be regarded as an important issue. If there are few mechanisms for either parliament or the public to exercise democratic control over the sector, this is due in large part to a lingering Soviet attitude that the security sector as a whole is a matter for the state alone'. So far, PSCs are not part of any SSR efforts and data on the size and the activities of the private security sector are practically absent.[91]

In Russia, there is also the more recent phenomenon of authorised armed security units protecting and defending the country's two biggest energy monopolies, Gazprom and

the oil pipeline company Transneft. Under the deal, 'both companies will for the first time be allowed to employ their own armed operatives instead of contracting outside security firms. Their armed units will also have access to more weapons and freedom to use them than other private security companies'.[92]

Against this background it becomes clear that reforming the private security sector in several countries of the former Eastern block constitutes a particular challenge. Corruption, organised crime, and weak state capacity have so far prevented the introduction of effective oversight. At the same time, however, the private security sector is a growth sector. In Bulgaria, for instance, about nine percent of the male workforce is now employed to perform private security-related jobs; yet the country's private security sector seems to be the most criminalised among the countries in the region.[93]

Research suggests that best practice from developed countries cannot easily be introduced in the private security industry of transitional states. Rather, PSCs have to be made part and parcel of a comprehensive SSR process that addresses the challenges stemming from high levels of organised crime, an ineffective judiciary and overall poor state capacity.[94] Effective intervention by the state in terms of regulation and legislation may be more urgent here than in other parts of the world.

Challenges and opportunities for the integration of gender issues in transitional countries:

- The most challenging aspects of private security activity in transitional countries are control and oversight. These tend to tie in with gender-related issues as the lack of oversight can create a climate of impunity which enables GBV and discrimination.

6.4 Developed countries

In the developed world, the rise of private security services in the past twenty years can be attributed to several simultaneous trends. The most important one is probably the move away from the Keynesian welfare state towards neo-liberal economic policies from the 1970s onwards. Together with more recent phenomena such as the adoption of New Public Management practices it brought about an increasing role for the private sector in formerly state-run and state-controlled areas. At the same time, Western societies have become increasingly risk-aware and risk-adverse, and public security forces are not always seen as countering risks and threats appropriately.

Women are making the most inroads in the private security industry in developed countries. Although the literature about gender issues and privatised security is very limited, sociological research suggests that women suffer from a kind of re-segregation and marginalisation within companies due to gender stereotypes about their social, physical and technical abilities. One study on gender issues in the domestic private security industry in Canada found that gender segregation did not necessarily occur based on companies' recruitment and employment policies; rather, it seemed to be a result of the locations where operations were taking place, as well as the specific demands of the

clients. Employers tended to refuse to send female guards to dangerous sites and preferred to create teams where many other women were present.[95] Moreover, female security guards were only assigned to patrol high-risk sites if partnered with a male colleague. Women also tended to be placed on day shifts to 'avoid difficulties'.[96]

On the other hand, although there is still resistance to women engaging in uniform-related or physical security work there are opportunities for them in areas such as covert security operations.[97] This suggests that gender roles and stereotyping need to be examined in greater depth to assist in the de-segregation of work assignments and in the promotion of female employment in the private security industry.

Another important issue for the private security sector in developed countries is the link between private security activity and policies and regulations on firearms. As the researcher Rela Mazali has noted on the situation in Israel, there are worrying links between the occurrence of domestic violence and murder of women by their intimate partners and firearms licensed to private security officers.[98] Guards working for a rising number of private policing firms, despite rules on safe gun storage, tend to take their guns home. A lack of monitoring by the companies, police and the municipality is resulting in the improper use of these registered weapons in the private sphere, including the abuse and murder of women.

Challenges and opportunities for the integration of gender issues in developed countries:

- The re-segregation and the marginalisation of female staff within the security industry have to be overcome, and countered by the targeted recruitment and promotion of women within PMSCs. The commercial advantages and operational benefits of hiring female staff should be considered more seriously.

7 Key recommendations

1. **Regulation:** Governments and PMSCs should develop – and where relevant strengthen – statutory regulation and self-regulation of PMSCs, both at national and international levels.

2. **Monitoring and reporting of gender-based violence:** Governments and PMSCs should develop, both at national and international levels, monitoring and reporting mechanisms to address both the threat and the occurrence of sexual and physical violence associated with private security personnel, especially those tasked with post-conflict protection.

3. **Contracts and quality control:** Clients of PMSCs should incorporate ongoing quality control measures and existing United Nations and donor standards on gender mainstreaming and respect for international humanitarian law and international human rights law into contracts signed with PMSCs.

4. **Industry standards on gender issues:** Civil society, industry associations, governments, international organisations and PMSCs should develop and implement policies and standards on a variety of issues concerned with the integration of gender in PMSCs, such as vetting of employees, hiring and staffing practices, sexual harassment and abuse policies, complaint procedures and gender training.

5. **PMSCs' codes, policies and procedures:** PMSCs should develop clear Codes of Conduct and zero tolerance policies on sexual misconduct and exploitation. These should be communicated clearly to employees and contractors before deployment, and be part of their own conditions of employment.

6. **Recruiting and retaining more women:** PMSCs should develop plans of action to recruit and retain more women, and to make their work environment supportive of both male and female staff.

7. **Vetting and training:** PMSCs should improve vetting standards for private security personnel, to ensure those who have committed human rights violations or gender-based violent crimes are excluded.

8. **Gender training:** PMSCs should implement gender training for all personnel, to build their capacity to integrate gender issues into operations.

9. **Research:** The academic community should engage in more empirical research on the private security industry, in particular in host countries. This should include the disaggregated impacts of private security on men and women, and research on the operations and the performance of PMSCs involved in SSR.

8 Additional resources

Useful websites

ICRC, *Privatisation of War*,
http://www.icrc.org/web/eng/siteeng0.nsf/html/privatisation-war

Swiss Federal Department of Foreign Affairs, *Private Security Companies*,
http://www.eda.admin.ch/eda/en/home/topics/intla/humlaw/pse.html

Practical guides and handbooks

DPKO, *Gender Resource Package for Peacekeeping Operations* (DPKO: New York) 2004.
http://pbpu.unlb.org/pbps/library/GRP%20Full%20Version.pdf

Online articles and reports

Avant, D.,*Opportunistic Peacebuilders? International Organizations, Private Military Training and State-building after War* (Research Partnership on Post-war State-building: Washington DC) 2006. http://state-building.org/resources/Avant_RPPS_October2006.pdf

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Books and other non-online publications

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4 The distribution of these different services differs highly according to any given national context. The US industry, for instance, delivers roughly 90% of its services to the US Government: only about 10% of its income is generated through contracts with other commercial entities. In the UK, this ratio is exactly the reverse. It is therefore no coincidence that the term 'PMC' is perfectly legitimate and acceptable for most companies in the US, but not in the UK. The difference at least partly reflects the business these companies are taking on.

5 Adapted from Organisation for Economic Co-operation and Development (OECD), 2007: 211.

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Private Military and Security Companies and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into private military and security companies (PMSCs), as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the ***Gender and SSR Toolkit***. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to private military and security companies?

Private Security Companies (PSCs) are defined here as 'companies that specialize in providing security and protection of personnel and property, including humanitarian and industrial assets'.[1] This means that their services are not necessarily armed; their operations are defensive rather than offensive in nature; and they cater to a large group of customers, including governments, international agencies, non-governmental organisations (NGOs), and commercial organisations.

Private Military Companies (PMCs) 'are private companies that specialize in military skills, including combat operations, strategic planning, intelligence collection, operational support, logistics, training, procurement and maintenance of arms and equipment'. This implies that their clients are usually governments, but may comprise insurgents, militia groups and other armed factions.[2]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values, that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Gender mainstreaming
The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.

To improve operational effectiveness

- Men and women usually have different security and justice needs and experiences. Thus, in order to increase the chances of operational success, security personnel need to consider the impact of all of their activities on local women, men, boys and girls.

- Awareness of culturally-specific gender issues will help staff to adjust to the host community and to be more responsive to the cultural milieu in which they will work, which can enhance local acceptance of the presence of private security staff.

- Female operators are needed to conduct searches on women and gather accurate intelligence, and may be able to take a different approach in the identification of security risks.

Box 1	PMSCs and self-regulation

Self-regulation through industry associations is especially important where government regulation is either inexistent or insufficient. Self-regulation is a critical mechanism to improve standards for PMSCs:

- Standards work in two ways. Firstly, they improve the performance, transparency, and accountability of PMSCs. Secondly, they drive 'cowboys' out of the industry. However, self-regulation is no silver bullet and is most effective in a context of interlocking and mutually reinforcing regulatory schemes at the industry, national and international levels.

- Compliance with standards in hostile environments may be monitored by an industry association.

- A self-regulatory body could discuss advantages and problems of gender mainstreaming on a bilateral basis with individual companies if necessary.

■ There is evidence that local men and women tend to see female staff as more approachable and less threatening, even in traditional societies. Thus, the presence of female staff can strengthen the legitimacy of a company and its operations amongst host communities.[3] Female staff may also serve as positive role models for local women who are considering joining security sector institutions.

To improve staffing procedures and employment standards

■ Men are highly over-represented in PMSCs not least because the companies largely recruit former service personnel. Gender mainstreaming can improve staffing procedures and employment standards within PMSCs to ensure a non-discriminatory and inclusive work culture.

To prevent misconduct and human rights violations

■ Condoning and cultivating certain forms of aggressive behaviour is part of the institutional culture in many PMSCs and has, in the past, been linked to human rights abuses. Appropriate gender training for PMSC operators, alongside training in international humanitarian law (IHL) and human rights law, will help to prevent human rights abuses and the concomitant loss of revenue and reputation.

■ Addressing a perceived culture of impunity will benefit the reputation of individual companies and the industry as a whole.

To improve coordination among agencies in peace support operations

■ Many clients of PMSCs, like the United Nations and donor governments, have already mainstreamed gender concerns into their peace support operations and post-conflict reconstruction projects, including SSR. Inclusion of gender considerations by PMSCs would improve coordination regarding the gender policies of all actors operating in complex multi-agency environments.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender into PMSCs is not only a matter of operational effectiveness; it is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

■ *The Beijing Declaration and Platform for Action* (1995)

■ *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into PMSCs?

Establish gender-responsive standards and procedures

In order to improve standards for PMSCs, a combined approach of contractual obligations on the one hand and regulatory processes on the other is necessary. Clients play a key role in shaping the behaviour of PMSC personnel, especially if contractual obligations are backed up through regular evaluation.

■ Integrate gender issues into the emerging self-regulatory frameworks that govern increasing parts of the industry (see Box 1). The setting and monitoring of standards in the area of gender could be carried out alongside other issues such as human rights.

■ Include compliance mechanisms and internal reporting procedures on sexual harassment, bullying and GBV in company and industrial codes of conduct.

■ Introduce mechanisms for the local community and/or other personnel to report incidents of GBV, discriminatory behaviour or misconduct to an independent authority empowered to investigate.

■ Establish and implement transparent policies and procedures that govern investigations of misconduct, impropriety and criminal activity in order to eliminate impunity.

■ Conduct background checks on all potential PMSC personnel, in particular for prior criminal charges, human rights abuses and GBV.

Implement inclusive and non-discriminatory human resources policies and practices

Review and, where necessary, reform recruitment processes and human resources policies to ensure a non-discriminatory and inclusive work culture, in particular by addressing issues such as the recruitment, retention and promotion of women; sexual harassment; and discriminatory behaviour.

Draw upon the wealth of experience in the police, military and the private sector in promoting the recruitment, retention and advancement of women.

Conduct gender training

Integrate gender issues and gender-awareness training into the basic training given to PMSC personnel (see Box 2):

- Tailor training to the specific local situation, in order to optimise the effectiveness of the operation.
- Involve civil society organisations, including women's groups, in the design and delivery of gender training.
- Include in the gender training:
  - How to respond to the distinct needs of both female and male clients.
  - How to interact appropriately and effectively with victims of GBV.
  - Internal human resources policies, in particular norms on sexual harassment.

Monitor and evaluate

- Governments should develop national and international monitoring and reporting mechanisms to oversee the PMSC industry that include a focus on human rights violations, including GBV.
- Clients of PMSCs can monitor the fulfilment of contractual obligations through regular audits and other quality control procedures. It is therefore crucial for clients to include standards of good practice on gender issues in their contracts with PMSCs.

Also available in Tool 10...
- Discussion of the roles and services provided by PMSCs
- Checklist for sexual harassment policies
- Model strategy for increasing female recruitment and retention
- Gender issues in international and national regulation of PMSCs

Conflict and post-conflict challenges and opportunities

In conflict and post-conflict countries there is usually a breakdown or shortage of public security services, and PMSCs frequently fill the gap. The dynamics of these countries are of particular interest because of the recent boom in the private security sector in conflict and post-conflict contexts, in particular in Afghanistan and Iraq.

Challenges for the integration of gender issues

- Monitoring mechanisms for security institutions, in particular PMSCs, are usually absent, which contributes to a general culture of impunity for GBV and other crimes.

- Men, women, girls and boys face different security risks in conflict and post-conflict contexts. PMSC personnel are expected to guarantee their protection, respond to their special security needs and consider their human rights, even though they might not have been given adequate training or background knowledge to do so.

- International PMSCs operating in (post-)conflict environments, as well as local PSCs in developing countries, tend to recruit some of their most vulnerable and lowest paid employees from marginalised groups in the developing world. These employees are often poor, uneducated, rural men, many of them former soldiers, who have been improperly demobilised and reintegrated into their societies. Enormous challenges follow from these practices and must be addressed by donors, governments and companies alike.

Opportunities for the integration of gender issues

- International PMSCs have started to work in new areas, such as SSR; disarmament, demobilisation and reintegration; and development and disaster relief. The demand for PMSCs in these areas will likely increase, which provides an important opportunity for the development of guidelines on the gender dimensions of these tasks.

- Post-conflict situations also provide unparalleled opportunities for societal change; where gender discrimination can be redressed and gender roles

Box 2	Gender training topics for PMSC personnel

- What does 'gender' mean?
- Definitions of the core work of PMSCs and understanding the impact on women and on men
- Why incorporating gender can increase chances of operational success and effectiveness
- Viewing your work through gender spectacles – how to include a gender perspective within your security operational work
- Addressing gender in SSR (e.g. working with local women's organisations, recruitment of women into security forces)
- How to work with and protect female and male members of your host community
- What does GBV mean? How can it be addressed?
- Company codes of conduct and zero tolerance policies on sexual harassment, sexual misconduct and sexually offensive behaviour

re-defined. PMSCs can participate in these processes by setting positive examples through the recruitment and equitable treatment of women.

■ PMSCs respond to clients' demands. Hence, there is a real opportunity to create standards and regulations that make PMSCs partners in overall operations. Governments and other clients that contract PMSCs should include accountability for integrating gender issues in PMSC contracts.

❓ Questions to ask PMSCs and their clients

■ Do governments and other clients demand the inclusion of gender issues (such as accountability for GBV or mandatory gender training) in contracts with PMSCs? Do PMSCs include these issues of their own accord?

■ Have gender issues been included in national and international regulatory frameworks for PMSCs?

■ Do PMSCs have equal opportunity employment practices and codes of conduct that include grievance procedures for complaints about sexual harassment, GBV and discrimination?

■ Are mechanisms in place for the local community to report human rights violations by PMSCs, including incidents of GBV?

■ Have mechanisms been established to increase the recruitment, retention and advancement of female personnel?

■ Have gender issues been integrated into existing training for PMSC personnel? Have they been given specific training on gender-awareness, sexual harassment and sexual exploitation and abuse?

■ Have personnel been trained in identifying and addressing the specific security and justice needs of local men, women, girls and boys?

■ Do PMSCs include thorough background checks that vet for criminal charges, human rights abuses and GBV in their recruitment processes?

More information

Resources

OECD-DAC – *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, 2007.

Caparini, M., – 'Applying a Security Governance Perspective to the Privatisation of Security', *Private Actors and Security Governance*, 2006.

Abrahamsen, R., & Williams, M., – *The Globalisation of Private Security. Country Report: Sierra Leone*, 2005.

Saferworld and Centre for Security Studies – *The Sarajevo Client Guidelines for the Procurement of Private Security Companies*, 2006.

Swisspeace – *The Impact of Private Military and Security Companies on the Local Population in Post-Conflict Countries: A Comparative Study for Afghanistan and Angola* (Forthcoming).

Organisations

British Association of Private Security Companies – www.bapsc.org.uk

ICRC – www.icrc.org

International Peace Operations Association – ipoaonline.org/php

OECD – www.oecd.org

Privatemilitary – www.privatemilitary.org/home.html

Private Security Company Association of Iraq – www.pscai.org

Swisspeace – www.swisspeace.org

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

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Security Sector Reform Assessment, Monitoring & Evaluation and Gender

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Security Sector Reform Assessment, Monitoring & Evaluation and Gender

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The Gender and SSR Toolkit
This Tool on Security Sector Reform Assessment, Monitoring and Evaluation and Gender is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

TABLE OF CONTENTS

ACRONYMS

ACPP	Africa Conflict Prevention Pool
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CIDA	Canadian International Development Agency
CSO	Civil Society Organisation
DDA	United Nations Department for Disarmament Affairs
DFID	UK Department for International Development
GBV	Gender-Based Violence
ILO	International Labour Organisation
LGBT	Lesbian, Gay, Bisexual and Transgender
M&E	Monitoring and Evaluation
MOD	Ministry of Defence
NGO	Non-Governmental Organisation
OECD-DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
RBM	Results-Based Management
SJSR	Security and Justice Sector Reform
SSAJ	Safety, Security and Access to Justice
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UN SCR 1325	United Nations Security Council Resolution 1325 on women, peace and security

Security Sector Reform Assessment, Monitoring and Evaluation and Gender

1 Introduction

Reform processes imply change. In order to ensure that this change has the intended results, outcome and impact, different methods of measurement have been developed by practitioners, policymakers and academia. The necessity of integrating comprehensive assessment, monitoring and evaluation in security sector reform (SSR) is stated throughout existing literature.[1] The inclusion of a gender perspective in these processes is important in order to create a security sector that is responsive to the security and justice needs of men, women, boys and girls.

This tool will explore two dimensions of gender-responsive assessments, monitoring and evaluation (M&E). First, the tool looks at existing SSR assessment frameworks, monitoring and evaluation strategies, and how to include a gender perspective in the different tools and approaches. Second, the tool discusses gender mainstreaming initiatives in security sector institutions, including how to conduct a gender audit and M&E of gender mainstreaming. Inclusive and participatory processes of data gathering; inter-departmental cooperation and coordination; the collection and use of data disaggregated by sex, age and ethnicity; gender-responsive results-based management; gender-sensitive indicators; and focus group interviews are tools and methods presented and discussed in this publication.

This tool includes:

- An introduction to assessment, monitoring and evaluation
- The rationale behind the inclusion of gender issues and ways in which this can strengthen and enhance assessment, M&E
- Entry points for incorporating gender into SSR assessment, M&E
- How to conduct gender audits of security sector institutions, as well as monitor and evaluate the impact of gender mainstreaming initiatives
- Key recommendations
- Additional resources

The target audience for this tool includes personnel responsible for SSR in security sector institutions, national government and parliament, international/regional organisations and donors, and civil society organisations. It is also designed for the staff of these organisations that are responsible for gender mainstreaming in the security sector. In addition to a desk review of existing resources, this tool draws on the input of experts working within the area of gender and SSR, collected during a global virtual discussion with 160 participants.[2]

2 What is SSR assessment, monitoring and evaluation?

In the relatively new field of SSR, a variety of different frameworks and methodologies to assess needs and measure impacts are currently being employed. They vary depending upon the actors – such as individual security sector institutions, donors, parliamentarians or civil society organisations (CSOs) – and the specific security institution(s) under scrutiny. The security sector is not homogenous. It consists of diverse and complex institutions, which serve different security and justice functions and have various processes to ensure internal accountability.

> **For more information see Tool on SSR and Gender**

Though there are a variety of different understandings of assessment, monitoring and evaluation, for the purpose of this tool the following definitions will be used:

Assessment is a systematic data-collection process that aims to reflect a given situation. This process analyses the context – including different factors, actors, risks and needs – in order to determine programme objectives and create a baseline for future monitoring and evaluation.

SSR assessments, drawing from the OECD-DAC, can be described as a 'Process of consultation,

information gathering and analysis…[and a] methodology that involves gauging the local context and identifying priorities for support to security and justice development'.[3] In this tool, assessment will exclusively refer to the analysis conducted prior to the implementation of SSR processes.

Institutions such as the OECD-DAC, the World Bank, the Clingendael Institute and others have developed methodologies and guidelines for SSR assessments, identifying it as an essential activity in the development and implementation of the SSR process.[4] The aim of an SSR assessment is to gain knowledge about the local, regional and international stakeholders, specific security and justice providers, as well as the specific security and justice needs of the population. The data collected from assessments can feed into legislation, planning processes, budgets, reports, and existing policies and services. Thorough and participatory assessment can enable sustainable and effective SSR processes by providing accurate information on the types of reform that are needed.

Gender audits are an analysis of the gender responsiveness of a specific institution or context. In the context of security sector institutions, an audit is an 'independent, objective assurance activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to assess and improve the effectiveness of risk management, control and governance processes.'[5] A gender audit can be applied to security sector institutions in order to guide a gender mainstreaming process through determining needs and providing baseline data. Gender audits analyse the integration of gender issues at the levels of policy, structure, budgets and personnel, including people's perceptions and understanding of gender in their own institutions as well as equal participation in decision-making processes. Gender audits can be done independently or as part of a gender-responsive SSR assessment.

Monitoring is a 'continuing function that aims primarily to provide managers and main stakeholders with regular feedback and early indications of progress or lack thereof in the achievement of intended results. Monitoring tracks the actual performance or situation against what was planned or expected according to pre-determined standards. Monitoring generally involves collecting and analyzing data on implementation processes, strategies and results, and recommending corrective measures.'[6]

Monitoring is a form of managing SSR processes to evaluate whether the initiatives taken are having the desired impact – i.e. whether programme objectives are being met. Different strategies and tools can be used in order to monitor SSR. Data collected during this process can be measured against initial baseline data collected during assessments to measure change.

An indicator is 'a measure that helps answer the question of how much, or whether, progress is being made toward a certain objective.'[7] In general, indicators translate change, achievements and impact into measurable and comparable qualitative or quantitative figures. Indicators can be determined in the initial phases of SSR and then used as a tool for monitoring and evaluation in order to determine whether the SSR objectives are being met.

Evaluation is the 'systematic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors. Evaluation also refers to the process of determining the worth or significance of an activity, policy or programme.'[8]

For the purpose of this tool, evaluations will be defined as taking place at the end of a programme, project, or activity. Comparing performance with pre-determined goals and standards, an examination of the actual versus expected results make it possible to identify successes as well as shortcomings. Therefore, SSR evaluations can determine good and bad practices that should inform follow-up activities as well as future programmes/projects in the same area.

Assessment, monitoring and evaluation aim to make SSR a transparent, effective and efficient process that helps build the confidence and accountability of security stakeholders and institutions.

Actors involved in SSR assessment, monitoring and evaluation include:
- Parliamentarians
- International and regional monitoring mechanisms
- Donors
- Security sector institutions
- Independent bodies including ombudspersons/ commissions
- Civil society organisations

> **See Tools on Parliamentary Oversight of the Security Sector and Gender, Civil Society Oversight of the Security Sector and Gender**

Comprehensive data collection and knowledge about the context and capacities form the basis for systematic implementation of future programmes, projects and reform. Nonetheless, SSR is often conducted in contexts where data collection is challenging or non-existent, such as in post-conflict or transitional societies.

General challenges regarding assessment, monitoring and evaluation:
- Lack of existing data, especially in post-conflict contexts.
- Lack of infrastructure in order to collect data.

- Lack of political will to provide adequate financial and human resources.
- Lack of sufficient time to collect reliable, valid and representative data.
- Lack of financial resources.
- Lack of expertise and human resources.
- Confidentiality of data – especially in security institutions such as the military and intelligence services.

Compliance with obligations under international laws and instruments

Integrating gender into SSR assessment, M&E is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Beijing Declaration and Platform for Action* (1995)
- *The Windhoek Declaration and The Namibia Plan of Action On 'Mainstreaming a Gender Perspective In Multidimensional Peace Support Operations'* (2000)
- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

3 Why is gender important to SSR assessment, monitoring and evaluation?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[9]

See Tool on SSR and Gender

The integration of gender issues into SSR assessment, M&E processes, in addition to being mandated by international and regional laws and instruments, can strengthen the delivery of security and justice services, support participatory SSR processes and build non-discriminatory, human rights promoting, and representative security sector institutions. Regrettably, current frameworks and methodologies on SSR assessment, M&E often do not comprehensively include gender issues.

3.1 Strengthen the delivery of security and justice

Security sector institutions have the mandate of providing security and justice for men women, boys and girls. In order to fulfil this mandate, reform processes need to be tailored to take into account the different security and justice needs of all members of the population (see Box 1). SSR assessments and M&E processes that are gender-responsive will provide more accurate information that enables reform processes to be designed and implemented to meet the needs of men, women, girls and boys.

Security needs, perceptions, roles and participation in decision-making differ according to socio-cultural gender roles.[10] Women, men, girls and boys face different threats to their security and obstacles to accessing justice. From the threat of human trafficking, gang violence, and anti-gay violence to sexual harassment at the workplace, gender-based violence (GBV) is a major global threat to human security. These forms of insecurity need to be taken into account when reforming the security sector and its institutions. Gender-responsive assessments can provide the information necessary to effectively determine which reforms to prioritise in order to prevent and respond to GBV. In turn, gender-responsive M&E can determine the specific impact of the reforms on men, women, girls and boys – and determine whether gender equality objectives are being met.

Box 1	World Bank reasons for including a gender assessment in a Peruvian justice project

'While preparing the Justice Services Improvement Project, it became clear to the Bank team that many of the weaknesses of the justice system hurt women much more than men. Because Peruvian women are far less educated than men, they are less informed about the law and their legal rights. Their economic dependence on their male partners also discourages them from resorting to the courts, even in cases of domestic violence. Given women's family responsibilities, the family court system – with its rules on child custody, marriage dissolution, and alimony – is especially important for them. Yet that system is especially dysfunctional, with long trials and uninformed judicial decisions. Given these preliminary findings, the Bank team decided to conduct a gender assessment as part of the project's preparation, with a focus on identifying access issues and obstacles.'[11]

3.2 Inclusive and participatory SSR

According to the OECD-DAC, security sector institutions and SSR processes should be 'people-centred, locally-owned, and based on democratic norms and internationally accepted human rights principles and on the rule of law'.[12] Most societies have unequal power relations between men and women, which result in unequal representation, participation and exclusion. Measures to increase the participation of marginalised groups such as women; ethnic minorities and indigenous people; poor people; lesbian, gay, bisexual, and transgender (LGBT) people; refugees and internally displaced people, etc., can increase the accuracy of the data collected in assessment, M&E processes. Increased participation can also build civilian trust and local ownership in the SSR process and specific security sector institutions. Building SSR on an inclusive basis also improves the sustainability and effectiveness of the reform process.

'One of the key issues for monitoring – in particular from a gender perspective – would be to involve partners in reviews, assessments and interim evaluations of SSR. Such involvement not only enhances local involvement (ownership) and capacity, but also helps in providing more direct feedback and input in the SSR process. It is in this regard essential to see SSR as a process.'

Luc van der Goor, Head Conflict Research Unit, Clingendael Institute[13]

Women's organisations and gender experts can also have valuable expertise to contribute to SSR assessment, M&E processes.

3.3 Build non-discriminatory, human rights promoting and representative security institutions

Security sector reform aims to transform security sector institutions into more accountable, transparent, democratic and effective entities. From a gender perspective, this also means that SSR should support measures that reduce discrimination and human rights violations by security sector institutions and increase the participation of women and other under-represented groups.

Regrettably, security sector institutions in many countries harbour discriminatory policies and practices against women, ethnic or religious minority men, LGBT people and others. Security sector personnel can also be perpetrators of human rights violations, including sexual harassment and other forms of GBV. For instance, in 2006, an independent study commissioned by the UK Ministry of Defence revealed that more than two thirds of military servicewomen had a direct experience of sexual harassment.[14] The United Nations (UN) Security Council has also recognised the various allegations of GBV against UN peacekeepers deployed on mission. 'Reports of sexual exploitation and abuse by UN personnel of vulnerable people – often the very people that these UN workers were supposed to protect – have been surfacing for years.'[15] Despite increasing efforts to monitor these allegations,[16] scandals of sexual exploitation and abuse committed by peacekeeping personnel continue to be reported from different missions and countries. Integrating questions about discrimination and human rights violations in SSR assessments, M&E can uncover these negative practices and highlight necessary reforms. In some cases, specific assessments of sexual harassment or domestic violence may also be a useful initiative.

Currently, security sector institutions have a vast over-representation of men. Even in countries with generally high gender parity in the workforce, women remain under-represented: in Norway women represent just 6.4% of the police and 21.07% of the armed forces.[17] This over-representation of men also exists within UN peacekeeping operations, where women comprise less than 2% of the military personnel and less than 5% of police.[18] Increasing the participation of women and other under-represented groups can strengthen public trust and the legitimacy of security sector institutions. For instance, it has been shown that a homogeneous police organisation working in a diverse society is one of the factors that can lead to internal tensions and conflicts as the police are not seen as legitimate by the community at large, which can foster resentment and distrust.[19]

Gender-responsive security sector assessments can include the collection of data on the number of men and women in security sector institutions and the respective rank/position they occupy. In addition, questions regarding the obstacles to increased recruitment, retention and advancement of women can be asked. This provides key baseline data from which these important issues can be monitored and evaluated. In addition, gender audits of security sector institutions can address a full range of internal gender issues and help an institution to identify gaps, good and bad practices and room for improvement.

4 How can gender be integrated into SSR assessments, monitoring and evaluation?

The following section includes practical information and examples on four different topics:

1. How can gender be integrated into SSR assessment?
2. How can gender be integrated into SSR M&E?

Box 2	Challenges to including gender issues in assessments, M&E

- Current invisibility of certain groups such as women, boys and girls in SSR policy and programming.
- Lack of gender awareness and capacity of SSR assessment and M&E teams.
- Difficulty of collecting data on sensitive issues such as GBV.
- Widespread under-reporting of GBV – often due to social taboos and stigma.
- Financial resources not allocated to conduct gender audits, or M&E gender mainstreaming initiatives.

3. How can gender audits of security sector institutions be conducted?
4. How can gender mainstreaming initiatives in security sector institutions be monitored and evaluated?

Specific mechanisms and processes to assess, monitor and evaluate SSR are very context and actor-specific. There is no standard process, nor a great number of lessons learned as many of the initiatives are quite recent. In addition, certain gender issues are also highly context and culture specific. Therefore, it is important that the following suggestions are adapted to the local context.

When taking the initiative to integrate gender issues, it is important to keep in mind the potential challenges that might crop up (see Box 2). These challenges emphasise the need to take gender issues into consideration from the very beginning of programme design in order to ensure the allocation of adequate time and resources. This tool also aims to offer strategies for overcoming the challenges listed:

4.1 How can gender be integrated into SSR assessment?

The SSR process often starts strategically with an initial assessment, which aims to analyse the security needs, risks and threats, challenges, key actors and entry points in a specific context. Different frameworks and tools aim to analyse security-related needs and actors with the goal of collecting baseline data to guide the reform process. Often these frameworks do not sufficiently include gender issues (see Box 3).[20]

Who assesses?

Comprehensive SSR assessments can be conducted by various actors such as donor or partnering countries together with national and local institutions, and civil society organisations. In comparison to monitoring mechanisms (see Section 4.2.) the role and responsibility of who conducts assessments is not as clear-cut. Joint assessments that involve cooperation and coordination between local and international stakeholders has been emphasized as fruitful for SSR assessments.[22] Even so, local ownership needs to be prioritised. Most data is collected at a national level through local institutions, such as hospitals, schools and municipalities that compile files through household surveys, interviews and registrations (e.g. electoral lists). This data can be summarised to produce statistics at the national level.[23] External actors, such as donor countries and international organisations, can initiate and support the data-collection process as part of their support to SSR efforts. A team composed of national and international experts may help to balance different perspectives. CSOs, including women's organisations, can be key partners in conducting assessments. In order to make sure that the assessment team is gender responsive:

- Add gender expertise to the terms of reference for the assessment team, and include at least one member with gender expertise.
- Consider gender briefings or training for the assessment team, including specific methodologies for gathering data on GBV and from women and girls.
- Assemble mixed assessment teams of men and women, ideally a mix of international and local experts from different social, ethnic, religious and minority groups.
- Hire female and male translators.

What is assessed?

Conducting a comprehensive assessment of the security sector is a challenge due to the number and variety of institutions involved. In addition to a general

Box 3	Gender and assessment frameworks

'Gender variables are missing in most frameworks. This is partly the result of (i) a general tendency to conflate gender with women, (ii) insufficient data and information on the 'gendered' impact of the development, conflict and poverty nexus, and (iii) the fact that when and if gender is addressed, it is typically covered under social issues or indicators, rather than mainstreaming gender throughout the analysis.'[21]

analysis of the country context, the assessment should aim to answer the questions:

1. What is the existing governance and capacity of security sector institutions? What are the major gaps? Which reforms should be prioritised?

   Gender-related questions: What is the proportion and respective positions of female and male staff? Is GBV effectively prevented, responded to and sanctioned? Are human rights violations, including GBV, being perpetrated by security sector personnel? Are security sector institutions collaborating with CSOs, including women's organisations?

2. What are the different security and justice needs, perceptions and priorities of men, women, girls and boys, and communities?

   Gender-related questions: What are the types and rates of GBV, including against men and boys? Do men, women, girls and boys have equal access to security and justice institutions/mechanisms? What types of reforms do men and women prioritise? What local non-governmental strategies/initiatives exist to provide security and justice?

In order to answer these questions, a variety of key stakeholders need to be consulted, including both male and female staff of:[24]

- *State justice and security providers*: such as police, military, border management, government ministries.
- *Non-state justice and security providers*: such as traditional courts, private security companies, women's organisations.
- *Actors who impact on security system governance*: such as parliamentarians, politicians, ethnic leaders, government ministries responsible for women or families.
- *Civil society actors*: rural and urban women's organisations; labour unions; youth organisations; children's advocacy groups; indigenous, ethnic and other minority associations; research institutions; religious organisations.
- *International and regional actors*: such as UN, OSCE, donor agencies, international and regional women's organisations.

It is important to avoid assessments that are too narrow in scope – and thus fail to consider key issues that will impact the success of the programme.[25] Even SSR assessments that focus on one sector, for instance the police, need to take into account:

- The specific security needs of men, women, girls and boys.
- Governance and oversight issues – including ministries, parliamentarians, CSOs.
- Collaboration with other security sector institutions – including the justice system, intelligence services, and border services.
- Collaboration with other sectors – e.g. education and health.

How to assess?

A desk review of existing records can be a good starting point for SSR assessment, followed by semi-structured interviews, focus groups and surveys.[26] Including diverse sources of information – e.g. household surveys and demographic health surveys – can help to connect interrelated issues such as health and poverty with security issues. However, it is important that different data collection methods and information sources are well coordinated in order to develop as complete a picture as possible.

A terms of reference for the assessment process should be drafted during the planning phase and determine:

The objectives: which should specifically refer to assessing the different security and justice needs and priorities of men, women, girls and boys, as well as creating a gender-responsive assessment process.

The type of assessment: The *OECD DAC Handbook on Security System Reform* suggests a selection of the following for donors:

- Preliminary informal analysis: to understand the context and needs.
- Initial scoping study: to assess whether a SSR assistance programme would bring added value.
- Full assessment: to provide an in-depth overview of the national context for SSR.
- Sector or problem-specific assessments: to analyse the needs of a specific security sector institution or specific problem such as lack of access to justice.[27]

Box 4	Difficulty of collecting data in Albania

'Within Albania, amongst the northern populations and some of the ethnic minority groups, [one major challenge] *is access to women and girls to assess their ideas, beliefs and actual practices. Men prevent their daughters and wives from attending interviews and meeting with people outside of the home. It takes much time and patience to be allowed to speak with women and girls. The men have to trust the organisation or interviewers.*

Children and young people are, in the main, taught to respond in one way which is acceptable to their parents or teachers. This has been discovered during research and surveys into children's experience of their rights and the levels of violence they experience daily in schools, homes and institutions.'[28]

Box 5	**Security assessments focusing on sexual violence in humanitarian settings**

Information to collect includes:[31]

- Demographic information, including disaggregated age and sex data.
- Description of population movements (to understand risk of sexual violence).
- Description of the setting(s), organisations present, and types of services and activities underway.
- Overview of sexual violence (populations at higher risk, any available data about sexual violence incidents).
- National security and legal authorities (laws, legal definitions, police procedures, judicial procedures, civil procedures).
- Community systems for traditional justice or customary law.
- Existing multi-sector prevention and response action (coordination, referral mechanisms, psychosocial, health, security/police, protection/legal justice).

The budget: which should include specific budget lines for data-collection activities with women and other marginalised groups.

The methods of data collection: which depend on the specific context and the availability of data. Ideally, a mixture of quantitative and qualitative data should be collected. Sources and methods include:

- **Desk review**: An initial analysis of existing documentation, including relevant legislation, national policies and budgets, government and non-government publications, household surveys, records of public service institutions, demographic health surveys, etc. Information regarding GBV and insecurities faced by marginalised groups should be included.

- **Sex-disaggregated data**: All data gathered should at the minimum be disaggregated by sex and age. In addition, it is useful to disaggregate by other relevant factors such as location, ethnic origin, religion, sexual orientation and physical ability.

- **Semi-structured interviews**: Interviewing key stakeholders within security sector institutions, oversight bodies and CSOs, including women's organisations, can provide valuable information. Men and women should be interviewed, along with gender experts.

- **Focus group discussions**: These can be useful to gather information from personnel in specific security sector institutions, such as prison wardens or border guards. They can also be used to collect qualitative information from marginalised groups, such as children, rural communities, LGBT people, women, people living with HIV/AIDS, and elderly or handicapped people. Who will select and lead focus group discussions is an important decision and should take into account facilitation experience, the cultural context, the type of focus group and gender dynamics. Steps to take to ensure that women can participate in focus group discussions include:
  - Hold meetings of specific focus groups for women and for girls.
  - Provide child care and transportation if necessary.

  - Hold the meetings at a time and place convenient for women and girls.
  - Develop communication tools for non-literate groups.

- **Household survey:**[29] Household and other population surveys, such as Rapid Monitoring and Satisfaction Surveys,[30] can be a useful way to gather information on public perceptions of security and justice institutions and issues. They should ask specific questions about perceptions of security sector institutions, access to justice, human rights violations by security sector personnel and GBV violence issues.

Assessment guidelines and handbooks such as the Guidelines for Gender-Based Violence by the Interagency Standing Committee (Box 5) provide useful checklists for assessing specific security issues. As there are no one-size-fits-all solutions, it can be worthwhile to combine different approaches according to the given security context in order to individualise the data collection process.

How can gender be integrated into existing SSR assessment frameworks?

The Clingendael Security Governance and Development Assessment Framework is one example of an existing SSR assessment framework. It is structured in terms of four phases: preparatory work, mapping and analysis, policy assessment and workshops.[32] There are 12 different types of indicators used in this assessment framework.[33] Box 6 suggests gender-sensitive questions for each of the indicators. Another option would be to introduce subheadings to each key question that ask how each of these factors affect men and women respectively.

All these indicators need to be rated and prioritised according to the given context. By measuring these factors over a fixed time period, a trend and development for the specific outcomes can be visualized. Similarly, by demonstrating a specific trend line following such multidimensional indicators, it is hoped to predict future developments and adjust a programme or reform towards a set goal or intended development. As an interactive follow-up, Clingendael

Box 6	Integrating gender issues into the Clingendael SSR Assessment Framework

Governance indicators	Key questions
Legitimacy of the state	Is the State a legitimate representative of the people as a whole? ➤ *Are the executive and parliament representative in terms of women, men and ethnic/religious minorities?* ➤ *Is voter turnout data disaggregated by sex?*
Public service delivery	Is public service delivery progressively deteriorating or improving? ➤ *Is access to public service equally guaranteed?* ➤ *Do women have the same access to security and justice as men?* ➤ *How gender equal is access to food, water, sanitary institutions, hospitals?*
Rule of law and human rights	Are human rights violated and the rule of law arbitrarily applied or suspended, or is a basic rule of law established and are violations ceasing? ➤ *Are women's human rights being violated?* ➤ *What are the types and rates of GBV?*
Leadership	Are elites increasingly factionalised, or do they have national perspectives? Are leaders capable of winning loyalties across group lines in society? ➤ *Are women and men equal participants in leadership?* ➤ *Do men and women tend to support the same leadership?*
Security indicators	
Security apparatus	Does the security apparatus operate as a 'state within a state' or is a professional military established that is answerable to legitimate civilian control? ➤ *What are the number and respective positions of male and female personnel within the security apparatus?* ➤ *Are security sector personnel committing acts of GBV, including sexual harassment? Type and frequency?* ➤ *Do appropriate policies and procedures exist to prevent, respond to and sanction GBV by security sector personnel?* ➤ *Are there mechanisms established and functioning for civil society oversight, including women's organisations?*
Regional setting	Are destabilising regional cross-border interventions increasing or reducing?
Socio-economic development indicators	
Demographic pressures	Are pressures mounting or easing? ➤ *Infant and maternal mortality rates?* ➤ *Do women have access to family planning education and services?* ➤ *Include sex-disaggregated data on people infected with HIV/AIDS and trend lines of increase or decrease.*
Refugee and IDP situation	Is there massive movement of refugees and IDPs, creating humanitarian emergencies, or are they resettled and the problem resolved? ➤ *Are the refugees/IDPs women, men, girls or boys?* ➤ *What is the rate of violence, including GBV, against refugees/IDPs?*
Group-based hostilities	Is there a legacy of vengeance-seeking group grievance and paranoia, or is there reconciliation and a reduction of hostilities? ➤ *Is there a gender dimension to the group-related violence such as widespread sexual violence, or small arms violence between different groups of men?*
Emigration and human flight	Is there a chronic human flight or a reduction in the rate of emigration? ➤ *Are women, men, boys or girls emigrating?*
Economic opportunities of groups	Is there uneven economic development along group lines, or are such disparities declining? ➤ *Are there disparities between the economic development of men and women?* ➤ *What are the challenges and opportunities for women's economic development?*
State of the economy	Is there a sharp or severe economic decline or is the economy growing? ➤ *Are there any differences between women and men's participation in the formal and informal markets?* ➤ *Does the economic capacity/ loss during crisis differ between men and women?*

suggests workshop activities to respond to and discuss the findings.[34]

An assessment can provide SSR decision-makers with important baseline data, which can feed into further monitoring and final evaluation of SSR. By comparing the results of an assessment with those of reviews and performance evaluation, the success or failure of SSR processes can be measured, lessons learned and good practices identified.

4.2 How can gender be integrated into SSR monitoring and evaluation?

Monitoring and evaluation can help to achieve results and ensure the continuous performance of a process. In the case of SSR, in which different institutions and sector transformation processes need to be coordinated, a systematic and participatory approach should be applied. Local ownership, transparency and democratic control should be leading principles throughout the monitoring process. It is important to have a critical consideration of who decides when SSR can be called a success, especially when analysing monitoring mechanisms from a gender perspective. It is expected that through gender-sensitive SSR processes, the commitment, organisational culture and impact of the security sector changes will become more gender-equitable and gender-responsive.[35]

Who monitors/evaluates?

Depending on the type of reform and the country context, a variety of actors can potentially be involved in SSR monitoring and evaluation. In order to avoid M&E processes that are gender-blind, it is important to involve gender experts and include both men and women in the bodies responsible for M&E. Target group representatives should also be included in the development and implementation of M&E processes. Another useful strategy is to identify, encourage and train 'gender champions' within management to ensure that gender is adequately addressed in M&E. It is important to get men in leadership positions involved as gender champions in order to provide political will and function as role models.[36]

Security sector institutions: Internal M&E mechanisms exist within specific security sector institutions that can be used to oversee the implementation of SSR. In addition, specific M&E mechanisms can be built into internal reform processes. Gender focal points within the institutions could potentially be involved in M&E. In addition to internal M&E, it is advisable for SSR processes to be monitored and evaluated by independent bodies to enhance their credibility.

Parliament: Defence and security-related parliamentary committees can monitor and evaluate SSR. Parliament has both legislative and budgetary control and can exercise these functions to oversee SSR. They can also potentially establish parliamentary inquiries or hearings, call for budgetary audits and request an evaluation of the implementation of SSR.

> See Tool on Parliamentary Oversight of the Security Sector and Gender

Government ministries: Different ministries hold the responsibility to oversee sector-specific reform efforts. For instance, the ministry of defence is responsible for military reforms and the ministry of internal affairs is often responsible for police and prison reform. The ministry responsible for women and/or family affairs can also be involved in M&E of SSR processes.

Government coordinating bodies: Security sector reform processes are often designed, implemented and overseen by specially appointed coordinating bodies within government, such as national security councils. These councils often include members from a broad range of government ministries along with security advisors and representatives from the office of the prime minister/president.

Regional organisations and mechanisms: Regional inter-governmental organisations, as well as international organisations, can play a strong role in calling for and supporting SSR M&E as well as in establishing joint frameworks for M&E. Governments that are bound to regional organisations, laws and instruments are often obliged to report to the specific regional monitoring bodies. With respect to gender issues, various regional organisations have developed important monitoring mechanisms that can serve as a platform for integrating gender into SSR M&E:

- **The Council of Europe** developed a 'Gender Mainstreaming Conceptual framework' (1998), which suggests indicators and benchmarks, supported by comprehensive assessment and evaluation mechanisms.[37]

- **The Commonwealth Plan of Action on Gender Equality** (1997) reaffirms a target of no less than 30% women in decision-making positions in the political, public and private sectors, and in conflict resolution and peace initiatives. It encourages the mainstreaming of gender equality, human rights and HIV/AIDS into training for security sector institutions, and encourages governments to take action to collect, monitor and disseminate sex-disaggregated data.[38]

- **The Secretariat of the Pacific Community** created a 'Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005-2015', which calls for the implementation of UN Security Council Resolution 1325 (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.[39]

Box 7	Integrating gender into SSR evaluation: UK Department for International Development (DFID) [46]

DFID, in collaboration with the Foreign and Commonwealth Office and the Ministry of Defence, commissioned four SSR experts to conduct an independent evaluation of security and justice reform programming in Africa. The evaluation examined the mainstreaming of gender issues and HIV/AIDS within security and justice reform programming – as they are key themes of DFID bilateral programmes.

The terms of reference for the evaluation include:

Two principle objectives

1. To assess the coherence, effectiveness and impact of UK SSR programmes in Africa over the past 4 years.
2. To identify lessons and recommendations for the strategic direction and management of future SSR programmes in Africa and elsewhere.

Methodology

1. Pre-assessment preparation (up to 30 days) including:
   a. A desk review of secondary sources, including proposals, regional and country strategies, project reports and existing evaluations and reviews, etc.
   b. Identification of key issues for the evaluation and development of an evaluation framework; identification of key stakeholders for interviews and country case studies; and planning field visits. Consultants were encouraged to draw on the OECD-DAC SSR Implementation Framework.
   c. The Steering Group of DFID's Africa Conflict Prevention Pool provided feedback on the proposed assessment framework, preliminary findings and made the decision regarding the case studies.
2. Assessment (up to 40 days)
   a. Country visits and interviews in London. For the field work, the consultants prepared country review plans in consultation with country teams.
   b. Consultants produced *aide memoires* for discussion with country teams at the end of each visit, and prior to departure.
3. Writing up and presentation of findings (up to 20 days)
   a. The consultants presented their findings to the steering group before producing a final draft of the evaluation report.

Findings on gender

Gender, as well as HIV/AIDS, are strongly represented in Safety, Security and Access to Justice programming but have largely been absent from programmes dealing with defence and police or those with a wider remit such as the Sierra Leone Security Sector Reform Programme. The official recommendation which includes gender reads:

Recommendation 5: We recommend that the 'Paris Declaration on Aid Effectiveness' theme on Public Financial Management and Whitehall mainstream themes on HIV/AIDS and gender be incorporated into all SJSR [Security and Justice Sector Reform] interventions, not only those specifically dealing with SSAJ [Safety, Security and Access to Justice].

■ **The Organization of American States Inter-American Commission of Women** has developed an 'Inter-American Program on the Promotion of Women's Human Rights'[40] and 'Gender Equity and Equality and the Declaration and Plan of Action'[41] (1999, 1996), which are both aimed at monitoring and coordinating mainstreaming efforts in the region. Paragraph four calls for the assessment of access to justice, gender-sensitive evaluation mechanisms and the establishment of monitoring mechanisms for judicial decisions.[42] Data collection disaggregated by 'sex, age, disability, and ethnic origin, or any other relevant category' is suggested to all Member States. [43]

Ombudsperson/office: An ombudsperson can also be tasked with M&E activities. An ombudsperson should be an independent representative of the public – usually appointed by the government or the organisation she/he is serving – who receives complaints reported by affected citizens. The ombudsperson can help to oversee the process of SSR, looking at cases of human rights violations and misconduct. Therefore, institutionalised ombudspersons can help ensure transparent, democratic and effective security sector institutions.

The ombudsperson is required to be gender-responsive in order to respond adequately to complaints about GBV, gender discrimination and other gender issues. An example of an ombudsperson with special focus on women or gender issues is the Egyptian Ombudsman Office for Gender Equality.[44]

Donors: Donor monitoring and reporting processes can be important mechanisms for SSR M&E (see Box 7). Donors can also support the formation and implementation of national-level SSR M&E. For instance, this can be achieved by establishing a memorandum of understanding which sets out the specific commitments of both parties: 'The Memorandum of Understanding (MoU) between the UK Government and the Government of Sierra Leone sets out Sierra Leonean commitments in the security sector and related areas of governance reform, along with UK commitments on technical and financial support.'[45]

Box 8	Evaluating the integration of HIV/AIDS into SSR programming in Africa

'Reform in the security and justice sector of sub-Saharan African countries is strongly influenced by the effects of HIV/AIDS. Many of the same debilitating factors apply to the security and justice sector as apply to any other people-intensive areas of reform, whether education, social welfare or trade and industry. Usually, the military and police are among the groups worst affected… In late 2006 the Ugandan military authorities began to show greater awareness [of] and interest in donor support. But it is probable that the reluctance to recognise the problem, or to deal with it transparently, remains widespread throughout the Region…

Although UK stakeholders in SJSR [security and justice sector reform] programmes are well aware of the HIV/AIDS issue – in fact the UK Defence Intelligence Service carried out a thorough survey of its likely effects on African military forces in the mid 1990s – expertise in this area tends to lie in DFID [UK Department for International Development], not in MOD [Ministry of Defence]. HIV/AIDS is not a topic that features in the work of the ACPP [Africa Conflict Prevention Pool] in any of its thematic areas, though it clearly affects many of them. It is indicative that the Terms of Reference for this Review (Annex 1) contain no reference to HIV/AIDS. It is possible that with UK work on HIV/AIDS largely confined to DFID bilateral programmes, military and police victims of the disease and the risks that their characteristic activities tend to be excluded, at least institutionally if not individually.'[49]

Civil society: SSR processes should be monitored and evaluated by members of civil society, especially when cases of misconduct, human rights violations or GBV have been committed by security sector personnel. This can be done by involving civil society, including women's organisations, in official oversight mechanisms or through independent research and reporting on SSR processes.

What is monitored/evaluated?

The general aims of monitoring processes are to review and verify that the assumptions made in the initial assessment are still valid, if the objectives of the reform process need adjustment, and if the 'activities required to achieve the desired results are on track to be implemented effectively, and are having the intended effects'.[47] In the context of SSR, all policies and programmes related to reform should be monitored and evaluated in a consistent manner to ensure that they are meeting the set objectives. They should also be evaluated to determine: their specific impact on men, women, girls and boys; whether GBV is being more effectively prevented, responded to and sanctioned; if the process of developing and implementing SSR has been participatory; and if the gender-related objectives have been fulfilled.

Some examples of general areas to monitor and evaluate when assessing gender-responsive SSR include:

- Increase or decrease in GBV (number and type of human rights violations by security sector personnel reported over time)[48]
- Programmes and services that aim to respond to GBV
- Inclusion of gender issues in programme frameworks
- Access to public security services for women, men, boys and girls

- Access to justice for women, men, boys and girls
- Equal access to decision-making positions in the security sector
- Laws that address GBV
- Public awareness of gendered insecurities such as GBV
- Number and position of female staff in security sector institutions
- Process of female recruitment, retention and promotion in security sector institutions
- Number and impact of gender training
- Security policies that address gender issues

How to monitor/evaluate?

In order to ensure gender-responsive SSR monitoring and evaluation, gender issues can be integrated into results-based management systems as well as using gender-sensitive indicators.

Results-based management

Results-based management (RBM) is a tool that is often used to evaluate activities and outcomes.[50] This management framework helps to strategically plan and implement monitoring efforts oriented towards outputs and outcomes, measuring if activities serve the purpose of an overall goal. RMB focuses on performance and the achievement of outputs, outcomes and impacts which are different parts of a result chain. Result chains are comprised of different strategic steps, beginning with an input such as a policy, law or decision-making process:

RBM Result Chain: activity – output – outcome – intended impact / overall goal

In the context of gender-responsive SSR, a simplified action plan, choosing one single activity for different sectors, using the RBM approach could look as follows:[51]

Sector	Overall goal	Outcome	Output	Activity	Indicator
Police	Gender responsive police service.	Increased knowledge about gender issues.	Trained police officers in gender issues.	1. Hold training session on gender and responding to/ dealing with survivors of GBV.	1. Number of police officers trained. 2. Change of behaviour towards survivors of GBV.
Military	Increased gender equality within the military.	1. Identification of gender entry points in recruitment procedures. 2. Increase of women in the military.	1. Assessment study on recruitment procedures and possible entry points. 2. Change of recruitment strategy to promote female recruitment.	1. Collect data/reasons or motivations to apply inside/ outside the military. 2. Affirmative measures for female applicants.	1. Increase in number of female applicants. 2. Number of female military staff. 3. Number of sexual harassment and abuse cases reported.
Parliament	Increased protection from domestic violence.	Legal provisions that protect women and men from domestic violence.	Law on the prohibition of domestic violence, including definitions.	1. Initiating legal reform in parliament. 2. Drafting of text for legal provision. 3. Adoption of law.	Increase in prosecutions and convictions for domestic violence.

For more detailed list of indicators regarding judicial reform, see Annex A: 'Examples of Indicators: Justice Reform and Gender'.

Indicators

It is crucial to establish clear, measurable, context-based and gender-sensitive indicators for effective SSR M&E. An indicator can be a number, a fact or even an opinion that describes a specific situation and/or change. Using the results-based management approach, indicators reflect the outcomes of the result chain. It is useful to differentiate between the different types of indicators used:

Input indicators measure the extent to which resources have been allocated to ensure that a project or policy can actually be implemented.

Performance/Process indicators measure the activities during implementation to track progress towards the intended results.

Progress/Outcome indicators measure the long-term results of the programme or policy.

Measures can be taken to ensure that all of these various indicators, whether quantitative or qualitative, are gender-sensitive. According to the Canadian International Development Agency: 'Gender-sensitive indicators have the special function of pointing out gender-related changes in society over time. Their usefulness lies in their ability to point to changes in the status and roles of women and men over time, and therefore to measure whether gender equity is being achieved.'[52]

In order to cross-validate and draw a comprehensive picture of the impact of SSR policies and programming, the use of both types of indicators is crucial (see Box 9). In the context of SSR, gender-sensitive qualitative and quantitative indicators can be defined as follows:

Quantitative indicators: Quantitative gender-sensitive indicators are expressed in numbers. They can be collected through sex- and age-disaggregated data from surveys and administrative records.

Examples:

- Number of police officers trained in gender issues
- Number of female military officers
- Number of reports of GBV[53]
- Number of men and women reporting anti-gay harassment

Qualitative indicators: The documentation of opinion, perceptions or judgments. Qualitative indicators can be developed through attitude surveys, interviews, public hearings, participant observation and focus groups discussions. Examples:

- Higher approval rating of police interventions in domestic violence
- More commitment to gender-responsive policies and legal provisions
- Non-discriminatory and family-friendly working environment
- Commitment to gender mainstreaming initiatives in the parliament[54]

Box 9	UN Mission in Liberia and police reform: combining quantitative and qualitative indicators [55]

Recruitment figures alone do not tell you enough, since many women leave after a short period of employment. A quantitative measure like this could be supplemented by a qualitative approach, interviewing both those who choose to remain and those who chose to leave can help the development of a better understanding of the reasons that both encourage and discourage women's employment within the police (or other security sector institutions).

Some issues that could be explored are:

■ How does the police respond to cases involving women and men, and what are the differences in their responses, before and after training? What is the perception of the police who have been trained about differences in their behaviour? And what is the perception of women and men who have to deal with the police – e.g. women's organisations which are promoting and protecting women's and children's rights, particularly in relation to GBV; human rights bodies; or other NGOs?

■ What types of complaint are made about police following the training?

■ What percentage of women, men, boys and girls have confidence that they will be treated fairly by the police (and has that perception changed)?

■ Is there any evidence that police are more likely to work productively with other agencies to try to address gender issues in their work – e.g. in crime prevention activities?

■ What was the quality of the training delivered? Did it focus on women's rights to security and safety? Did it promote an understanding of the factors and links between GBV, lack of security and HIV? Did it promote a dialogue on culture and human rights – e.g. on whose rights are protected in customary dispute resolution, and in formal resolution processes?

■ Perceptions of existing mechanisms to respond to male rape in prisons

It is also important to interpret indicators correctly. For instance, an increase in reporting of sexual violence may mean an improvement of the response services and overall awareness of rights among women, or it could mean an increase in cases of sexual violence. 'In some programs that I work with, we interpret an increase in reporting of crimes of violence against women and children as an indicator that women and children are increasingly becoming aware of their rights – and increasingly demanding some response from the legal and security sector – which is one step towards addressing the problem, and may also indicate that the security sector (police in this case) has improved.'[56]

4.3 How can gender audits of security sector institutions be conducted?

In addition to incorporating gender issues into SSR assessment, M&E processes, gender audits of security sector institutions can provide more in-depth information to guide reform processes. Security sector institutions can benefit greatly from such audits, as they aim 'to identify areas of strength and achievement, innovative policies and practices, as well as continuing challenges as a foundation for gender action planning'.[58] Gender audits can be a first step to guide an effective gender reform/mainstreaming process; it can also be a useful tool for monitoring and evaluating gender mainstreaming initiatives.

The lack of transparency within many security sector institutions, such as the military or intelligence services, is often an obstacle to overcome before starting gender audits. Other factors on which gender audits depend include:

■ Political will
■ Technical capacity
■ Willingness to be held accountable and responsible
■ Organisation structure

Despite these challenges, the audit of an institution for its gender responsiveness can be a good first step towards defining specific reform needs.

Who can conduct gender audits?

Gender audits, as with most organisational initiatives, require commitment from senior management. Nevertheless, the engagement of all personnel in an institution is equally important. An inclusive process ensures a sense of ownership, accountability and responsibility for the results of the audit process.

Box 10	Police evaluation in the United States

'Conducting an in-depth evaluation of the community policing experiment had two purposes. One was to reinforce the goals of community policing among officers by frequently critiquing their performance. The other purpose was to find out whether citizens noticed any change in the quality of policing… The Houston Police Department's evaluation of "Neighborhood Oriented Policing" relied on several types of reports: patrol officers' bi-annual assessment reports, patrol officers' monthly worksheets, community information forms, citizen feedback forms on calls for police assistance, investigator questionnaires, and officers' immediate-supervisor assessment forms.'[57]

	Advantages	**Disadvantages**
Internal audit team	■ May be less expensive and easier to conduct as no external consultant has to be hired. ■ Knowledge of internal structure, procedures and hierarchies. ■ May be taken more seriously, depending upon position in the institution.	■ Lack of independence. ■ Potential consequences for staff in assessment team in case of criticism of behaviour. ■ Potential barriers due to hierarchies. ■ Inexperience in conducting gender audits.
External audit team	■ More independent point of view, potentially broader perspective. ■ No fear of consequences when being critical about internal processes. ■ Expertise and experience in conducting gender audits.	■ Lack of understanding of how specific institution or organisation works. ■ Potentially less ability to enlist staff cooperation and ownership of the process. ■ Lack of a common vision, goal and interpretation of outcomes.

Gender audits and assessments can be conducted either by an internal team or external evaluators.[59] There are different advantages and disadvantages to both strategies (see above).

The coordination and relationship between the assessment team and the organisation's staff is crucial in both cases. Jocelynne Scott, an independent legal consultant, suggests conducting an initial assessment from an outside perspective and ongoing internal monitoring and evaluation. Furthermore, she argues that external consultants also depend on the inner cooperation and political will from senior management.[60] Therefore, she suggests that the terms of reference for gender audit be drawn up in coordination with civil society representatives and that the audit be led by a person or institution that can remain independent. As with gender training, it may be beneficial to include both a man and a woman on the gender audit team.

Though the composition of gender audit teams will vary depending on the specific institution and context,

participants should ideally have experience working with security sector institutions and gender issues and could include:

■ Ombudspersons
■ Gender focal points
■ Independent prison inspectors
■ Inter-departmental working groups
■ Gender units in peacekeeping missions
■ Human rights organisations or women's organisations
■ Justice and bar associations
■ Gender audit experts – hired as consultants

What is audited?

A gender audit is generally focused on analysing a wide variety of internal gender issues. The audit can focus on self-assessment strategies analysing people's perceptions and/or apply a variety of information-gathering techniques to analysing the policies, structures, programmes and personnel of the institution in question (see Box 11). In addition, gender

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Box 11	**Self-assessment on recruitment and retention of women within law enforcement [61]**

Recommended process for small agencies

Because small agencies have limited resources and staff, the following is a modified assessment process:

■ Form a committee consisting of:
  - The command person in charge of recruiting, hiring or training.
  - Female employees, if possible. If there are no female officers in the agency, seek assistance from a neighbouring agency with female officers.
  - A female community representative.
  - A personnel expert.
  - A lawyer experienced in civil rights and employment law.
■ Convene a meeting to discuss the assessment process, introduce all members of the team, learn about the status of women in the law enforcement organisation and make assessment assignments. Assign assessments to members of the team according to their expertise and time available.
■ Establish a timeline for assessment and the development of recommendations.
■ When the members have completed their assessment, reconvene the committee and discuss the findings of each part of the assessment. Prepare a final report with recommendations on changes that need to be made. Recommend priorities for making the changes.
■ When recommendations have been approved, assign a high-ranking person to monitor progress and report quarterly.

audits should focus on how the institution impacts men, women, girls and boys.

For **self-assessment strategies,** checklists are often used to find out to what degree gender mainstreaming has been applied within the institutions. This implies a good knowledge of the processes, aims, objectives and mandate of the institution. A self-assessment does not necessarily reflect the actual impact of the institutions' policies. Examples of issues to address in a self-assessment questionnaire:

- Level of commitment and prioritising of gender issues in programme planning.
- The extent to which gender-related concepts and policies are understood by personnel at different levels of the organisation.
- Technical capacity of the organisation, including existing gender expertise, capacity-building, monitoring and evaluation.
- Institutional culture and possible biases that result in discrimination against female workers, partners or beneficiaries.

A combination of self-assessment and **procedural evaluation** promises to deliver a more complete picture than just using one approach. In this context the following issues should be part of the audit:

? Does the institution: [62]

- Have equal representation of men and women at all levels of the organisation?
- Have human resource policies and practices that encourage the recruitment, retention and advancement of women?
- Have policies and mechanisms to prevent and address sexual harassment, discrimination and violence?
- Have the technical capacity to work on gender-specific issues?
- Give basic gender training to its entire staff?
- Currently mainstream gender issues into its policies, programmes and initiatives?
- Dedicate adequate funding to gender-specific initiatives?

How to audit?

Before starting a gender audit or evaluation, a quick review of existing documents including mandates and legal provisions should be done in order to inform the initial terms of reference.[63] A clear vision and shared goals and objectives of the audit help to create a process that builds capacities and an outcome that can serve as a platform for gender mainstreaming initiatives (see Box 12).

As with SSR assessment and M&E, the combination of qualitative and quantitative data has been proven to be more comprehensive than relying on one type of data collection alone, as it allows for greater cross-checking of research findings.[65] One of the challenges with gender audits, and evaluation in general, is that different data collection methods may not always lead to the same results. In addition, depending on the specific context, some people are more comfortable in sharing their views or may be compelled to put forward answers that they believe the interviewer wants to hear.[66] Data can be collected through various assessment methods, which should all be sex-disaggregated, such as:

- **Desk review** of existing documentation including policies and internal programme materials.

- **Surveys** do not necessarily have to be conducted in person. They can be conducted by anonymous questionnaires that are handed out to staff.

- **Interviews***:* Depending on the size of the institution, in-depth interviews with staff members may allow more space for qualitative research.

- **Focus group discussions** may be held with separate sessions for men and women or for people at different levels of the organisation separately if the culture is very hierarchical. They may provide space for further exploration of dynamics within institutions and possible stereotypes and other barriers to gender mainstreaming. Inclusive processes of gender auditing helps build ownership of the process and commitment to implement gender mainstreaming initiatives that are built on audit recommendations.

Box 12	Gender audit of the International Labour Organisation (ILO)

'The First ILO Gender Audit (October 2001 - April 2002) set out to assess progress and thus establish a baseline on gender mainstreaming in the Office. The audit was participatory in order to enhance maximum organizational learning on the "how to" of gender mainstreaming. The Gender Audit had two major components: 1) participatory Gender Audits in 15 work units in the field and at headquarters; 2) a global desk review of the ILO's key publications and documents. There were 750 internal documents and publications analysed during the audit period. Around 450 staff, constituents, implementing partners and women's organizations participated in the workshops and interviews. The overall staff sex balance was fairly even while among other participants there were about 20% more women. 31 volunteer staff members, 7 of them men, from 21 work units were trained as Gender Audit facilitators.'[64]

■ **SWOT Analysis**

Analysing **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats to gender mainstreaming in security sector institutions involves identifying the internal and external factors that are favorable and unfavorable.

Findings of the audit, in the form of a final report, should be distributed throughout the organisation through workshops, seminars and group discussions. In particular, the findings should be presented to senior management, and should lead to concrete follow-up activities such as developing new policies, programmes and plans of action (see Box 13).[67] One such example is the development of a gender action plan, such as the plan of the UN Department for Disarmament Affairs (DDA).

'The Overall Goal for the Action Plan is to facilitate progress on disarmament. DDA will strengthen disarmament dialogue and action through the incorporation of a gender perspective in its day-to-day work. A primary assumption behind this action plan is that disarmament – both generally and in specific initiatives – can be strengthened through the integration of gender insights into disarmament debates, decision-making and actions, and through more equitable participation by women in decision-making. Thus a crucial element of the DDA work in this area is to identify potential synergies and opportunities to simultaneously support effective disarmament and greater gender equality.' [68]

In 2003, DDA hired two external gender experts to develop and draft their gender action plan. The consultants held workshops with staff from all the different divisions to discuss how gender issues were relevant to their work and jointly draft branch-specific lists of actions to strengthen gender mainstreaming. The result was a 49-page document that focuses on providing a theoretical background on gender and disarmament issues, as well as identifying practical gender mainstreaming initiatives and checklists.

Juliet Hunt, a gender mainstreaming expert states: 'The best results I have seen come from assessments where planning and follow-up is an integral part of the assessment process. While doing a gender action plan is not a magic formula for success (and nor are gender sensitive indicators), they can really help, as long as some key basic conditions or principles are implemented in developing the plan.'[69]

In the case of the Northern Ireland Police Service, an internal team conducted the gender audit and then developed a gender action plan. The objective of the gender audit was: 'To investigate and address existing and future policies, procedures and practices which inhibit or exclude females from playing a full role within the Police Service of Northern Ireland and to examine the working practices of the organisation and propose actions which will enhance the work/life balance while ensuring operational effectiveness. [...] The Gender Action Group was established in November 2003 and

Box 13	Components of a women, peace and security action (WPS) plan [71]

1. Introduction

This section can provide a short introduction to women, peace and security issues and a description of the process of developing the action plan.

2. Rationale

Here reference should be made to WPS mandates such as UN SCR 1325, the importance of women, peace and security issues, and how they relate to the institution or state in question.

3. Long-term and short-term objectives

Though discussing the relative importance of different WPS mandates and then prioritising certain areas of action, short-term objectives can be determined.

4. Specific initiatives

Initiatives should be directly linked to the objectives and/or specific mandates from UN SCR 1325. The specific actor responsible for implementation as well as indicators, deadlines and resources (human, material and financial) should be specified.

5. Timeframe

A general timeframe for the completion of the entire plan, a timeframe for each specific initiative, or a timeframe for monitoring and evaluation can be included.

6. Monitoring and evaluation

In addition to the timeframe and indicators, other M&E mechanisms can be included such as the establishment of yearly reporting or the creation of a monitoring body.

7. Budget

A dedicated budget is essential to ensuring the concrete and sustainable implementation of even the most modest action plan.

met as a main group on four occasions, chaired by Chief Superintendent Maggie Hunter. A sub group was formed to develop the report and implementation plan.'[70]

4.4 How can gender mainstreaming initiatives in security sector institutions be monitored and evaluated?

Gender mainstreaming is one of the central strategies to achieving a gender-responsive security sector. A wide variety of different initiatives can fall under the heading of gender mainstreaming – however the focus is on ensuring that the needs and interests of men and women are equally included in security sector policies and programming. According to the authoritative definition by the UN Economic and Social Council:

> *'Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that women and men benefit equally and inequality is not perpetuated.'[72]*

As such, gender mainstreaming initiatives can range from reforming internal prison protocols and ensuring that the human dignity of women and men are respected, to conducting a gender-impact assessment of a national security policy, or appointing a gender focal point in the ministry of defence. Gender audits, as described in Section 4.3, are a useful tool to assess what gender initiatives have already been implemented, what their effects have been, and what the existing gaps and areas of improvement are.

However, gender mainstreaming initiatives are often implemented without proper monitoring and evaluation to gauge their impact, as well as to document the good and bad practices.

The M&E of gender mainstreaming can be conducted either with a self-assessment strategy or an external operational evaluation approach. When there is a gender action plan in place, the M&E of gender mainstreaming activities is relatively easy to conduct,

as such plans already put gender mainstreaming into a concrete framework and can include indicators.

Who monitors and evaluates?

Monitoring and evaluation of gender mainstreaming mechanisms can be conducted internally by the security sector institution in question – for instance by the gender focal point in collaboration with internal M&E specialists – or by external gender specialists, civil society organisations such as women's groups, or even international organisations.[73] As has already been mentioned, gender balance within the M&E team is crucial. In the case of allegations of sexual exploitation and abuse committed by UN peacekeeping personnel, various monitoring efforts have been employed (see Box 14).

What is monitored and evaluated?

In order to find out if gender mainstreaming initiatives are having a positive impact, the specific objectives of these initiatives need to be monitored/evaluated. This can be done though the use of indicators. These indicators can aim to measure the effectiveness and success of the implementation of gender mainstream efforts such as gender training, the implementation of gender-sensitive policies and female recruitment, or responsiveness towards men and women living with HIV/AIDS.

How to monitor and evaluate?

As has been mentioned in previous sections, indicators, surveys, interviews and other data-collection mechanisms can be used to monitor and evaluate gender mainstreaming initiatives within security sector institutions.

RBM can also be used in this context to monitor gender mainstreaming efforts. For example, UNESCO has strategically applied RBM alongside gender mainstreaming and states that the two approaches are 'mutually reinforcing processes'.[75] The inclusion of gender mainstreaming indicators into existing performance monitoring mechanisms, policy frameworks and guidelines can be another strategy to weave the M&E of gender mainstreaming initiatives into existing M&E structures.

Examples of indicators of institutional gender mainstreaming efforts include:

- Gender-sensitive language in manuals

Box 14	Monitoring cases of alleged sexual exploitation and abuse by UN peacekeeping personnel

'Following a sequence of ad hoc responses both from within the UN mission in DRC and from the UN Department for Peacekeeping Operations (DPKO) in addressing allegations of sexual exploitation and abuse within MONUC, a dedicated Office was established, the Office for Addressing Sexual Exploitation and Abuse (OASEA). No template for the establishment of such an office or its remit existed within DPKO, nor any ascertainable rules or procedures for the conduct of investigations. There was a policy vacuum; the definition of policies on crucial aspects such as the UN's responsibility to victims or how to address paternity claims, was embryonic. The OASEA defined its responsibilities in three key areas: (1) Conducting Investigations, (2) Policy Development and Advice, (3) Training, Awareness-raising and Advocacy.'[74]

Box 15	Gender budgeting in India

'In India, the Ministry of Women and Child Development has taken on the task of developing tools on GRB. The tools include gender-based profiles of public expenditure. In respect of targets, a number of schemes indicate specific components for women, such as special inputs for girl students in education-related schemes, health-related programmes for women, employment and training programmes for women, specialised micro-credit for women, and special laws relating to violence against women. The Ministry has also recently constituted a high-level committee for the development of the gender development index.'[78]

- Gender focal points that consist of mixed teams supporting and monitoring gender mainstream efforts
- Inclusion of gender issues in strategic plans and other policy documents
- Gender issues as topics in regular training sessions in police academies, law schools and other education centres of the security sector
- Female visibility (e.g. pictures on the website or in publications, etc.)
- Gender awareness among staff

Gender mainstreaming initiatives have been implemented in various institutions and programmes in the security sector. The evaluation of each activity is recommended in order to collect best practices and lessons learned for each measure taken.

See Tool on Gender Training for Security Sector Personnel

Gender budgeting is a tool to monitor and evaluate the gender sensitivity of budgets and the allocation of resources. They are attempts to break down or disaggregate budgets according to their impact on women and men (see Box 15).[76]

'Gender responsive budgeting (GRB) is about ensuring that government budgets and the policies and programs that underlie them address the needs and interests of individuals that belong to different social groups. Thus, GRB looks at biases that can arise because a person is male or female, but at the same time considers disadvantage suffered as a result of ethnicity, caste, class or poverty status, location and age. GRB is not about separate budgets for women or men nor about budgets divided equally. It is about determining where the needs of men and women are the same, and where they differ. Where the needs are different, allocations should be different.'[77]

The UN Development Fund for Women, the Commonwealth Secretariat and Canada's International Development Research Centre have developed a comprehensive website on gender budgeting which lists a series of resources and training materials: http://www.gender-budgets.org

5 Key recommendations

1. **Political will, appropriate time frames and sufficient financial resources**

   In order to ensure gender-responsive assessment, monitoring and evaluation, political will on the part of management is essential. One strategy is to identify and support 'gender champions' within upper-level management. Appropriate time frames and earmarked budgets are also essential.

2. **Data disaggregated by sex and age**

   The data gathered as part of assessment, monitoring and evaluation should always be disaggregated by sex and age in order to identify different security and justice needs and priorities. For comprehensive data analysis, it is also useful to disaggregate data based on other factors such as income, ethnicity, religion, region, sexual orientation and physical ability.

3. **Consult men and women**

   Interviews and focus groups among key stakeholders often fail to include women. For instance, it is important to seek out female staff of security sector institutions – even if they do not hold high-ranking positions – in order to gather accurate information about the needs for reform.

4. **Consult marginalised groups and civil society organisations**

   The active inclusion of marginalised groups in assessment, monitoring and evaluation processes increases the likelihood of sustainable and comprehensive reform. Consultation with women's organisations, associations of indigenous people, ethnic minorities, LGBT people, rural communities, low-income families, child advocacy groups and others can contribute new perspectives to the reform agenda and ensure that it also meets their needs.

5. **Inclusion of gender issues**

   Issues such as gender-based violence and gender differences in access to justice and security need to be specifically included in assessment, monitoring and evaluation.

6. **Gender-sensitive indicators**

   Including gender-sensitive indicators in SSR policies and programming will enable thorough monitoring and evaluation to determine the impact of reforms on men, women, girls and boys.

7. **Gender awareness and expertise**

   Assessment, monitoring and evaluation teams should include staff with gender expertise to ensure that gender issues are mainstreamed into the process and appropriate data-collection techniques are being employed. Gender briefings or training can be given to the entire team.

8. **Representative assessment, monitoring and evaluation teams**

   Mixed teams of men and women, ideally including international and local experts from different social, ethnic, religious and minority groups can increase the effectiveness of the team in accessing different communities as well as their legitimacy. Hire female and male translators.

9. **Combination of quantitative and qualitative data collection and indicators**

   Comprehensive and accurate assessment, monitoring and evaluation should include both quantitative and qualitative elements. Though quantitative data is often easier to evaluate and compare, important dimensions and issues are left out without including qualitative aspects.

10. **Conduct security sector-specific gender audits**

    Integrating gender into general SSR assessments often does not provide enough specific information to identify the gender mainstreaming reforms that are necessary. Conducting an in-depth gender audit of the specific institution can provide valuable information necessary for institutional change.

11. **Prioritise monitoring and evaluation of gender mainstreaming initiatives**

    When gender mainstreaming initiatives are undertaken within security sector institutions, comprehensive monitoring and evaluation should be included in order to determine the impact of the initiative and document good and bad practices that can enhance the effectiveness of future gender mainstreaming initiatives.

6 Additional resources

Useful websites

UN-INSTRAW: Gender and SSR - http://www.un-instraw.org/en/index.php?option=content&task=view&id=954&Itemid=209

World Bank: Bibliography on Gender Monitoring and Evaluation (M&E) and Indicators - http://www4.worldbank.org/afr/ssatp/Resources/HTML/Gender-RG/Source%20%20documents/Reference%20Lists/Monitoring%20&%20Evaluation/REFM&E1%20M&E LiteratureReviewOct01.pdf

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Annex A: Examples of indicators: justice reform and gender

Prepared by Juliet Hunt for the DCAF, UN-INSTRAW, OSCE/ODIHR
Gender and Security Sector Reform Workshop, Geneva, 16-19 Aug. 2007.

Areas of justice reform	Examples of gender equality results	Examples of gender-sensitive indicators	Methods of data collection
Goal: an effective and accountable justice system and strengthened rule of law	Promotion and protection of the human rights of women, girls, men and boys.	Outcome indicator: An increase in the percentage of women and men who have confidence in the legal system to treat them fairly – by ethnicity, socio-economic group and other categories.	■ Baseline survey during SSR assessment. ■ Survey conducted at the end of the SSR programme.
Law reform	A legal framework that protects the rights of all citizens – regardless of sex, age, ethnicity, religion, socio-economic status, sexual orientation, disability or health status (HIV/AIDS).	■ National legislation is revised in accordance with CEDAW and CRC. ■ Law reform has identified and removed conflicts between customary and traditional law to explicitly protect the human rights of women and girls.	■ Baseline assessment of women's rights in customary and formal law. ■ Verification based on legal statutes during performance monitoring, reviews and evaluation.
Gender-based violence	Implementation of legislation and national plans of action to eliminate GBV.	■ Procedures are in place and implemented to provide redress to survivors of gender-based crimes, including in armed conflict, post-conflict reconstruction, and violence perpetrated by security sector institutions. ■ Number of prosecutions against security sector personnel for GBV. ■ Increase in consistent sentencing for crimes of GBV, by type of violence and relationship of perpetrator.	■ Baseline assessment and review of protocols. ■ Surveys and interviews with women's organisations and other CSOs. ■ Court statistics; data from women's organisations. ■ Court statistics; review of newspapers; data from women's organisations.
Institutional reform	Equal access to justice for women and men.	■ Percentage of women and men who report that they are able to access the formal legal system to resolve disputes. ■ Number of police stations in poor rural areas that are resourced & staffed with women and men. ■ Number of court cases related to women's rights compared with the number related to men's rights. ■ Operational procedures and rules of evidence are gender-sensitive.	■ Baseline and follow-up surveys. ■ Review of police organisational and human resource records; observation. ■ Court statistics *(can be difficult to obtain, particularly data on outcomes of cases)*. ■ Baseline and follow-up review of court procedures.
Gender equity in the law and justice sector	Reduced discrimination against women and disadvantaged groups in law and justice sector institutions.	■ Percentage of male and female members of the judiciary, prosecutors, police officers, including in decision-making positions. ■ Increased retention of female recruits and recruits from diverse groups. ■ Affirmative action policies and targets in place and implemented. ■ Sexual harassment policies and protocols in place and implemented. ■ Number of women experiencing sexual harassment in the workplace.	■ Baseline data and data collected during reviews and evaluation from organisational personnel records. ■ Review of human resource policies and personnel records. ■ Review of organisational policies and protocols; interviews with staff.
Public awareness	Increased awareness of legal and human rights by women, men, boys and girls.	■ Increase in the number of male leaders who publicly advocate for gender equality and women's legal rights. ■ Legal literacy, human rights & peace education included in school curricula.	■ Focus group discussions with women's groups, CSOs; interviews with key informants; newspaper clippings. ■ Review of curricula.

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Security Sector Reform Assessment, Monitoring and Evaluation and Gender

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This Practice Note provides a short introduction to the benefits of integrating gender issues into SSR assessment and monitoring and evaluation (M&E), as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the **Gender and SSR Toolkit**. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 Tools with corresponding Practice Notes – see *More information*.

Why is gender important to SSR assessment and M&E?

Assessment is a systematic data-collection process that aims to reflect a given situation. This process analyses the context – including different factors, actors, risks and needs – in order to determine programme objectives and create a baseline for future M&E.

Monitoring is a 'continuing function that aims primarily to provide managers and main stakeholders with regular feedback and early indications of progress or lack thereof in the achievement of intended results. Monitoring tracks the actual performance or situation against what was planned or expected according to pre-determined standards. Monitoring generally involves collecting and analysing data on implementation processes, strategies and results, and recommending corrective measures.'[1]

Evaluation is the 'systematic and objective assessment of an ongoing or completed project, programme or policy; its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors. Evaluation also refers to the process of determining the worth or significance of an activity, policy or programme'.[2]

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Strengthen the delivery of security and justice
- Men, women, boys and girls have different security and justice needs, priorities and capacities. SSR assessments and M&E processes that are gender-responsive will provide more accurate information to enable reform processes to be designed and implemented to better meet the specific needs of men, women, girls and boys.
- Gender-responsive assessments and M&E can lead to strengthening the prevention of and response to gender-based violence (GBV) such as domestic violence, human trafficking and gang violence.

Inclusive and participatory SSR
- Including marginalised groups such as women, ethnic minorities and indigenous people in assessment and M&E processes will build civilian trust and local ownership of SSR processes.
- Increased participation of marginalised groups will also improve the accuracy and comprehensiveness of the data collected.

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Build human rights-promoting and representative security institutions

- Integrating gender-sensitive questions about sexual harassment, discrimination and human rights violations in SSR assessments and M&E can uncover these negative practices and highlight necessary reforms.

- Gender-responsive assessment and M&E can collect data on the number and rank/position of female and male security sector personnel as well as information on how to increase the recruitment and retention of women and other under-represented groups. Security sector institutions that reflect the population it seeks to serve increase their legitimacy and operational effectiveness.

Compliance with obligations under international laws and instruments

Taking the initiative to integrate gender issues into SSR assessment and M&E is not only a matter of operational effectiveness; it is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Beijing Declaration and Platform for Action* (1995)
- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can gender be integrated into SSR assessment and M&E?

! Gender tips for SSR assessment and M&E

- Establish a gender-aware team, including women and men with gender expertise. Hire male and female translators, if needed.
- Provide gender training or briefings to staff.
- Collaborate with civil society organisations (CSOs), including women's organisations.
- Collect information from both men and women of different positions/ranks.
- Disaggregate all data by sex and age.
- Establish gender-responsive indicators.
- Gather qualitative and quantitative data, using tools such as household surveys and focus group interviews.
- Employ specific research methodologies for gathering data on GBV.
- Collect data on gender issues such as the recruitment and retention of male and female personnel; sexual harassment rates; the implementation of national, regional and international laws and instruments related to gender and security; GBV and other human rights violations.

SSR assessments

- Systematise an assessment strategy and include a gender dimension in every stage – planning, designing, data collection and discussion of the results.
- Prioritise conducting joint assessments that involve cooperation and coordination between local and international stakeholders.
- Include assessment questions related to gender (see Box 1).

SSR monitoring and evaluation

- Plan and budget for gender-responsive M&E as a core part of SSR.
- Monitor and evaluate the various impacts that SSR processes have had upon men, women, boys and girls.
- Make the monitoring process as inclusive and participatory as possible – e.g. through establishing inter-agency task forces or inter-departmental working groups, including representatives from family or development ministries and CSOs.
- Take into account international and regional gender monitoring mechanisms, such as reporting under the *UN*

Box 3	Examples of justice reform and gender indicators [4]		
Area of justice reform	**Examples of gender equality results**	**Examples of gender-sensitive indicators**	**Methods of data collection**
GBV	Implementation of legislation and national plans of action to eliminate GBV	- Procedures are in place and implemented to provide redress to survivors of gender-based crimes, including in armed conflict, post-conflict reconstruction, and violence perpetrated by security sector personnel - Number of prosecutions against security sector personnel for GBV - Increase in consistent sentencing for crimes of GBV, by type of violence and relationship of perpetrator	- Baseline assessment and review of protocols - Surveys and interviews with women's organisations and other CSOs - Court statistics - Review of newspapers - Data from women's organisations
Institutional reform	Equal access to justice for women and men	- Percentage of women and men who report that they are able to access the formal legal system to resolve disputes - Number of police stations in poor rural areas that are resourced and staffed with women and men - Number of court cases related to women's rights compared with the number related to men's rights - Operational procedures and rules of evidence are gender-sensitive	- Baseline and follow-up surveys - Review of police organisational and human resource records - Observation - Court statistics - Baseline and follow-up review of court procedures

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

■ Include gender indicators (see Box 3).

Gender audits of security sector institutions

■ Create necessary preconditions such as political will and technical capacity.

■ Ensure that the gender auditor is both independent and has a good understanding of the internal procedures of the security sector institution – e.g. audit team of external gender audit consultant and internal assessment expert.

■ Questions to ask as part of a gender audit include:[5]

Does the institution:

- Have equal representation of men and women at all levels of the organisation?

- Have human resource policies and practices that encourage the recruitment, retention and advancement of women?

- Have policies and mechanisms to prevent and address sexual harassment, discrimination and violence?

- Have the technical capacity to work on gender-specific issues?

- Give basic gender training to its entire staff?

- Mainstream gender issues into its policies, programmes and initiatives?

- Dedicate adequate funding to gender-specific initiatives?

M&E of gender mainstreaming initiatives in the security sector

■ Prioritise comprehensive M&E of gender mainstreaming initiatives within security sector institutions in order to gauge their impact.

■ Develop institutional and programme-specific quantitative and qualitative gender-sensitive indicators (see Box 4).

■ If necessary, implement follow-up activities such as workshops, group discussions and strategic planning meetings in order to readjust gender mainstreaming initiatives.

Also available in Tool 11…

- Methods for SSR assessment data collection

- Integrating gender into the Clingendael SSR assessment framework

- List of key SSR M&E actors

- Table with a Results-Based Management approach to gender-responsive SSR M&E

- Gender audit methods

Box 4	Monitoring of gender mainstreaming in the United Nations
	Since 1997 the Assistant Secretary-General and Special Adviser to the UN Secretary-General on Gender Issues and the Advancement of Women has been charged with supporting and overseeing the implementation of gender mainstreaming mandates in the UN. Gender advisor units, gender focal points and reporting mechanisms are instruments used within the UN. Furthermore, the UN Interagency Network on Women and Gender Equality has drafted terms of reference on how to include a gender perspective into all reporting and M&E mechanisms in the UN system.[6]

Box 5	Security assessments focusing on sexual violence in humanitarian settings

Information to collect includes:[7]

- Demographic information, including disaggregated age and sex data.
- Description of population movements (to understand risk of sexual violence).
- Description of the setting(s), organisations present and types of services provided and activities underway.
- Overview of sexual violence (populations at higher risk, any available data about sexual violence incidents).
- National security and legal authorities (laws, legal definitions, police procedures, judicial procedures, civil procedures).
- Community systems for traditional justice or customary law.
- Existing multi-sector prevention and response action (coordination, referral mechanisms, psychosocial, health, security/police, protection/legal justice).

Post-conflict challenges and opportunities

SSR assessment and M&E are both challenging and particularly important in post-conflict contexts.

Challenges for the integration of gender issues

- Record-keeping and data collection that routinely exist during peacetime may be interrupted during armed conflict, including hospital records, criminal records and other data kept by the police or government ministries. The change or collapse of public institutions often makes comprehensive and representative data collection and assessment difficult.
- Lack of time and financial resources may not allow for comprehensive assessment and M&E frameworks. Nonetheless, data collection and monitoring of programmes and projects are crucial for their success and coordination.

Opportunities for the integration of gender issues

- There may be more political will of the international community, international organisations and newly-established governments to invest in gender-responsive SSR processes.
- Building up new security sector policies and procedures provides the opportunity to implement monitoring and evaluation procedures from the beginning, including setting targets for female recruitment and integrating gender issues into the formation of policies and protocol, operational programming, recruitment and training.

More information

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Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel

Annex on International and Regional Laws and Instruments

Each of these Tools and Practice Notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Nicola Popovic of UN-INSTRAW, based upon Tool 11 by the same author.

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[6] UN Inter-Agency Network on Women and Gender Equality, "Gender Mainstreaming in Evaluation, Monitoring and Programme Reporting (IANWGE/2005/12 Fourth session)" (New York: United Nations), 22-25 February 2005.
[7] 'Guidelines for Gender-based Violence – Interventions in Humanitarian Settings Focusing on Prevention of and Response to Sexual Violence in Emergencies', The Interagency Standing Committee, Taskforce on Gender in Humanitarian Assistance, 2005, p.25.

Gender Training for Security Sector Personnel
– good practices and lessons learned

Toiko Tõnisson Kleppe

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– good practices and lessons learned

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Megan Bastick and Kristin Valasek, DCAF

The Gender and SSR Toolkit
This Tool on Gender Training for Security Sector Personnel is part of a *Gender and SSR Toolkit.* Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
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10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

DCAF
The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

OSCE/ODIHR
The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

UN-INSTRAW
The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
■ Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
■ Creates synergies for knowledge management and information exchange;
■ Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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ACRONYMS

CSO	Civil Society Organisation
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation and Reintegration
DFAIT	Department of Foreign Affairs and International Trade (Canada)
DFID	Department for International Development (UK)
GBV	Gender-Based Violence
ICRC	International Committee of the Red Cross (Switzerland)
LGBT	Lesbian, Gay, Bisexual and Transgender
MINUSTAH	United Nations Stabilization Mission Haiti
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OSCE/ODIHR	Organization for Security and Co-Operation in Europe, Office for Democratic Institutions and Human Rights
PSO	Peace Support Operations
SEA	Sexual Exploitation and Abuse
SSR	Security Sector Reform
ToT	Training-of-Trainers
UN DPKO	United Nations Department of Peacekeeping Operations
UN INSTRAW	United Nations International Research and Training Institute for the Advancement of Women
UN SCR 1325	United Nation Security Council Resolution 1325 on women, peace and security (2000)
US	United States

Gender Training for Security Sector Personnel
– good practices and lessons learned

1 Introduction

'Where people have had good solid experience of how to integrate gender perspectives into their work, and of why and how that makes a difference, they can become champions and strong catalysts for change.'

Sanam Anderlini [1]

The purpose of this tool is to be a practical guide for preparing, implementing and evaluating gender training for security sector personnel. It includes a short description of the importance of gender training and focuses on providing practical tips and examples of good practices that can help to guide future training. The tool is designed for the staff of security sector institutions, international and regional organisations, and civil society organisations that plan, conduct or evaluate gender training for security sector personnel.

Gender training is an essential part of security sector reform (SSR): the process of creating an accountable and participatory security sector that meets the requirements of democratic governance and effective delivery of security and justice services. Integrating gender issues into the standard curriculum of security sector personnel training and education, as well as providing specific training on gender issues such as interview techniques for victims of human trafficking or institutional policies on sexual harassment, can strengthen service delivery, help ensure a non-discriminatory workplace and prevent human rights abuses.

For more information see Tool on SSR and Gender

This tool is based on a desk review of existing materials, training courses and publications; on personal interviews; and on material and information collected during a virtual discussion on good and bad practices in gender training for security sector personnel, organised by UN-INSTRAW, DCAF and OSCE/ODIHR in April 2007.[2] Quotes have been drawn from the virtual discussion and from a survey of the discussion participants' experiences with gender training.

2 What is gender training for security sector personnel?

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.[3]

See Tool on SSR and Gender

Gender training is 'a capacity-building activity that aims to increase awareness, knowledge and practical skills on gender issues by sharing information, experiences and techniques as well as by promoting reflection and debate. The goal of gender training is to enable participants to understand the different roles and needs of both women and men in society, to challenge gender-biased and discriminatory behaviours, structures and socially-constructed inequalities, and to apply this new knowledge to their day-to-day work.'[4]

Security sector personnel include staff of security sector institutions: armed forces (including peacekeepers), police, intelligence services, justice and penal systems, border management services, and private security and military companies. According to comprehensive definitions of the security sector, it also includes management and oversight bodies such as government ministries, parliaments and ombudspersons' offices. Gender training is also relevant for international and regional organisations, donor countries and non-governmental organisations that support security sector reform initiatives.

In the context of security sector reform, gender training is based on sharing experiences of how security sector personnel and institutions can become more responsive to men's and women's security and

justice needs, and how to create a more inclusive and human rights respecting security sector. Gender training:

- Is not just about women, but focuses on gender – which includes issues of men and masculinities.
- Is for both male and female security sector personnel of all positions and ranks.
- Is relevant and necessary for security sector personnel in all contexts, including post-conflict, transitional, developing and developed countries.

Gender training for security personnel can be based on various methodologies and curricula, from workshops over a number of days to an hour-long training session. Gender issues can also be integrated into standard training modules rather than being taught separately. Depending on the specific context and audience, a large variety of different topics can be covered in gender training. For example:

- Understanding of the different security needs of men, women, girls and boys.
- Laws, instruments and policies on women's rights and gender issues.
- Gender budget analysis.
- Sexual exploitation and abuse policies.
- Protocol for response to male and female victims of sexual violence.
- Identification of victims of human trafficking.
- Preventing discrimination against lesbian, gay, bisexual and transgender (LGBT) people.
- Preventing sexual harassment in the workplace.

3 Why is gender training important for security sector personnel?

Together with other gender mainstreaming initiatives, such as the promotion, increased recruitment, retention and advancement of female personnel, gender training helps to strengthen the effective delivery of security and justice services, create a healthy work environment for male and female staff and prevent human rights violations by security sector personnel.

Compliance with obligations under international laws and instruments

Conducting gender training is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *The Beijing Declaration and Platform for Action (1995)*
- *United Nations Security Council Resolution 1325 on women, peace and security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

3.1 Effective delivery of security and justice services

The security sector must be able to respond to the different security needs of men, women, boys and girls, many of which are determined by differences in gender roles, norms and behaviour. For instance, gender-based violence (GBV), including human trafficking, intimate partner violence, sexual assault and anti-gay violence, is one of the most common threats to human security worldwide. Globally, one out of every three women is a victim of GBV.[5] In order to effectively prevent, respond to and sanction GBV, security sector personnel need general and technical gender training, for instance on how to interview victims of human trafficking or prosecute intimate partner violence.

Targeted, appropriate and sustained gender-awareness training, which challenges stereotypes about men and women, also helps security sector personnel to interact appropriately and respectfully with civilian men, women, girls and boys. This can enhance civilian trust, leading to increased operational effectiveness.

3.2 Non-discriminatory and productive workplaces

Gender training promotes a non-discriminatory workplace, free from sexual harassment and discrimination. The institutional costs of sexual harassment include loss of productivity, lowered morale, absence from work and increased staff turnover. Sexual harassment also hinders the integration of women into security institutions. According to a survey by the United States (US) Department of Defence, the reported rate of sexual harassment of active-duty members declined between 1995 and 2002 for both women (46% vs. 24%) and men (8% vs. 3%).[6] Around 75% of the personnel had received sexual harassment training and more than 80% of both women and men said that this training was a useful tool for dealing with sexual harassment.[7]

'UN staff are generally not sanctioned if they are insensitive or even prejudiced against women. A culture of fear of one's career development seems to keep many people from fighting for the gender cause, as there is a risk of retaliation if one brings up gender discrimination.'

Gry Tina Tinde, UNHCR Special Advisor to the High Commissioner on Gender Issues [8]

When personnel are gender-sensitive the workplace becomes more productive, efficient and equitable. This in turn makes it easier to recruit women, as well as men from minority groups, which creates a security sector that is more representative of the population it seeks to serve. A diverse and non-discriminatory security sector can enjoy strengthened trust and collaboration with civilians.

3.3 Prevent human rights violations

Regrettably, personnel from security sector institutions have been known to commit human rights violations, including GBV against women, girls, men and boys. A key strategy for the prevention of human rights violations by security sector personnel is to provide comprehensive training which outlines their responsibilities to protect and promote human rights, including GBV issues and women's rights. This training is often designed to educate personnel on staff codes of conduct, including unacceptable behaviour, reporting systems and disciplinary measures. For instance, peacekeepers usually receive training on sexual exploitation and abuse in order to prevent this human rights violation. This improves their relationships with local communities and thereby enhances the safety of personnel and the positive effects of their work.

4 How should security sector personnel be trained on gender issues?

Gender training for security sector personnel should be designed according to the identified needs, functions and experience of the personnel as well as their cultural context. This section serves as a guide to planning and implementing gender training by examining the pros and cons of various training options and presenting good practices. It is structured around a standard training cycle which includes four stages: planning and preparation, implementation, evaluation, and follow-up. Gender training should thus be a continuous loop wherein results from existing initiatives feed into new training initiatives, thus strengthening and consolidating the progress made.

Training cycle

Follow-up → Planning & preparation → Implementation → Evaluation → Follow-up

Gender training alone is not enough to create gender-responsive security sector institutions. Training is an essential tool for mainstreaming gender issues, but needs to be part of a strategic plan which incorporates other institutional changes:

- **Policy level** – such as enacting and enforcing a code of conduct, a sexual harassment policy or reforming existing protocols so that they are gender-responsive.
- **Structural level** – such as establishing gender focal points or a gender-based violence unit.
- **Programmatic level** – such as adopting a community policing approach, creating an internal hotline for reporting sexual harassment, or providing victims of human trafficking with referrals to women's organisations.
- **Personnel level** – such as initiatives to recruit, retain and advance more female staff and other under-represented groups.

Such institutional changes go hand in hand with gender training. Policy changes can only be implemented if personnel receive adequate training; gender training will have very little impact if it is not backed up by gender-responsive policies and structures.

Before launching into a discussion of good practices for gender training of security sector personnel, it is also important to learn from past mistakes. **Bad practices** to avoid when planning, implementing and evaluating gender training include:

- Gender training not adapted to the needs, language, cultural and work context, experience and prior gender knowledge of the course participants.
- Academic, over-theoretical presentations or monologues which give the participants definitions, theory and facts without subsequent discussion or participatory activities that enable participants to engage with the subject and apply it.
- Gender trainers who use too much gender jargon, are not familiar with the work-specific context, or who intimidate or ridicule the training participants (or allow others to do so).
- Unrealistic expectations regarding the gender expertise that can be gained through very short training. Promoting gender-responsive behaviour requires long-term training, follow-up and continuous support from a network or advisor.

Box 1	Gender mainstreaming in the penal system

'Gender training should be put into a greater context of other gender mainstreaming initiatives.'

Olivier Robertson, Quaker United Nations Office [9]

In the context of correctional institutions, this means that prisons among other things should be designed specifically for women and not simply adapted to men's prison regimes. Facilities need to be built closer to the home community and contact with family members should not be restricted. Greater gender equality should be achieved when recruiting security sector personnel and institutional policies must be adapted to attract personnel from both sexes.

Box 2	Gender coach programme in Sweden [11]

Genderforce Sweden initiated a 'Gender Coach' Programme, pairing 12 senior managers within peace and security institutions with 12 coaches with extensive knowledge of gender equality issues. Participants in the programme include the Chief of Staff for the Swedish Army and the Director of Armed Forces Training and Procurement. The feedback on the programme has been positive, with participants stating that they have changed ways in which they act and communicate.

The reason for choosing to work with the top management is that they have both the power and ability to influence structures and behaviour within the organisations. Hence, it's important for them to deepen their understanding of gender equality. Many times though, for people at this level it is too time-consuming to take part of in-depth training programmes, which is why coaching is an effective way to achieve the desired result.

- Insufficient time and resources allowed for basic gender training and follow-up initiatives.
- Focusing only on statistics (e.g. number of trained staff or hours of training) instead of prioritising and investing in the quality and substance of gender training.

4.1 Planning and preparing gender training

The first step of the training cycle – planning and preparation – is fundamental for successful gender training. It includes building senior management support for training, conducting a pre-training audit, adapting the training to the context-specific needs of the participants and taking into consideration common obstacles to effective gender training. It is also in this first phase of planning that the gender trainers are recruited and, if necessary, provided with gender training-of-trainers.

How to get senior management's support for gender training

'Lack of attention to gender issues at the top of organisations trickles down and impedes capacity-building, resource allocation and general awareness. Repeated calls for gender sensitisation discussions at all staff levels often go unheeded, but there are stand-alone good examples of useful discussions. However, they are just window-dressing if agreements reached are not followed up on or funded.'

Gry Tina Tinde, UNHCR Special Advisor to the High Commissioner on Gender Issues [10]

Senior management's approval and support for gender training is crucial to its success and sustainability. Gender training is often not a priority among the senior management of security sector institutions, who may be hostile to, or obstruct, gender training initiatives if they do not see the value of the training. A 'top-down' approach to gender training can ensure that gender-responsiveness trickles down through an entire institution.

! **Tips for increasing senior management support for gender training:**

- Provide convincing examples of how gender training increases operational effectiveness.
- Provide gender training for senior management.
- Establish gender coaching programmes. This can be a good solution to the issue of senior management's lack of time to participate in in-depth gender training. (See Box 2 for the example of the Swedish Armed Forces' Gender Coach Programme).
- Create gender policies or action plans together with senior management as part of the gender capacity-building/training process.
- Involve senior management in gender training to demonstrate their commitment to the process, for instance through having them introduce or conclude the gender training. This shows the participants that gender training is important to leadership.

'When addressing the managing officers in any security agency, an effective starting point is the joint creation of a written policy. The act of discussing the issue and drafting the policy provides senior management with a sense of ownership over the issue. The policy can then be useful as a training tool … Our experience showed that discussions about gender and gender-based violence could be then easily contextualised within the operational policy, using points of reference familiar to the officers. Thus, instead of framing the discussion initially as male-female, it becomes rather a matter of operations.'

Anette Sikka [12]

How should a pre-training gender assessment be conducted?

A pre-training gender assessment helps to determine the objectives of the gender training by mapping out training needs. It guides the development of the training content and methodology, as well as being a baseline for training evaluation. Another benefit of conducting a gender training assessment is that participants may feel more ownership of the process, which can increase their engagement and in turn result in more effective training outcomes. Assessments can be conducted by the gender trainer, human resources personnel or other qualified staff.

Questions to ask include:

- What is the current level of gender awareness and capacity? Have participants undergone previous gender training?
- What type of training is needed to improve the institution's provision of security and/or justice to men, women, girls and boys?
- What type of training is needed to prevent discrimination, harassment and human rights violations?
- What institutional gender policies exist, and are participants familiar with them?
- Which specific gender-related skills have the participants identified that they would like further training on?
- What are the specific cultural contexts of participants that might affect their responses to gender training?

In-depth gender assessments, which focus more broadly on gender-responsiveness within security sector institutions at the levels of policy, structure, programming and personnel, can also be a good starting point for identifying awareness and capacity gaps that can be addressed by gender training.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

How can gender training be adapted to different contexts and participants?

In order to be effective, gender training needs to be adapted to:

- Roles and responsibilities of the participants. Judges, prosecutors, peacekeepers and ministry of defence personnel, for example, will have different training needs.
- National and community contexts within which the participants work.
- Educational level and cultural background of participants.
- Relevant national legal framework regarding, for instance, gender equality and gay and lesbian rights.

Tips for adapting gender training to different contexts and participants:

- Take into account research conducted on gender and security issues within the specific geographic area, including the results of pre-training assessments and desk reviews of existing literature.
- Become familiar with the cultural contexts that the training participants come from and work in and use culturally relevant examples and case studies. For instance, get feedback on the cultural relevancy of planned gender training with participants and/or conduct the training in partnership with local women's organisations or gender trainers. For

example, pre-deployment gender training for peacekeeping personnel may benefit from engaging women from relevant diaspora communities to provide information on the local culture and customs of the country of mission. Members of the same institution who have already been out on missions are also a great resource to include in the training, as they can tell their colleagues about their experiences.

- Take into account the age and sex of the participants; their educational level, professional positions and ranks; and their prior gender experience and knowledge, both in life and in work contexts. Both male and female personnel should receive gender training. It must not be taken for granted that women know more than men about how to address gender-based insecurities or how to recruit more women in the security sector.

'During a gender training session conducted by the UNHCR Focal Point for Sexual Abuse and Exploitation in Liberia, some participants walked out of the class or became extremely shy when issues regarding female genital mutilation were discussed openly.'

Alexina Mugwebi-Rusere, SEA Focal Point of UNHCR in Liberia [13]

- Language barriers can be minimised by using pragmatic, culturally-appropriate and institutionally acceptable language, and avoiding gender jargon.
- Many gender training resources and guidebooks only exist in English, which restricts access for both trainers and participants. Most languages have specific gender terminology and expressions that are charged with cultural prejudices and values. Many of the terms and language that deal with the concept of gender are difficult to translate – or do not even exist in the local language. Translators should be carefully chosen, and gender language discussed with them before the training. When working with a translator, it should also be considered that she/he might not have the required understanding of value-loaded gender terms.
- A good practice is to include a section within the training on 'gender concepts' in order to aid understanding and clarity. Certain words, such as 'feminism' may be negatively charged and it might be better to use terms with more neutral connotations, such as 'promoting gender equity'. Experience from gender training in **Nepal** demonstrates that the participants found that the most useful parts of the training were when the trainers clarified the jargon and addressed the conflation of the terms 'gender' and 'woman'. [14]

'During the piloting of "Gender and Peacekeeping" for UN DPKO, working with the Jordanian contingent in Eritrea, we had bilingual lessons with small groups working in English and Arabic. This included wonderful discussions with local women and men, who entered into the spirit of the event. I think this was a critical element and helped us to do our jobs as external trainers working in a different culture. It

Box 3	Advantages and disadvantages of external/internal trainers	
	Trainer from civil society organisations, an independent consultant, etc.	**Trainer from the specific security sector institution**
Pros	■ Can facilitate the partnership between CSOs and security sector institutions ■ Often have extensive training experience and gender expertise. ■ Can convey context-specific knowledge. ■ May have a broader perspective and give different examples from outside the specific area of the security sector institution. ■ May appear unbiased.	■ Has more legitimacy with and respect from participants, and is thus taken more seriously. ■ Knows the institutional culture and specific issues and personnel of the security sector institution. ■ Familiar with the work-specific tasks and terminology used by the security agency.
Cons	■ May be seen as an outsider that does not understand the work or responsibilities of the participants and the security sector institution. ■ May cost more for the institutional budget. ■ May contribute to gender issues being seen as an extra or external issue. ■ May hinder the building of internal institutional capacity on gender training.	■ May not have the requisite understanding of gender issues or expertise in effective gender training methodologies. ■ May not have knowledge of local culture and traditions.

demonstrated to the peacekeepers that "gender" is not only to be integrated in all we do, but it is important to the local population. This could be a bridge-building tool for the military if they had the wit to employ it.'

Angela Mackay, independent consultant [15]

Who should be the gender trainer?

The success of gender training is highly dependent upon the experience and capabilities of the trainer. When engaging a gender trainer it is important to look for someone with expertise in the area of gender *and* experience with the security sector. Facilitation skills are important, since gender trainers play the role of catalysts in discussions, during which participants explore and exchange experiences and skills that they already possess.

Joint male and female gender training teams

The over-representation of men in many security sector institutions can make the challenge of teaching even tougher for female gender trainers. Women who conduct gender training, even when they are from the same security sector institution, often do not have the same possibilities as their male colleagues to counter the scepticism of male-dominated classes because of gender bias and the misperception that gender only refers to women.

A good practice is to have a man and a woman work together as gender trainers. This provides the trainers with mutual support and makes it easier to handle scepticism among training participants. Linda Johansson, project manager of the gender training programme of the Swedish Armed Forces, confirmed that she and her male colleague 'are always holding

the lectures together to better tackle the arguments against us and to show the participants that this issue is as important for men as for women'.[16] Gry Tina Tinde, UNHCR's Special Advisor to the High Commissioner on Gender Issues, invited a male staff member to join her in gender training that she was conducting for the UNHCR office in Geneva. She found that this engaged male participants more in the discussion and gave her possibilities to take a step back and joke about stereotypes of female gender trainers.[17] For this reason, more effective approaches to engage men to become gender trainers are needed. Men usually speak out more easily about gender issues when they are officially expected to do so and when encouraged by other men.

External trainers

Gender training for security sector institutions can be conducted by external trainers, for example from civil society organisations (CSOs), international and regional organisations, training institutions, or training experts from security sector institutions in other countries or cities.

Involving local CSOs and training experts can also ensure that the voices of the local population are heard and included in gender training. The Leitana Nehan Women's Development Agency has, for example, conducted gender training for judicial staff in **Papua New Guinea**.[18] The CSO Gun Free South Africa delivered gender training for **South Africa**'s Truth and Reconciliation Commission.[19]

Internal trainers

It is fundamental that the trainer has appropriate status to be able to convey the importance of the subject to security sector personnel. In hierarchical and inward-looking institutions, such as the military, it

is an asset to recruit the trainer from the mid-high ranks of the institution. Another positive aspect of recruiting gender trainers from within the institution is that they are more familiar with its culture and will therefore often be better accepted by the participants. Box 3 sets out some of the pros and cons of using external and internal trainers.

One strategy is to create gender training teams comprised of an internal trainer and an external gender expert, who develop the gender training together. The external consultant may play an advisory rather than operational role. There are many examples of this form of joint gender training, for example between the **Haitian** police and the local non-governmental organisation (NGO) Réseau National de Défense des Droits Humains.[20]

How to conduct gender training-of-trainers?

In order to ensure that gender trainers have the requisite skills to provide effective training, gender training-of-trainers (ToT) often needs to be held. Gender ToT can be used to create a pool of skilled gender trainers who both know the internal jargon of the relevant institution, and have the ability to train their colleagues on how to incorporate gender issues in their daily work. In this sense, gender ToT helps to maximise the limited resources allocated to gender training, since it strengthens internal institutional capacity and reduces dependency on external gender trainers.

'Participants have more respect for people they are familiar with. While it was good that we at UNHCR organised and facilitated the gender training, I feel that the right approach would have been to identify key facilitators in each of the organisations and have training for this special group as a Training-of-Trainers workshop. Thereafter, one could let each trainer facilitate the gender training for his or her organisation. This gives the responsibility to each person and the people feel rewarded with new knowledge which they will be eager to share with in [their] own organisation. Apart from serving as a motivational technique, it helps to spread the information much faster at the same time as it helps to build the capacity of individuals and organisations.'

Alexina Mugwebi-Rusere, SEA Focal Point of UNHCR in Liberia [21]

The person responsible for teaching gender trainers should be a gender expert with extensive knowledge of training pedagogy as well as experience with training security sector personnel on gender issues.

'In Haiti, training-of-trainers programmes have been conducted by the UN Stabilization Mission in Haiti for the police to build up a pool of well-trained officers on different subjects. The training on gender was the most difficult, especially regarding gender-based violence which is 'the real issue in Haiti where violence against women is somehow tolerated on cultural ground[s] and police agents have been notorious for abusing women.'

Nadine Puechguirbal, UN Stabilization Mission in Haiti [22]

4.2 Implementing gender training

The second step in the training cycle – implementation – is based on the decisions and preparations made during the planning phase. It focuses on what to teach and how to teach it, meaning the curriculum and methodology.

What curriculum and structure should gender training have?

This section provides an overview of the most common topics addressed in security sector gender training and various suggestions for how they can be approached.

Gender trainers often have to overcome resistance to the subject from both course participants and colleagues. A key objective must be to show participants how gender awareness makes them better at their jobs. Having clear goals for gender training is an important factor in effectively countering scepticism and delivering the expected results. The learning objectives must not be too general and they need to outline new practical skills that the gender training will provide.

Gender roles: male and female in different cultures
Discussions about gender roles and male/female stereotypes need to underline how gender roles differ between cultures. Discussing the meaning of sex, gender, gender roles, power relations and GBV provides security sector personnel with a conceptual understanding of these terms. It is good to link this discussion to the participants' own experiences of gender roles so that their importance and influence is understood. Discussions can include anything from cultural differences and sexual violence, to women in detention and the roles of women as heads of households.[24] It is vital to emphasise the impact of gender roles on men's and women's different experiences and perceptions of security and justice.

Gender training should address issues of masculinity, traditional male roles and the security needs of men and boys.

This is especially important in gender training for security sector personnel since a vast majority of personnel are men. Addressing male roles, masculinities and men's understanding of themselves in security sector gender training can:

■ Help male participants understand how and why gender-responsiveness can improve their work performance and efficiency, and how it concerns them directly as security sector personnel and as men.

Box 4	Good practices for gender training curricula

'The gender entry points for us are primar[ily] UN SCR 1325 and the fact that our military personnel look up to the UN as an important authority. Around 95% of our students are men, and because of this the gender questions quite easily provoke the students because of the guilt men feel just because they are men. Therefore we try quite early in the lesson to make them realise that both men and women are responsible for the unequal society.

We also use a cultural approach to gender in a role play exercise where we show them a picture of Ms Norway in [a] bikini next to a woman in a *burqa. Then we divide the group into one part who represents the fictitious group "Muslim Feminists in Sweden" and the other part to the fictitious corporation "Ms Sweden Co". Then they have to come up with arguments why each of the pictures is representing a good view of the women. The discussions are usually quite lively and quite funny with some laughter. The exercise is meant to point out that gender differs between cultures and isn't fixed.'*

Linda Johansson, Swedish Armed Forces [23]

- Lessen male participants' potential feelings of alienation and targets of criticism.
- Raise awareness of and introspection regarding 'cultures of violent masculinity' which are often prevalent within the armed forces and the police.
- Take the focus away from gender as a 'women only' subject and put men's roles, vulnerabilities and responsibilities into the picture.

See Tool on SSR and Gender

Gender-responsiveness for successful security work

Present gender-responsiveness as a strategy for increasing professional effectiveness and efficiency. Experiences from **Nepal** highlight how 'everything had to be brought down to practical levels and real life examples and exercises that made them realise why gendered analysis and information mattered – always using the "efficiency" approach'.[25] Giving examples of the costs of ignoring gender may be useful here.[26] It is also important to include information on institutional gender policies and mandates that affect the security sector personnel in question, including codes of conduct.

International, regional and national mandates on gender and security

It is important to introduce international, regional and national legislation and policies on gender and security issues, to demonstrate that the state and its security sector institutions are committed to upholding certain human rights norms and standards of behaviour. Sessions focused on normative frameworks should be as practical and interactive as possible.

See Annex on International and Regional Laws and Instruments

Sexual exploitation and abuse

'An understanding of gender issues is a good entry point to SEA. Recipients can't understand SEA without being walked through a good picture of gender roles and gender inequalities in countries of mission.'

Nadine Puechguirbal, UN Stabilization Mission in Haiti [27]

Sexual exploitation and abuse (SEA) must be included in gender training for groups that will be deployed in developing or post-conflict areas, such as peacekeeping personnel. SEA is especially relevant to peacekeeping personnel due to the unequal power relations that exist between peacekeeping personnel and local populations.

The issues of gender/gender relations and SEA can be addressed separately or together during gender training sessions. A good reason for combining training to prevent SEA and gender training is to make sure that the participants see that SEA and gender issues are connected. It is important that the gender trainer emphasises that SEA is based on the same structure of gender inequality as other forms of sexual violence.

A reason for keeping gender training separate from SEA training is to ensure that the effectiveness of the gender trainer, who may also be the gender adviser, is not undermined by him or her being seen as also having a disciplinary function regarding SEA. The gender trainer or adviser may need to be someone to whom personnel can turn for advice on gender matters on a day to day basis. This advisory and support role should be entirely separate from disciplinary functions as regards SEA.

Training for gender-responsive budgets

Training on gender budget analysis can be appropriate for security sector oversight bodies, such as parliamentarians on budget and defence committees and senior management within security sector institutions. Budget decision-makers should be provided with a gender analytical framework for security sector spending. An analysis should be made

of how the allocated resources have addressed the security and justice needs of men, women, girls and boys, both regarding expenditures for the security sector and for other areas of society that influence peoples' security. Two kinds of gender-responsive budget expenditures can be considered in the context of the security sector: [28]

1. Expenditure that explicitly targets gender issues, such as initiatives for increased recruitment of female security personnel, gender training, or programmes for perpetrators of GBV.

2. Expenditure that promotes gender equality indirectly by addressing insecurities that particularly affect men, women, girls or boys.

This is a specialised training topic that needs to be taught by a gender trainer with appropriate expertise.

Cross-cutting areas of security sector gender training

Issues such as HIV/AIDS, the rights of LGBT people and reproductive and sexual health are directly linked to gender and security issues, yet these topics are often left out of gender training initiatives. It is good practice to incorporate these issues into gender training or consider holding separate, but related, training on these topics. Other cross-cutting issues that, depending upon the context, may be important to address in gender training sessions include: human trafficking and sexual slavery; the use of boy and girl child soldiers; the effects of mines and small arms and light weapons on the security of men, women, girls and boys; electoral processes; and women's and men's different access to property rights.

■ **HIV/AIDS:** Many training initiatives and materials exist on the gender aspects of the HIV/AIDS pandemic. Family Health International's 'HIV/AIDS/STIs Programme for Uniformed Services' targets military, police and other security forces to inform them about the risks of HIV and other sexually transmitted infections, taking into account the fact that the military is one of the groups with the highest transmission rates to civilians. Family Health International has developed specific training manuals for this purpose. [29]

■ **Rights of LGBT people:** LGBT people face specific security threats ranging from harassment to severe forms of violence and even death. The police, justice and penal systems are responsible for protecting LGBT people from anti-gay discrimination and violence. However, within security sector institutions themselves there are often high rates of harassment and other human rights violations based on sexual orientation or gender identity. Integrating LGBT issues into gender training is an effective way to strengthen security and justice provision and reduce discrimination and harassment in the workplace. Certain CSOs offer training and capacity building for state institutions and NGOs to promote equality for LGBT people. The 'Beyond Barriers' project in the **UK**, for example, offers training on gender identity and LGBT issues, including homophobia.[30]

■ **Reproductive and sexual health**: Providing male and female security sector personnel with training on reproductive and sexual health can increase their health and productivity; enhance respect for human rights, including prevention of GBV; and increase the likelihood that they make informed, safe and consensual decisions regarding sexuality and reproduction. The UN Population Fund has

Box 5	Basic content and structure of gender training for security sector personnel
Gender	■ Discuss the meaning of gender vs. sex, masculinities/femininities, gender equality, gender mainstreaming and equal participation. ■ Discuss how men, women, girls and boys' security needs and perceptions differ and are alike. ■ Discuss the impact of gender-based discrimination, for the individual and for society as a whole, and the impact on any security work. ■ Analysis of GBV against men, women, girls and boys. ■ Examples of sexual harassment and discrimination. ■ Practical case study and analysis of gender issues/stereotypes/roles.
Legal and policy framework	■ Relevant international, regional and national mandates on gender. ■ Institutional policies on gender including code of conduct.
Sharing practical experiences	■ Practical case studies and exercises: considering the importance of gender for the specific work context of the participants. ■ Non gender-sensitive examples from the field and their consequences.
Test	■ Test or other knowledge-evaluating activity.
Evaluation	■ Evaluation of gender training session: reaction, learning, behaviour (see Section 4.3).

Box 6	Examples of sector-specific gender training for security sector personnel	
Sector - Type of training	**Training**	**Curriculum**
Military: Sexual Assault	US Army, 'The Army's Sexual Assault Prevention and Response Training', 2005. http://www.sexualassault.army.mil/	■ Define the Army's Sexual Assault Policy as it relates to the Army Values, Warrior Ethos, and Soldier's Creed. ■ Determine types of sexual assault, the effects of sexual assault and victim responses. ■ Recognise sexual assault in real-life situations. ■ Apply soldier's responsibilities within the Army's Sexual Assault Prevention and Response Program. ■ Identify reporting options, procedures and the implications of reporting or not reporting sexual assault for victims and perpetrators. ■ Identify techniques used to prevent sexual assault. ■ Identify victim's rights and resources available to assist them.
Peacekeeping: Gender	DFID/DFAIT, 'Gender and Peacekeeping Training Course', 2002, http://www.genderandpeacekeeping.org/menu-e.asp	■ Introduction: structure and methodology. ■ Gender and Culture: understanding of gender in various cultural contexts. ■ Why Gender Matters: gender and armed conflict. ■ Gender in the Context of Peace Support Operations: integration of a gender perspective in humanitarian assistance; gender equality and peace-building; responsibility of peacekeeping personnel. ■ Gender, Human Rights, and International Humanitarian Law: including codes of conduct for combatants. ■ Gender and the Conflict Phase: case studies. ■ Gender and the Post-Conflict Phase: case studies. ■ The Way Ahead: challenges and opportunities of applying your understanding of gender.
UN Focal Points: Sexual Exploitation and Abuse	UNICEF/OCHA, 'Inter-Agency Training for Focal Points on Protection from Sexual Exploitation and Abuse by UN Personnel and Partners - Facilitator's manual', 2007 (Available from Headquarter Focal Points on Sexual Exploitation and Abuse in UNICEF, OCHA and UNHCR).	■ Opening and introductions: structure and aims. ■ The problem and consequences of sexual exploitation and abuse by UN staff, related personnel and partners. ■ The responsibilities of a focal point and the network. ■ The Secretary-General's Bulletin – definitions and standards of conduct. ■ Reporting systems, investigations and disciplinary proceedings. ■ Receiving and documenting complaints: challenges and good practices. ■ Communications and outreach: awareness-raising campaigns. ■ Implementing a victim-assistance strategy. ■ Being the messenger: the role of the focal point. ■ Developing a plan of action. ■ Closing and assessment.
NGO: Human Rights	Amnesty International Stop Violence Against Women Campaign, Making Rights a Reality – Human rights Education Workshop for Non-Governmental Organizations', 2005. http://www.amnesty.org/resources/pdf/SVAW/ngo.pdf	■ Introduction and expectations: stepping stones – how, why and what? ■ Conceptualising rights and reflecting on our practice: brainstorming on what we understand by human rights and women's rights; participants' experience. ■ Context: interpretation, analysis and discussion of context. ■ Conceptualising women's rights and analysis of root causes and consequences of violence against women. ■ Women's rights as human rights. ■ States' responsibility to protect women's rights: the concept of due diligence. ■ Applying due diligence to cases of violence against women. ■ The social, psychological, economic cost of violence against women. ■ Return to practice: changing the practice. ■ Final plenary: outline Amnesty International's Stop Violence Against Women Campaign; Evaluation.
Police, Border Guards and Social Workers: Human Trafficking	ECPAT, 'Training for Police and Social Workers on Child Rights and Child Protection in Relation to Trafficking in Children for Sexual Purposes', 2006. http://polis.osce.org/library/f/2926/1159/NGO-NLD-TRN-2926-EN-A%20Training%20Guide.pdf	■ Baseline knowledge rest. ■ Background information on trafficking in children for sexual purposes. ■ Who is a child? Attitudes to children. ■ Children at risk of trafficking and its consequences. ■ The legal context related to child trafficking: What laws we have and how they work. ■ Child protection provisions: care of and assistance to trafficked children – role play on repatriation. ■ Investigating child trafficking offences. ■ Interviewing children and obtaining evidence from a child trafficking victim: case studies. ■ Stakeholders and their roles: national referral mechanisms and case studies. ■ Evaluation: baseline knowledge rest and course evaluation questionnaire.
Media: HIV/AIDS	IPS Inter Press Service International Association, 'Gender, HIV/AIDS, and Rights – Training Manual for the Media', 2003. http://ipsnews.net/aids_2002/ipsgender2003.pdf	■ A gender analysis framework for the media: role of the media; editorial independence; journalists as communicators. ■ Communicating gender in the media: gender stereotypes; 'hard news' and 'soft news'. ■ Gender, HIV/AIDS and rights: the missing story; the complexities of HIV/AIDS; 'risks' vs. 'harms' reporting on HIV/AIDS; vulnerability of women and men to HIV/AIDS; integrating gender and HIV/AIDS into news. ■ Improved knowledge and skills: good reporting; language and terminology; avoiding stigma and discrimination; interviewing skills; cross-checking facts; avoiding breach of security and/or confidentiality; ■ Wrap up and evaluation.

supported the integration of reproductive and sexual health and gender issues into the military of various countries around the world, and educated military personnel about reproductive health issues.[31] The Reproductive Health Response in Conflict Consortium has produced training materials for this purpose, addressing gender, GBV, and the recommended standards for prevention and response to GBV in populations in areas of armed conflict.[32]

Examples of gender training curricula

Though gender training needs to be adapted to specific institutions, contexts and participants, what follows is a model outline for gender training of security sector personnel (see Box 5).

Various security sectors do, however, focus on different issues, as seen in Box 6.

Integrating gender into training for security sector personnel

Experience from gender training within various areas of the security sector emphasises the advantages of mainstreaming gender into standard, mandatory security sector training in addition or instead of separate gender trainings. The advantages include:

- It presents gender issues as an integral part of the duties of security sector personnel which can increase its legitimacy, rather than being seen as a separate issue.
- It demonstrates how gender issues can be practically integrated into various areas of work.
- Having regular trainers present gender issues, rather than an external gender expert, can increase the participants' receptiveness to the topic.
- It is one way of tackling the problem of lack of time to conduct separate gender training.

The potential disadvantages of this approach include:

- There might not be enough time to build a thorough understanding of gender issues.
- The trainer might not have the expertise or conviction to adequately present gender issues, and they may be brushed over, minimised or misrepresented, thereby setting a bad example and

providing the participants with little or no real gender training.

Tips to integrate gender include:

- Analyse the regular training curriculum and materials – are gender issues integrated into all modules and subjects? Do security personnel receive both theoretical and practical training on how to respond to GBV issues, including sexual harassment?
- Consider the language used by the trainers and in the training material – does it help to challenge gender stereotypes or does it reinforce them? This is especially important for languages that privilege the masculine such as French or Spanish. Consider the images used – do they represent both sexes and in what roles?
- Make sure gender is an institutionalised part of the regular training of the security sector institution – do policy documents or action plans mandate the inclusion of gender issues?
- Make sure that trainers are able to effectively train on gender issues, if necessary by providing them with gender training-of-trainers so that they have the required knowledge and pedagogical skills.
- Ensure the necessary close cooperation between the gender advisor/trainer and the trainers responsible for other sessions.

What time frame should gender training have?

The time required for gender training depends on various factors, such as:

- The purpose of the training.
- The prior knowledge and experience of the participants on gender issues.
- The resources allocated to gender training: If the budget is small, how can it be maximised? Analyse what can be done with the available funds, what should be prioritised in the training and the time needed for this training.

The often scarce time available for gender training of security sector personnel is one of the greatest challenges for both trainers and participants. Institutions must avoid allocating too little, too late to

Box 7	Mainstreaming gender issues into training

'I remember one group of peacekeepers from one particular nationality that refused to take the gender induction course, although compulsory: They could not understand why they were wasting their time with that training ... We managed to still bring gender through culture. It is also a way to demonstrate in practice that gender is a matter that is of equal importance to the other subjects that the security staff are trained in.'

Nadine Puechguirbal, UN Stabilization Mission in Haiti [33]

'Sometimes it seems like an almost impossible task to find more time than one hour for the gender training – but then it is even more important to include a gender perspective in other parts of the training. I have been talking on gender in different training and noticed that when having training on refugees, children or infrastructure the gender dimension ha[s]… been totally missing and the gender session is supposedly about women. I think that we do need to find good strategies to incorporate a gender perspective in the overall training if we are to succeed!'

Eva Zillén, Kvinna till Kvinna [34]

gender training, and for too few personnel. This creates an almost impossible task for the gender trainer and may even end up being counterproductive.

Time allocated to gender training varies greatly. Training-of-trainers and in-depth gender training are often organised as workshops over the course of one or more days. Courses in military and police academies usually dedicate a defined number of hours to gender as part of the regular curriculum. For example, gender training and gender training-of-trainers has become an integral part of the basic training at the Police Academy for the Haitian National Police.[35] Gender training for peacekeepers can ranges from 45 minutes (classes at the Chilean Joint Peacekeeping Training Centre) to 10 days.[36]

Basic gender training is often no more than a few hours long and is included in the framework of general training over a one to three week period. Thus, in relation to the overall training for security sector personnel, gender is often touched upon very briefly. It is difficult for the gender trainer to teach a subject as broad as gender and to get such complex issues as men's and women's security across in such a short time.

Ensuring that the restricted time allocated for gender training is managed as effectively as possible necessitates:

- A thoroughly planned training programme.
- Well-prepared gender trainers, both regarding gender issues and the work of the participants.
- Engaging the interest of the participants. This is often more important than the actual time frame of the gender training. When security staff are engaged in the subject they often go on after the training to learn more about gender issues by themselves.[37]
- Developing programmes of different lengths for different purposes and audiences.
- Integrate gender issues into other training modules for a wider impact.
- Engaging senior management to ensure that sufficient time and resources are allocated to gender training in policy documents and in the institutional budget.

What pedagogy for gender training?

Unlike most technical training for security sector personnel, gender training challenges deeply rooted perceptions of cultural norms and individual identity. It is therefore very important to choose an appropriate teaching method, or pedagogical approach, to make sure that the message gets across to participants.

Various pedagogies may be considered, such as 'problem-based learning',[38] that make use of participants' former knowledge and experiences to improve the learning process. One of the most important pedagogical issues is to create an engaging discussion which is as interactive and participatory as possible.

'Gender is not just related to the work of security sector personnel, but how people act and think within all spheres of their lives. A simple exercise is to get participants to stat[e]… their opinion with the help of a continuous line ranging from AGREE at one end, to SLIGHTLY AGREE, NEITHER, SLIGHTLY DISAGREE and DISAGREE at the other end. The gender trainer reads out stereotypical values and the participants indicate a point on the line that represents their view. The facilitator then asks some of the participants who have either stated they agree or disagree and why they have done so. The exercise allows people to discuss in a non-threatening way, but raises issues of socially constructed and practiced gender roles.'

Ingrid Jones, Director of Partnerë për Fëmijët, Albania [39]

It is important to make sure that gender training is as participatory and effective as possible and that it encourages participants to pose relevant questions. Let the participants share their work and life experiences, as was the case during gender training conducted by the Africa Democracy Forum.[40] The more gender-aware participants often explain to their colleagues why gender training is important and present the most convincing arguments.

Secondly, a pedagogical approach should be adopted that includes all social categories of gender, class, race, and sexual orientation in the discussions, and that involves and recognises the class participants' experiences and perspectives in an equitable manner.[41]

To have a rights-based approach to gender training means focusing on how security sector personnel have an obligation to protect and promote the human rights of men, women, girls and boys within their daily work. An example of how this method can be applied is given by the gender training-of-trainers in the British-Canadian online *Gender & Peacekeeping Training Course*.[42] From a rights-based approach, gender training should emphasise women's and men's equal rights and pinpoint the risks and consequences of gender-based discrimination. For example, gender training should emphasise that sexual and GBV are serious human rights violations. Gender training may, for example, provide police officers with the confidence to act when they suspect cases of domestic violence, and not ignore it as a 'private' matter.

The following are good practices to promote interactive gender training:

- **Concrete case studies** based on real-life experiences and context-related, operation-based training, including the analysis of good and bad practices in actual situations. Experience from police training in **Kosovo** shows that 'being able to provide concrete examples of how the policy will actually make security work better provided a good basis for an initial discussion. The training does turn to the

Box 8	Exercise on human dignity violations

'An exercise in which police officers were asked to recall a time in their lives prior to the age of 12 in which their own dignity was violated, and to describe this experience (only if they wished) to other officers. This laid the groundwork for two subsequent exercises: one asked them to identify a time in which they had violated someone else's dignity while working as a police officer; another asked them to consider ways to challenge dignity-violating policies and practices within their home institutions. Overall, identity-specific training tend[s] to be less effective overall than training that incorporate[s] identity issues within a larger framework like human rights or human dignity.'*

Ann Janette Rosga, University of Colorado [44]

topic of masculinity and perceptions of women and girls, but starting with familiar points of reference provides an easier transition to those difficult topics.'[43]

- **Role-plays** to engage and sensitise participants. This is especially efficient if a male trainer takes part in the role play and encourages the male participants to take on the role of a civilian or other person that the participants may work with, for instance a female victim of GBV who comes to the police to report the assault.

- **Theatre plays** are a good way to raise awareness of gender issues. The ICRC, among others, has used this approach in Kivu in the **Democratic Republic of the Congo** to raise awareness of GBV and the need to provide GBV survivors with medical and psychological care.[45]

- **'In situ' discussions**, whereby the gender trainer goes to the participants' workplace to conduct the gender training. This is a good way of creating interaction and showing respect and interest in their work and opinions. It gives the trainer a chance to find out more about the issues the participants are particularly concerned with. These issues can be used as entry points to talk about gender.

'[In situ discussions help] the different sectors to feel respected by you going to them and not always gathering them in a classroom environment. By having discussion in their areas of operation, you are conveying that they are partners and not outsiders, they are responsible and not always perpetrators, they know something and they are not empty tins waiting to be filled.'

Alexina Mugwebi-Rusere, Community services officer, UNHCR Thailand [46]

- **Community meetings** that gather security sector personnel and community activists for discussion may serve the purpose of raising gender awareness. This way of developing partnerships and opening up communication between security sector personnel and civilians can create a more long-lasting improvement for men's and women's security.

- **Humour** is vital for gender training. One reason to use humour is 'to get rid of the "accusing mist of guilt" that often surrounds men when talking about

gender issues. Then, after we have shown some of the 'funny' consequences an unequal society has on, for example, the education of children, we show them the devastating consequences the same unequal society has on women.'[47] However, humour can be risky. Care must be taken so that it is used without perpetuating gender stereotypes and attitudes, especially since culture and tradition are often used to justify violence against women.

Which materials for gender training?

The material used for security sector gender training varies widely, from power point presentations to guidelines and practical 'gender checklists', depending on the kind of training and on the pedagogy used. It is paramount to revise all the material and course literature used for training to make sure that gender perspectives include practical case studies and examples. The materials should be in a simple language and, if possible, in the local languages of the participants.

- **Interactive videos** that relate to the profession of the training participants and films on women's various roles in armed conflicts are good tools for sensitising course participants and creating group discussion. This material also helps participants to realise that the simplified view of 'woman = victim' in armed conflict does not reflect the complexity of the realities of war. During their pre-deployment training for peacekeeping personnel in Sweden, NGOs such as Kvinna till Kvinna used to show the film *Lilja 4-ever* at the initiative of the Swedish Armed Forces. The film, which is about human trafficking and sexual slavery, triggered intense discussions that would otherwise not have been taken as seriously by the participants: 'To be able to reach the participants you need to shake them up a bit.'[48] Cartoons and related drawing also create conversation and may be a good tool to break the ice at the beginning of a gender training session.

- **Materials and equipment** that participants take with them are good as reminders of the gender training. In **Kosovo**, the police officers got notebooks to record investigation details in which they could find references to gender policies and relevant phone numbers.[49] In the Democratic Republic of the Congo, gender checklists were handed out to peacekeeping military observers and police to improve their patrolling capacities and their interaction with the local population, and also for the purpose of gathering security-related information.[50]

4.3 Evaluating gender training

Once a gender training programme has been planned and implemented, the next step of the cycle is to evaluate the training. This is one of the most important and yet most difficult tasks of the training cycle, which serves to identify good practices and design appropriate follow-up training. Evaluation also provides feedback that is necessary to further adapt training to real needs. Evaluation is futile if it is not followed by a revision of the training according to the feedback. The evaluation can, for example, identify gaps in the gender training that are noticed once participants return to work. Evaluations also provide an opportunity to discover institutional shortcomings that may create obstacles for staff members in various work situations. The evaluation of security sector gender training and its outcomes should ideally be part of an overall gender-responsive monitoring and evaluation process of the security sector institution.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

External or internal evaluator?

Gender training programme evaluation consists of determining whether the accomplished training was considered successful by the participants and measuring its impact on the attitudes and behaviour of the course participants.

Evaluations can be conducted either by an external evaluator or by a staff member of the institution itself. Internal evaluations benefit from the context-specific background knowledge of the staff conducting the evaluation. It is also more cost-effective, but requires that staff be trained in how to perform evaluations and assessments. For these reasons, it is a good long-term investment to offer evaluation capacity-building to institutional staff.[51]

External evaluations can usually guarantee a more independent evaluation process than internal evaluations. However, the costs may be higher compared to an internal evaluation. In addition, the external consultant does often not know as much about the training or the working context of the security personnel. Local CSOs may be good partners for conducting evaluations.

Evaluating gender training with Kirkpatrick's evaluation methodology

The most common methodology for training evaluation is Donald Kirkpatrick's four levels approach.[52] These levels are built one upon the other so that the results of one level are used in the next stage of the evaluation. This section looks at how the Kirkpatrick methodology may be adapted for evaluating gender training for security sector personnel, using the three first steps.

Evaluation Step 1 – Reaction

This first step of gender training evaluation entails the collection of information on the participants' opinions of the training. The evaluation of these reactions is usually performed right after the training session. It can be done in the form of a questionnaire or evaluation form that is filled out by the participants (see Box 9). It can also be conducted through an open discussion with the training participants, covering what they found to be the most and the least useful parts of the training. It is also important to ask participants, as part of either a questionnaire or open discussion, whether they would be interested in attending follow-up gender training, in the form of a refresher course or additional in-depth training on specific gender issues.

Box 9	Evaluation of the reaction to gender training [53]

Please rate on a score of 1-5 (1 = poor, 5 = excellent)
1. Value of this topic in relation to my job __
2. Usefulness of the course content __
3. Presentation methods used __
4. Trainer's ability to transfer knowledge __
5. Atmosphere conducive to participation __
6. My opinions were taken into consideration __
7. Value of the Fact Sheets __
8. Relevance of the Work Sheets __

Please answer the following questions in your own words:
9. Have you suggestions about additions to the course?
10. Is there anything you think should have been dropped from the course?
11. What did you enjoy most about the course?
12. What did you dislike most about the course?
13. What aspect of the course did you find most useful?
14. What aspect of the course did you find least useful?
15. Was the course (please tick)
    a) Too long b) Too short c) The right length
16. Do you have any comments to make about the administrative arrangements for the course? (e. g. room, food).
17. Do you have any other comments to make?

Thank you!

For the purpose of improving all aspects of future gender training initiatives, it is useful to gather feedback from participants on three issues:
- Preparation (objective and purpose of training, documentation).
- Implementation (methodology, participatory activities, materials, atmosphere).
- Administration (training space, accommodation, food, transport, audio-visuals).

Organise the feedback session in small groups, asking:

- What was the most significant learning element/feature? List up to three.
- What changes would you recommend for the training? List up to three.
- In what ways do you think this training will affect/influence your future work?
- Give the opportunity for detailed and additional comments.

Evaluation Step 2 – Learning

The next step on the evaluation ladder is the measurement of how much information the participants have been able to process and internalise. This is done by measuring changes in their attitudes.

One way to measure changes in attitudes it to conduct learning tests, for example:

- Team assessments (usually oral)
- Self-assessment forms
- Classical exams (oral or written)
- Oral and written evaluation schemes

The African Centre for the Constructive Resolution of Disputes in South Africa has used a written evaluation scheme to measure the short term impact of gender training on the participants' attitudes and awareness on gender issues.[54] Participants can complete their own personal learning diaries at the end of each workshop day or after each training module.[55] This is both a way for the participants to recapitulate what they have learned during the training and a way for the trainer to know which parts of the training were most effective. In ideal cases, the participants are assessed both before and after the gender training, to determine how much they have learned and understood.

Evaluation Step 3 – Behaviour

The third step of evaluation measures to what degree the participants have been able to apply the knowledge and skills learned from the gender training. This gauges the capacity of the participants to transfer the change in attitude, achieved by the gender training, into practice by changing their behaviours.

This evaluation of the participants' behaviours should be made over time, preferably over a number of months. This can be done by integrating gender issues into institutional and personnel evaluation processes. The Committee of Women in NATO Forces has promoted this through drafting NATO guidelines to integrate gender issues into the NATO evaluation process, in addition to the gender mainstreaming process of the Education, Instruction and Training activities.[56] There are various methods for measuring the transfer of gender-aware attitudes into gender-responsive actions and behaviours, for example:

- Conduct surveys or interviews with service beneficiaries, such as survivors of GBV that turn to the police to file a report. One example is a user survey conducted in Surrey (UK) regarding the outreach services to victims of domestic abuse which included input from the local police, county council, borough and districts and victims of domestic violence.[57]
- Anonymous surveys of male and female security sector staff regarding harassment due to sex or sexual orientation.
- Exit surveys also serve this purpose by collecting information regarding the reasons why people leave their positions within security sector institutions, which include questions about job training, mobility, work environment (including sexual harassment), etc.
- Ask the gender training participants to complete evaluation forms several months after the training, posing questions on relevant attitudes, perceptions and behaviours.
- Interview supervisors/managers to get their assessment of the changes they have witnessed in the participants.

The Kofi Annan International Peacekeeping Training Centre in Ghana is trying to implement a similar evaluation of long-term impact by contacting the participants a few months after the training.[58]

Indicators

The indicators used for the longer-term evaluation of security sector gender training need to be carefully selected. All data collection regarding the security work and institutions needs to be sex-disaggregated to facilitate this work. Examples of indicators that can measure the impact of gender training:

Qualitative data such as the examples given above.

Quantitative data and statistics including:

- Percentages of staff that have been sexually harassed or subjected to other forms of GBV.
- Number of requests for assistance to gender focal points.
- Numbers of cases of GBV reported to the police and numbers of arrests and convictions following these reports.
- Number of female versus male police officers that use the free public hotline to relieve gun-related stress (example from police training in Mexico).[59]

Challenges of gender training evaluation

Many gender training courses have no systems of evaluation in place and there are very few examples of long term impact measurements of gender training. Some ways to ensure that gender training evaluations are performed:

- Include gender training evaluations in gender action plans for security sector institutions.
- Allocate sufficient funds in the project budget to implement comprehensive evaluations.
- Provide training in evaluation methods to gender trainers and gender focal points/advisors of security sector institutions.

4.4 Following up gender training

This final step in the training cycle is the integration of what has been learned from the evaluation into planning follow-up activities for participants as well as for modifying future gender training. This is, unfortunately, often neglected. If the evaluation is performed well and over time, training gaps and strengths can be identified. In this way, what has been gained from the evaluation in terms of what works, what is making a difference and how participants are using the training can be used in the future and the weaknesses can be corrected. The result of the evaluation is hence a fundamental tool for understanding what the needs of future gender training initiatives will be.

No gender training can attempt to turn participants into 'gender experts' in the course of a one-off training session lasting only a few hours. To develop effective skills, gender responsiveness needs time to be consolidated by long-term training, which should be complemented by the support of a gender expert or a network of gender training participants. Gender training follow-up means providing participants who have already attended a gender training session with additional training on gender issues, either to refresh the basic knowledge and/or as a course that provides more in-depth understanding of specific gender issues. Limited resources and time are common challenges to implementing follow-up gender training.

In addition to further training, the availability of tools and resources on gender issues as well as the support of gender focal points can help participants apply the skills that they have gained in the gender training. In **Haiti**, female national police officers provided with gender training by MINUSTAH have appointed Gender Focal Points throughout the country that distribute the information learned during the gender training to police stations. Gender training courses are often replicated for new participants within the same institution. A good example of replication of training within other institutions is the model that the International Criminal Tribunal for Rwanda has provided for the International Criminal Tribunal for the Former Yugoslavia, as a result of which the latter increased its indictments of rape charges.

It is good practice to give participants the possibility to keep in contact with the gender trainer in case they have comments or questions as they go back to work and find everyday challenges connected to gender issues. This depends on the trainer's availability and whether or not this activity has been included in the training planning and budget.

5 Key recommendations

For planning and preparing gender training:

1. **Strengthen senior management support** for the integration of gender issues, including gender training, through gender coaching programmes, gender training for senior management, the development of a gender action plan or policy and other initiatives.

2. **Implement gender training as part of a broader gender mainstreaming strategy** in order to strengthen the impact of gender training and create a gender-responsive security sector institution through changes at the levels of policy, structure, programming and personnel.

3. **Perform a pre-training assessment and analysis**, considering:
   a. Sex, age, culture and country context of the participants.
   b. Type of security institution, professional position or rank of participants.
   c. Current level of gender awareness and capacity, and gender training needs.

4. **Select/establish joint male-female gender training teams** in order to increase the effectiveness of gender training in security sector institutions with an over-representation of male personnel.

5. **Prioritise gender training-of-trainers** for existing trainers within security sector institutions in order to build in-house capacity to provide effective and sustained gender training.

For implementing gender training:

6. **Conduct participatory gender training** through the use of role plays, open discussions and group work.

7. **Focus on the practical aspects** of how to integrate gender into the daily work of security sector personnel by including practical examples of good and bad practices and using case studies.

8. **Discuss gender concepts and definitions** in clear, simple and culturally-appropriate language with practical examples.

9. **Address men's roles and masculinities** as part of gender training to highlight how gender issues are also about men's security needs and vulnerabilities.

10. **Integrate gender into regular training** for security sector personnel to demonstrate how gender issues can be integrated into various spheres of security sector work, rather than having it regarded as a separate issue.

For evaluating gender training:

11. **Implement three phases of evaluation,** focusing on reaction, learning and behaviour.

12. **Allocate adequate resources** in the initial budget for the gender training in order to carry out a comprehensive evaluation.

For following up gender training:

13. **Make sure the results of the evaluation are used** to improve gender training follow-up activities for participants and future gender training initiatives.

6 Additional resources

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Gender Training for Security Sector Personnel

CONTENTS

There is strong recognition that SSR should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of SSR processes.

This practice note provides a short introduction to the benefits of conducting gender training, as well as practical information on doing so.

This Practice Note is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit includes 12 tools with corresponding practice notes – see *More information*.

Why is gender training important for security sector personnel?

Gender refers to the roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to learned differences between men and women, while 'sex' refers to the biological differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.

Gender training is a capacity building activity that aims to increase awareness, knowledge and practical skills on gender issues by sharing information, experiences and techniques as well as by promoting reflection and debate. The goal of gender training is to enable participants to understand the different roles and needs of both women and men in society, to challenge gender-biased and discriminatory behaviours, structures and socially-constructed inequalities, and to apply this new knowledge to their day-to-day work.[1]

Security sector personnel include all the personnel of security sector institutions including armed forces, police, intelligence services, justice and penal systems, border management services, private security and military companies.

Effective delivery of security and justice services

■ The security sector must be able to respond to the different security and justice needs of men, women, boys and girls, many of which are determined by differences in gender roles, norms and behavior. Gender training provides security sector personnel with essential tools to enhance their capacity to prevent and respond to different forms of gender-based violence (GBV) such as domestic violence or human trafficking, and more effectively deliver justice and security to all members of the community.

Non-discriminatory and productive workplaces

■ Gender training promotes a non-discriminatory workplace free from sexual harassment, violence and discrimination.

■ Gender training can also make existing personnel more receptive to the recruitment, retention and promotion of women, as well as to men from minority groups. A more diverse and representative pool of security sector personnel can enjoy strengthened trust and collaboration with civilians.

Prevent human rights violations

■ Gender training can help to discourage security sector personnel from committing human rights violations, such as GBV against civilians or colleagues.

Compliance with obligations under international laws and instruments

Conducting gender training is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Beijing Declaration and Platform for Action (1995)*
- *United Nations Security Council Resolution 1325 on Women, Peace and Security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

How can security sector personnel be trained on gender issues?

Training cycle

Following-up → Planning & preparing → Implementating → Evaluating →

1. Planning and preparing

- Get senior management support for gender training and ensure that senior managers also receive gender training (see Box 1).

- Perform a pre-training gender assessment in order to identify awareness and capacity gaps that can be addressed by gender training. Questions to ask include:

✔ What is the current level of gender awareness and capacity? Have participants undergone previous gender training?

✔ What type of training is needed to improve the institution's provision of security and/or justice to men, women, girls and boys?

✔ What type of training is needed to prevent discrimination, harassment and human rights violations?

✔ What institutional gender policies exist, and are participants familiar with them?

✔ Which specific gender-related skills have the participants identified that they would like further training on?

✔ What are the specific cultural contexts of participants that might affect their responses to gender training?

- Adapt gender training to the specific context and participants based on the results of the pre-training gender assessment. Gender training can be made more context-specific by:
  - Conducting a desk review on regional and cultural gender issues.
  - Involving a local civil society organisation.

- Engage men, as well as women, to work as gender trainers, especially in institutions with a high percentage of male staff. This can make it easier to handle scepticism among participants as having a male trainer present may help to 'legitimise' the issue of gender in the eyes of male participants.

- Provide internal staff with training-of-trainers on gender and create a pool of skilled gender trainers who know the internal environment of the institution and have the ability to address gender issues within that specific context. Gender training-of-trainers

Box 2	Gender training topics for police include: [3]

- General gender and diversity awareness
- Institutional codes of conduct and policies on discrimination and sexual harassment
- Respect and promotion of human rights, including women's rights
- Protocols and practices on:
  - Domestic violence
  - Rape
  - Sexual assault
  - Stalking
  - Human trafficking
  - Anti-gay violence
  - Child abuse
- Techniques for interviewing victims of GBV

Box 3	Tips for successful gender training:

- Use role plays and group work to facilitate interaction and discussion.
- Use practical examples to demonstrate how integrating gender helps security sector personnel improve their work.
- Give examples of field practices that are not gender-sensitive and discuss their consequences.
- Ask participants to share their own experiences of gender, male and female roles and GBV.
- Use humour to make the training more personal and dispel the sense of guilt or blame that often surrounds men when talking about gender issues.

also helps to develop institutional capacity and reduce dependency on external gender trainers.

2. Implementing

- Mainstream gender issues into standard, mandatory security sector training in addition to specific gender training.

- The curriculum and pedagogy of gender training vary greatly according to participants' prior exposure to gender issues, and operational needs and context (see Box 2). Some of the most important issues to address might be:
  - The meaning of 'gender' and gender equality.
  - Gender roles and the different insecurities faced by men, women, girls and boys.
  - The impact of gender-based discrimination and violence and security, at individual and social levels.
  - The conditions and consequences of sexual exploitation and abuse by security personnel.
  - Institutional policies and codes of conduct concerning gender equality and GBV.
  - International, national and regional laws and instruments on gender and security.
  - How gender is related to other security issues such as gun violence and human trafficking.
  - How to be gender-responsive in one's daily work.

3. Evaluating [4]

- Evaluate participants' reactions to the gender training session (see Box 4).

- If gender issues have been integrated into the regular training for security personnel, include specific gender questions in the training evaluation form.

- Assess the change in attitudes of the participants through different types of learning tests, e.g. team assessments (usually oral), self-assessment forms, classical exams (oral or written), or other oral and written evaluation schemes.

- Assess the capacity of participants to put the change in attitude generated by gender training into practice by changing their behaviours:

  - Conduct interviews with service beneficiaries, such as survivors of GBV that report to the police.

  - Conduct anonymous surveys of male and female security sector staff regarding harassment due to sex or sexual orientation.

- Ask the gender training participants to complete evaluation forms several months after the training and ask questions regarding their attitudes, perceptions and behaviour with respect to the distinct security needs of women and men and related issues.

- Interview supervisors/managers to elicit their assessment of the changes they have witnessed in the training participants.

4. Following-up

- Use the results of evaluation to improve future training and design follow-up activities.

- Provide participants who have already attended gender training sessions with further capacity building or other support on gender issues. This can be a session to refresh their basic knowledge or a technical course on a certain gender aspect such as interviewing victims of human trafficking.

- Establish gender focal points responsible for following up gender training.

Box 4	Sample form for evaluating participants' reaction to gender training [5]

Please rate with a score of 1-5 (1=poor, 5=excellent)
1. Value of this topic in relation to my job __
2. Usefulness of the course content __
3. Presentation methods used __
4. Trainer's ability to transfer knowledge __
5. Atmosphere conducive to participation __
6. My opinions were taken into consideration __
7. Value of the Fact Sheets __
8. Relevance of the Work Sheets __

Please answer the following questions in your own words:
9. Have you suggestions about additions to the course?
10. Is there anything you think should have been dropped from the course?
11. What did you enjoy most about the course?
12. What did you dislike most about the course?
13. What aspect of the course did you find most useful?
14. What aspect of the course did you find least useful?
15. Was the course (please circle) a) Too long b) Too short c) The right length
16. Do you have any comments to make about the administrative arrangements for the course? (e.g. room, food).
17. Do you have any other comments to make?

Box 5	Gender training for Haitian police

In Haiti, training-of-trainers programmes for the police have been conducted by the UN Stabilization Mission (MINUSTAH) to build up a pool of well-trained officers on different subjects. Nadine Puechguirbal, MINUSTAH's Senior Gender Advisor, describes gender-based violence as 'the real issue in Haiti, where violence against women is somehow tolerated on cultural grounds and police agents have been notorious for abusing women.' Female national police officers provided with gender training by MINUSTAH have appointed Gender Focal Points throughout the country that distribute the information learned during the gender training to police stations. Gender training and gender training-of-trainers has become an integral part of the basic training at the Police Academy for the Haitian National Police.

■ Give the participants the possibility to keep in contact with the gender trainer – which allows them to make additional comments or ask questions related to integrating gender into their daily work.

Also available in Tool 12…
- Advantages and disadvantages of internal/external trainers
- Tips on how to tackle time constraints
- Examples of gender training curricula
- Good practices to promote interactive gender training
- Discussion of gender training materials

Gender training for post-conflict contexts

Security sector personnel working in countries emerging from conflict, whether they are local or international personnel, require gender training. A significant volume of gender training material exists for peacekeeping troops, and training materials are beginning to be developed by national security services in post-conflict countries.

■ Post-conflict SSR programmes should support the initiation and implementation of gender training for all security sector personnel (see Box 5). Local women's organisations can be strong partners in designing and implementing such training, and international actors can provide technical assistance.

■ Pre-deployment gender training is essential for peacekeeping personnel. Training should cover general gender issues as well as information specific to culture and gender in the country of mission; sexual exploitation and abuse and the particular security needs of men and women in the country.

■ Personnel working with disarmament, demobilisation and reintegration programmes need to receive gender training focused on the roles and needs of:
- Female ex-combatants and women associated with armed forces and groups.
- Male and female child soldiers.
- Male ex-combatants, including issues concerning male roles and masculinities and strategies to prevent domestic and other forms of violence.

More information

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Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments

Each of these tools and practice notes are available from: www.dcaf.ch, www.un-instraw.org and www.osce.org/odihr.

This Practice Note was prepared by Toiko Kleppe of UN-INSTRAW, based upon Tool 12 by the same author.

[1] Kleppe, T.T., 'Gender Training and Capacity Building for the Security Sector: A Discussion on Good Practices', *Gender, Peace and Security Working Paper #2* (UN-INSTRAW: Santo Domingo), forthcoming 2008.
[2] Genderforce Sweden, 'From Words to Action'. pp. 20-21. http://www.genderforce.se/dokument/From_words_to_action.pdf
[3] Adapted from Denham, T., 'Police Reform and Gender', *Gender and Security Sector Reform Toolkit,* Megan Bastick and Kristin Valasek (eds.) (DCAF, OSCE/ODIHR, UN-INSTRAW: Geneva), 2008.

[4] Based on Kirkpatrick's Evaluation Methodology.
[5] ECPAT, 'Training for Police and Social Workers on Child Rights and Child Protection in relation to Trafficking in Children for Sexual Purposes', (ECPAT: Amsterdam, Bangkok), 2006, pp.132-133.
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Implementing the Women, Peace and Security Resolutions in Security Sector Reform

Megan Bastick and Daniel de Torres

instraw

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

Implementing the Women, Peace and Security Resolutions in Security Sector Reform

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The Gender and SSR Toolkit

This Tool on "Implementing the Women, Peace and Security Resolutions in Security Sector Reform" is part of a *Gender & SSR Toolkit*. Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 13 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
13. Implementing the Women, Peace and Security Resolutions in Security Sector Reform

Annex on International and Regional Laws and Instruments

DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

UN-INSTRAW

The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW, part of UN Women) is mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:
- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects
- Creates synergies for knowledge management and information exchange
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects

Cover picture: UN Photo, 2009. The Security Council meeting at which the Council unanimously adopted Resolution 1888, reiterating its demand for the immediate and complete cessation of acts of sexual violence in situations of armed conflict.

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ACRONYMS

AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (1979)
CSO	Civil Society Organisation
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation and Reintegration
DPKO	UN Department for Peacekeeping Operations
DRC	Democratic Republic of the Congo
ESDP	European Security and Defence Policy
EU	European Union
FSU	Family Support Unit
IDP	Internally Displaced Person
M&E	Monitoring and evaluation
NAP	National Action Plan
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OSCE	Organization for Security and Cooperation in Europe
OSCE/ODIHR	Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights
SCR	United Nations Security Council Resolution
SSR	Security Sector Reform
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UN-INSTRAW	United Nations International Research and Training Institute for the Advancement of Women

Implementing the Women, Peace and Security Resolutions in Security Sector Reform

1 Introduction

"Greater empowerment and more effective protection of women against the specific dangers they face in armed conflicts is of benefit not only to women, but to all of us. It is, to my mind, a crucial component of a comprehensive approach to the security challenges of the 21st century. One decade on from the Security Council's groundbreaking Resolution 1325, I am hopeful and confident that we can take the next steps."

Anders Fogh Rasmussen, NATO Secretary-General [1]

Over the last decade, the United Nations (UN) Security Council has adopted four resolutions on women, peace and security. These resolutions highlight some of the particular impacts of armed conflict on women and girls. They also provide guidance for states, regional organisations, the UN system and other stakeholders to address the needs of women and girls during and after armed conflict, and to promote their empowerment. The resolutions call on states and UN institutions to ensure the full inclusion of women and their needs and perspectives in peace-building, emphasising the prevention of and protection from conflict-related sexual violence.

The four UN Security Council resolutions on women, peace and security are:

Resolution 1325 of 2000
Resolution 1820 of 2008
Resolution 1888 of 2009
Resolution 1889 of 2009

This tool analyses the implications of the four UN Security Council resolutions (SCRs) on women, peace and security for security sector reform (SSR). It shares experiences and good practices in implementation of the resolutions in national security policy-making, SSR processes and in the military, police and justice sectors. It highlights how international and regional organisations have supported implementation of the resolutions in these areas.

The tool is primarily addressed to:

- Individuals in government agencies and security sector institutions responsible for driving change within the security sector
- Parliamentarians responsible for security sector oversight
- Civil society organisations (CSOs) engaged with the security sector
- Individuals in donor agencies that support SSR
- Those in regional and international organisations and agencies that can lend support to implementation of the women, peace and security resolutions at the national level

This tool is the thirteenth in the *Gender & Security Sector Reform Toolkit*, which was published by DCAF, UN-INSTRAW and the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in 2008.

This tool follows closely the actual terms of the women, peace and security resolutions. In engaging with security sector actors, it is useful to be able to point to the exact provisions of the SCRs that require specific actions. As such, the tool does not attempt to encompass all of the supporting actions that are necessary for effective implementation of the SCRs. Other tools in the *Gender & Security Sector Reform Toolkit* contain more broad-ranging discussions of ways in which the 'women, peace and security agenda' are relevant to SSR.

Furthermore, in contrast to the previous twelve, this tool adheres to the text of the SCRs by explicitly referring to women and girls, rather than 'gender'. Thus, it does not address the particular security needs and roles of men, boys or lesbian, gay, bisexual and transgender people, nor does it analyse issues of masculinity and violence, although these are important. To understand what is meant by incorporating gender into SSR and how to do it, see the Tool on *Security Sector Reform and Gender* and other parts of the Toolkit.

This tool includes:

- An introduction to SSR
- An overview of the four UN women, peace and security resolutions
- Practical suggestions on how to implement key parts of the four resolutions in or through:
  - SSR policy and national security policies
  - Women's participation in SSR processes
  - Defence reform
  - Police reform
  - Transitional justice and justice sector reform
  - Preparation for deployment to peacekeeping missions
  - Situations of armed conflict
- Key recommendations
- Additional resources

The Gender & SSR Toolkit includes:

The Toolkit and its translations are available at:
http://www.dcaf.ch/gssrtoolkit/

2 What is security sector reform?

2.1 Security sector reform

Security sector reform is a process aimed at ensuring that security and justice providers:

- Deliver effective and efficient security and justice services that meet the people's needs
- Are accountable to the state and its people
- Operate within a framework of democratic governance, without discrimination and with full respect for human rights and the rule of law[2]

There exist different understandings of what the 'security sector' encompasses. The *Gender & SSR Toolkit* adopts a broad view of the security sector as comprising all state institutions and other entities with a role in ensuring the security of the state and its people, including:

- Armed forces
- Law enforcement and intelligence services
- Institutions responsible for border management and customs services
- Justice and penal institutions
- Actors that play a role in managing and overseeing the design and implementation of security, such as ministries, parliaments, ombudspersons, human rights commissions and CSOs

Non-state armed groups, customary or informal authorities and private security services can also be considered part of the security sector.

Although SSR processes occur in developed and developing countries not affected by conflict, they are usually more far-reaching in post-conflict and transitional countries. The SSR approach has proven particularly useful for multidimensional peace and stability operations in addressing a range of security governance challenges within a coherent framework. In this context, SSR is closely linked to activities such as disarmament, demobilisation and reintegration (DDR), small arms control and transitional justice.[3]

For further discussion on 'What is SSR?', examples of typical SSR activities and common SSR challenges, see Section 2 of the Tool on *Security Sector Reform and Gender.*

2.2 Why women and girls?

Women, men, girls and boys experience insecurity differently in any given context, and interact with security institutions and processes in different ways. These differences are related to their gender, as a woman, man, girl or boy. As the SSR policy framework has developed, there has been increasing recognition that addressing the gender dimensions of security, including the different needs of women, men, girls and boys, and the full and equal participation of women and men in decision-making, are vital to successful SSR. The UN's ten key principles for SSR state that:

security sector reform must be gender sensitive throughout its planning, design, implementation, monitoring and evaluation phases. It must also include the reform of recruitment processes and improvement in the delivery of security services to address and prevent sexual and gender-based violence.[4]

The comprehensive integration of gender considerations into SSR is necessary to ensure that women, men, boys and girls benefit from the reform. It is critical for ensuring local ownership, effective delivery of security services, and strengthened oversight and accountability. Nevertheless, in many countries SSR policies and programming have failed to involve women and men on an equal basis in decision-making processes and to adequately analyse gender dynamics in understanding security needs, roles and priorities. In such cases, security institutions are all too often rife with discrimination, harassment and human rights violations, and are unable to provide security and justice for all members of the community.

As the four SCRs focus on women and girls rather than gender, so will this tool. It is important to keep in mind that "women and girls" do not form a homogeneous group: the gender dimension is closely intertwined with other social dimensions such as age, ethnicity, religion and sexual orientation, which impact upon an individual's experience of security.

Other Tools in the *Gender & SSR Toolkit* provide a wealth of tips and examples for integrating gender into SSR processes, aimed at specific components of the security sector.

3 What are the women, peace and security resolutions?

3.1 Overview

The first UN SCR on women, peace and security, SCR 1325, was unanimously adopted in October 2000. Subsequent resolutions have sought to reinforce specific aspects of SCR 1325, in particular with regard to the prevention of and protection from gender-based violence (GBV), including sexual violence, in conflict and post-conflict situations. CSO activism has been central to the inclusion of women, peace and security in the Security Council's agenda and to the adoption of the resolutions.

UN Security Council Resolution 1325 (SCR 1325) recognises the particular negative impacts that armed conflict has on women and the important contributions women can make to peace, security and reconciliation. SCR 1325 urges increased representation of women in conflict prevention and management. Special attention is given to the need for a gender perspective in the implementation of peace agreements, including support to local women's peace initiatives and respect for the human rights of women and girls in policing and justice; gender-responsive DDR, and gender training for peacekeepers.

UN Security Council Resolution 1820 (SCR 1820) was adopted in June 2008. It demands that states take special measures to protect women and girls from sexual violence in armed conflict, and ensure access to justice and assistance for victims. SCR 1820 emphasises the role of peacekeepers in protecting civilians and urges greater numbers of female peacekeepers. It requests that the UN develop mechanisms in DDR and SSR processes to protect women from violence, in consultation with women and women's organisations.

UN Security Council Resolution 1888 (SCR 1888) was adopted in September 2009 and also focuses on sexual violence in armed conflict. SCR 1888 urges inclusion of sexual violence issues in peace processes, DDR and SSR arrangements, and for justice reform to address impunity and ensure access to justice for survivors. It establishes new mechanisms within the UN to address sexual violence in conflict, including the appointment of a Special Representative of the Secretary General. Women's representation in mediation and decision-making processes and the inclusion of female personnel in UN missions are again emphasised as a priority.

UN Security Council Resolution 1889 (SCR 1889) was adopted in October 2009. SCR 1889 extends the Council's focus on women's participation in peacebuilding, emphasising women's political and economic decision-making. It urges gender mainstreaming in all post-conflict recovery processes; funding and programming for women's empowerment activities; and concrete strategies in law enforcement and justice to meet women and girls' needs and priorities. It calls for DDR processes to address the needs of women associated with armed groups/forces.

3.2 What do the women, peace and security resolutions mean for UN member states?

None of the four women, peace and security resolutions are legally binding for states.[5] Nonetheless, as a non-binding policy framework, the women, peace and security resolutions provide states with an internationally-supported normative agenda promoting the protection of human rights for women and girls in conflict and post-conflict situations, as well as the active participation of women and the integration of a gender perspective in peace processes. Furthermore, the resolutions recall a diversity of obligations for states which *are* binding, including those under the:

- Geneva Conventions of 1949 and Additional Protocols of 1977
- Refugee Convention of 1951 and Protocol of 1967
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and Optional Protocol of 1999
- Convention on the Rights of the Child of 1989 and Optional Protocols of 2000
- Rome Statute of the International Criminal Court.

In addition, the resolutions recall other international humanitarian law and international human rights law obligations, related to acts of genocide, crimes against humanity, and war crimes, including sexual and other violence against women and girls. Thus, despite the non-binding nature of the resolutions they do remind states of their obligations toward the protection and promotion of the human rights of women in armed conflict. In addition, SCRs 1820 and 1888 recognise that sexual violence used in armed conflict can "significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security."

SCR 1325 and 1820 do not contain mechanisms to monitor states' implementation, beyond reporting from the UN Secretary-General and the monthly consideration of sexual violence by the Security Council Expert Group on Protection of Civilians under SCR 1820. SCR 1889 requests that the UN Secretary-General develop a set of global indicators to track implementation of SCR 1325, which could serve as a common basis for reporting not only within the UN, but also within other international and regional organisations and by states (this is discussed further in Section 4.1).

States regularly include information on implementation of SCR 1325 in their reporting to the CEDAW Committee. The CEDAW Committee's "Concluding Observations" have on a number of occasions urged states to take specific steps to implement SCR 1325 and SCR 1820, including development of a national action plan (NAP) for implementation of SCR 1325.[6] Such practice demonstrates that many of the obligations under the women, peace and security resolutions are understood by states and legal experts alike as commensurate with CEDAW obligations.

4 How can the women, peace and security resolutions be implemented in security sector reform?

The four women, peace and security resolutions stress the need for better security sector responses to protect women from violence. When the security sector is undergoing a process of reform or transformation, its institutions can be more receptive to the changes required to achieve this objective. The principles set forth in the resolutions are well within the traditional understanding of democratic SSR as a holistic, integrated, focused, tailored and locally-owned process aimed at creating legitimate and accountable institutions that provide security for all.

This section will examine some of the general entry points for the implementation of the SCRs in an SSR process through gender sensitive security policies and through enhancing the participation of women. It will then discuss implementation in five different contexts, namely defence reform, police reform, transitional justice and justice reform, peacekeeping operations, and during armed conflicts.

4.1 In national and regional security policies and action plans

National security, defence and SSR policies

Where comprehensive SSR is initiated, for example as part of post-conflict peacebuilding, it may be guided by a cross-cutting SSR policy. At other times, reform in particular parts of the security sector will be steered by specific policies (e.g., on police or defence reform). Some countries have embarked upon development of a national-level security policy. For effective implementation of the women, peace and security resolutions, it is necessary that the obligations they set out be reflected in all such policies. The texts of the resolutions speak to both the policy-making process and the substance of policy. For a more detailed discussion see the Tool on *National Security Policymaking and Gender.*

The policy-making process: In terms of process, the SCRs call for the equal and full participation of women in policy-making at all levels and for gender mainstreaming.

> *See: SCR 1325 Art. 1 and 8; SCR 1888 Art. 16; SCR 1889 Art.1 and 8*

Including both men and women in security policy-making is key to developing policies that are comprehensive in their assessment of security threats and in their understanding of security providers. Including women's views in national security policy-making can lead to acknowledgment of women's particular approaches to security. Section 4.2 discusses strategies to promote women's participation in SSR processes, of which policy-making is one aspect.

Gender mainstreaming in policy-making requires assessing the differential impact of the policy and related programmes on women, men, girls and boys at every stage of the programme cycle. Gender mainstreaming can be carried out either through a dedicated gender assessment (see the *Security Sector Reform and Gender Tool*, Box 11) or by integrating gender analysis into the general policy assessment process (see Box 1). Such assessment should take place both during the policy design process and when monitoring and evaluating (M&E) policy implementation.

Good practices and lessons learned:
- Gender-specific language in policies helps to avoid overlooking one gender or conflating the needs of men and women. Ireland's White Paper on Defence (2000), for example, refers to armed forces' personnel as 'men and women.' Using 'gender-neutral language'—such as 'people' instead of men/women—can be appropriate in some contexts, but risks obscuring that some issues are specific to women or men.
- By including statements on non-discrimination, policies can have a positive impact upon the structures and personnel of security sector institutions.

Addressing the particular needs and contributions of women and girls in policy: The SCRs highlight that security policies should include strategies to address the security and justice needs, priorities and empowerment of women and girls.

> *See: SCR 1325 Art. 8; SCR 1889 Art. 9 and 10*

The prevalence of violence against women is one of the most obvious reasons for security policies to identify and address the particular security needs of women and girls. Recognising violence against women in security policy shows that authorities understand that it is not an exclusive concern of women, but also a threat to social stability and an indicator of broader conflict. This recognition might

include developing policies around training, standard operating procedures, monitoring, and the prevention of particular forms of violence against women and girls.

Security policies should not limit themselves to questions of violence, but also consider women and girls' access to justice, treatment within the penal system, involvement in security organisations and informal contributions to security. Security policies have the potential to empower men and women as equals in security sector institutions (see Box 2). They can provide for increased recruitment of women in security sector institutions (see sections 4.3 and 4.4) and in peacekeeping missions (see section 4.6).

Sexual violence issues: The women, peace and security resolutions urge that sexual violence issues be included in SSR arrangements, requiring that they be addressed in SSR policy.

> ### See: SCR 1888 Art. 15 and 17

Identification of sexual violence as a security threat at a policy level is a prerequisite for the development of adequate security capabilities and responses. Likewise, data concerning the prevalence and geographic concentration of sexual violence can guide security assessments.[7]

Good practices:

- South Africa's White Paper on Safety and Security recognises the need for giving special attention to sexual offences.

Box 1 | Gender-responsive SSR assessments can be carried out using:

Data disaggregated by sex and age

Assessment teams that include men and women, persons with gender expertise and local female translators

Terms of reference that include attention to gender issues in SSR objectives, products, methodology, etc.

Interviews with both male and female staff of security sector institutions and oversight bodies, as well as with personnel responsible for gender issues

Interviews with women's CSOs and gender experts

Interviews on and surveys of local security needs that include questions related to the specific experiences of women and men

Assessment methods and logistics that are gender-responsive, e.g., focus groups for only women or men or boys or girls

Assessment of the gender-responsiveness of existing security and justice policies

Source: Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform, Section 9: Integrating Gender Awareness and Equality,* Paris: 2009, 4.

- In its 1325 NAP, Côte d'Ivoire prioritises the protection of women and girls against sexual violence, including genital mutilation. One of the actions set out is the "establishment of a scientific police department mainly in charge of sexual violence issues."

SCR 1888 recognises that in order to ensure the implementation of national-level policies on sexual violence, initiatives must also involve local, traditional and religious leaders. Consultations at community level enhance local ownership and legitimacy of initiatives against sexual violence, and allow one to work through influential male and female leaders. For instance, the GBV legislation passed in Rwanda in 2008 underwent an extensive process of consultation throughout the country, which both enhanced the legitimacy of the law and acquainted communities with the problem of GBV and opportunities for legal redress.[8]

National action plans for implementation of the women, peace and security resolutions

NAPs are a useful tool to integrate the obligations of SCR 1325 at policy and strategic levels. A NAP spells out the steps that a government is currently taking and those initiatives and activities that it will undertake within a given time frame to meet the obligations of the resolution. NAPs can help increase the comprehensiveness, coordination, awareness, ownership, accountability, and M&E of a government's women, peace and security activities. While SCR 1325 does not explicitly encourage states to develop a NAP, the UN Secretary-General has regularly issued calls for states to adopt one.

At the time of writing, twenty-one countries have developed and published a NAP on implementing SCR 1325: Austria (2007), Belgium (2009), Bosnia Herzegovina (2010), Chile (2009), Côte d'Ivoire (2008), Democratic Republic of the Congo (DRC) (2009), Denmark (2005), Finland (2008), Iceland (2008), Liberia (2009), the Netherlands (2007), Norway (2006), the Philippines (2010), Portugal (2009), Sierra Leone (2010), Rwanda (2009), Spain (2008), Sweden (2006), Switzerland (2007), Uganda (2008), and the United Kingdom (2007). Many other states are in the process of developing a NAP.

All existing 1325 NAPs have different approaches and cover different thematic areas. While they generally address the prevention of GBV and the need for an increased representation of women in decision making, they vary as to whether and how they address such issues as DDR and the inclusion of local women in peace processes.[9] At the same time, donor country plans often differ significantly in strategy and focus from post-conflict country plans.

Six countries (Austria, DRC, Liberia, the Netherlands, Norway and Sweden) have explicitly addressed SSR activities in their NAP. The Netherlands' NAP, for example, which aims to institutionalise the role of women in reconstruction, identifies the following SSR activities:

Box 2	Including gender issues in national security policies

South Africa has included gender issues including gender representation, discrimination, a code of conduct for sexual offences and prevention strategies in several of its national security documents (the White Paper on Intelligence 1994, the White Paper on National Defence 1996, the White Paper on Safety and Security 1998).

Policies governing the intelligence service and defence force commit them to attempt to reflect society in their gender and racial composition.

- Admission to and training of more women in all state security institutions
- Facilitation of contacts in the SSR field between security institutions and civil society, as a means of giving women a voice in all activities
- Sharing of experiences, expertise and knowledge between women's and peace organisations and SSR practitioners

The NAPs of DRC and Liberia demonstrate how indicators related to SSR can be elaborated. For example, Liberia's NAP prioritises training and capacity building for security sector institutions as a strategy to protect the rights of women and girls and to strengthen their security. In order to track progress, the NAP establishes indicators, such as:

- Number and quality of community and gender-sensitive training sessions
- Number of women participating in training sessions
- Analysis of evaluation forms from participants in training sessions
- Greater understanding among Liberian National Police personnel of their protective role in communities, evidenced by faster response to incidents involving violations of the rights of women and girls.[10]

See: SCR 1820 Art. 14; SCR 1888 Art. 16; SCR 1889 Art. 1

Regional policy initiatives to implement the women, peace and security resolutions

A number of regional organisations have developed policies to facilitate the implementation of SCR 1325 and to offer guidance to their member states on implementation at the national level.

In 2004, African Union (AU) Heads of State and Governments adopted a *Solemn Declaration* on *Gender Equality in Africa*, agreeing to ensure the full and effective participation and representation of women in peace processes, including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa, in accordance with SCR 1325. The *Implementation Framework* for the Solemn Declaration sets targets and indicators for achieving

this goal. The AU's *Gender Policy* of 2009 retained a strong emphasis on SCR 1325. AU institutions, regional economic communities and AU member states made a broad commitment to: "Integrate gender in policies, programmes and activities on conflicts and peace, by using the frameworks of Resolutions 1325 and 1820 of the UN." The *Gender Policy* sets targets for SCR 1325 implementation.

The European Union (EU) has developed a normative framework for the implementation of the resolutions. In December 2008, the EU Council and the EU Commission adopted a joint document entitled *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*. It provides an overview of the policy and practice frameworks on gender and outlines specific measures or activities in various areas, such as training, exchange of information and best practices, integration in sector activity (DDR, SSR, governance, economic security, health, education, humanitarian aid), cooperation with other actors (including the UN) and monitoring and reporting. The document proposes a three-pronged approach to protect, support and empower women in conflict related situations and in long-term development cooperation, with the aim of achieving gender equality.[11] In addition, the EU Council Secretariat issued an operational paper entitled *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP*, which seeks to ensure gender mainstreaming and implementation of SCR 1325 and 1820 in European Security and Defence Policy operations, from planning to follow-up. The document explicitly states that EU engagements in support of SSR should take into account the implementation of SCR 1325 and 1820.

The OSCE based its *Action Plan for the Promotion of Gender Equality* (2004) on SCR 1325 and included elements of the resolution in its Strategy to Address Threats to Security and *Stability in the 21st Century*. It also affirmed its commitment to SCR 1325 in the OSCE Ministerial Council Decision on *Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation*.

Following a series of recommendations from its Committee on Women in NATO Forces (now renamed the Committee on Gender Perspectives), the North Atlantic Treaty Organisation (NATO), in September 2009, published a Directive on *Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structure Including Measures for Protection During Armed Conflict*. Among other measures, the Directive calls for the creation of the post of gender advisor in all NATO missions and for pre-deployment gender training.

In the Pacific region, implementation of SCR 1325 has been included in the 2005 *Pacific Plan for Strengthening Regional Cooperation and Integration and the Pacific Platform for Action on the Advancement of Women and Gender Equality 2005–2015*.

Monitoring and evaluation of implementation of policy on women, peace and security

Comprehensive M&E of SSR programmes is necessary to determine the progress and impact of the reforms on women, men, girls and boys and to identify lessons learned for subsequent policy implementation. See the Tool on *Security Sector Reform Assessment, Monitoring and Evaluation and Gender.*

M&E of activities implementing the women, peace and security resolutions, whether through a 1325 NAP or broader policy platforms, is likewise essential. Many studies have pointed out that the implementation of both SCR 1325 and 1820 has to date not benefited from M&E, although measuring performance is key to accountability and full implementation.[12] Challenges have included the absence of baseline data, difficulties in identifying indicators and common targets, and lack of funding.

> *See: SCR 1889 Art. 9 and 17*

Much recent progress has been made in developing indicators for implementation of the women, peace and security resolutions. In April 2010, as requested by SCR 1889, the Secretary-General submitted to the Security Council 26 proposed indicators for UN entities, other international and regional organisations, and states to use in M&E of implementation of SCR 1325 These indicators are organised under the four pillars of prevention, participation, protection, and early relief and recovery. A number of the proposed indicators are closely related to SSR. For example:

- Number and percentage of military manuals, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girls' human rights
- Level of women's participation in the justice and security sector
- Number and percentage of female ex-combatants, women and girls associated with armed forces or groups who benefit from DDR programmes.

The Security Council expressed its intention to take action on a comprehensive set of indicators on the occasion of the tenth anniversary of SCR 1325 in October 2010.[13]

In July 2010, the Council of the EU adopted indicators for implementation of SCRs 1325 and 1820, also following the four thematic areas of prevention, participation, protection, relief and recovery. One indicator is the number of SSR projects or programmes "implemented in fragile, conflict or post-conflict countries that significantly contribute to gender equality and women's empowerment or have gender equality as their principal purpose; total amount of this funding and its percentage of co-operation programmes in the respective country."[14] This is potentially a strong tool to ensure accountability in addressing gender issues in EU-supported SSR activities.

A number of more recent NAPs already include indicators and other M&E mechanisms. For example:

- Austria's 1325 NAP identifies indicators, responsibilities and timelines for each of its activities. Indicators include the number of women in security forces involved in international peace operations; codes of conduct; number of UN high-level meetings with women's groups; preparation of statistics; and number of gender experts/advisors in ESDP missions. An inter-ministerial working group is tasked with monitoring the implementation and development of the NAP, consulting with civil society and reporting each year on the status of the NAP to the Council of Ministers and ultimately to the Parliament.
- Uganda's 1325 & 1820 NAP sets out mechanisms for data collection and identifies a data source for each of its strategic objectives. For M&E of training programmes for armed forces, it proposes thorough analysis, the observation of leadership styles and the monitoring of performance after the training.
- In Côte d'Ivoire's 1325 NAP, in addition to a periodic evaluation, each project has an M&E committee and a National Coordinating Committee which report to the government on the status of the NAP.

M&E can be conducted internally by government bodies or by external specialists. In either case, the inclusion of civil society, particularly women's groups, not only provides for more and richer data sources, but also enhances the credibility of the evaluation. The Belgian, Dutch and Liberian NAPs provide for evaluation by a civil society working group.[15]

4.2 Through women's participation in SSR processes

Promoting the equal participation of men and women is a key strategy to integrate gender considerations into SSR and security institutions. The four UN women, peace and security resolutions set out a number of recommendations and guidelines for strengthening women's participation in SSR processes by:

- Increasing the representation and full and equal participation of women in SSR discussions and security decision-making
- Enhancing women's capacity to engage in public decision-making
- Adopting measures to involve women in implementing peace agreements and supporting women's peace initiatives

Increasing representation and participation of women

The democratic right to participate in security decision-making processes—including negotiations, policy-making, oversight, and public consultations—is a key aspect of citizenship, reinforced by numerous national and international laws and treaties. Article

Box 3	The Liberian women's movement

Women's CSOs in Liberia, after being engaged in peace efforts during the 1989–2003 civil wars, have continued their work on reconstruction, reconciliation and promotion of women's rights. Collaboration between the women's movement, activists and government officials has resulted in a shared platform of cooperation, providing opportunities for local security and justice issues to be reflected in Liberia's SSR.

Women's organisations have encouraged the development of a broader view of human security that takes into consideration the increase of GBV. The transformation of the security sector has included establishment of a GBV Crimes Unit within the Ministry of Justice, Women and Children Protection Sections within the Liberian National Police and programmes to increase the number of women in the Liberian National Police.

Liberia's NAP foresees the establishment of a Civil Society Monitoring Observatory, which would include women's groups. The Observatory is tasked with monitoring implementation of the NAP and preparing a shadow report to accompany the Liberian Government's report to the UN Security Council.

7 of CEDAW, for example, requires states parties to ensure equal participation rights for women and men.

Increasing the representation and participation of women in security decision-making is a key concern of the women, peace and security resolutions. SCRs 1325, 1820 and 1888 call for both women's *representation* and *full and equal participation* at decision-making levels in discussions and mechanisms for management and resolution of conflict and post-conflict peacebuilding. Similarly, SCR 1889 calls for measures to improve women's participation in post-conflict planning, peacebuilding and political decision-making—which include SSR processes—and emphasises the importance of supporting and consulting with women's CSOs to identify and meet women's and girls' needs.

See: SCR 1325 Art. 1 and 8; SCR 1820 Art. 12; SCR 1888 Art. 16; SCR 1889 Art. 1, 10 and 11

In national and regional SSR institutions, mechanisms and processes, women's representation and participation can be increased by:
- Including representatives of the ministry of gender/women
- Including representatives of national women's CSO networks and other CSOs (see Box 3)
- Organising consultations with women's groups, including community-based and minority groups. Such consultations must be organised so as to facilitate women's access, for example by first asking women which times and places would be convenient for them, and organising appropriate transport and child care. It may be necessary to work with community leaders to gain their support for consultations with women.

- Seeking input from gender experts
- Including "gender expertise" in the criteria used to identify members of relevant committees

Women should also be included in bodies exercising oversight over the security sector, such as government ministries, relevant parliamentary committees, human rights commissions and ombuds institutions. In the work of parliamentary security and defence committees, in particular, women's representation and participation can be increased by:
- Appointing female parliamentarians – applying quotas, if necessary
- Cooperating with parliamentary women's caucuses in drafting legislation and in monitoring issues related to women, peace and security
- Calling on women community leaders to testify in hearings

Lessons learned include:
- As acknowledged in the SCRs, protection, funding and access to education are necessary preconditions to women's participation in security institutions and processes.
- Civil society groups often require specific training to engage effectively in policy-making processes.
- Women's CSOs become more influential and effective when working in networks. Encouraging collaboration and coalition building among women's organisations can strengthen their capacity to participate.
- Collaboration between women's organisations and strategic male allies has helped mainstream topics traditionally viewed as "women's issues." Rwanda's parliamentary women's caucus sought the assistance of male parliamentarians and community leaders in the drafting of the GBV bill, which led to greater involvement of society at large and greater public support for the legislation.[16]

Enhancing women's capacity to engage in public decision-making

The women, peace and security resolutions call for concrete strategies to enhance women's capacity to engage in public decision-making in post-conflict contexts.

See: SCR 1889 Art. 10 and 11

Strategies for enhancing women's capacity to engage in public decision-making may include:
- Mentoring programmes, which allow women to draw from the experience of senior policymakers or security officials.
- Quotas and/or fast-track promotion programmes. These types of affirmative action policies can be controversial. However, fast-tracking has often been the only available strategy to ensure women's representation at senior levels. Enabling women

to reach senior levels also creates role models for young women, encouraging future participation.

- Capacity building to enable women and women's organisations to participate fully in local, national and regional debates on complex issues related to security.

- Ensuring the inclusion of women, women's organisations and their representatives in public consultations on security matters and other decision-making fora (see Box 4).

- Protection to allow women leaders to move freely and participate in discussions on policy without fear for their security and that of their families.

- Workplace reforms to enable men and women to combine work and political engagement with family life.

- Access to education.

Involving women in implementing peace agreements and supporting women's peace initiatives

The women, peace and security resolutions recognise the importance of women in the implementation of peace agreements, and of local women's peace initiatives. The negotiation and implementation of peace agreements should be inclusive, participatory and legitimate, which can only be achieved with the active and equal involvement of women and men.

> *See: SCR 1325 Art. 8; SCR 1889 Art. 1*

Peace agreements often serve as a framework for SSR in post-conflict contexts. The links between peace and SSR processes call for joint strategies, such as:

- Encouraging mediation teams to seek the input of gender experts: This will help ensure that security agreements (including as regards cessation of hostilities, ceasefire and SSR & DDR) address conflict-related sexual violence and its prevention post-agreement.

- Consulting with peace-building groups in SSR processes: In post-conflict contexts women are very active in formal and informal mediation, conflict resolution and peace-building at the community level. Supporting such initiatives provides new leadership role models for affected communities and strengthens the participation of marginalised members. A further step would be to ensure the participation of these women leaders in formal SSR structures.

- Linking community-based peace initiatives, such as reconciliation mechanisms or other traditional mediation practices, with justice and police reform.

- Drawing upon women's groups' expertise and community links in SSR outreach, DDR programmes, and elsewhere.

Box 4	Coffee with the Mayor

The "Coffee with the Mayor" initiative has been underway in Bosnia and Herzegovina since 2001. Each week representatives of the municipality are invited to come to a women's centre in order to answer women's questions and listen to their concerns. In planning the project, special efforts were made to ensure that the meetings would be held at times when women of the community had spare time from their duties.

These meetings enable women to speak freely and directly to politicians and government representatives, holding them to account. They have become so important that the platform is used by politicians themselves, recognising that women are important actors in community and public decision-making.

Source: UNIFEM, *Women Building Peace and Preventing Sexual Violence in Conflict-Affected Countries*, 2007, 4.

Good practices:
- Specifying that women should be included in negotiating teams: The disputed results of the December 2007 Presidential elections in Kenya sparked a crisis that claimed more than 1,000 lives and left hundreds of thousands displaced. Under the mediation of former UN Secretary-General Kofi Annan, negotiations attempted to find ways to address the crisis, reconcile the communities and prevent future conflict. The AU Panel made a specific request for the negotiating parties to include women in their respective delegations. Subsequently, the two four-person negotiating teams each included one woman. The female negotiators and Kenyan women's organisations played a critical role in proposing solutions for long-standing issues such as constitutional, legal and institutional reform; the root causes of post-election violence; increasing transparency and accountability; and addressing impunity.[18]

- Structuring community participation through women's networks: in Burundi, women's CSOs have strongly advocated for a gender perspective in the design and implementation of the strategic peace-building framework and in related projects funded by the UN Peacebuilding Fund. Women's organisations established a CSO coordinating body, the "Cadre de Coordination et Concertation pour la consolidation de la Paix et la mise en oeuvre de la Resolution 1325" (Cadre). The Cadre's representative in the joint Steering Committee of the Peacebuilding Fund advocated and provided technical advice for the inclusion of a gender perspective in the Peacebuilding Fund's work. The Cadre developed gender-sensitive indicators for each project and set up local women's groups across the country to monitor how the Peacebuilding Fund projects are carried out and their impact at local level.[19]

4.3 In defence reform

Defence reform entails the transformation of the defence sector of a state so that the institutions:

- Are under civil control
- Abide by the principles of accountability and good governance
- Maintain a force commensurate with their mission
- Have representative composition
- Are trained and equipped to suit their strategic environment
- Abide by international law and thus contribute to national and international goals of peace and security

The four women, peace and security resolutions set out a number of specific obligations as well as guidance for defence reform processes in relation to:

- Representation of women at decision-making levels within defence institutions
- Gender-responsive DDR programmes
- Vetting of armed and security services to take into account sexual violence and other violations of international humanitarian and human rights law

Obligations specific to countries deploying military personnel to UN peacekeeping missions are discussed in section 4.6.

Obligations of countries currently involved in armed conflict are discussed in section 4.7.

Increased representation of women at decision-making levels within armed forces

Increased representation of women within armed forces is one aspect of a broader obligation set out in the women, peace and security resolutions to increase women's representation in institutions and mechanisms for the prevention, management and resolution of conflict:

See: SCR 1325 Art. 1

Other relevant institutions and mechanisms where women's representation should be increased include ministries of defence, parliamentary and executive committees concerned with defence matters, regional and international defence alliances and peacekeeping forces.

Sweden's 1325 NAP notes that the presence of female personnel brings particular benefit to action and strategies supporting SSR in post-conflict countries — such as education, training and judicial reform. The many benefits of increased female participation in armed forces and general strategies for promoting the recruitment, retention and advancement of women are discussed in the Tool on *Defence Reform and Gender.*

SCR 1325's emphasis on "all decision making levels" stresses that women should not only be better represented at lower ranks and in administrative capacities, but also at the highest levels of decision-making. This section will focus on increasing the representation of women at higher decision-making levels.

In many armed forces, there are relatively few women at senior levels. A study conducted on NATO forces in 2000 found that 70% of women remain concentrated in support services.[20] A defence reform process can implement a range of measures to increase the number of women at senior levels within armed forces. These include:

- Ensuring there are no formal barriers to women attaining the highest ranks, such as requirements of types of service from which women are excluded.[21]
- Establishing a Gender or Women's Unit within ministries of defence (see Box 5).
- Establishing institutional mechanisms within the armed forces to support and encourage women's advancement, such as female staff associations, mentoring programmes and women's focal points. For example, the Canadian Forces Leadership Institute convenes an annual symposium on *Women Leading in Defence* demonstrating institutional support for women's advancement.[22]
- Supporting women on active deployment through family-friendly measures and appropriate logistical arrangements, so that they can gain the experience necessary for promotion.
- Ensuring that women are afforded the necessary educational and training opportunities that can qualify them for advancement. The Ugandan 1325 & 1820 NAP requires that training programmes for members of the armed forces provide specific training in leadership and other skills for women.
- Having promotion criteria that take into account the individual skills that women bring to the armed forces.
- Setting targets for women to accede to more senior ranks. Norway's 1325 NAP, for example, sets a goal that: "At least 25 per cent of the students attending military officer training schools will be women."
- Continuously monitoring the proportion of women in senior ranks.

Gender-responsive DDR

DDR is best understood as a tool for short-term stabilization that is *linked to* or *related* to SSR, rather than part of SSR. However, DDR is also considered by many as the first step in the SSR process for countries emerging from conflict.

The women, peace and security resolutions call upon states to ensure that DDR processes address the particular needs of both women and men in a variety of roles:

See: SCR 1325 Art. 13; SCR 1888 Art. 17; SCR 1889 Art. 13

Over the last decade, progress has been made toward this goal. The UN's *Integrated Disarmament, Demobilisation and Reintegration Standards* and the UN Development Fund for Women (UNIFEM) Checklist on *Gender-aware Disarmament, Demobilization and Reintegration* are important reference tools for planning DDR programmes in a gender-sensitive manner.

Lessons learned regarding the planning, disarmament and demobilisation phases include:[23]

- Peace agreements must recognise the different ways that women and girls are associated with armed groups and consider such persons as equal beneficiaries of DDR programmes along with female and male ex-combatants.

- The needs of female dependents must also be addressed.

- There is a need to include women at all levels and phases of DDR processes, requiring the adoption of a participatory model for needs assessment.

- Sex-disaggregated data must be collected and used to develop a clear picture of all ex-combatants, dependents and others associated with armed groups.

- While gender experts should be involved in all phases of DDR programming, all DDR staff should receive training on gender issues so that they are also able to plan, implement and evaluate such programmes in a gender-responsive manner.

- Having female staff to screen women at demobilisation sites makes the process more accessible and acceptable to women.

- If DDR camps are not designed to be gender responsive—for example by having separate living quarters for men and women—and adequately policed by gender-trained personnel, they can become sites of sexual violence.

- Even when women and girls are included in DDR on paper, experience from the DDR programmes in Liberia and Sierra Leone suggests that they may fail to enrol for various gender-related reasons. These include fear for their safety owing to the presence of large numbers of male ex-combatants at encampment sites, or for the social stigma attached to women associated with armed groups. DDR programmes need to address women's concerns and communicate with female combatants and supporters directly. Women's organisations can be important partners in encouraging women to participate.

- Supporting the formation of women's groups and networks promotes women's empowerment and organisation, and creates space for women undergoing DDR to share their experiences.

- DDR programmes should include vetting mechanisms (discussed below) to prevent impunity for serious human rights violations.

- Qualitative and quantitative indicators should be used to measure the impact of DDR programmes and assessments should be carried out in the long-term.

Lessons learned concerning reintegration include:[24]

- Female combatants often need support in socio-economic reintegration, as they are often stigmatized for their "counter-cultural" behaviour. Similarly, the provision of services that address emotional trauma and reproductive health are vital. Unfortunately, reintegration components of DDR programmes often lack resources to provide adequate support, other

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Box 5 | Spain's Observatory of Women in the Armed Forces

The Spanish Armed Forces first allowed the limited participation of women in the military in 1988. Since then, its personnel policy has evolved to the point that there are no longer any restrictions on the rank, work or unit that women can qualify for.

In 2005, the Ministry of Defence created the Observatory of Women in the Armed Forces, a Ministry office tasked with facilitating the integration of women in the armed forces. The Observatory provides technical support to the Ministry and military personnel through:

- Review of draft regulations and legislation to assess and report on the gender impact of the measures
- Proactive information campaigns among the military and the general public to change perceptions of the roles of women in the armed forces
- Responding to information requests from women in the armed forces and their commanding officers on matters related to human resources policies (e.g., female soldiers' rights in case of pregnancy)

The Observatory is outside the chain of command and does not replace regular grievance and reporting procedures; however, it ensures that women in the military are aware of those procedures.

The success of the Observatory can be attributed to the following:

- It is not, nor is it perceived to be, an advocate or representative of women in the military (an ombudsoffice now exists for male and female soldiers). In its service provider function, the Observatory gives impartial counselling, advice and referral to anyone in the military who may need clarification of the legislation governing the integration of women in the armed forces.
- Its work providing gender impact analysis to the Ministry gives the Observatory credibility within the Ministry.
- Through its consultations with women in the military, it offers a detailed understanding of women in the military and their concerns.

Source: Ministry of Defence, Gender Equality Observatory. http://www.mde.es/en/areasTematicas/observatorio/index.html?__locale=en

than generic livelihood packages. Reintegration and rehabilitation strategies often recognise the special needs of women and girls associated with armed forces and groups but give no indication of ways to respond to these needs.

- In the transition from DDR to SSR programmes, women are rarely offered opportunities to join the new security forces.

- Women's organisations can be effective partners. In a 2004 study of reintegrated former combatants in Sierra Leone, 55% of the respondents indicated that women in the community played a significant role in helping them reintegrate, compared to 20% who were helped by traditional leaders and 32% by international aid workers.

The return of ex-combatants to civilian communities has often resulted in increased levels of violence, including sexual violence. Reintegration programmes need to incorporate psychological debriefings, rehabilitation and follow-up to facilitate community acceptance and reduce the risk of GBV. Providing economic alternatives for ex-combatants is important in contexts where fighters are considered an elite. Otherwise, there is a high propensity for them to take up arms again to secure a living, and conduct such as looting is often accompanied by sexual violence. Measures to reduce the proliferation of small arms and light weapons in communities also help to curb sexual violence. DDR programmes and transitional security arrangements should be coordinated with community security initiatives that protect civilians within host communities from the threat of sexual violence.[25]

Vetting of armed and security services

Vetting is generally defined as assessing the background and integrity of individuals to determine their suitability for public employment. It entails a formal process for the identification and removal of individuals suspected of human rights violations or war crimes, especially from security sector and other governmental institutions.

The women, peace and security resolutions address vetting both by parties to armed conflict and after peace processes:

See: SCR 1820 Art. 3; SCR 1888 Art. 3 and 17

Vetting for crimes of sexual violence and other violations of international humanitarian and human rights law is important for a number of reasons: to protect civilians as well as members of the security services from those who might use their authority to commit abuses; to ensure that security services gain the trust of the population; and to address impunity for sexual violence and other abuses. In a post-conflict or post-authoritarian context where not all who have committed serious crimes will be prosecuted, ensuring that they are excluded from public service provides some sanction.[26]

In DRC, Congolese women's non-governmental organisations (NGOs) and international observers alike have decried the lack of an effective and fair vetting process. The integration of irregular and regular forces into the Congolese army, FARDC, was conducted without proper vetting. Individuals alleged to have been involved in sexual violence and other serious crimes (including rape, gang rape, sexual enslavement and forced recruitment of girls and women) remained in positions of authority, and in some cases were promoted. The resulting "institutionalisation of impunity" may have contributed to the high levels of sexual violence attendant to the conflict in DRC.[27]

In contrast, in Liberia the UN designed a vetting programme to assess the qualifications and performance of the Liberian National Police and other security sector forces. In its first two years, this "de-activation" programme resulted in the dismissal of 2,150 police personnel. Although not perfect, the vetting programme has been praised as purging the police of its most corrupt and brutal elements.[28]

When designing a vetting programme for sexual violence and other violations of international humanitarian and human rights law:

- International standards require that vetting processes be based on individual conduct rather than membership of a group or institution. The vetting should be fair and respectful of due process, including the right to appeal. The Office of the High Commissioner for Human Rights' *Rule-of-Law Tools for Post-Conflict States, Vetting: an Operational Framework* is a useful tool in this regard.

- The process should be transparent, providing information openly to the public and allowing the public to provide information and feedback. Since women often have higher rates of illiteracy and less access to mass media, information campaigns should use alternative methods—including at the community level—to ensure that women are informed.

- Women's community organisations can be useful sources of information as they may have intimate knowledge of individual community members.

- The programme should ensure the confidentiality and protection of anyone who comes forward with allegations of abuse. Protection of the identity of informants, particularly with regard to sexual violence, is critical to the success of vetting processes. In several cases, perpetrators were not 'vetted' due to fears of retaliation and weak witness protection mechanisms.[29] An important component of confidentiality is the secure storage and handling of information. Programmes and institutions that deal with victims of sexual violence can facilitate access to and the exchange of information regarding perpetrators of GBV.

- Provide referrals to support and medical services for victims of sexual violence and other abuses.

- Independent observers should monitor the vetting process.

- Link the vetting process to transitional justice processes, if they exist, such as truth-seeking and reparations programmes.

- Vetting is only one aspect of institutional reform and an effective and legitimate reform strategy will place vetting in its broader context. Other aspects include the development of internal accountability mechanisms, external oversight, and training on gender and human rights issues.

Donors could play an important role in ensuring that foreign security forces implement effective vetting for sexual violence and other transgressions. Such measures could be included in donor country 1325/1820 NAPs. The US Congress, for example, prohibits funding of training or equipment for foreign security forces if the Department of State has credible information that those forces have committed gross violations of human rights. This prohibition requires Department of State and Department of Defence officials to vet the proposed recipient units against a database of credible reports of human rights violations.[30] Security forces in countries experiencing or emerging from armed conflict that fail to vet their members for sexual violence and other violations of international humanitarian and human rights laws should not receive international support.

4.4 In police reform

Police reform is the transformation or change of a police organisation into a professional and accountable police service, practicing a style of policing that is responsive to the needs of local communities and consistent with democratic norms and sound principles of good governance.[31] Examples of police reform include:

- Redefining mandates and operational procedures for police

- De-militarisation of police forces

- Providing training and skills development for rank and file officers

- Establishment of accountability mechanisms

The four women, peace and security resolutions set out a number of specific obligations as well as guidelines for police reform processes in relation to:

- Gender-responsive law enforcement, including protection of and respect for the human rights of women and girls

- Providing assistance for victims of sexual violence

- Prosecution of those responsible for violence committed against women and girls in armed conflicts, genocide, crimes against humanity and war crimes

- Increased representation of women at decision-making levels within police institutions

- Vetting, as discussed in section 4.3

Further obligations of countries deploying police personnel to UN peacekeeping are discussed in section 4.6.

Gender-responsive law enforcement

The UN's group of independent experts on the impact of armed conflict on women observed that during armed conflict "violence against women comes to be an accepted norm."[32] Sexual and domestic violence continue and increase in the post-conflict period, fuelled by the availability of weapons, trauma among male family members and the lack of jobs, shelter and basic services.[33] Lack of livelihood opportunities and the post-conflict influx of mostly male international personnel make women and girls particularly vulnerable to sexual exploitation and to human trafficking. In some post-conflict contexts, honour killings are a significant problem.

Recognising the challenges to women's security in post-conflict contexts, the women, peace and security resolutions emphasise that policing must be gender-responsive and must include measures to promote the human rights of women and girls.

See: SCR 1325 Art. 8; SCR 1889 Art. 10

Gender-responsive policing is discussed in the Tool on *Police Reform and Gender.* Steps to meet the obligations set out in the resolutions will usually involve change in four areas:[34]

Mandate
- GBV should be effectively criminalized and women's human rights protected by law.

- Police should be specifically mandated and equipped to protect vulnerable communities, such as internally displaced persons and refugees and ethnic or sexual minorities from GBV.

Operating practices, incentive systems and performance measures
- Police must understand the nature, extent and seriousness of crimes perpetrated against women and must take seriously their role in prevention, protection and investigation. Gender considerations should be included in basic training, alongside measures to promote a human-rights culture within the police force.

- There should be in-depth, skill-building training on policing crimes such as human trafficking, domestic violence and sexual assault (see Box 6).

- Protocols should guide responses to gender-based crimes. For example, a good practice in responding to GBV includes: mandatory arrest of perpetrators upon reasonable suspicion (instead of giving police discretion to persuade a woman to return to a violent partner), mandatory reporting to a higher officer, and referral to medical and support services for victims.[35]

| **Box 6** | **Training tips** |

- Women's groups have been involved in training the police on gender issues in a number of conflict-affected countries. This serves both to bring specific expertise to police training and to help build trust between the community and the police.

- Training can target female police officers. In 2008, a two-week training course took place for 32 female police officers from the Herat and Badghis districts in Afghanistan. The training focused on legal issues, such as code of conduct, use of force, and human rights, as well as tactical and technical issues, such as house searches, use of handcuffs, first aid and self-defence. (*EUROPOL-Serving Afghanistan, Online Bi-weekly Newsletter*, 22 December 2008, 2–3. http://www.eupol-afg.eu/pdf/4.pdf)

- When training is provided by outside agencies, it is essential that trainees are permitted and supported to use their new skills. The UN Stabilization Force in Haiti trained qualified female Haitian police officers on issues specific to GBV. Following their training, however, these women were given administrative tasks instead of investigating crimes of sexual violence and putting in practice the skills they had learned. They had no contact with the victims. (Pearson Peacekeeping Centre, *Roundtable Report: UNSCR 1820: A Roundtable Discussion with Female UN Police Officers Deployed in Peacekeeping Operations*, 2009, 4)

- Specialised units such as Women's Police Stations and Family Support Units can improve responses to violence against women and children, as in Afghanistan, DRC, Kosovo, Liberia, Nicaragua, Sierra Leone (see Box 7), Rwanda and Timor Leste. These units are often staffed exclusively by female police personnel or women and men specially trained to deal with victims of sexual crimes and to build effective investigations. There is overwhelming evidence—including from DRC, India and Sierra Leone—that female victims of sexual violence are more likely to report to a female police officer or to a women's police station than to a male officer at a regular police station.[36]

- Incentives should reward gender-responsive policing and sanction systems should penalise non-compliance with gender equality mandates. Incentives must be provided to encourage police personnel to work in dedicated gender units, including promotions, visibility, public approval and psychosocial support. In Liberia, the Women and Child Protection Unit has acquired prestige as an elite task force within the police, in part because donor support has ensured that these police units are better equipped than some other units.[37]

- Performance measures should record and reward staff commitment to gender equality principles.

Staff composition

- Increasing female recruitment in the police force is an essential step toward the provision of services for both women and men in the community.

Accountability systems

- Women's civil society groups should be engaged in mechanisms for civilian oversight of security services (e.g., police review boards, national human rights commissions, community-police liaison committees).

- Strong disciplinary mechanisms should exist for GBV or discrimination committed by police toward community members or fellow officers.

Assistance to and protection of victims of sexual violence

In many countries, victims of sexual violence find police unwilling to investigate and prosecute. Police may not regard sexual violence as a priority concern compared to other forms of violence, or may consider sexual violence in a family or community context as a domestic matter to be privately "resolved" between the parties. Often, there are no female police officers to attend to a female victim, which can effectively prevent women from filing a complaint. At times, victims of sexual violence are at risk of mistreatment,

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| **Box 7** | **Sierra Leone's Family Support Units** |

The Sierra Leone Police established Family Support Units (FSU) in 2001. Located in the main police stations across the country, the FSUs are staffed by specially trained male and female officers dedicated to working with victims of rape, sexual abuse, domestic violence and trafficking. The FSUs have established referral services for free medical care and legal assistance and also engage in extensive public awareness-raising efforts, especially on the topics of sexual violence, domestic violence, HIV/AIDS, trafficking and female genital mutilation.

In the past, women rarely reported such crimes to the police. The FSUs, however, have been effective in enabling women to report cases of GBV. In 2003, FSUs received and investigated 3,121 reports of sexual and physical violence, a significant increase over reporting in previous years. This rise in the number of reported cases is seen as a result of increased public awareness and public confidence in the FSUs. Furthermore, a UNICEF assessment of the FSUs found that the stigma associated with sexual exploitation and abuse has diminished, and people are more aware of the support services available.

Source: UNIFEM, Women Building Peace and Preventing Sexual Violence in Conflict-Affected Contexts, October 2007, 11.

discrimination or even further sexual abuse at the hands of the police. Where an investigation does occur, victims often experience various invasions of privacy and attacks upon their dignity, including the requirement to "prove" that they resisted the attack or to describe their clothing or demeanour, which shifts the blame to the victim.[38]

SCRs 1820 and 1888 emphasise the importance of responses to sexual violence in armed conflict and post-conflict situations. This includes a number of dimensions pertinent to policing: the provision of assistance to victims of sexual violence, their access to justice, and their protection and treatment with dignity throughout the justice process.

See: SCR 1820 Art. 4 and 13; SCR 1888 Art. 6 and 13

Measures to meet these obligations include those outlined as "gender-responsive law enforcement," such as implementing specialised training, setting up specialised response units and developing referral systems. Dedicated resources should be allocated to sexual violence protection and response. Specifically:

- Dedicated police units specialised in sexual violence (see Box 8).
- Strategic plans for the investigation of crimes of sexual violence and the provision of equipment and vehicles for that specific purpose.
- Guidelines detailing responses to complaints of sexual violence. Responses should ensure victim assistance through referral to psychosocial and medical services, safe housing, free legal assistance and other relevant measures.
- Protection of victims' safety and confidentiality, so they can file a complaint without fear of retaliation. The physical infrastructure of police stations is important in ensuring this, as well as in protecting victims' dignity. For example: toll-free telephone hotlines for rape crisis; dedicated vehicles servicing the gender units; ambulances; separate medical examination rooms and private spaces for interviews.[39]

- Investigative techniques and reporting forms and questionnaires must not degrade women (such as by "virginity testing") or intrude unduly into their lives. Sexual assault kits should always be available.[40]

Prosecution of those responsible for crimes against women and girls in armed conflicts

Addressing impunity for crimes committed against women and girls in armed conflict is a key concern of the women, peace and security resolutions.

See: SCR 1325 Art. 11; SCR 1820 Art. 4; SCR 1889 Art.3

Police capacity to undertake investigations into violence against women and girls in armed conflicts is often neglected. In the former Yugoslavia, for example, where prosecutions for genocide, crimes against humanity and war crimes are being undertaken, police forces are ill-equipped to support these complex investigations. According to lawyers, prosecutors and judges, police investigators have little or no understanding of the relevant law and its requirements, and at times are lacking even basic investigative skills.[41]

Police responsible for investigating violence committed against women and girls in armed conflicts, genocide, crimes against humanity and war crimes need training in:

- Basic understanding of international criminal and humanitarian law as applied to their context
- Techniques for appropriately questioning traumatised witnesses and victims (see Box 9)
- Investigative techniques and technology (DNA, forensics, crime-scene analysis, interviewing and exhumations)
- Techniques for investigating cold cases
- Witness protection, including pre-emptive strategies at the investigation stage that reduce the likelihood of witness intimidation[42]

Box 8	**Services to victims of sexual violence in Timor Leste**

In 2001, a Vulnerable Person Unit (VPU) was created within Timor-Leste's national police force to handle and investigate cases of rape, sexual assault, domestic violence and child abuse. The VPU provides an identifiable access point and designated police officers for both victims of GBV and service providers. This, in turn, has fostered positive collaboration and coordination between NGOs and the police, for example, through participation in local workshops and consultation on cases.

A functional network of services for victims of domestic violence, sexual assault and child abuse has now been established. The network includes a Safe Room in the national hospital, facilitation of medical and forensic examination, psychosocial counselling, a shelter and legal assistance. National NGOs are involved in providing many of these services, as well as public education and awareness-building.

Sources: UNFPA, Terms of Reference: International Referral Network Project Coordinator: GBV Sub-Project, 2010, http://ocha-gwapps1.unog.ch/rw/res.nsf/db900SID/OCHA-83Z4LC?OpenDocument; UNFPA, *Gender-Based Violence in Timor-Leste: A Case Study*, 2005. http://www.unfpa.org/women/docs/gbv_timorleste.pdf.

Increased representation of women at decision-making levels within police institutions

Increased representation of women within police institutions is one aspect of a broader obligation set out in the women, peace and security resolutions to increase women's representation in institutions and mechanisms for the prevention, management and resolution of conflict:

See: SCR 1325 Art. 1

The many benefits of increased female participation in police forces and strategies for recruitment and retention of women are discussed in the Tool on *Police Reform and Gender.*

SCR 1325's emphasis on "all decision making levels" highlights that women should not only be better represented at lower ranks and in administrative capacities, but at the highest levels as well. This section will focus on increasing the representation of women at higher decision-making levels.

In most police services, women are disproportionately represented in the lower ranks. A police reform process can implement a range of measures to

Box 9	**Training for practitioners dealing with witnesses and victims of war-related crimes**

OSCE-ODIHR has formulated a training module on International Criminal and Humanitarian Law for prosecutors, investigators/police, judges and defence counsel dealing with witnesses and victims of war-related crimes.

Participants are taught techniques for appropriately questioning traumatized witnesses and victims, which they then practice in a controlled environment. Specific training topics include:

1. General interviewing approaches and best practices
2. Protection of witnesses:
   a. Assessment of needs for protection
   b. Legal framework
   c. Accessing protective measures (e.g., voice distortion, pseudonyms)
3. Scope of direct examination, cross-examination and redirect, where applicable
4. Types of questions and when to employ them (open, closed, leading)
5. Techniques for questioning eyewitnesses, experts and hostile witnesses
6. Appropriately and effectively questioning traumatized witnesses
7. Witness support and how to access it
8. Recognizing and dealing with secondary trauma

Source: OSCE ODIHR, *"Supporting the Transition Process: Lessons Learned and Best Practices in Knowledge Transfer"*, September 2009, 57. http://www.osce.org/documents/odihr/2009/09/39685_en.pdf

increase the number of women at senior levels within police services. These include:

- Establishing institutional mechanisms to support women, such as female police associations, mentoring programmes and women's focal points, and encouraging them to lead. The UN Mission in Liberia developed a Gender Policy for the Liberia National Police that includes efforts not just to recruit and train more women officers, but to ensure they are not isolated in the lower ranks. Women are placed in leadership roles in the police hierarchy, and an Association of Women Police Officers has the potential to build a culture of mutual support.[43]

- Ensuring that women are afforded educational and training opportunities that qualify them for advancement. In places where women have unequal access to education—owing to entrenched societal gender biases—additional investment in their training may be required to ensure that their education and experience is equal to that of their male colleagues, and to enable them to meet prerequisites for promotion.[44]

- Enacting family-friendly policies to allow male and female officers to combine career and family duties.

- Addressing discriminatory attitudes within the police service that may be preventing women's advancement. Within the South African Police Service, where women make up 30% of the personnel, women nonetheless report that they struggle for full acceptance as equals by some male managers. The Service has created a programme called "Men for Change" to lead appropriate cultural change throughout the institution.[45]

- Adopting objective promotion criteria that take into account a broader range of skills and qualifications. For example, rewarding problem solving, working with the community and referrals to social services. Military experience is often a criterion for police promotion, but its relevance is arguable and often puts women at a disadvantage.

- Comparing how supervisors rate female officers in relation to male officers, and investigating where women are consistently rated lower to uncover any potential bias or training needs.

- Ensuring promotion panels include a substantial number of women.

- Setting targets for women's participation at higher ranks.

- Continuously monitoring the proportion of women at senior ranks.

4.5 In transitional justice and justice reform

Justice and security are intricately linked. Some institutions conceptualise justice issues separately from SSR.[46] However, criminal justice reform (at a minimum) is commonly considered an aspect of SSR,

and transitional justice understood as an SSR-related activity. The important linkages between justice institutions and other parts of the security sector in post-conflict contexts merit attention to the justice sector in this Tool.

Justice reform includes not only reform of laws but also the development of policies, procedures and mechanisms that allow for the practical implementation of laws and equal access to the justice system. The goals of justice reform include developing:

- Fair and equitable laws to promote and protect human rights and to overcome barriers confronting marginalised and vulnerable groups

- Effective, impartial and accountable judiciaries and prosecution services

- Linkages and cooperation between state and non-state institutions

- Mechanisms for oversight of the justice system

- Adequate judicial administration/infrastructure

The four women, peace and security resolutions set out a number of specific obligations as well as guidelines for justice reform processes in relation to:

- Measures that ensure the protection of and respect for the human rights of women and girls

- Strategies to address women's and girls' needs and priorities, including gender-responsive access to justice

- Prosecution of those responsible for violence committed against women and girls in armed conflicts, genocide, crimes against humanity and war crimes

- Measures to address the needs of victims of sexual violence in armed conflict and in post-conflict situations

Measures to protect and respect the human rights of women and girls and to address their needs and priorities

The women, peace and security resolutions call for the implementation of peace agreements to focus on the human rights of women and girls, and encourage the development of concrete strategies to meet women's and girls' needs and priorities, in particular regarding access to justice.

> *See: SCR 1325 Art. 8; SCR 1889 Art. 10*

Measures to do so include:

- Incorporation of women's groups as key partners in justice reform processes.

- Ratification of international and regional human rights instruments, including CEDAW.

- Constitutional reform to enshrine respect for the human rights of all citizens at the highest levels of the legal system.

- Law reform, to implement international and regional human rights standards, in particular with regards to land ownership, inheritance, GBV and sexual orientation.

- Reform of judicial procedures and practices to ensure that they do not directly or indirectly discriminate against women and girls.

- Conducting a gender-sensitive assessment of the justice sector to identify women's and girls' needs and priorities (see section 4.1 of the Tool on *Justice Reform and Gender* for a checklist). Liberia, for example, undertook a series of assessments from which it developed a National GBV Plan of Action that contains a number of judicial reform measures (see Box 10 of the Tool on *Justice Reform and Gender).*

- Special measures to deal with GBV cases, including with regards to witness and victim protection.

- Addressing discrimination by judges, prosecutors, other lawyers and court personnel, including through training and other capacity building on subjects such as women's rights and procedures for handling GBV cases. Local and international women's organisations and UN and other international agencies can often offer assistance in training.

- Engagement with traditional leaders and informal and traditional justice mechanisms to ensure that they uphold human rights standards, including women's rights. The engagement should foster communication between traditional leaders and women's organisations.

- Measures to increase women's participation in the justice sector, striving for an equal balance of men and women in all roles at all levels.

- Ongoing monitoring and oversight of how the justice system addresses women's and girls' human rights. In many countries, national human rights institutions such as a Commission for Women/Gender Equality or an Equal Opportunities Ombudsperson perform important watchdog roles.

- Measures to increase public awareness of human rights and of the laws and mechanisms to protect them. In many post-conflict countries, CSOs conduct public information and training campaigns on issues such as domestic violence and forced marriage, some engaging effectively with men as well as women.

- Using paralegals to build women's legal literacy.

- Outreach by courts and judges to women and men in rural areas.

- Legal aid for matters of importance to women, such as land ownership, inheritance and GBV.

- Supporting civil society initiatives for access to justice.

Other measures to ensure the protection of and respect for human rights of women and girls in justice reform are discussed in section 4 of the Tool on *Justice Reform and Gender.*

Box 10	Gender training for prosecutors and judges in Colombia

In 2007 and 2008, Colombia's National Commission for Reparations and Reconciliation sponsored a series of training sessions on gender for prosecutors and judges in charge of the special transitional tribunals dealing with the crimes of demobilized paramilitaries and guerrillas under the 2005 Justice and Peace Law.

Workshops examined the requirements of the law regarding GBV, and brought women's CSOs together with prosecutors and judges to devise strategies to address the challenges of adjudicating sexual abuses that occurred years in the past. Issues addressed included standards of proof, witness protection, psychosocial and other support for survivors. It was the first time that court officers and women's advocates had ever met to discuss these issues.

Prosecution of those responsible for crimes against women and girls in armed conflicts

The women, peace and security resolutions strongly emphasise the responsibility of states to prosecute not only international crimes against women committed during armed conflict (genocide, crimes against humanity and war crimes), but all forms of violence committed against women and girls in armed conflicts. This responsibility extends not only to the state wherein the crimes were committed but to other states with jurisdiction.

> See: SCR 1325 Art. 11; SCR 1820 Art.4;
> SCR 1888 Art. 6; SCR 1889 Art. 3

Prosecution of crimes of violence against women committed during armed conflicts requires political will on the part of the governments concerned. Local CSOs can be important actors in demanding accountability. The international community also has a crucial role to play in pressuring governments to prosecute and to exclude crimes of violence against women from amnesty provisions. The international community should furthermore be proactive in prosecuting individuals for acts of genocide, crimes against humanity or war crimes committed against women where it has jurisdiction. In October 2009, a Canadian court convicted a Rwandan man living in Canada for acts of rape committed during the 1994 genocide.[47]

Effective prosecution of violence against women committed during armed conflicts also requires state capacity in the form of appropriate court, police and prison infrastructure; judicial personnel; investigation skills and resources; record-keeping systems; victim and witness protection; and interpretation and translation services. The international community can support this capacity in many ways (see Box 10).

In many countries emerging from conflict, justice reform will include the establishment of transitional justice mechanisms to address legacies of widespread or systematic human rights abuses during the conflict. Transitional justice is discussed in section 5.1 of the Tool on *Justice Reform and Gender.* Where a transitional mechanism is established, its mandate should explicitly refer to addressing violence against women.

Measures to ensure that crimes of violence against women committed during conflict are effectively prosecuted, whether through transitional or permanent justice mechanisms, include:

- Defining violence against women in line with international standards in human rights and international criminal law. For example, the Special Court for Sierra Leone included "sexual slavery," "enforced prostitution" and "forced pregnancy" within its definition of sexual violence.
- Designing a specific prosecution strategy for crimes of violence against women committed during the conflict.
- Training for all staff in investigations, interviewing and jurisprudence regarding violence against women.
- Ensuring dedicated investigators and prosecutors for crimes of violence against women, including female investigators.
- Instituting measures to guarantee security, privacy and confidentiality for victims before, during and after trials, such as witness protection and resettlement packages.

Measures to address the needs of victims of sexual violence in conflict

The women, peace and security resolutions list a range of state obligations to victims of sexual violence in conflict: to ensure survivors of sexual violence in conflict have equal protection under the law; have equal access to justice; are treated with dignity throughout the justice process; are protected; receive assistance and receive redress for their suffering. In any justice reform process, space must be created to seek, listen to and respect the views of victims of sexual violence on what, for them, constitutes justice.

> See: SCR 1820 Art. 4 and 13;
> SCR 1888 Art. 6, 13 and 17

The strategies outlined in the above section on prosecution of those responsible for violence committed against women and girls are a part of meeting these requirements. Other strategies specific to dealing with sexual violence cases include:

- Public campaigns to promote women's human rights and to challenge tolerance of sexual violence (see Box 11).
- Providing care for the well-being, safety and dignity of victims of violence, including through the provision of information and support, and witness preparation.

■ Establishing an enabling courtroom environment, wherein victims are treated with sensitivity, respect and care.

■ Reaching out to victims of sexual violence, including in rural areas, to offer information on the prosecution process, legal assistance, as well as heath care, counselling, shelter and other support systems, with concern for victims' privacy.

■ Establishing specialised courts that offer a more streamlined process, supported by specially trained staff.

■ Co-locating court facilities with assistance and support services and legal advice (see section 4.3 of the Tool on *Justice Reform and Gender*).

■ Ensuring that rules of evidence and procedure are appropriate in accordance with international standards—for example in relation to inferences of consent to a sexual act and admissibility of evidence of prior or subsequent sexual conduct.

■ Ensuring that rules of evidence and procedure, and court facilities and processes take into account a victim's dignity and safety. This might include allowing the victim to testify behind a screen or to have access to private waiting areas.

Prosecution is only one of the justice reform responses called for in the resolutions. Justice for victims of sexual violence may also demand some form of truth-telling process and/or other symbolic measures to acknowledge the wrongs done to them. Truth and reconciliation processes and reparations programmes should include a special focus on sexual violence in their mandate, procedures and reports. Truth and reconciliation commissions should give attention to the support and protection needs of victims of sexual violence when they give testimony. In Sierra Leone, for example, victims of sexual violence were only interviewed by female commissioners and could decide whether they wanted to testify in closed or in public hearings, and whether their statements should be regarded as confidential. Witnesses who appeared during the closed hearings were provided with food, drink and medical assistance, with transport to and from the hearing venues and, where necessary, overnight accommodation. Likewise, reparations programmes should have an explicit focus on victims of sexual violence as a category of beneficiaries. Psychosocial and medical services can be included as a type of reparation. Symbolic reparations may help to address the social stigma to which survivors of sexual violence are subjected, such as their exclusion from the community or abandonment by their spouse.[48]

4.6 In preparation for the deployment of personnel to peacekeeping missions

The women, peace and security resolutions devote particular attention to how states prepare their personnel for deployment to peacekeeping missions. They call upon states to:

■ Include gender issues in national pre-deployment training programmes for military and civilian police personnel

■ Take steps to prevent sexual exploitation and abuse and ensure accountability for any such conduct that does occur

■ Institute measures to deploy more women as peacekeepers

Training of military and civilian police personnel

The resolutions make some specific suggestions regarding issues that should be included in the pre-deployment and in-theatre training of military and civilian police personnel, including:

■ The importance of involving women in all peacekeeping and peace-building measures at all levels

■ The protection, rights and the particular needs of women

■ The protection of civilians, including women and girls

■ The UN's zero tolerance of sexual exploitation and abuse

■ The prevention of sexual violence against women and girls in conflict and post-conflict situations

■ HIV/AIDS awareness

Box 11	Breaking taboos

NGO *Medica Kosova* tries to break the taboo of sexualised violence perpetrated during the war in Kosovo, using campaigns, media reports, radio and TV programmes to inform the public about the situation of women raped during the war.

Medica Kosova also works with other organisations in the Kosova Women's Network to advocate for a compensation fund for victims of war rapes in Kosovo.

Source: *Medica Mondiale*, Kosova, http://www.medicamondiale.org/en/projekte/kosova/

See: SCR 1325 Art. 6; SCR 1820 Art. 7 and 8; SCR 1888 Art. 19 and 21

While the primary responsibility for training peacekeepers lies with the states concerned, the UN Department for Peacekeeping Operations (DPKO) has developed training materials for use by states, including generic training packages for the pre-deployment training of military and civilian police personnel (see Box 12). These are widely used by peacekeeping training institutions. DPKO also offers advice and supplementary training events, such as training of trainers, to national and regional training centres.[49]

A 2008 training needs assessment conducted by DPKO found that where pre-deployment training is delivered, the topics of sexual exploitation and abuse and HIV/AIDS are generally included.[50] It is important that sufficient time is given to training on sexual exploitation and abuse. Training provides an opportunity to discuss in depth the rules set out in UN codes, including the meaning of "non-fraternisation," the circumstances in which a sexual relationship with a person in a host country is "exploitative," and the responsibilities of personnel who either impregnate or become pregnant whilst deployed. Training should also include procedures for reporting allegations of sexual exploitation and abuse and (as appropriate to the level of command) for investigation and response, as well as encompass periodic and systematic follow-up and monitoring. More uniform training between states might help to bridge the differences in the way that peacekeeping forces from different states consider their relationship with host communities, including how they interact with women and girls.

Many Western countries have made substantial progress in developing and delivering training for peacekeepers that addresses the broad range of issues highlighted in the women, peace and security resolutions. NATO too has committed to including women's perspectives and gender mainstreaming in education and training programmes at all levels.[51] While these developments are welcome, these countries provide relatively small numbers of peacekeeping personnel.

The bulk of UN peacekeeping personnel come from developing countries (in particular Bangladesh, India and Pakistan), which generally have less systematic gender training, if any. However there are some promising examples of gender being integrated in peacekeepers' training:

- The Bangladesh Institute of Peace Support Operations' training courses reportedly cover the (now updated) UN Standardized Generic Training Module on gender issues in peacekeeping.[52]
- South Africa's Peace Mission Training Centre each year offers a two-week course to train members of the Department of Defence and other senior military personnel to be Gender Advisors to military and civilian decision makers in peace support missions.[53]

Box 12	Examples of training materials for peacekeepers related to women, peace and security

DPKO Core Pre-deployment training modules, 2009. http://pbpu. unlb.org/PBPS/Pages/Public/library.aspx?ot=2&scat=393&menu key=_4_5_2
(Unit 3 addresses women, peace and security and protection of children; Unit 4 addresses SEA and HIV/AIDS)

DFID/DFAIT "Gender and peacekeeping training course", 2002. http://www.genderandpeacekeeping.org

- The independent Peace Operations Training Institute offers free e-learning, including a course on *Gender Perspectives in United Nations Peacekeeping Operations*, for peacekeepers from Africa, the Caribbean and Latin America. More than 15,000 peacekeepers and potential peacekeepers have taken the course, mostly from African countries, Bangladesh and Pakistan. In March 2010, the Peace Operations Training Institute released a new course, *Preventing Violence Against Women and Gender Inequality in Peacekeeping*.[54]
- The Pearson Peacekeeping Centre has designed a two-week training course on GBV for international police officers participating in the AU/UN Mission in Darfur, which it plans to adapt for other peacekeeping missions.[55]

Lessons learned by countries with respect to pre-deployment training for their military and police personnel include:

- Long-term preparation of troops and police for peacekeeping is necessary to ensure the development of competence in the aptitudes and skills required. Lead time for deployment is often short, precluding the possibility for meaningful preparation. Gender awareness should be integrated throughout the curricula of police and military education.
- Training should start with a focus on practical issues, such as *how* to implement SCR 1325, rather than with normative or theoretical content about gender.
- There should be mission-specific training and community orientation, including on local gender dynamics, which should explicitly address ways to prevent and respond to sexual violence.
- Responding to sexualised attacks should be part of Mission Rehearsal Exercises and scenario-based training.
- Nationally available expertise, provided by bodies such as ministries of women/gender affairs and women's CSOs, can support pre-deployment training.
- There should be systematic assessment of the impact of training during and after deployment, potentially involving women's organisations in host countries.[56]

See Tool on *Gender Training for Security Sector Personnel.*

Prevention of and accountability for sexual exploitation and abuse

In recent years the UN has been criticised over allegations of sexual exploitation and abuse of local populations by UN peacekeeping personnel. The UN has a clear policy of *zero tolerance*, but the Security Council Resolutions on women, peace and security demand that member states also take preventative action and put in place measures to ensure accountability for sexual exploitation and abuse.

Codes of conduct: Alongside training, preventing sexual exploitation and abuse requires clear guidelines on prohibited behaviour and clear complaint, investigation and disciplinary procedures. As a first step, states contributing troops and/or police to peacekeeping missions should ensure that the UN standards to prevent sexual exploitation and abuse are binding on their personnel, whether by issuing them as a command, or incorporating them into their criminal law.[57] They should also translate the standards into the languages of their personnel deployed as peacekeepers.

Developing, implementing and enforcing such codes of conduct at the national level can help to ensure that peacekeepers are held accountable for sexual violence. A strong and clear reference to the impermissibility of sexual exploitation and abuse in a national code of conduct can serve as a tool to educate and train military and police personnel and to assist their commanders in putting a stop to such abuses.

Accountability for sexual exploitation and abuse: Prevention of and accountability for sexual exploitation and abuse requires an organisational culture wherein armed forces commanders and police commissioners prevent, identify, halt and punish such behaviour. Steps are needed to address any *culture of impunity* for sexual violence within armed forces and within police contingents.

States must be diligent in ensuring that any of their peacekeeping personnel who engage in sexual exploitation and abuse are held accountable under their respective national military and/or criminal justice systems. A number of countries have acted accordingly, punishing the perpetrators by dismissing them from the military, imposing custodial sentences and/or stripping them of their rank. France, for example, has reportedly imprisoned one of its peacekeepers for filming himself having sex with children, while countries including Morocco, Nepal, Pakistan, South Africa and Tunisia have announced disciplinary action against some of their peacekeepers.[58]

Countries contributing troop and/or police contingents should always give and fulfil assurances to the UN that their peacekeeping forces will ensure respect for local law, and that they will prosecute their peacekeepers if a UN investigation concludes that there are well-founded allegations of sexual exploitation or abuse against them. However, practical difficulties of gathering evidence and summoning witnesses confront national authorities in such prosecutions. To address these problems, it has been recommended that troop-contributing countries hold on-site courts martial in the country where the alleged offences were committed.[59]

Demonstrating peacekeepers' accountability for sexual violence is important for the credibility of the mission, which is essential to the mission's effectiveness. Repatriation of peacekeeping staff is the most commonly used disciplinary measure in the case of misconduct. When the implications of repatriation are not properly explained, it is often perceived as a simple "removal" of the perpetrator without any repercussions. Whilst protecting the confidentiality of victims and witnesses, missions should provide information to the host community on how allegations of sexual exploitation and abuse are being handled, and explain the outcomes of investigations to the victim and other involved persons. It may be appropriate for a senior mission official to publicly announce that the party/parties concerned has/have been removed from the mission and are being punished, so that the community can see that appropriate action is being taken.

Measures to deploy more women

The women, peace and security resolutions recognise that female peacekeepers are an essential resource in protecting civilians, including preventing sexual violence against women and children. A peacekeeping contingent composed of both men and women:

- Will be more trusted by the local community
- Is better equipped to undertake many key tasks, such as: house searches, body searches, working in prisons, providing escorts for victims/witnesses and screening combatants at DDR sites
- Can better make meaningful contact with vulnerable groups and CSOs in the local community
- Can more easily support conflict-affected women who would have difficulty speaking to male personnel
- Is less likely to have problems with sexual exploitation and abuse
- Promotes and encourages the participation of local women and their organisations in post-conflict political processes[60]

Specifically trained female peacekeepers can be of particular value in preventing sexual violence.

The women, peace and security resolutions encourage states to deploy greater numbers of female military and police personnel to UN peacekeeping operations:

DPKO has for some years advocated that a minimum of 10% of peacekeeping police and military personnel should be women. However, as of June 2010, women made up only 2.35% of UN peacekeeping personnel in military functions. In 2009, DPKO launched a campaign to increase the number of female police officers in peacekeeping missions from 8 to 20% by 2014.[61]

States can increase the recruitment and deployment of women for peacekeeping operations by:

- Including increased recruitment of women as a goal in their respective 1325 NAPs.

- Creating all-female military and police units to be deployed in the field, following the example of the Indian Formed Police Unit deployed in Liberia in 2007.

- Developing a national policy on the recruitment and deployment of women that includes numerical targets (such as a minimum percentage of women in all formed units deployed to peacekeeping). The Zambian Police Service, for example, has a 30% target for selecting female police officers for UN missions and, as of October 2009, had achieved 12%.

- Establishing specialised units within military and police personnel offices to oversee the recruitment and deployment of women.

- Nominating women for senior civilian peacekeeping positions, for example as Special Representatives of the UN Secretary-General, the EU and other regional bodies, as well as through secondment to DPKO headquarters.

- Developing national public information strategies that promote women's recruitment into police and military forces, and deployment to peacekeeping operations.

- Reviewing qualification requirements to remove those that discriminate against women.

- Addressing gender discrimination within armed forces and police services, for example through gender policies, women's empowerment programmes and sensitisation. See the Tool on *Police Reform and Gender.*

- Providing women with extra training to help them meet qualification requirements. For example, female police officers from Namibia, Tanzania and Zambia have identified women's lack of driving skills (the UN requires the ability to drive a manual shift 4x4 vehicle) as one of the main obstacles to their deployment to peacekeeping missions. This obstacle is coupled with the fact that women and men often do not have the same opportunities due to cultural, social and economic factors. The Tanzania Police Service is planning a pre-deployment course for women only to increase their language, shooting and driving skills in order to help them pass the selection tests, and is considering reimbursement for women who take extra driving lessons at their own cost.

- Initiating specific research on those factors that enhance the recruitment, retention and deployment of women, and ensuring that they inform national policy.[62]

4.7 By countries involved in armed conflicts

As one would expect, the four women, peace and security resolutions pay particular attention to situations of armed conflict. The Security Council issues strongly worded directions to parties to armed conflict in relation to:

- Ensuring full respect for international law applicable to the rights and protection of women and girls, including immediate and complete cessation of all acts of sexual violence against civilians

- Taking special measures to protect civilians, particularly women and girls, from sexual violence, as well as other forms of violence

Ensuring full respect for international law applicable to the rights and protection of women and girls

"It is more dangerous to be a woman than to be a soldier right now in Eastern DRC."
Major General Patrick Cammaert, former Deputy Force Commander[63]

See: SCR 1325 Art. 9; SCR 1820 Art. 2; SCR 1888 Art. 2; SCR 1889 Art. 2 and 3

The challenges of ensuring respect for international humanitarian, human rights and refugee law in armed conflicts are not new or limited to the protection of women and girls. The overwhelming numbers of civilian deaths and injuries in armed conflict zones testify to this. The International Committee of the Red Cross has long worked on these issues, including through the promotion of and training in international humanitarian law for armed forces and armed groups. The UN plays a key role in exerting political pressure on countries to comply with their legal obligations in conflict.

In many contexts sexual violence and other human rights abuses are committed by members of national police and armed services.[64] Disciplinary problems and corruption can be factors: sexual violence against refugee women in Burundi, Kenya and Rwanda, for example, was committed by government soldiers/ security forces that were not well supervised and did not receive clear directives from superiors regarding their duties. Alcohol abuse and personal gain from robbery were often involved.[65]

A further key challenge is enforcing compliance with international law by non-state actors and armed groups. On one hand, they may not see themselves bound by international law and, on the other hand, they may lack the command and control structure necessary to maintain discipline. In any case, non-state actors are rarely subject to any external oversight. Moreover, while sometimes sexual violence is systematically deployed as a method of warfare by armed groups, it may also be "opportunistic"— armed groups and ordinary civilians exploiting chaos to attack women. A license to loot and rape at gunpoint often serves as an incentive for irregularly paid rebels to perpetuate the conflict.[66]

The international community has only just begun to develop experience in engaging with non-state armed groups on sexual violence issues. Some progress has been made in achieving commitments to end sexual violence, but implementation remains challenging: [67]

- In DRC, statements of commitment (*actes d'engagement*) were signed by 22 armed groups in the Kivus during the Goma Peace Conference on 23 January 2008. Signatories committed themselves to, inter alia, end all acts of violence against the civilian population, especially women and children. The Nairobi communiqué, which focused on foreign armed groups in DRC, also contained a reference to preventing acts of sexual violence. However, significant progress has yet to be observed in the parties either honouring their commitments or protecting civilians, in particular from sexual violence.

- In Côte d'Ivoire, the *Forces Nouvelles* adopted an action plan in January 2009, in which they committed to combating sexual violence in areas under their control, and established a working group to monitor its implementation. The effectiveness of these initiatives will need to be monitored.

UN peacekeeping experience indicates that specific strategies of persuasion and dissuasion—explained in relation to the culture and belief systems of the group—need to be adapted to armed opposition groups or non-state actors.[68]

Special measures to protect civilians from sexual violence

> *See: SCR 1325 Art. 10; SCR 1820 Art. 3;*
> *SCR 1888 Art. 3; SCR 1889 Art. 12*

Protection of civilians from sexual violence requires specific strategies and responses because:

- Victims tend not to report sexual violence for fear of social stigma and re-victimisation, resulting in a paucity of information on attack patterns and the profile of perpetrators.

- Sexual violence tends to occur in places and at time periods that lack a regular security presence, such as in homes, at water points during pre-dawn hours, in forests where women forage for fuel and in fields where they cultivate crops.[69]

The need for targeted responses to sexual violence may be finding its way into military doctrine in certain cases. For example, NATO doctrine now dictates that in operational planning, execution and evaluation, forces need to analyse whether procedures should be implemented to protect women and girls from sexual violence. However, national armies do not generally have adequate doctrine or scenario-based training to deal with sexual violence and may be ill-prepared to address it in theatre.[70]

While there has been little analysis of how armed forces and groups directly participating in armed conflict can protect civilians from sexual violence, lessons learned by those providing humanitarian assistance and in peacekeeping missions are relevant. Good practice in protecting civilians includes:[71]

- Assessing how risks differ for women and men, girls and boys, and how they are changing over the course of the conflict; areas where people are likely to be exposed to sexual violence (e.g., aid distribution points, detention centres, border points, bars); and other agencies/organisations that can provide complementary health, psychosocial, legal and other basic services.

- Full, periodic consultations with communities and groups at risk, and ongoing liaison with local women's groups to identify protection gaps and as a source of operational intelligence.

- Continuous M&E and compilation and analysis of data.

- Linking protection with the empowerment of women. Women need to be involved in public decision-making to be able to articulate their needs in regard to, amongst other things, protection from sexual violence. At the same time, the threat of sexual violence in many contexts precludes women's participation in public life.

- Recognising that effective measures are highly contingent on context—for instance, strategies employed in Darfur (Sudan), where conflict is focused around IDP camps, will not necessarily work in a setting like DRC. Differences in levels of organisation and brutality, intent and scale require tailored response strategies.

Many practical measures to protect civilians from sexual violence have been developed in refugee camp settings.[72] These could be applied and adapted in non-camp settings, including villages and suburbs where people are at risk of sexual violence outside of their home. Such measures include:

- Installation of lights in dangerous areas

- Separate hygienic facilities for women and men

- Strategic location of hygiene, water, garbage and other facilities used by groups at risk

- Cutting the grass on routes via which women frequently travel, providing women with torches and educating and encouraging women to walk in groups

- Information campaigns to inform women on ways that they can protect themselves

- Community assistance on how to set up neighbourhood watches or village vigilance/defence committees

A number of peacekeeping missions have used armed patrols and escorts to physically protect women and girls from sexual violence. These have protected women engaged in specific activities, such as firewood and water collection, travelling to market and farming, and/or focused on high-risk

periods such as nighttimes or the pre-dawn hours (see Box 13). Likewise, military forces can help to deter sexual violence simply by demonstrating their presence at high-risk times and places—such as by using flares/illumination mortars at night.[73] Patrols and other protective actions by military personnel can be coordinated with community-run security committees, and should be planned and implemented in consultation with both women and men in the community.

In times of acute risk of violence, the military can also conduct evacuations and create corridors of safe passage for the movement of civilians.

The SCRs further suggest the following special measures to protect civilians from violence:

- Vetting candidates for national armies and security forces to ensure the exclusion of those associated with serious violations of international humanitarian and human rights law, including sexual violence. Vetting is discussed in section 4.3.
- Training of military personnel on the prohibition of all forms of sexual violence and to expose the myths that fuel sexual violence in armed conflict. Training of police and armed forces on women, peace and security issues was discussed in section 4.6.
- Enforcing military or other investigative and disciplinary measures.

Enforcing military or other investigative and disciplinary measures

"A core aspect of prevention is the need for civilian and military leaders to demonstrate commitment and political willingness to address sexual violence. Inaction essentially sends a message that sexual violence is tolerated. In this regard, I emphasize that clear and forceful instructions and regular messages on the categorical prohibition of sexual violence, and unequivocal demonstrations by word and deed that any breach will be punished, would contribute to a decrease in sexual violence. Additionally, State organs, including ministries of defence, interior and justice, and military and police command structures must institute concrete, timebound measures, including training of military and police forces to make them aware of their obligations under international humanitarian, human rights and criminal law."

Report of the Secretary-General pursuant to Security Council Resolution 1820[74]

Where there is impunity for sexual violence, arms bearers view rape *not only as a tool of war, but a toy of war.*[75] The women, peace and security resolutions place particular emphasis upon addressing impunity (see section 4.5), including with regards to sexual violence committed by military personnel.

See: SCR 1820 Art. 3; SCR 1888 Art. 3 and 7

In accordance with human rights standards, the jurisdiction of military tribunals should be restricted solely to specifically military offences committed by military personnel, and should exclude human rights violations, including sexual crimes, which should come under the jurisdiction of ordinary

Box 13	Firewood patrols in Darfur

For displaced women and girls in some conflict-affected contexts, collecting firewood puts them at particular risk of rape, abduction and murder. To protect women collecting firewood in Darfur, AU protection force soldiers began firewood patrols. These were continued by the joint AU/UN force deployed from 2007.

Generally, AU patrols consisted of two or three large pickup trucks that followed approximately 100–200 metres behind a group of women along a predetermined route to a firewood collection location. Each truck carried a patrol force comprising three to five civilian police personnel up front and six to eight heavily-armed soldiers in the open-air rear of the vehicle.

The AU firewood patrols proved highly effective in some contexts. The Women's Commission for Refugee Women and Children highlighted the following issues, amongst others, as important to their success:

- "Firewood patrol committees" consisting of leaders from the participant groups (such as IDP women leaders), representatives from the patrolling forces (female wherever possible) and an intermediary, such as a UN agency or NGO, were crucial in building trust between participants and patrollers. Together committees should develop guidelines on timing, frequency, route selection, distance, and the details of how the patrols will be carried out; they should also meet regularly to address any concerns that arise during the patrols.
- The protection mandate of the patrolling force, whether soldiers, civilian police or local authorities, must be clear among all parties before the patrols begin.
- The role of the host government's security forces (in refugee settings) and the local government's security forces (in IDP settings) must be clarified before the patrols begin.
- Where necessary, a translator—female wherever possible—should accompany all patrols in order to communicate between participants and patrollers.
- The commander of the patrolling force must be supportive of the engagement of the patrollers in firewood patrols, committed to following the guidelines and willing to conduct patrols on a regular and predictable basis.
- Patrollers must not engage in sexual exploitation of participants in the patrols and must be held accountable to internationally recognised guidelines and codes of conduct for peacekeeping forces.

Humanitarian actors have however highlighted the analysis that must attend such protection initiatives, noting that in some cases firewood patrols allowed IDPs from one tribal group to collect wood of a neighbouring group, potentially exacerbating tensions.

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criminal courts.[76] In countries where sexual crimes committed by military personnel fall under military jurisdiction,military tribunals have largely failed to investigate and prosecute offenders.

NATO has set out guidelines regarding investigations of alleged acts of sexual violence (and other code of conduct violations) by NATO personnel, which include:

- A timeframe for appointment of an investigation officer to conduct a fact-finding/ preliminary inquiry
- A chain for reporting the results of the preliminary inquiry
- Responsibility for referring the results of the preliminary inquiry to the relevant national authority for appropriate disciplinary action
- A framework for the reporting of the final disposition[77]

Like the UN, NATO relies upon its member states to take disciplinary action against their own personnel. All armed forces should have clear procedures for responding to allegations of violence against civilians by their personnel, including rigorous investigation and, where warranted, prosecution.

5 Key recommendations

Policies

1. In developing and implementing SSR-related policies, assess how different policy options will impact upon women, men, girls and boys, and ensure that gender experts and women participate fully in the policy-making process.

2. In all SSR-related policies, explicitly address women and girls' security and justice needs, sexual violence issues, and the promotion of women as equal participants in security sector institutions.

3. Develop National Action Plans for implementation of the women, peace and security resolutions through an inclusive, consultative process, which includes legislators, security institutions, women's CSOs, and other relevant stakeholders. Such National Action Plans should encompass SSR activities.

Accountability

4. Monitor and evaluate i) how women, peace and security issues are addressed in SSR programmes, and ii) execution of National Action Plans for implementation of the women, peace and security resolutions. Use concrete indicators and involve women's CSOs.

5. Establish systems to ensure accountability of individuals within government agencies, security services and peacekeeping missions for implementation of obligations under the women, peace and security resolutions, as included in national security, defence or SSR policies.

Participation of women

6. Include women at all levels in security sector governance and oversight institutions, and provide space for input from women's CSOs.

7. Empower women and women's organisations to participate in SSR processes through the provision of security and logistical support, capacity building, mentoring and support to coalition-building, as necessary.

8. Develop and implement strategies to promote leadership of women within armed forces, police services, defence institutions and the judiciary.

Defence reform

9. Involve women's groups in the planning and implementation of DDR programmes, especially when engaging with female beneficiaries and in the reintegration of ex-combatants.

10. Take action to mitigate the likelihood that the return of ex-combatants to civilian communities leads to increased sexual violence.

11. Ensure that members of new or re-forming armed and police services are vetted for crimes of sexual violence and other violations of international humanitarian and human rights law, giving particular attention to confidentiality and protection of victims of sexual violence.

Police reform

12. Reform police mandates, operating practices, training, incentive systems, performance measures, staffing and accountability systems to prioritise GBV issues. Consider creating specialised police units—staffed by men and women, linked to social and legal support services.

13. Dedicate resources to sexual violence prevention, investigation and prosecution, as well as to victim assistance and protection.

Justice reform

14. Reform laws and judicial procedures, practices and training to address GBV, in line with international standards, making special provision for prosecution of perpetrators and support to victims of sexual violence.

15. Increase women's and girls' access to justice by supporting legal aid, paralegals, CSOs and legal outreach.

16. Work with conflict-affected countries to support capacity to investigate and prosecute crimes of violence against women committed during armed conflict, and maintain local and international pressure to prosecute perpetrators.

In preparation for peacekeeping

17. Integrate practical training on women, peace and security issues, including the prevention of sexual violence, into police and military training, supplemented by mission-specific training for peacekeepers.

18. Develop codes of conduct and accountability mechanisms to address sexual exploitation and abuse, and ensure that any perpetrators are held accountable—and seen in the host country to be held accountable.

19. Establish specialised units to lead and monitor implementation of policies, strategies and training to increase the recruitment and deployment of women in peacekeeping operations.

During armed conflict

20. Document and share strategies for the protection of civilians from sexual violence during armed conflict, including through engagement with non-state actors and enforcement of military disciplinary measures.

6 Additional resources

Useful websites

DCAF Gender and Security Programme – http://www.dcaf.ch/gssrtoolkit

EPLO *European National Action Plans for UNSCR 1325* – http://www.eplo.org/index.php?id=249

EU webpage on Women Peace and Security – http://www.consilium.europa.eu/showPage.aspx?id=1886&lang=en

PeaceWomen – http://www.peacewomen.org/WPS/Index.html

UN Action Against Sexual Violence in Conflict – www.stoprapenow.org

UNIFEM – http://www.womenwarpeace.org/

UN-INSTRAW Gender, Peace and Security Programme – http://www.un-instraw.org/peace-and-security/programme-page/

Practical guides and handbooks

Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform, Section 9: Integrating Gender Awareness and Equality*, 2009. http://www.oecd.org/dataoecd/4/52/42168607.pdf

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UNIFEM, "*Women targeted or affected by armed conflict: What role for military peacekeepers?", Wilton Park Conference Summary*, 2008. http://www.unifem.org/attachments/events/WiltonParkConference_SummaryReport_200805_1.pdf

Books and other non-online publications

Donadio, M., & Mazzotta, C., *Women in the armed and police forces: Resolution 1325 and Peace Operations in Latin America*, RESDAL, 2010.

The Institute for Inclusive Security, *Inclusive Security: A Curriculum for Women Waging Peace*, Hunt Alternatives Fund, 2009.

ENDNOTES

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Implementing the Women, Peace and Security Resolutions in Security Sector Reform

There is strong recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The integration of gender issues is also key to the effectiveness and accountability of the security sector, as well as to the local ownership and legitimacy of SSR processes.

The UN Security Council recently passed a number of resolutions that address the need for SSR processes to take into account the particular security needs of women and girls and to promote women's participation.

This Practice Note provides a short introduction to the women, peace and security resolutions, and how they can be implemented in SSR. It is based on a longer Tool, and both are part of the *Gender and SSR Toolkit*. Designed to provide an introduction to gender issues for SSR practitioners and policymakers, the Toolkit comprises 13 Tools with corresponding Practice Notes—see *More information.*

What are the women, peace and security resolutions?

Since 2000, the UN Security Council has adopted four resolutions on women, peace and security:

UN Security Council Resolution 1325, adopted in October 2000, recognises the particular impacts that armed conflict has on women and the important contributions women make to security and reconciliation. It urges increased representation of women in conflict prevention and management. It also stresses the need to include a gender perspective in implementation of peace agreements; disarmament, demobilisation and reintegration (DDR) processes; and training for peacekeepers.

UN Security Council Resolution 1820, adopted in June 2008, calls on states to take special measures to protect women and girls from sexual violence in armed conflict, and to ensure access to justice and assistance for victims. It emphasises the role of peacekeepers in protecting civilians, and urges more female peacekeepers. It requests that the UN develop mechanisms in DDR and SSR processes to protect women from violence, in consultation with women and women's organisations.

UN Security Council Resolution 1888, adopted in September 2009, develops the Council's focus on sexual violence in armed conflict. It urges inclusion of sexual violence issues in peace processes, DDR and SSR arrangements, and justice reform. It establishes new mechanisms within the UN to address sexual violence in conflict. Women's representation in decision-making processes and the inclusion of female personnel in UN missions are again emphasised.

UN Security Council Resolution 1889, adopted in October 2009, extends the Council's focus on women's participation in peacebuilding, emphasising their essential role in political and economic decision-making. It urges gender mainstreaming in all post-conflict recovery processes; funding and programming for women's empowerment activities; and concrete strategies in law enforcement and justice to meet women's and girls' needs and priorities.

Why are the women, peace and security resolutions important to SSR?

SSR is a process aimed at ensuring that security and justice providers:
- Deliver effective and efficient security and justice services that meet people's needs
- Are accountable to the state and its people
- Operate within a framework of democratic governance, without discrimination and with full respect for human rights and the rule of law

The security sector includes armed forces, police, intelligence, border management and customs services, justice and penal institutions, non-statutory and traditional justice and security providers, as well as actors that play a role in managing and

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

overseeing the design and implementation of security, such as ministries, parliaments, ombuds institutions, human rights commissions and civil society organisations (CSOs).

The women, peace and security resolutions are important to SSR because:

- Addressing the different security needs of women, men, girls and boys and ensuring the equal participation of women and men in decision-making is increasingly recognised as vital to successful SSR. It is critical to ensuring local ownership and effective delivery of security services, as well as strengthened oversight and accountability.
- The women, peace and security resolutions provide an internationally-supported normative framework to promote the human rights of women and girls in conflict and post-conflict situations.
- The UN, the European Union, the African Union, NATO and other international and regional organisations involved in supporting SSR use these resolutions as guiding standards and many countries shape national security and development policies around them.

How can the women, peace and security resolutions be implemented in SSR?

National security, defence and SSR policies

The women, peace and security resolutions call for the equal and full participation of women in policy-making at all levels, for gender mainstreaming, and for strategies that address women's and girls' security and justice needs, priorities and empowerment.

- In developing and implementing SSR-related policies, assess how different policy options will impact upon women, men, girls and boys. Ensure that gender experts and women participate fully in the policy-making process.
- In all SSR-related policies, explicitly address women's and girls' security and justice needs, sexual violence issues and the need to promote women as equal participants in security sector institutions.
- Develop National Action Plans to implement the resolutions that include SSR activities. National Action Plans should derive from an inclusive, consultative process, involving women's CSOs in their development, implementation, monitoring and evaluation.
- Monitor and evaluate i) how women, peace and security issues are addressed in SSR programmes and, ii) implementation of National Action Plans.
- Establish systems to ensure that individuals within government agencies and security institutions are held accountable for implementation of obligations under

the women, peace and security resolutions, as included in national security, defence and SSR policies.

Women's participation in SSR processes and security sector institutions

The women, peace and security resolutions urge states to take measures to increase women's participation in post-conflict planning and peacebuilding—which includes SSR processes. They also call for women to be involved at decision-making levels in mechanisms for the prevention, management and resolution of conflict.

- Include women at all levels in security sector governance and oversight institutions, such as government ministries, human rights commissions and ombuds institutions, and provide space for input from women's CSOs.
- Empower women and women's CSOs to participate meaningfully in SSR processes (see Box 1). This might require special consultations with women, where transport and child care are provided, or capacity building and mentoring to provide women with relevant skills and knowledge. Coalition-building among women's CSOs can enable women to speak with a stronger voice.
- Implement strategies that enable women to attain senior ranks within the armed forces, police services, defence institutions and the judiciary (see Box 2).

Defence reform

The women, peace and security resolutions provide guidance in relation to gender-responsive DDR programmes (see Box 3), and vetting of armed and security forces' personnel.

- Address the particular needs of female and male ex-combatants, as well as women and girls associated with armed forces and armed groups and their children.
- Involve women's groups in the planning and implementation of DDR programmes, especially when engaging with female beneficiaries and in the reintegration of ex-combatants.
- Take action to mitigate the likelihood that the return of ex-combatants to civilian communities leads to increased sexual violence.
- Ensure that members of new or re-forming armed and police services are vetted for crimes of sexual violence and other violations of international humanitarian and

- Ensure peace agreements recognise women and girls associated with armed forces/groups and their children as beneficiaries
- Work with women's CSOs in planning and implementing DDR
- Use participatory needs assessment, involving women at all stages and levels
- Train all DDR staff on gender issues
- Make sure demobilisation sites are safe for women and girls, including by having female staff
- Encourage women and girls undergoing DDR to form their own groups and networks
- Prioritise rehabilitation and socio-economic reintegration for men *and* women
- Link with vetting programmes, small arms collection, community security initiatives and SSR

human rights law, while paying particular attention to the protection of victims of sexual violence.

Police reform

To meet commitments under the women, peace and security resolutions, police reform processes should prioritise gender-responsive law enforcement, assistance for victims of sexual violence and prosecution of those responsible for violence committed against women and girls in armed conflict.

- Reform police mandates, operating practices, training, incentive systems, performance measures, staffing and accountability systems to prioritise gender-based violence (GBV). Consider creating specialised police units—staffed by men and women—linked to social and legal support services for GBV victims (see Box 4).
- Dedicate resources to sexual violence prevention, investigation and prosecution, as well as to victim assistance and protection.

Transitional justice and justice sector reform

Justice and security are intricately linked. As such, the women, peace and security resolutions require reforms within the justice sector to ensure the protection of and respect for the human rights of women and girls, including strategies to address their needs and priorities.

- Reform laws and judicial procedures, practices and training to address GBV, in line with international standards, making special provision for prosecution of perpetrators and support to victims.

- Increase women's and girls' access to justice by supporting legal aid, paralegals, CSOs and legal outreach.
- Work with conflict-affected countries to support capacity to investigate and prosecute crimes of violence against women committed during armed conflict and maintain local and international pressure to prosecute perpetrators.

Preparation for deployment to peacekeeping operations

The women, peace and security resolutions devote particular attention to how states prepare their personnel for peacekeeping missions.

- Integrate practical training on women, peace and security issues, including the prevention of sexual violence, into military and police training, supplemented by mission-specific training for peacekeepers (see Box 5).
- Develop codes of conduct and accountability mechanisms to address sexual exploitation and abuse, and ensure that perpetrators are held accountable—and are seen to be held accountable in the host country.
- Establish specialised units to lead and monitor implementation of policies, strategies and training to increase the recruitment and deployment of women in peacekeeping operations.

During armed conflict

The women, peace and security resolutions demand that parties to armed conflict fully respect international law applicable to the rights and protection of women and girls, immediately stop all acts of sexual violence, and adopt special measures to protect civilians from sexual violence.

- Document and share strategies for the protection of civilians from sexual violence during armed conflict, including through engagement with non-state actors.

Women, peace and security questions for SSR assessment

Women, peace and security issues should be integrated into all SSR assessments. This will both strengthen their comprehensiveness, and help ensure that the SSR process addresses the issues raised in the SCRs. Key questions to ask include:

On the assessment process

- Do the terms of reference include the security and justice needs and priorities of women and girls?

A network of Vulnerable Person Units (VPUs) has been created within Timor-Leste's national police force to handle cases of rape, attempted rape, domestic violence, child abuse, child neglect, missing persons, paternity and sexual harassment. VPUs provide designated police officers at an identifiable access point for victims of GBV and for service providers. Efforts are made to have female officers in all VPUs to interview female victims. Since the establishment of VPUs, the number of GBV cases brought to the police has been increasing, and they have fostered positive collaboration and coordination between police and CSOs.

With the close involvement of CSOs, a functional network of services for victims of sexual and domestic violence and child abuse has been established. The network includes a "safe room" in the national hospital, facilitation of medical and forensic examination, psychosocial counselling, a shelter and legal assistance. CSOs are involved in providing many of these services, as well as in public education and awareness-raising.

- Does the assessment team include women and men, and include persons with gender expertise?
- Will interviews be conducted with female and male staff of security sector institutions, women's CSOs, gender experts and women, men, girls and boys in local communities?
- Has provision been made to ensure that women participate in the assessment, such as focus groups for women only, transport, child care or security?
- Is data disaggregated by sex and age?

On security sector institutions
- How do security sector institutions identify and address the particular security and justice needs of women, men, girls and boys?
- Are national and institutional security and defence laws, policies and protocols appropriate with regard to addressing the particular concerns of women, men, girls and boys and promoting women's participation?
- Do security sector personnel have the capacity, through training and resources, to address the different security and justice needs of women, men, boys and girls?
- What special measures are in place to address sexual violence?
- How are women's CSOs, ministries of gender/women and gender experts involved in security sector oversight and collaboration with security sector institutions?

Box 5	Training the military to protect civilians from sexual violence

- Integrate protecting civilians against sexual violence into core curricula as well as mission-specific training
- Be practical, not theoretical
- Include responses to sexual violence in scenario-based training
- Involve women's CSOs
- Include:
  - Risk assessment
  - Data gathering and analysis
  - Community liaison
  - Referral protocols
- Develop strategies for physical protection — such as special patrols — appropriate to the context
- Include — but don't limit to — sexual exploitation and abuse

- What proportion of police/military/justice (and other security sector) personnel are female and are women represented at the highest ranks/levels?
- Are there appropriate initiatives in place to increase the recruitment, retention and advancement of female personnel?

On the SSR process
- Are women participating in and represented on SSR steering bodies (for example, through representatives of a women's CSO network and the ministry of gender/women)?
- Are women and men being consulted at local level?

More information

Resources

Bastick, M., Grimm, K. & Kunz, R., *Sexual Violence in Armed Conflict, Global Overview and Implications for the Security Sector*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2007.

Genderforce, *Good and Bad Examples – Lessons Learned from Working With UNSCR 1325 in International Missions*, 2007.

Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform, Section 9: Integrating Gender Awareness and Equality*, 2009.

UN Development Programme & United Nations Development Fund for Women (UNIFEM), *Policy Briefing Paper: Gender-Sensitive Police Reform in Post-Conflict Societies*, 2007.

UNIFEM & UN Department of Peacekeeping Operations, *Addressing Conflict Related Sexual Violence - An Analytical Inventory of Peacekeeping Practice*, 2010.

Valasek, K., The UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Securing Equality, Engendering Peace: A Guide to Policy and Planning on Women, Peace and Security*, 2006.

Organisations

DCAF Gender and Security Programme - http://www.dcaf.ch/gssrtoolkit

UN Action Against Sexual Violence in Conflict - www.stoprapenow.org

UN-INSTRAW Gender, Peace and Security Programme - http://www.un-instraw.org/peace-and-security/programme-page/

The Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police Reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessments, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
13. Implementing the Women, Peace and Security Resolutions in Security Sector Reform

Annex on International and Regional Laws and Instruments

These Tools and Practice Notes are available at www.dcaf.ch.

This Practice Note was prepared by Megan Bastick of DCAF, based on Tool 13 authored by Megan Bastick and Daniel de Torres of DCAF.

[1] UNFPA, *Gender-Based Violence in Timor-Leste: A Case Study*, 2005, http://www.unfpa.org/women/docs/gbv_timorleste.pdf; UNFPA, Terms of Reference: International Referral Network Project Coordinator: GBV Sub-Project, 2010, http://ocha-gwapps1.unog.ch/rw/res.nsf/db900SID/OCHA-83Z4LC?OpenDocument; H. Myrttinen, *Poster Boys No More: Gender and SSR in Timor-Leste*, DCAF, 2009, http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=111804&nav1=5.

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

Update 17 January 2011

CONTENTS

The 13 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, while promoting local ownership and legitimacy of SSR processes. Integrating 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, the elimination of violence against women and the protection of women's human rights. These laws, instruments and norms have established specific responsibilities for the security sector and therefore should guide SSR processes.

The following is a compilation of key laws and instruments relevant to gender and SSR. These include references to articles relating to specific security sector institutions and are categorised chronologically as either 'international' or 'regional' instruments.

Readers are recommended to consult the more general norms guiding SSR and instruments relating to *Security Sector Reform and Gender* in Section 1, as well as the instruments relating to the specific part(s) of the security sector that they are interested in.

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

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ACRONYMS

AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (1979)
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation and Reintegration
ECOWAS	Economic Community of West African States
ESDP	European Security and Defence Policy
EU	European Union
NATO	North Atlantic Treaty Organisation
OAS	Organisation of American States
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
SADC	Southern African Development Community
SCR	United Nations Security Council Resolution
SSR	Security Sector Reform
UN	United Nations
UNSC	United Nations Security Council

1 Security Sector Reform and Gender

1.1 Norms Guiding Security Sector Reform

Organisation for Economic Co-operation and Development (OECD), *Security Sector Reform and Governance: Policy and Good Practice, DCD/DAC(2003)30/REV3*

Date of adoption: 15-16 April 2004

Through this policy statement and paper the Development Assistance Committee donors intend to help their own governments/organisations, developing countries and international organisations to reinforce work on SSR. The document states that gender perspectives should be integrated in SSR processes by working through local actors. It stipulates that '[i]n many cases, particularly during war and armed conflicts, civil society is usually in majority represented by women including in the security areas. They are well placed, at all levels, to work for peace and reconciliation and to set standards for the reconstruction of war-torn society' (para. 77).

Organisation for Economic Co-operation and Development, *DAC Guidelines and Reference Series: Security System Reform and Governance*
Year of publication: 2005

The OECD Development Assistance Committee 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 addressing gender issues to enhance the professionalism of security forces. In addition, the Guidelines state that '[e]nsuring 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 (EU) common values. One of the principles guiding the EU'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 EU, *Council Conclusions on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*
Date of adoption: 13 November 2006

The Council of the EU 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 (UNSC), *Statement by the President of the United Nations Security Council (S/PRST/2007/3)*
Date of statement: 21 February 2007

The President of the UNSC stated that '[t]he 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' (p. 2).

UN General Assembly and UNSC, '*Securing peace and development: the role of the United Nations in supporting security sector reform', report of the Secretary-General, A/62/659–S/2008/39*
Date of adoption: 23 January 2008

In this report the Secretary-General states that a gender-sensitive approach to SSR is a basic principle for the UN's engagement in SSR throughout its planning, design, implementation, monitoring and evaluation phases. The UN approach '…must also include the reform of recruitment processes and improvement in the delivery of security services to address and prevent sexual and gender-based violence;' (para. 45 (e)).

1.2 International Instruments

UN 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 '[e]veryone has the right to life, liberty and security of person'. Article 7 stipulates that '[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law.'

UN 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.'

UN 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 adopting appropriate legislation and other measures to prohibit discrimination against women and establish legal protection of the equal rights of women. It specifically requires States to ensure the right of women '[t]o 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 their right to the same employment opportunities, promotion, job security, equal remuneration and equality before the law.

UN 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 addressed 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 have been subjected to violence 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 '[t]ake 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* and *A/CONF.177/20/Add.1*

Date of adoption: 15 September 1995

The Beijing Declaration and Platform for Action contain 12 areas of critical concern and hundreds of actions to be taken in relation to the advancement and empowerment of women, including numerous obligations related to the security sector. These obligations include ensuring access to free or low-cost legal services; striving for gender balance in government bodies, public administrative entities and the judiciary; and providing 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.

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). The Platform for Action calls for the removal of 'all the 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).

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. The Declaration and Plan were noted in United Nations Security Council Resolution 1325 on Women, Peace and Security (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 peacebuilding, 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)

■ '[g]ender 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)

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

In SCR 1325 the UNSC recognised for the first time women's particular roles and needs in conflict and post-conflict situations. The Resolution 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 supporting local women's peace initiatives; protecting women and girls from gender-based violence; ensuring the human rights of women and girls, particularly as they relate to the police and the judiciary; bringing an end to impunity for those responsible for genocide, crimes against humanity, and sexual and other violence against women and girls; and gender-sensitising DDR.

UNSC Resolution 1674, S/RES/1674 (2006)

Date of adoption: 28 April 2006

The UNSC, recalling the particular impact which armed conflict has on women and children, including refugees and internally displaced persons, '[c]alls upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning have regard for the special needs of women and children…' (para.11). The UNSC undertakes to ensure that all peace support operations employ all feasible measures to prevent all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children (para. 19). The UNSC also requests the Secretary-General

and personnel-contributing countries to continue to take all appropriate action necessary to combat all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in UN operations (para. 20).

UNSC Resolution 1820 on Women, Peace and Security (S/RES/1820)

Date of adoption: 19 June 2008

UN Security Council Resolution 1820 (SCR 1820) demands that states take special measures to protect women and girls from sexual violence in armed conflict, and ensure access to justice and assistance for victims. SCR 1820 emphasises the role of peacekeepers in protecting civilians and urges greater numbers of female peacekeepers. It requests that the UN, in consultation with women and women's organisations, develop mechanisms in DDR and SSR processes to protect women from violence. SCR 1820 also '[u]rges the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels;' (Art. 12).

UNSC 1888 on Women, Peace and Security (S/RES/1888)

Date of adoption: 30 September 2009

UN Security Council Resolution 1888 (SCR 1888) focuses on sexual violence in armed conflict. SCR 1888 urges that sexual violence issues be included in peace processes, DDR and SSR arrangements, and that justice reform address impunity and ensure that survivors of sexual violence have access to justice. The Resolution establishes new mechanisms within the UN to address sexual violence in conflict, such as the appointment of a Special Representative of the Secretary-General. It emphasises women's representation in mediation and decision-making processes and the inclusion of female personnel in UN missions as priorities.

UNSC 1889 on Women, Peace and Security (S/RES/1889)

Date of adoption: 5 October 2009

UN Security Council Resolution 1889 (SCR 1889) '[u]rges Member States, international and regional organisations to take further measures to improve women's participation during all stages of peace processes … including by enhancing their engagement in political and economic decision-making at early stages of recovery processes, through inter alia … supporting women's organizations, and countering negative societal attitudes about women's capacity to participate equally…' (Art. 1). SCR 1889 urges

gender mainstreaming in all post-conflict recovery processes; funding and programming for women's empowerment activities; and concrete strategies in law enforcement and justice to meet women and girls' needs and priorities. It calls for DDR processes to address the needs of women associated with armed groups/forces.

UNSC, *Women, Peace and Security, Report of the Secretary-General, (S/2010/498)*

Date of adoption: 28 September 2010

SCR 1889 requested the Secretary-General submit to the UNSC a set of indicators which could serve as a common basis for reporting on the implementation of SCR 1325. This report presents these indicators, developed through an inter-agency technical exercise and a consultation process involving Member States and civil society. The Secretary-General notes that while most of the indicators relate specifically to armed conflict situations, many are applicable across all contexts (para.116). Member States are tasked with reporting on eight of the 26 indicators, including the extent to which measures to protect women's and girls' human rights are included in national security policy frameworks; women's and girls' physical security; the level of women's participation in the justice and security sectors; the percentage of referred cases of sexual and gender-based violence against women and girls that are reported, investigated and sentenced; and the hours of training of decision-making personnel in security and justice sector institutions to address cases of sexual and gender-based violence (pp. 33-44).

UNSC, *Statement by the President of the Security Council, S/PRST/2010/22*

Date of adoption: 26 October 2010

The Presidential Statement on behalf of the UNSC supported 'taking forward' the indicators described above for use as an initial framework to track implementation of SCR 1325 in armed conflict, post-conflict and other relevant situations, and encouraged Member States to take them into account.

UNSC 1960 on Women, Peace and Security (S/RES/1960)

Date of adoption: 16 December 2010

UN Security Council Resolution 1960 (SCR 1960) stresses the need to end impunity and take appropriate steps to address widespread or systematic sexual violence in situations of armed conflict. It calls for better cooperation among UN actors for a system-wide response to sexual violence, prosecution of perpetrators of war crimes and genocide and emphasizes the responsibilities of States to comply with their obligations under applicable international law. SCR 1960 asks the Secretary-General to publish annually a list of armed groups that target women for sexual abuse and to establish monitoring, analysis

and reporting arrangements on sexual violence in conflict. In addition, SCR 1960 emphasises women's inclusion in civil, military and police functions in peacekeeping missions, and stresses their role in monitoring, analyzing and reporting on conflict-related sexual violence.

1.3 Regional Instruments

AFRICA

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

Economic Community of West African States (ECOWAS), *Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security*
Date of adoption: 21 December 2001

The Protocol stipulates that 'Member States shall take all appropriate measures to ensure that women have equal rights with men … to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.' (Art. 2-3). In Article 40 Member States '…undertake to eliminate all forms of discrimination and harmful and degrading practices against women.'

African Union (AU), *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'.

AU, *Solemn Declaration of Gender Equality in Africa*
Date of adoption: 8 July 2004

With this Declaration, Member States undertake to '[e]nsure the full and effective participation and representation of women in peace process including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa' (Art. 2). States committed within two years to launch public campaigns against gender-based violence and reinforce legal mechanisms to protect women and end impunity for crimes committed against them (Art 4). Member States also committed to report annually on progress made in gender mainstreaming.

SADC, *Protocol on Gender and Development*
Date of Adoption: 17 August 2008

The Protocol commits States Parties to put in place measures to ensure that by 2015 women have equal representation and participation in key decision-making positions in conflict resolution and peacebuilding processes (Art. 28.1). During times of conflict, States Parties are committed to taking the steps necessary to prevent and eliminate human rights abuses, especially of women and children, and ensuring that the perpetrators are brought to justice (Art. 28.2).

AU, *Gender Policy*, *Rev 2/Feb 10, 2009*
Date of adoption: 10 February 2009

The AU Gender Policy commits the Organs of the AU, the Regional Economic Communities and Member States to promote the effective participation of women in peacekeeping and security, including their participation in reconciliation efforts during post conflict reconstruction and development. Gender will be integrated in policies, programmes and activities on conflict and peace using the frameworks of SCRs 1325 and 1820. Regional consultative platforms will be created for sharing knowledge and promoting harmonization of strategies. Female leaders will be mobilised and included in mediation processes, reflection groups and post-conflict actions (Commitment 8).

EUROPE

Council of Europe, *European Convention on Human Rights*
Date of adoption: 4 November 1950

Article 14 of the Convention states that '[t]he 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.'

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'.

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))
Date of adoption: 30 November 2000

The Resolution '[c]alls 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).

Parliamentary Assembly of Council of Europe, *Conflict Prevention and Resolution: the role of Women, Resolution 1385*
Date of adoption: 23 June 2004

The Parliamentary Assembly notes that '[t]he maintenance and promotion of international peace and security cannot be realised without fully understanding the impact of armed conflicts on women and without appropriate measures being taken to ensure their empowerment and security' (para. 7). It therefore calls upon the governments and parliaments of its Member States to, inter alia, penalise all forms of violence against women in conflict and post-conflict situations, support women's participation in peacebuilding and post-conflict reconstruction, and encourage research on women's peacebuilding activities and the impact they have had on peace processes (para. 8 (i)).

European Parliament Resolution on Homophobia in Europe
Date of adoption: 18 January 2006

The European Parliament Resolution '[c]alls 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 '[u]rges 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).

European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "Towards an EU response to situations of fragility", COM(2007) 643 final*

Date of adoption: 25 October 2007

The European Commission underlines that '[a] broad, developmental approach to security, that integrates human security concerns in governance related programmes such as SSR …can ensure that the focus is placed on the security of individuals and their basic needs and rights' (p. 8). The document acknowledges that women must not be considered passive victims, but "drivers of change". 'Women and minorities have an important role in promoting sustainable peace and fostering security, but they usually do not have access to mechanisms, power and resources, and face discriminatory legal frameworks. Transition periods offer windows of opportunity to address gender issues and minorities' rights, through constitutional or legal reviews, reform of the judiciary, and involvement in setting priorities in the reconstruction agenda' (p. 7).

Council of the EU and European Commission, *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*

Date of adoption: 1 December 2008

This document commits the EU, in supporting SSR, to '…ensure that the reform processes account for the specific security needs of both women and men, boys and girls, and promote women's inclusion in the staff of the institutions concerned (such as the police).' The EU will seek to enhance the involvement of women in the justice sector and their access to justice, including transitional justice mechanisms, and pay specific attention to building capacity for prosecuting crimes against women and protecting witnesses, as well as considering provision of reparations and other forms of redress for survivors wherever possible (para. 35).

Council Secretariat, *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP*

Date of adoption: 3 December 2008

This operational paper seeks to ensure gender mainstreaming and implementation of SCR 1325 and 1820 in ESDP operations, from planning to follow-up (p. 4). It explicitly states that the EU's engagements in support of SSR should take into account implementation of SCR 1385 and 1820 (p. 14).

European Parliament, *Resolution on gender mainstreaming in EU external relations and peace-building/nation-building, 2008/2198(INI)*

Date of adoption: 7 May 2009

The European Parliament states that the realisation of women's human rights and women's empowerment is essential to successful implementation of the EU's external policies in conflict resolution, security and peacebuilding (para. A). The Parliament asks the Commission to 'address and prioritise, in a more consistent and systematic manner, gender inequalities in the programming and implementation of the external assistance instruments, in particular as regards the provision of assistance for the reform of the security sector;' (para. 11). The Parliament also emphasises quotas as 'an indispensable means of ensuring gender equality in peace and security missions and in decision-making in national and international reconstruction processes, and of guaranteeing the political presence of women at the negotiating table;' (para. 29).

General Secretariat of the Council of the EU, *Indicators for the Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, 11948/10*

Date of adoption: 14 July 2010

The Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security mandated the EU "Women, Peace and Security Task Force" to elaborate indicators for progress regarding the protection and empowerment of women in conflict settings and in post conflict situations. Indicator 5, among others, explicitly mentions SSR as one of the EU priority sectors. This indicator will show the number of SSR projects or programmes implemented in fragile, conflict or post conflict countries that significantly contribute to gender equality and women's empowerment or have gender equality as their principal purpose (p. 11).

THE AMERICAS

Organisation of American States (OAS)*, 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 upon security sector actors in government, the justice sector and law enforcement agencies to prevent, punish and eradicate physical, sexual and psychological violence against women that occurs within the family; within other interpersonal relationships; in the community; or that is perpetrated or condoned by the state or its agents (Art. 2).

THE PACIFIC

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 implementing SCR 1325, improving sex-disaggregated data and the use of gender indicators, providing gender training for peacekeepers, including women in all peace and justice decision-making and processes, eliminating violence against women and providing women equal access to justice. The Platform calls on governments to '[r]ecognise and enhance women's inclusion in early warning systems, conflict prevention peace processes and negotiations and post conflict reconstruction' and to '[m]ake use of regional and international organisations to conduct gender sensitivity training for peacekeepers' (p. 37).

Pacific Islands Forum Secretariat, *Pacific Plan for Strengthening Regional Cooperation and Integration*
Date of adoption: October 2005

The Plan agrees 'to explore ways to enhance participation, particularly by women, in decision making processes and institutions, and in particular parliamentary processes;' (p. 48).

OTHER

Organisation for Security and Co-operation in Europe (OSCE), *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 '[e]qual 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). It directs OSCE Participating States, the Secretariat, institutions and missions to ensure that a gender perspective is integrated into OSCE activities, programmes and projects, focusing in particular on women's empowerment and the participation of women as well as men in public, political and economic life, and developing attitudes conducive to bringing about equality between women and men (para. 32).

OSCE, *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 … 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).

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 that states '… include women at all levels of peacebuilding, peacekeeping, conflict prevention, mediation and resolution, and post-conflict reconciliation and reconstruction activities' (para. 6). It also encourages mainstreaming 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).

Committee on Women in the NATO Forces Guidance for NATO Gender Mainstreaming
Date of adoption: June 2007

The Guidance for NATO Gender Mainstreaming addresses how NATO Nations and NATO Authorities might integrate a gender perspective in operational planning and operations, education and training, and evaluation.

North Atlantic Treaty Organization (NATO), Bi-SC Directive 40-1, *Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structure including Measures for Protection during Armed Conflict*
Date of adoption: 2 September 2009

This Directive seeks to enhance the effectiveness of NATO-led operations and missions by incorporating women's perspectives in the military forces of the Alliance and in all stages of conflict and crises (para. 1-4). The Directive addresses, inter alia: measures to be taken during the planning and implementation of NATO-led operations and missions to protect women and girls; expanding women's roles in operations and missions; training materials on issues such as the importance of involving women in operations and missions and cultural awareness in deployment; and analysing measures available to protect against gender based violence (para. 1-8).

2 Police Reform and Gender

2.1 International Instruments

UN 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 reform of police services to ensure effective equal protection of women and prevent discrimination against women. CEDAW further calls for equal representation of women and men in areas of work, requiring police reform to address equal access to employment opportunities.

United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), *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).

UN 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 '[t]ake 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 and A/CONF.177/20/Add.1*

Date of adoption: 15 September 1995

The Platform for Action states that '[t]raining 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).

UN 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 taken by the police to combat violence against women. States are urged: '… to empower the police to respond promptly to incidents of violence against women'; 'to encourage women to join police forces, including at the operational level' and '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 paras. 8 and 12).

UNSC *Resolution 1325 on Women, Peace and Security (S/RES/1325)*

Date of adoption: 31 October 2000

SCR 1325 urges Member States to ensure increased representation of women at all decision-making levels in national institutions and mechanisms for the prevention, management and resolution of conflict (Art. 1). Article 8-c '[c]alls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including … [m]easures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the police'. The Council invites Member States to incorporate information relating to the protection, rights and particular needs of women, as well as the importance of women's involvement in peace-keeping and peacebuilding measures, into their national training programmes for military and civilian police personnel who are preparing for deployment (Art. 6). It also '[e]mphasises the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls …' (Art. 11).

UNSC *Resolution 1820 on Women, Peace and Security (S/RES/1820)*

Date of adoption: 19 June 2008

Article 3 '[d]emands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, … vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, ….'. The UNSC calls upon Member States to comply with their obligations to prosecute persons responsible for rape and other forms of sexual

violence in conflict, and to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice (Art. 4). It urges Member States to support the development and strengthening of the capacities of national institutions in armed conflict and post-conflict situations to provide sustainable assistance to victims of sexual violence (Art. 13). SCR 1820 also encourages countries contributing police to UN peace-keeping operations to consider steps they can take to heighten the awareness and responsiveness of their personnel to protect civilians, including women and children, and prevent sexual violence against women and girls (Art. 8).

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)
Date of adoption: 30 September 2009

SCR 1888 demands that 'all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as … vetting candidates for national armies and security forces to ensure the exclusion of those associated with serious violations of international humanitarian and human rights law, including sexual violence;' (Art. 3). Article 17 urges including sexual violence issues from the outset of peace processes, in particular during the vetting of armed and security forces. Furthermore, the UNSC urges States to undertake comprehensive legal and judicial reforms to ensure that survivors of sexual violence have access to justice, are treated with dignity throughout the justice process, are protected and receive redress for their suffering (Art. 6). It encourages States to increase access to health care, psychosocial support, legal assistance and socio economic reintegration services for victims of sexual violence and provide police personnel with adequate training to carry out their responsibilities (Arts. 13 and 19). It urges countries contributing police to UN peace-keeping operations to take actions such as providing pre-deployment and in-theatre awareness training to implement the policy of zero tolerance of sexual exploitation and abuse (Art. 21).

UNSC Resolution 1889 on Women, Peace and Security (S/RES/1889)
Date of adoption: 5 October 2009

SCR 1889 '… emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for all forms of violence committed against women and girls in armed conflicts, including rape and other sexual violence;' (Art. 3). The UNSC encourages Member States in post-conflict situations to specify in detail women's and girls' needs and priorities and design concrete strategies to address those needs, including gender-responsive law enforcement (Art. 10).

UNSC 1960 on Women, Peace and Security (S/RES/1960)
Date of adoption: 16 December 2010

SCR 1960 encourages Member States to deploy greater numbers of female police personnel to United Nations peacekeeping operations, and to provide all police personnel with adequate training on sexual and gender-based violence (Art. 15).

2.2 Regional Instruments

AFRICA

AU, *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 committed to taking 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' (Art. 8).

African Commission on Human and Peoples' Rights, *Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence,* **ACHPR/Res.111 (XXXXII) 07**
Date of adoption: 28 November 2007

The Commission urges States Parties to the African Charter on Human and Peoples' Rights to '[e]nsure that police and military forces … receive adequate training on the principles of international humanitarian law, women's rights and the children's rights;' (Art. 2).

EUROPE

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).

Council Secretariat, *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP*
Date of adoption: 3 December 2008

This document requests reporting on achievements made with regard to gender equality in the local police when gender equality is within the mandate of the

mission/operation (p. 10). It emphasises that mission personnel should receive training on gender issues including sexual and gender-based violence (p. 13).

General Secretariat of the Council of the EU, *Indicators for the Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, 11948/10*

Date of adoption: 14 July 2010

This document contains two indicators linked to police personnel in UN and EU missions. Indicator 11 measures the extent to which women participate in the EU's external policy formulation and implementation, including the proportion of women and men among police staff participating in UN peace-keeping operations and CSDP missions. Indicator 12 measures the proportion of men and women trained in gender equality among police staff participating in UN peace-keeping operations and CSDP missions. A gender training session must last at least 4 hours to be considered meaningful.

THE AMERICAS

OAS, *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).

OAS, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, AG/RES. 1732 (XXX-O/00)*

Date of adoption: 5 June 2000

The Inter-American Commission of Women of the OAS recommends that the governments of the States Parties '[s]upport 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).

3 Defence Reform and Gender

3.1 International Instruments

UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*
Date of adoption: 18 December 1979

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).

CEDAW Committee, *Implementation of Article 21 of CEDAW: Analysis of Articles 7 and 8 of the Convention (CEDAW/C/1994/4)*
Date of adoption: 30 November 1993

The CEDAW Committee has adopted a General Recommendation on Articles 7 and 8 of the Convention that addresses the issue of the participation of women in the military. The Committee stated: '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 and 30).

The Committee also stated: '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 and 34).

Fourth World Conference on Women, *Beijing Declaration* and *Platform for Action*
A/CONF.177/20* and *A/CONF.177/20/Add.1
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). Furthermore, the Platform for Action states that '[w]omen 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).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

SCR 1325 '[u]rges 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;' (Art. 1). It '[e]ncourages 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 particular needs of women, as well as the importance of involving women in all peace-keeping and peacebuilding measures, into their national training programmes for military and civilian police personnel who are preparing for deployment (Art. 6).

UNSC Resolution 1820 on Women, Peace and Security (S/RES/1820)

Date of adoption: 19 June 2008

SCR 1820 '[d]emands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, … vetting armed and security forces to take into account past actions of rape and other forms of sexual violence…' (Art. 3).

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)

Date of adoption: 30 September 2009

The UNSC '[d]emands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as, inter alia, … vetting candidates for national armies and security forces to ensure the exclusion of those associated with serious violations of international humanitarian and human rights law, including sexual violence;' (Art. 3). It urges inclusion of sexual violence issues from the outset of peace processes, as well as in DDR and SSR arrangements (Art. 17).

UNSC Resolution 1889 on Women, Peace and Security (S/RES/1889)

Date of adoption: 5 October 2009

The UNSC '[c]alls upon all those involved in the planning for disarmament, demobilization and reintegration to take into account particular needs of women and girls associated with armed forces and armed groups and their children, and provide for their full access to these programmes;' (Art. 13).

UNSC 1960 on Women, Peace and Security (S/RES/1960)

Date of adoption: 16 December 2010

SCR 1960 '[c]alls upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains of command prohibiting sexual violence and the prohibition of sexual violence in Codes of Conduct, military field manuals, or equivalent; and further calls upon those parties to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable;' (Art. 5). It encourages Member States to deploy greater numbers of female military personnel to United Nations peacekeeping operations, and to provide all military personnel with adequate training on sexual and gender-based violence (Art. 15).

3.2 Regional Instruments

AFRICA

African Commission on Human and Peoples' Rights, *Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence,* **ACHPR/Res.111 (XXXXII) 07**

Date of adoption: 28 November 2007

The Commission urges States Parties to the African Charter on Human and Peoples' Rights to '[e]nsure that police and military forces … receive adequate training on the principles of international humanitarian law, women's rights and the children's rights;' (Art. 2).

Mediation and Security Council of ECOWAS, *ECOWAS Conflict Prevention Framework, Regulation MSC/REG.1/01/08*

Date of adoption: 16 January 2008

The ECOWAS Conflict Prevention Framework stipulates that 'Member States shall take practical steps, including legislative reform and affirmative measures, to promote the recruitment of women into the

armed forces and other security agencies, and their active participation in the military and civilian components of ESF [ECOWAS Standby Force]' (para. 82-j).

EUROPE

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))
Date of adoption: 30 November 2000

The Resolution '[c]alls 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). Furthermore, it '[c]alls 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 peacebuilding, 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 protection of the human rights of members of the armed forces.

Council of the EU, 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.'

Council of the EU and the European Commission, EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)
Date of adoption: Respectively, 11 December and 14 December 2006

The EU Concept emphasizes that '[p]articular attention should be given to the complexities of gender issues, addressing the special needs and roles of women, men, girl and boy ex-combatants, non fighters and their dependants. A gender-sensitive approach should be adopted from the early planning stage to the implementation, monitoring and evaluation of DDR' (para. 48).

OTHER

NATO, BI-SC Directive 40-1, Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structure including Measures for Protection During Armed Conflict
Date of adoption: 1 September 2009

This Directive seeks to enhance the effectiveness of NATO-led operations and missions by incorporating women's perspectives in the military forces of the Alliance and in all stages of conflict and crises (para. 1-4). NATO recognises that 'female perspectives, insights and skills add value across all its activities, and will pursue all practical measures to optimise this integration' (paragraph 3-1). Such measures include training and the use of qualified Gender Advisors in the planning phase. The Directive also recognises that '[d]uring NATO operations, it is important to obtain a clear understanding of the local culture, including gender dimensions, and to take measures to promote gender equality relevant to the operation' (para. 3-1).

4 Justice Reform and Gender

4.1 International Instruments

UN 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 States Parties must guarantee women's equality, including in public and political life, education, health, employment and family life. 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).

CEDAW Committee, *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).

UN 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* and *A/CONF.177/20/Add.1*
Date of adoption: 15 September 1995

The Platform for Action calls on governments to '[r]eview 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 '[e]nsure that women have the same right as men to be judges, advocates or other officers of the court …' (para. 232-m).

UN 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). They are urged '… 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). The resolution also calls on Member States to '… review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that … [w]omen 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 '[t]o 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)).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)
Date of adoption: 31 October 2000

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 (Art. 8-c). The UNSC '[e]mphasizes 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…' (Art. 11).

UNSC Resolution 1820 on Women, Peace and Security (S/RES/1820)

Date of adoption: 19 June 2008

The UNSC calls upon Member States to comply with their obligations to prosecute persons responsible for rape and other forms of sexual violence in armed conflict, and to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice (Art. 4). It urges all parties concerned to support the development and strengthening of the capacities of national institutions, particularly of judicial and health systems, with the aim of providing sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations (Art. 13).

UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women, A/RES/63/155*

Date of adoption: 18 December 2008

The General Assembly urges States to continue to develop strategies and approaches to eliminate all forms of violence against women. This document gives particular attention to strategies related to legislation, prevention, law enforcement, victim assistance and rehabilitation, such as:

'(b) Reviewing and, where appropriate, revising, amending or abolishing all laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women…;

c) Evaluating and assessing the impact of current legislation, rules and procedures regarding violence against women, including the reasons for low reporting, and, where necessary, reinforcing criminal law and procedure relating to all forms of violence against women …;

(k) Treating all forms of violence against women and girls as a criminal offence … and ensuring penalties commensurate with the severity of the crimes and sanctions in domestic legislation to punish and redress, as appropriate, the wrongs caused to women who are subjected to violence;

(l) Taking effective measures to prevent the victim's consent from becoming an impediment to bringing perpetrators of violence against women to justice, while ensuring that appropriate safeguards to protect the victim are in place;

(m) Ensuring that effective legal assistance is available to all female victims of violence so that they can make informed decisions regarding, *inter alia*, legal proceedings and issues relating to family law, and also ensuring that victims have access to just and effective remedies for the harm that they have suffered…' (para. 16).

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)

Date of adoption: 30 September 2009

The UNSC urges States to undertake comprehensive legal and judicial reforms to bring perpetrators of sexual violence in conflicts to justice and to ensure that survivors have access to justice, are treated with dignity throughout the justice process and are protected and receive redress for their suffering (Art. 6). The UNSC also urges inclusion of sexual violence issues from the outset of peace processes in all United Nations-sponsored peace negotiation agendas, in particular in the areas of justice and reparations (Art. 17).

UNSC Resolution 1889 on Women, Peace and Security (S/RES/1889)

Date of adoption: 5 October 2009

SCR 1889 '…emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for all forms of violence committed against women and girls in armed conflicts, including rape and other sexual violence' (Art. 3). The UNSC encourages Member States in post-conflict situations to design concrete strategies in order to address women's and girls' needs and priorities and give them gender-responsive access to justice (Art. 10).

UNSC 1960 on Women, Peace and Security (S/RES/1960)

Date of adoption: 16 December 2010

SCR 1960 calls upon parties to armed conflict '… to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable' (Art.5).

4.2 Regional Instruments

AFRICA

SADC, *Gender and Development Declaration*

Date of adoption: 8 September 1997

Through this Declaration the SADC Heads of State have 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).

AU, *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'. States Parties 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; [and] reform of existing discriminatory laws and practices in order to promote and protect the rights of women.'

African Commission on Human and Peoples' Rights, *Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence***, ACHPR/Res.111 (XXXXII) 07**

Date of adoption: 28 November 2007

The Commission urges States Parties to the African Charter on Human and Peoples' Rights to criminalise all forms of sexual violence, ensure that perpetrators and accomplices are held accountable by the justice system and ensure that members of the judiciary receive adequate training on the principles of international humanitarian law, women's rights and children's rights (Art. 2). The Commission calls for efficient reparation programmes that will give victims of sexual violence access to information, rehabilitation and compensation, and stresses that women must participate in developing, adopting and implementing such programmes. (Art. 2).

SADC*, Protocol on Gender and Development*

Date of Adoption: 17 August 2008.

State Parties shall adopt legislative and other measures which ensure '… that women have equitable representation on, and participation in, all courts including traditional courts, alternative dispute resolution mechanisms and local community courts…' (Art. 7 (f)). State Parties have committed to '…ensure that perpetrators of gender based violence, including domestic violence, rape, femicide, sexual harassment, female genital mutilation and all other forms of gender based violence are tried by a court of competent jurisdiction' (Art. 20 (b)) and '…enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment' (Art. 22 (1)).

EUROPE

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 paras. 8 and 11).

Council of the EU*, 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).

Council of Europe, *Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms*

Date of adoption: 21 November 2007

This Recommendation identifies elements of effective national gender equality legislation and mechanisms such as: legislation that prohibits sex-based discrimination in all aspects of life and society and ensures *de jure* gender equality, including effective sanctions to address violations of the law; specialised institutional mechanisms for enforcing gender equality legislation; and guidelines for including a gender perspective in the drafting of legislation and in the designing of policies in all areas (para. 15). Other measures for preventing and eliminating violence against women include: legislation and effective judicial procedures for preventing violence against women, protecting the victims, punishing the perpetrators, and protecting victims and witnesses from retaliation; services to support and protect victims of violence, such as women's shelters and hotlines; intervention programmes for perpetrators of violence; and financial and other support for NGOs working in these areas (para. 52).

THE AMERICAS

OAS, *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 agreed to undertake specific measures to promote the education and training of all those involved in the administration of justice and those implementing policies for the prevention, punishment and eradication of violence against women (Art. 8-c).

OAS, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, AG/RES. 1732 (XXX-O/00)*

Date of adoption: 5 June 2000

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).

5 Penal Reform and Gender

5.1 International Instruments

UN 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

The Standard Minimum Rules apply to all prisoners without discrimination, but include a number of provisions directly addressed to female prisoners and their children. The Rules stipulate that men and women shall so far as possible be detained in separate institutions – and otherwise, in entirely separate parts of an institution (rule 8(a)), and that women prisoners shall be attended and supervised only by women officers (rule 53(3)). In an institution for both men and women, that part of the institution set aside for women shall be under the authority of a responsible woman officer and no male member of the staff shall enter there unless accompanied by a woman officer (rule 53(1)(2)). There shall be special accommodation in women's institutions for pre-natal and post-natal care and treatment (rule 23(1)). Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery (rule 23(2)).

UN 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 '(g) [to] repeal all national penal provisions which constitute discrimination against women.'

UN General Assembly, *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 '[m]easures 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* and *A/CONF.177/20/Add.1*

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 '[w]omen 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 ensure that women have the same right as men to be prison and detention officers (para. 232-m).

Human Rights Council, *Human rights in the administration of justice, in particular juvenile justice, Resolution 10/2*

Date of adoption: 25 March 2009

In this resolution the Human Rights Council emphasises '… the responsibility of the State to provide adequate care for women in prison and their children' (operative para. 12). The Council '[i]nvites Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem;' (Art.4).

UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229*

Date of adoption: 21 December 2010

The Bangkok Rules have been developed to complement and supplement the United Nations' *Standard Minimum Rules for the Treatment of Prisoners* and the *Standard Minimum Rules for Non-custodial Measures* in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders. The 70 rules cover such issues as the economic inequality that deprives many women of access to justice; the heightened discrimination women prisoners may suffer; the need for gender-sensitive risk assessment and classification of prisoners; and the need for gender-specific health and hygiene services. The Bangkok Rules address particular safety and personal security concerns associated with women prisoners, such as developing alternatives to strip searches and invasive body searches; excluding pregnant women, women with infants and breastfeeding mothers from punishment by close confinement or disciplinary segregation; and providing immediate protection, support and counselling to women prisoners who report abuse, and investigation of their claims. The rules also ask that pre- and post-release programmes take into account the stigmatization and discrimination that women face once released from prison.

5.2 Regional Instruments

AFRICA

Organisation 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 committed to provide special treatment to expectant mothers and mothers of infants and young children who have been accused or found guilty of infringing the penal law. Furthermore, the Charter provides that a non-custodial sentence will always be first considered when sentencing expectant mothers and mothers of infants and young children, and no death sentence will be imposed on such women. Children will not be imprisoned with their mothers.

EUROPE

Committee of Ministers, *European Prison Rules, Recommendation Rec(2006)2*

Date of adoption: 11 January 2006

This instrument contains several rules for improving the treatment of women prisoners, including:

Rule 19 (7): 'Special provision shall be made for the sanitary needs of women.'

Rule 34 (1): '…the authorities shall pay particular attention to the requirements of women such as their physical, vocational, social and psychological needs when making decisions that affect any aspect of their detention.'

Rule 34 (2): 'Particular efforts shall be made to give access to special services for women prisoners who have experienced physical, mental or sexual abuse.'

Rule 34 (3): 'Prisoners shall be allowed to give birth outside prison, but where a child is born in prison the authorities shall provide all necessary support and facilities.'

Rule 81 (3): 'Staff who are to work with specific groups of prisoners, such as … women, juveniles or mentally ill prisoners ,… shall be given specific training for their specialised work.'

Rule 85: 'Men and women shall be represented in a balanced manner on the prison staff.'

6 Border Management and Gender

6.1 International Instruments

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

Date of adoption: 15 September 1995

The Platform for Action states that '[w]omen 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). Also, governments have committed to '[p]rovide gender-sensitive human rights education and training to public officials… including people who deal with migration and refugee issues…' (para. 232-i).

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

Date of adoption: 15 November 2000

This Protocol calls for assisting and protecting victims of trafficking in persons and 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' and this training shall address 'human rights and child- and gender-sensitive issues' and encourage 'cooperation with non-governmental organizations, other relevant organizations and other elements of civil society' (Art. 10-2).

Office of the United Nations High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking***, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/Add. 1)**

Date of adoption: 20 May 2002

According to Guideline 1-4, States and intergovernmental and non-governmental organisations should '…ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.' They should also ensure that `…data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics` (Guideline 3-3).

CEDAW, *General Recommendation No. 26 on Women Migrant Workers* **(CEDAW/C/2009/WP.1/R)**

Date of adoption: 5 December 2008

The Recommendation refers to States' obligations to respect, protect and advance the human rights of women throughout the migration cycle (para. 3). Countries of transit `…should ensure that their border police and immigration officials are adequately trained, supervised and monitored for gender-sensitivity and non-discriminatory practices when dealing with women migrants…` (para. 25-a). Paragraph 26-g) calls on States to provide mandatory gender-sensitivity training to criminal justice officers, border police, immigration authorities and health-care and social service providers.

Human Rights Council, *Resolution on trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons, A/HRC/14. L.4*

Date of adoption: 11 June 2010

The Human Rights Council emphasises that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through, *inter alia,* a gender sensitive approach. The Council calls upon Governments '[t]o promote the provision of gender- and age-sensitive responses which adequately address the needs of women, children and men as victims …' (para. 7 (c)).

6.2 Regional Instruments

EUROPE

Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings***, Council of Europe Treaty Series - No. 197**

Date of adoption: 16 May 2005

Article 17 stipulates that each Party shall promote gender equality and apply gender mainstreaming to develop, implement and assess measures for identifying victims (Article 10), protecting their private life and identity (Article 11), assisting them with their recovery (Article 12), providing them a recovery and reflection period (Article 13), issuing them residence permits (Article 14), offering them compensation and legal redress (Article 15) and facilitating their repatriation and return (Article 16). In order to discourage the demand that fosters trafficking in persons, Parties have agreed to adopt '…preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being' (Article 6-d).

European Parliament Resolution on Preventing Trafficking in Human Beings (B7-0029/2010)

Date of adoption: 10 February 2010

The European Parliament Resolution calls on the Council and the Commission to approach all policies, strategies and measures against trafficking from a gender perspective (para.1).

7 Parliamentary Oversight of the Security Sector and Gender

7.1 International Instruments

UN 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: they can firmly establish the principle of equality of men and women in their country's legal system, abolish discriminatory laws and work towards establishing new laws that effectively prohibit discrimination against women. Of particular relevance to parliamentary oversight is the

right of women '[t]o vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;' (Art. 7-a) and '[t]o 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).

UN 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 … [i]nclude 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* and *A/CONF.177/20/Add.1*

Date of adoption: 15 September 1995

Governments committed to providing 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).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

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;' (Art. 1). All actors involved in negotiating and implementing peace agreements are called upon to adopt a gender perspective and take '[m]easures 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).

Inter-Parliamentary Union, *Resolution on How Parliaments Can and Must Promote Effective Ways of Combating Violence Against Women in All Fields*

Date of adoption: 12 May 2006

The Assembly of the Inter-Parliamentary Union calls upon parliaments to '…ensure that information, education and training on gender-related violence are available to all public agents, including the judiciary, [who are] involved in the prevention and prosecution of violence against women and in the provision of health care and support services for victims…[and] to denounce and combat the extreme forms of gender violence against women that are derived from the violation of their human rights and shaped by forms

of misogynous conduct that may go unpunished, and which have culminated in homicide and other forms of violent death of women;' (paras. 14 and 17). In regard to violence in armed conflict, the Resolution requests parliaments to '…ensure a gender balance in military and peacekeeping operations, including the participation of women at the decision-making level in all peacekeeping and peace processes, and to provide training in gender equality issues;' (para.46).

Inter-Parliamentary Union, *Resolution on Cooperation and Shared Responsibility in the Global Fight Against Organized Crime, in Particular Drug Trafficking, Illegal Arms Trafficking, Trafficking in Persons and Cross-Border Terrorism*

Date of adoption: 1 April 2010

The IPU calls on Member Parliaments '... to enhance awareness by the competent authorities of the need to preserve the human rights of trafficked victims and their families, taking into account the special needs of women and children;' (para. 17).

7.2 Regional Instruments

EUROPE

Parliamentary Assembly of the Council of Europe, *Increasing women's representation in politics through the electoral system* **(Resolution 1706 (2010))**

Date of adoption: 27 January 2010

In this resolution the Assembly recommends that member states link '…the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex' (Art. 6-1) and encourage political parties to '… voluntarily adopt gender quotas and to take other positive action measures…' (Art. 6-5).

OTHER

OSCE, *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 '[c]ontinue 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 …' 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

UN 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, to ensure women's equal right to participate in the formulation and implementation of government policy, and to hold public office and perform all public functions at all levels of government.

UN 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... (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). The Platform stresses 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). It also 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).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

SCR 1325 '[u]rges 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…' (Art. 1).

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)

Date of adoption: 30 September 2009

In Article 16 the UNSC '[u]rges the Secretary-General, Member States and the heads of regional organizations to take measures to increase the representation of women in mediation processes and decision-making processes with regard to conflict resolution and peacebuilding;'.

8.2 Regional Instruments

AFRICA

ECOWAS, *Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security*

Date of adoption: 21 December 2001

The Protocol stipulates that 'Member States shall take all appropriate measures to ensure that women have equal rights with men … to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.' (Art. 2-3).

Mediation and Security Council of ECOWAS, *ECOWAS Conflict Prevention Framework, Regulation MSC/REG.1/01/08*

Date of adoption: 16 January 2008

The Regulation stipulates that ECOWAS shall increase the numbers of women in senior decision making positions dealing with peace and security within the Commission and other ECOWAS institutions (para. 82 (c)). The Regulation also states that 'Member States shall take practical steps to increase the number of women in senior positions on peace and security matters within Government institutions at all levels' (para. 82-h).

AU, *Gender Policy*, *Rev 2/Feb 10*

Date of adoption: 10 February 2009

The AU Gender Policy commits the Organs of the AU, the Regional Economic Communities and Members States to integrate gender into policies, programmes and activities on conflict and peace using the frameworks of SCRs 1325 and 1820 (p.18). They should also '[m]obilise and include female leaders in mediation process and reflection groups, and in post-conflict actions' (p.18).

EUROPE

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 good practices for gender mainstreaming.

Parliamentary Assembly of the Council of Europe, *Conflict prevention and resolution: the role of women* (**Resolution 1385**)

Date of adoption: 23 June 2004

Through this Resolution the Assembly calls on member states' governments and parliaments to increase the percentage of women delegations participating in national, regional and international meetings on peace and security and in formal peace negotiations (Art. 8.ii.c). The Assembly also calls on governments and parliaments '…to facilitate the input of women's peace groups and organisations into key peace conferences at all levels through systematic consultation with them, ensuring that their problems and priorities are reflected in the official peace process;' (Art. 8.iii.a).

Council of the EU, *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 Common Foreign and Security Policy and European Security Defence Policy (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).'

THE AMERICAS

OAS, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, AG/RES. 1732 (XXX-O/00)*

Date of adoption: 5 June 2000

This Program recommends that 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).

OTHER

OSCE, *OSCE Action Plan for the Promotion of Gender Equality (MC.DEC/14/04)*

Date of adoption: 7 December 2004

Paragraph 3 of the OSCE Action Plan stipulates that '[i]t 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.'

OSCE Ministerial Council, *Women's participation in political and public life (Decision No. 7/09)*

Date of adoption: 2 December 2009

The Ministerial Council calls on the Participating States to '[c]onsider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making;' (para. 2). The Ministerial Council also calls on the Participating States to introduce open and participatory processes that enhance participation of women and men in all phases of policy development (para. 5) and support non-governmental and research bodies in identifying specific challenges to women's participation in political and public life (para. 8).

9 Civil Society Oversight of the Security Sector and Gender

9.1 International Instruments

UN 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 commit to ensuring women's rights on equal terms with men '[t]o participate in non-governmental organizations and associations concerned with the public and political life of the country' (Art. 7).

UN 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 those 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).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)
Date of adoption: 31 October 2000

SCR 1325 emphasises the importance of involving women in decision-making at all levels and taking action to support women's organisations. The Resolution calls on all actors involved in negotiating and implementing peace agreements to take 'measures that support local women's peace initiatives' (para. 8-b). Also, the UNSC '[e]xpresses its willingness to ensure that [its] missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;' (Art. 15).

UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime
Date of adoption: 15 November 2000

This Protocol stipulates that '[e]ach State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including…in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, … the provision of: '(a) [a]ppropriate housing; (b) [c]ounselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) [m]edical, psychological and material assistance; and (d) [e]mployment, educational and training opportunities' (Art. 6 (3)). Also, the Protocol mandates that all policies, programmes and other measures established in accordance with the article on prevention of trafficking in persons shall include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (Art. 9 (3)). Furthermore, States Parties commit to provide or strengthen anti-trafficking training for law enforcement, immigration and other relevant officials that encourages cooperation with non-governmental organizations and civil society (Art. 10 (2)).

UNSC Resolution 1820 on Women, Peace and Security (S/RES/1820)
Date of adoption: 19 June 2008

SCR 1820 '[s]tresses the important role the Peacebuilding Commission can play… in ensuring consultation and effective representation of women's civil society in its country-specific configurations, as part of its wider approach to gender issues;' (Art. 11).

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)
Date of adoption: 30 September 2009

SCR 1888 recognises that support for women's organisations and networks is essential for consolidating peace as well as for promoting the equal and full participation of women (para. 14). The UNSC '[e]xpresses its intention to make better usage of periodical field visits to conflict areas, through the organization of interactive meetings with the local women and women's organizations in the field about the concerns and needs of women in areas of armed conflict;' (Art. 14).

UNSC Resolution 1889 on Women, Peace and Security (S/RES/1889)
Date of adoption: 5 October 2009

Through this Resolution the UNSC urges Member States, international and regional organisations to take further measures to improve women's participation during all stages of peace processes, including increased support of women's organisations (Art.1). The UNSC highlights the role civil society plays in ensuring that women's empowerment be taken into account during post-conflict needs assessments and planning (Art. 9). Furthermore, the UNSC '[e]ncourages Member States in post-conflict situations, in consultation with civil society, including women's organizations, to specify in detail women and girls' needs and priorities and design concrete strategies, in accordance with their legal systems, to address those needs and priorities…' (Art. 10).

UNSC 1960 on Women, Peace and Security (S/RES/1960)
Date of adoption: 16 December 2010

SCR 1960 encourages the Secretary-General to engage with, amongst others, civil society organisations, health-care service providers and women's groups to enhance data collection and analysis of incidents, trends, and patterns of rape and other forms of sexual violence (Art. 8).

UN General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229
Date of adoption: 21 December 2010

Rule 46 of the Bangkok Rules stipulates that '[p]rison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.' The role of the non-governmental organizations or other community services is also stressed in relation to their involvement in the provision of non-custodial means

of protection to women (rule 59). In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members (rule 25(3)).

9.2 Regional Instruments

AFRICA

Mediation and Security Council of ECOWAS, *ECOWAS Conflict Prevention Framework, Regulation MSC/REG.1/01/08*

Date of adoption: 16 January 2008

To enhance the role, visibility and impact of women in peace and security, the Framework commits different actors to undertake a variety of activities with civil society. *Inter alia*: 'ECOWAS shall develop and implement targeted programs to enhance the leadership, negotiation and dispute resolution skills within women organizations … Member States shall develop, enhance and build on existing programmes to strengthen the capacity of women organizations in project design and implementation, and support them with targeted financial packages and equipment … Civil society organizations shall develop and implement pro-women programmes in Member States, including capacity building for women, awareness raising and advocacy on women empowerment' (para. 82-b (i) (I)).

EUROPE

European Parliament, *Women in armed conflicts and their role in post-conflict reconstruction, 2005/2215(INI)*

Date of adoption: 1 June 2006

The European Parliament stresses that in post-conflict situations women's peace movements and women's organisations should receive pedagogical, political, financial and legal support to enable them to help bring about gender equality in constitutional, legislative and policy reforms (Art. 13). The Parliament '[c]alls on the Commission and other donors to channel resources to support capacity-building by civil society organisations, particularly of local women's groups engaged in non-violent conflict resolution and to provide technical assistance and vocational training;' (Art. 41).

OTHER

OECD, *Security Sector Reform and Governance: Policy and Good Practice, DCD/DAC(2003)30/REV3*

Date of adoption: 15-16 April 2004

This document advocates working through local actors in order to integrate gender perspectives into SSR. It points out that '[i]n many cases, particularly during war and armed conflicts, civil society is usually in majority represented by women including in the security areas. They are well placed, at all levels, to work for peace and reconciliation and to set standards for the reconstruction of war-torn society' (para. 77).

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* and *A/CONF.177/20/Add.1*

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. It points out that '[t]he 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) including the use of 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.

UNSC Resolution 1889 on Women, Peace and Security (S/RES/1889)

Date of adoption: 5 October 2009

SCR 1889 '[u]rges Member States, United Nations bodies, donors and civil society to ensure that women's empowerment is taken into account during

post-conflict needs assessments and planning, and factored into subsequent funding disbursements and programme activities, including through developing transparent analysis and tracking of funds allocated for addressing women's needs in the post-conflict phase;' (Art. 9). The Resolution also '[r]equests the Secretary-General to submit to the Security Council within 6 months, for consideration, a set of indicators for use at the global level to track implementation of its resolution 1325 (2000), which could serve as a common basis for reporting by relevant United Nations entities, other international and regional organizations, and Member States, on the implementation of resolution 1325 (2000) in 2010 and beyond;' (Art. 17).

UNSC 1960 on Women, Peace and Security (S/RES/1960)

Date of adoption: 16 December 2010

SCR 1960 requests the Secretary General establish monitoring, analysis and reporting arrangements on conflict-related sexual violence, including rape in situations of armed conflict and post-conflict, and encourages the Secretary-General to engage with United Nations actors, national institutions, civil society organisations, health-care service providers, and women's groups to enhance data collection and analysis of incidents, trends, and patterns of rape and other forms of sexual violence (Art. 8). The UNSC also requests the Secretary General track and monitor implementation of the specific and time-bound commitments to combat sexual violence by parties to armed conflict on the Security Council's agenda that engage in patterns of rape and other sexual violence, and regularly update the Council in relevant reports and briefings (Art. 6).

10.2 Regional Instruments

EUROPE

Council of Europe, *Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms*

Date of adoption: 21 November 2007

The Committee of Ministers recommends that Member States undertake regular assessment of the incidence of abuse of the human rights of women in conflict situations (para. 58-iii) and of women's participation in structures and mechanisms for social reconstruction in post-conflict situations (para. 58-v). They recommend development of methods, tools and instruments for gender analysis/gender impact assessment and gender budgeting (para. 72-vi). Member States should develop and use such tools and instruments (e.g. checklists, manuals, handbooks, statistics, questionnaires, software, surveys, forecasts) for gender analysis/gender impact assessment of laws and policies (para. 75 -iv).

THE PACIFIC

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

CEDAW Committee, *General Recommendation No. 19 (11th session, 1992) Violence against women*

Year of adoption: 1992

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

UN 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 '[t]ake 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* and *A/CONF.177/20/Add.1*

Date of adoption: 15 September 1995

The Platform for Action states that '[t]raining 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 providing gender-sensitive human rights education and training to public officials, including police, military personnel

and corrections officers (para. 232-i), and to creating, developing, improving and funding training in order to sensitise such officials to the nature of gender-based threats and acts of violence and to promote the fair treatment of female victims (para. 124-n).

UN 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 '[t]o 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

The Declaration states that '[g]ender issues should be mainstreamed throughout all regional and national training curricula and courses for peace support operations…' (section 6).

UNSC Resolution 1325 on Women, Peace and Security (S/RES/1325)
Date of adoption: 31 October 2000

SCR 1325 '[r]equests 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 peacebuilding 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 '[u]rges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts …'

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

UNSC Resolution 1820 on Women, Peace and Security (S/RES/1820)
Date of adoption: 19 June 2008

SCR 1820 '[e]ncourages troop and police contributing countries, in consultation with the Secretary-General, to consider steps they could take to heighten awareness and the responsiveness of their personnel participating in UN peacekeeping operations to protect civilians, including women and children, and prevent sexual violence against women and girls in conflict and post-conflict situations…' (Art. 8)

UNSC Resolution 1888 on Women, Peace and Security (S/RES/1888)
Date of adoption: 30 September 2009

The UNSC '[e]ncourages Member States … to provide all military and police personnel with adequate training to carry out their responsibilities;' and '[r]equests the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and urges troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theater awareness training …' (Arts 19 and 21).

Human Rights Council, *Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention (A/HRC/14/L.9/Rev.1)*
Date of adoption: 15 June 2010

The Human Rights Council '…encourages States to create gender sensitized training and education programmes and other appropriate measures for their armed forces, civilian police, peacekeeping units and humanitarian personnel that include instructions on their responsibilities towards the civilian population, particularly women and children,

as well as mechanisms to ensure adequate safeguards to prevent violence against women and full accountability in cases of misconduct involving their personnel;' (para.18).

UNSC 1960 on Women, Peace and Security (S/RES/1960)
Date of adoption: 16 December 2010

SCR 1960 encourages Member States to use the Secretary-General's scenario-based training materials for peacekeepers on combating sexual violence (Art. 11). The UNSC also encourages Member States to provide all military and police peacekeeping personnel with adequate training on sexual and gender-based violence (Art. 15).

UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, A/RES/65/229
Date of adoption: 21 December 2010

The Bangkok Rules require that female prison staff receive equal access to training as male staff (rule 32). Staff employed in women's prisons shall undergo capacity-building that enables them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities (rule 29). All staff assigned to work with women prisoners should also be provided with training on gender sensitivity, prohibition of discrimination, sexual harassment, women's health and the gender-specific needs of women prisoners (rules 32 and 33). Prison staff shall also be trained to detect mental health-care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.(rule 35). In addition, rule 33(3) states that '[w]here children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.' The regular training curricula of all prison staff should include gender and human rights, with a particular focus on their link to HIV, stigma and discrimination (rule 34).

11.2 Regional Instruments

EUROPE

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 Member States to … 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). Furthermore, it calls on the Council and Member States to '… ensure that all military personnel — male as well as female — and specifically peacebuilding, 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 for members of the police force and judicial personnel and 'encourage the inclusion of questions concerning violence against women in the training of judges;' (Appendix paras. 8 and 11).

Council of the EU, *EU Concept for ESDP support to Security Sector Reform (SSR)*
Date of adoption: 13 October 2005

This document suggests that the EU consider providing assistance in training armed forces, border guards and customs officers in gender issues; as well as educating the police sector in gender issues.

Council of the EU, *Council Conclusion on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*
Date of adoption: 13 November 2006

The Council emphasises the importance of training military and civilian personnel participating in ESDP operations, including those at the highest command, in gender equality, human rights and gender-based violence, and encourages Member States to intensify such training efforts (para 5).

Council of Europe, *Recommendation CM/ Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms*

Date of adoption: 21 November 2007

The Committee of Ministers recommends that Member States adopt educational programmes and specific training for all professionals involved in interventions with victims of violence, including the judiciary and the police (para. 52 -vii); and put in place training to prevent and combat trafficking in human beings and to identify and assist victims and protect their human rights (para. 55-vi). Where they contribute to peacekeeping forces, Member States should develop systematic training for members of peacekeeping operations which takes into account gender equality concerns and focuses on the prevention of violence against women and trafficking in human beings (para. 58-vii).

Council Secretariat, *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP*

Date of adoption: 3 December 2008

This document stipulates that pre-deployment training should include gender, SCR 1325 and SCR 1820, and Member States should be urged to develop and offer training courses on gender in ESDP missions/ operations (p. 12). In-mission training should address gender issues, including sexual and gender-based violence, and ensure adherence to standards of behaviour in peacekeeping operations, emphasising zero tolerance for abuse and misconduct (p. 13).

THE AMERICAS

OAS, *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 States Party '[t]o 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).

OAS, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, AG/RES. 1732 (XXX-O/00)*

Date of adoption: 5 June 2000

In this Program the Inter-American Commission of Women of the OAS recommends that governments '[s]upport 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).

THE PACIFIC

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 upon governments to '[m]ake use of regional and international organisations to conduct gender sensitivity training for peacekeepers' (p. 37).

Penal Reform and Gender: Update on the Bangkok Rules

This brief aims to provide an update to the Gender and Security Sector Reform Toolkit's Tool on Penal Reform and Gender, following the adoption by the United Nations (UN) General Assembly of the *UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, also known as the Bangkok Rules. It is recommended that readers take time to read the full text of the Bangkok Rules.

1 Introduction

On 21 December 2010, the UN General Assembly approved, without a vote, the *UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules). These rules are the first comprehensive, international initiative to highlight and offer guidance in addressing the needs and requirements of women and girls in the criminal justice system. It is important to note that the text acknowledges that some of the Bangkok Rules, particularly those which cover parental or care giving responsibilities, could also apply to men.

The Bangkok Rules explicitly supplement the *Standard Minimum Rules for the Treatment of Prisoners* (the SMRs, 1955). The SMRs already contained some rules which seek to address the specific needs of women and girls in detention. For example, the SMRs require prisons to:

- detain women and men in separate institutions;
- keep young prisoners separated from adults;
- have specific accommodation to provide pre-natal and post-natal treatment and a nursery; and
- use women officers to supervise and attend women prisoners.[1]

The SMRs do not, however, emphasise the *range* of needs specific to female adult and juvenile prisoners, nor do they consider related needs at other stages in the criminal justice process.

The Bangkok Rules are applicable not only to penal institutions, but to "all categories of women deprived of their liberty, including criminal or civil, untried or convicted women prisoners".[2] They are applicable also to women subject to non-custodial "security measures" (such as reporting to the police at regular intervals or electronic tagging) or "corrective measures ordered by a judge" (such as drug

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[1] United Nations, First United Nations Congress on the Prevention of Crime and Treatment of Offenders, *United Nations Standard Minimum Rules for the Treatment of Prisoners*, 1955.

[2] United Nations General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, Resolution 65/229 of 21 December 2010, annex, article 14.

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treatment or mental health-care). The Bangkok Rules also address the application of non-custodial measures for female offenders.

The number of women prisoners and the proportion of women in prison populations have increased over the past 25 years. As of January 2012, more than 625,000 women and girls were held in penal institutions throughout the world, either as pre-trial detainees or as convicted and sentenced offenders. However, women and girls still constitute a small minority of any country's prison population: in about 80% of prison systems, between 2 and 9% of the total prison population.[3]

Women and men have different needs that must be met when they are imprisoned or subject to non-custodial measures. Most obviously, women and men are physiologically different, and have specific health-care and hygiene needs, beyond pre- and post-natal care. Women are also very often the primary caretakers of children and other dependent family members. They may have been victims of sexual abuse before admission to prison, and when in prison are particularly vulnerable to self-harm, mental and physical abuse.[4] Prison systems and prison regimes are usually designed for the majority male population – from the architecture of prisons to security procedures, facilities for health-care, family contact, work and training. As a result, many prisons tend not to meet the needs of women. As there are far fewer prison facilities for women, women offenders are often imprisoned far from home, limiting their contact with their families, and are often held at a higher security level than necessary.

Non-custodial measures refer to measures that may be imposed on women or men who are being formally processed through the criminal justice system, at both pre-trial and sentencing stages, which do not involve deprivation of liberty. They include diversion programmes, community service orders, house arrest or limitation of freedom of movement, and administrative and monetary sanctions. Where these are applied, even community-based measures may unintentionally disadvantage women by failing to take into account their childcare responsibilities.

Clear international rules may provide guidance for penal institutions in meeting the needs described.

2 Content of the Bangkok Rules

The Bangkok Rules address the following issues relating to treatment of women prisoners and non-custodial measures for women offenders:

Issue	Content – main points
Non-discrimination *Rule 1 of the Bangkok Rules*	▪ Providing for the distinctive needs of women prisoners in order to accomplish substantial gender equality shall not be regarded as discriminatory.
Admission, registration and allocation of women prisoners *Rules 2-4 of the Bangkok Rules*	▪ Women with dependent children should be allowed to make arrangements for them before entering custody. ▪ Women should be provided with facilities to contact their relatives, access to legal advice and information about prison rules and regulations. ▪ Information on the children of a woman entering prison should be collected when she is admitted. ▪ Women should be allocated to prisons close to their homes.
Personal hygiene *Rule 5 of the Bangkok Rules*	▪ Women's specific hygiene needs should be met by providing the facilities and materials required during menstruation, and access to a regular supply of water.

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[3]   Roy Walmsley, *World Female Imprisonment List (second edition),* International Centre for Prison Studies, 2012.

[4]   United Nations Office on Drugs and Crime, *Handbook for Prison Managers and Policymakers on Women and Imprisonment*, Criminal Justice Handbook Series, 2008, p. 7 and 10.

Health-care *Rules 6-18 of the Bangkok Rules*	• A health screening should determine primary needs and specific medical conditions such as sexually transmitted diseases, mental health-care needs, reproductive health history, drug dependency and previous sexual abuse and violence. However, the right to medical confidentiality and not to undergo screening in relation to reproductive health history shall be respected. • Gender-specific health-care services equivalent to those available in the community should be available, including mental health-care, substance abuse treatment programmes and preventative health-care measures. • If a female prisoner requests to be examined or treated by a women physician or nurse, then a woman physician or nurse should be made available, except for situations requiring urgent medical intervention. If a male practitioner quarries the medical examination contrary to the wishes of the prisoner, a female staff member should be present during the examination.
Searches *Rules 19-21 of the Bangkok Rules*	• Personal searches shall be carried out only by female staff. • Alternatives to strip searches and invasive body searches, such as scans, shall be developed.
Contact with the outside world *Rules 26-28 of the Bangkok Rules*	• Contact with children and families should be encouraged and facilitated. • Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes. • When conjugal visits are allowed, male and female prisoners should be allowed to exercise this right on an equal basis. • Visits involving children should take place in an environment that allows open contact between mother and child, with opportunities for extended contact encouraged.
Disciplinary measures *Rules 22-24 of the Bangkok Rules*	• A pregnant or a breastfeeding woman or a woman with an infant should not be punished with confinement. • Disciplinary sanctions should not include prohibition of family contact. • Restraint instruments should not be used on a woman in labour, during or immediately after birth.
Pregnant women, breastfeeding mothers and mothers with dependent children *Rules 48 and 64 of the Bangkok Rules*	• Pregnant and breastfeeding women shall receive advice from a qualified health practitioner, adequate food, a healthy environment and regular exercise opportunities. • Women shall not be discouraged from breastfeeding unless there are specific health reasons. • Non-custodial measures for pregnant women or women with dependent children shall be preferred when possible and appropriate.
Juvenile female prisoners *Rules 36-39 and Rule 65 of the Bangkok Rules*	• The protection needs of girls should be met. • Access to education and vocational training should be equal to those available to male juvenile prisoners. • Age/gender-specific programmes and services, including women's health-care, should be accessible. • Pregnant juveniles should receive the same care and support as adult pregnant prisoners. • Institutionalisation of children in conflict with the law shall be avoided to the maximum extent possible.

Foreign nationals *Rule 53 and Rule 66 of the Bangkok Rules*	▪ When possible, non-resident foreign-national women prisoners should have the option to be transferred to their home country, especially if they have dependent children there. ▪ Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocating the child in its home country.
Minorities and indigenous people *Rules 54-55 of the Bangkok Rules*	▪ Programmes and services shall be provided to meet the distinctive needs of women from different religious and cultural backgrounds.
Prisoners under arrest or awaiting trial *Rule 56 of the Bangkok Rules*	▪ Appropriate measures shall be adopted to guarantee women's safety in pre-trial detention.
Non-custodial measures *Rules 57-62 of the Bangkok Rules*	▪ Gender-specific options for diversionary measures and pre-trial and sentencing alternatives shall be developed, taking account of the history of victimisation of many women offenders and their caretaking responsibilities. ▪ Women offenders shall not be separated from their families and communities without consideration given to their backgrounds and family ties. Alternative ways of managing women offenders should be implemented whenever appropriate and possible. ▪ Non-custodial means (such as services or shelters provided by non-governmental organisations) shall be used to protect women who need such protection. ▪ Appropriate resources shall be made available in order to combine non-custodial measures with programmes (for example counselling, therapy, education, etc.) addressing the most common problems leading to women's contact with the criminal justice system. ▪ When sentencing women offenders, courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds.
Parole *Rule 63 of the Bangkok Rules*	▪ Decisions regarding parole shall take into account women prisoners' caregiving responsibilities as well as their specific social reintegration needs.
Complaints and inspection *Rule 25 of the Bangkok Rules*	▪ Women prisoners who report abuse shall be provided immediate protection, support and counselling, and the case should be confidentially investigated by independent and competent authorities. ▪ Women prisoners who have been subjected to sexual abuse, and those who have become pregnant as a result, shall receive appropriate medical attention and counselling. ▪ Inspectorates, visiting or monitoring boards shall include women members in order to monitor the conditions of detention and treatment of women prisoners.

Institutional personnel and training
 	
Rules 29-35 of the Bangkok Rules
	▪ Staff employed in women's prisons should be trained to address the special social reintegration requirements of women prisoners and to manage safe and rehabilitative facilities.
	
	▪ Female staff shall receive equal access to training as male staff, and capacity-building for women staff shall include access to senior positions with key responsibility for the development of policies and strategies.
	
	▪ There shall be a clear and sustained commitment by prison management to prevent and address gender-based discrimination against female staff.
	
	▪ The internal rules and regulations on the conduct of prison staff shall be aimed at providing maximum protection for women prisoners from any gender-based violence, abuse and sexual harassment.
	
	▪ Women's prison staff should receive training on:
	
	  - gender sensitivity and prohibition of discrimination and sexual harassment
	
	  - gender-specific needs and human rights of women prisoners
	
	  - women's health
	
	  - (where children are present) child development and basic health-care of children
	
	  - HIV/AIDS prevention, treatment, care and support
	
	  - the means to detect mental health-care needs and risk of self-harm and suicide.

Prison regime, classification and individualisation *Rules 40-47 of the Bangkok Rules*	▪ Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners. ▪ Gender-sensitive risk assessment shall take into account the generally lower risk posed by women prisoners to others, and the particular harm of isolation. ▪ The regime of prisons should be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children, but also to allow women prisoners to access comprehensive activities and support programmes. ▪ Visits to women prisoners should be encouraged, but the women prisoners should be properly consulted as to who is allowed to visit them, because of possible previous experience of domestic violence. ▪ Prison authorities should utilise options for women prisoners such as home leave, open prisons, halfway houses to ease the transition from prison to liberty, reduce stigma and re-establish contact with their families as early as possible. ▪ Prison authorities shall implement pre- and post-release reintegration programmes, and additional support following release should be provided to women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration.
Research, planning and evaluation *Rules 67-69 of the Bangkok Rules*	▪ Efforts shall be made to promote comprehensive research on issues related to female offenders and their children.

Raising public awareness and training *Rule 70 of the Bangkok Rules*	▪ The media and the public shall be informed about the reasons that lead to women's involvement in the criminal justice system and the most effective ways to respond to it.
	▪ Research and good practice examples shall be published and disseminated.
	▪ The media, the public and those with professional responsibility in matters concerning women offenders shall be provided with information about the Bangkok Rules and their implementation.
	▪ Training programmes on the Bangkok Rules and the results of research shall be developed and implemented for relevant criminal justice officials.

Children in prison with their mother:

The Bangkok Rules are the first international instrument that specifically addresses the issue of children of female prisoners. They have introduced a set of basic instructions on how to treat children accompanying their mothers in prisons, children visiting their mothers in prison and considerations which must be applied when taking decisions of separating mothers from their children.

Countries have very different laws as to the age up to which children can stay with their mothers in prison, and offer very different living conditions. Rule 49 sets out the fundamental principle that "decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners." Rule 51.2 goes on to clarify the responsibilities of states in creating conditions that enable decisions to be made in the best interests of children: "the environment provided for such children's upbringing shall be as close as possible of that of a child outside prison." It is important that women prisoners who have their children with them in prison are "provided with the maximum possible opportunities to spend time with their children" (Rule 50).

The Bangkok Rules establish that children must be taken into account at all stages of a mother's contact with the criminal justice system, and decisions as to when a child is to be separated from its mother must be based on individual assessments. Some of those rules should be applied equally to male prisoners and offenders who are fathers.

3 Implementing the Bangkok Rules

The Bangkok Rules complement a number of legally binding instruments. They set out standards and recommendations for the management of institutions and systems which are responsible for the treatment of women and girls. In order to implement the Rules, a number of actions need to be taken by relevant entities at the national and international levels. Civil society can also play a role in supporting the implementation of the Rules.

The following are examples of actions that might be taken to implement the Bangkok Rules.[5]

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[5] These recommendations are based on the *Briefing on the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("Bangkok Rules")* published by Penal Reform International and the Quaker United Nations Office in 2011.

- At the national level

Actors	Actions to be Taken
- Relevant ministries (e.g. justice, health, education, social affairs, women and children) - Prison services - Social services, including children's services - Independent monitoring and oversight bodies - Police services - Legal profession and legal aid services	- Identify gaps in current legislation, regulations and policies on the treatment of women and girls in the criminal justice system, and draft proposals for reform - Identify good practices and resources to support the implementation of the Bangkok Rules - Allocate sufficient human and financial resources to implement the Bangkok Rules - Include the Bangkok Rules in academic and professional curricula - Train prison staff on the content of the Bangkok Rules

Examples of implementation:

Republic of Ireland

In February 2011, following the adoption of the Bangkok Rules, the Inspector of Prisons of the Republic of Ireland published a supplement to the Standards for the Inspection of Prisons in Ireland. The supplement is designed "to give guidance to the Irish Prison Service and prison management on the most important aspects of best practice in relation to the detention of women prisoners and the management of women's prisons."[6] These supplemental standards on dealing with women prisoners have been significantly informed by the Bangkok Rules, and explicitly recognise that a gender-specific approach is required for women in prison. The 33 standards are organised under the following nine headings: basic principle; admission to prison; accommodation; health and welfare; pregnant women and mothers with babies in prison; contact with children and family members; education, training and rehabilitation; safety; and staff. During future inspections of prisons, the conditions and treatment of women prisoners, and the management of the two women's prisons in the Republic of Ireland, will be benchmarked against them.

England and Wales (United Kingdom)

The criteria used for assessing the treatment of prisoners and conditions in prisons in England and Wales were reissued in January 2012, including references to the Bangkok rules.[7]

Sierra Leone

The NGO AdvocAid, based in Sierra Leone, has developed, in collaboration with *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ), a handbook on the Bangkok Rules. It aims to provide a clear, portable and useful guide to assist prison officials, prisoners and civil society in fostering enforcement or awareness-raising on the new rules. It is illustrated with cartoons and contains detailed footnotes for further reference.[8]

- At the international level:

Actors	Actions
- United Nations agencies - Human rights and health bodies, especially those with a specific focus on women and children - Bilateral and multilateral donors	- Distribute and make the Bangkok Rules available - Train staff on the content of the Bangkok Rules - Identify relevant actors to support the implementation at the national level - Provide support and monitor implementation of the Bangkok Rules - Make financial assistance for prison systems contingent on implementation of the Bangkok Rules

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[6] Judge Michael Reilly, *Inspector of Prisons Standards for the Inspection of Prisons in Ireland - Women Prisoners' Supplement*, Office of the Inspector of Prisons, 2011.

[7] *Expectations: Criteria for assessing the treatment of prisoners and conditions in prisons*, Her Majesty's Inspectorate of Prisons, 2012 http://www.justice.gov.uk/downloads/about/hmipris/expectations.pdf

[8] AdvocAid, GTZ, *United Nations Rules for the Treatment of Female Prisoners*, 2011, http://www.advocaidsl.com/wp-content/uploads/2011/03/AdvocAid-Bangkok-Rules-training-booklet-Nov-11.pdf

4 Additional Resources

UN Resolutions

United Nations, First United Nations Congress on the Prevention of Crime and Treatment of Offenders, *United Nations Standard Minimum Rules for the Treatment of Prisoners,* A/CONF/611 of 30 August 1955, annex I, E.S.C. res. 663C, 24 UN ESCOR Supp. (No. 1) at 11, UN Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 UN ESCOR Supp. (No. 1) at 35, UN Doc. E/5988 (1977). http://www2.ohchr.org/english/law/treatmentprisoners.htm

United Nations General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),* Resolution 65/229 of 21 December 2010. http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/UN_Rules_Treatment_Women_Prisoners_Bangkok_Rules.pdf

Briefs, tools and training materials

AdvocAid, *United Nations Rules for the Treatment of Female Offenders,* 2011.

http://www.advocaidsl.com/wp-content/uploads/2011/03/AdvocAid-Bangkok-Rules-training-booklet-Nov-11.pdf

International Centre for Prison Studies, "Penal Reform and Gender" in *Gender and Security Sector Reform Toolkit,* Eds. Megan Bastick and Kristin Valasek, Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008. http://dcaf.ch/DCAF/EZ/Publications/Penal-Reform-and-Gender-Tool-5

Johannsen, Agneta M., "Training Resources on Penal Reform and Gender" in *Gender and Security Sector Reform Training Resource Package,* Ed. Megan Bastick, Geneva: DCAF, 2010. http://www.gssrtraining.ch/images/stories/PDF/Penal_Reform/10_TRP_PEN%281%29.pdf

Penal Reform International and Quaker United Nations Office, *Briefing on the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("Bangkok Rules"),* 2011. http://www.penalreform.org/files/PRI-QUNO_English_1.pdf

Penal Reform International, *Human Rights and Vulnerable Prisoners*, Training Manual no.1, 2003. http://www.penalreform.org/files/man-hr1-2003-vulnerable-prisoners-en.pdf

United Nations Office on Drugs and Crime, *Gender in the Criminal Justice Assessment Tool,* Criminal Justice Assessment Toolkit, 2010.

http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/E-book.pdf

United Nations Office on Drugs and Crime, *Handbook for Prison Managers and Policymakers on Women and Imprisonment*, Criminal Justice Handbook Series, 2008.

http://www.unodc.org/pdf/criminal_justice/Handbook_on_Women_and_Imprisonment.pdf

United Nations Office on Drugs and Crime and World Health Organization, *Women's Health in Prison: Action Guidance and Checklists to Review Current Policies and Practices*, 2011. http://www.euro.who.int/__data/assets/pdf_file/0015/151053/e95760.pdf

Tomris Atabay , Bangkok Rules Guidance Document and Index of Compliance (working documents) , PRI: May 2012 http://www.penalreform.org/news/bangkok-rules-guidance-launched

Gender and SSR Toolkit

1. Security Sector Reform and Gender
2. Police reform and Gender
3. Defence Reform and Gender
4. Justice Reform and Gender
5. Penal Reform and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
10. Private Military and Security Companies and Gender
11. SSR Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
Annex on International and Regional Laws and Instruments