

Integrating Gender into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions



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Integrating a Gender Perspective into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions



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1

INTRODUCTION

Ombuds institutions and national human rights institutions (NHRIs) can be important actors in holding the security sector accountable to the people. By receiving and investigating complaints and issuing reports and recommendations, they can help to identify, address and deter problematic behaviour by security sector personnel, as well as highlight institutional shortcomings. Their monitoring activities can promote transparency within the security sector, thereby facilitating its ability to map out ways to improve performance.

Germany's former Parliamentary Commissioner for the Armed Forces speaks with marines serving with the UN mission in Cyprus.
Photo: Presse- und Informationszentrum Marine, 2009.

BOX 1 – EXAMPLES OF GENDER ISSUES IN RELATION TO THE SECURITY SECTOR

- The recruitment, retention and advancement of women within security sector institutions, including implementation of any quotas and bias in promotional procedures.
- The work/life balance of security sector personnel.
- Gender-related harassment, discrimination or bullying of security sector personnel, and the internal handling of complaints.
- Compliance with obligations under laws relating to domestic violence, rape, human trafficking, etc.
- The treatment of women and men in detention.
- The implementation of institutional or national-level policies relating to gender, e.g., a gender mainstreaming strategy or a national action plan on implementing the UN Security Council resolutions on women, peace and security.

This guidance note is designed to help ombuds institutions and NHRIs to better integrate an awareness of gender issues into their oversight of the security sector. As security sector institutions rise to the challenge of being more responsive to gender issues (see Box 1), ombuds institutions and NHRIs are well placed to support them. Many will have an explicit mandate (legal authority) to promote human rights, and will already be experienced in guiding institutions to promote and protect gender equality. By transferring this expertise to security sector oversight, ombuds institutions and NHRIs can support and encourage security sector institutions in demanding that they recognize and address the different needs of women, men, girls and boys in the communities they serve. Ombuds institutions and NHRIs can also advise and monitor security sector institutions as they strive to create work environments that allow both women and men to fulfil their potential. In doing so, ombuds institutions and NHRIs can help deliver gender-responsive security sector oversight.

Ombuds institutions and NHRIs have a wide diversity of mandates in relation to security sector oversight, but gender will always be an important aspect of their work. Gender is a consideration in preventing unfair or discriminatory treatment, while gender equality is integral to promoting the human rights of all individuals. Moreover, national laws and policies and international standards, including the UN Security Council resolutions on women, peace and security, call for security sector institutions to be gender responsive.¹ Some in particular underscore the importance of focusing on gender issues in monitoring and inspections.

This guidance note has been developed in partnership with the Organization for Security and Co-operation in Europe (OSCE) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). It was developed through desk research and expert input, and

was reviewed and discussed extensively at a meeting of experts and practitioners held in November 2013.

This guidance note presents examples of good practice from a number of OSCE and other states. It is addressed to those ombuds institutions and NHRIs that are mandated to perform independent, impartial oversight of one or more security sector institutions, including:

- Bodies with exclusive jurisdiction over a particular security sector institution; and
- Bodies with a more general jurisdiction, with a mandate to receive and investigate complaints from within or relating to security sector institutions.

The guidance note will also be useful to those supporting the development of good governance and/or gender mainstreaming within the security sector, including OSCE staff.

This guidance note includes:

- » An overview of security sector oversight;
- » An introduction to the role of ombuds institutions and NHRIs in security sector oversight;
- » Discussion of why gender is important to ombuds institutions and NHRIs in security sector oversight;
- » Guidance as to how gender can be integrated into security sector oversight by ombuds institutions and NHRIs;
- » A self-assessment tool; and
- » A list of additional resources.

The guidance note forms part of a series that takes an in-depth look at oversight issues within gender and security sector reform that were introduced in the *Gender and Security Sector Reform Toolkit*, a joint publication by DCAF, OSCE/ODIHR and UN-INSTRAW. The other guidance notes in the series are *Integrating a Gender Perspective into Internal Oversight within Armed Forces*, and *Integrating Gender into Internal Police Oversight*.

This guidance note can be used alongside DCAF's *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector*, *Gender and Security Sector Reform Training Resource Package*, the *Handbook for Ombuds Institutions for the Armed Forces* and the OSCE/ODIHR's *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality* (see *Additional resources* on page 51).



2

WHAT IS SECURITY SECTOR OVERSIGHT?

Broadly speaking, the security sector is composed of all institutions and other entities with a role in ensuring the security of the state and its people. Security sector oversight involves supervision of a state's armed and security forces (e.g., armed forces, police, *gendarmeries*, presidential guards, intelligence services, coastguards, border guards, customs and immigration authorities and reserve or local security units), as well as of prisons, probation services and private security services. Oversight takes many forms, such as monitoring, investigating and reporting, as well as advocating for or ordering change. Oversight mechanisms are designed to provide checks and balances that prevent human rights abuses, hold those guilty of abuses accountable, make recommendations to prevent reoccurrence and ensure that institutions operate efficiently and effectively while respecting the rule of law.

Oversight structures and systems vary greatly between countries, as well as between security sector institutions within a country. The following mechanisms can each play an important role.

Internal oversight

Managers and commanders within security sector institutions have the primary responsibility to ensure that the institution is performing its mandated tasks effectively and efficiently, and to prevent any abuses. Internal oversight is implemented through the chain of command. Oversight occurs through the supervision and proactive monitoring of staff performance, training and professional development, as well as of operational practices and processes. Internal oversight mechanisms can include performance review and quality management systems, inspectorates and audit units. Most security sector institutions will have an internal mechanism for receiving, investigating and resolving complaints from the public or their personnel, which in turn should be subject to external independent civilian oversight. They might also have an inspector general, an internal auditor or an investigator with a formal internal oversight role. The related guidance notes on *Integrating Gender into Internal Police Oversight* and *Integrating a Gender Perspective into Internal Oversight within Armed Forces* outline how the internal oversight processes of these institutions can be made more responsive to gender issues.

External oversight

Security sector institutions should be subject to oversight by external civilian authorities. At a minimum, this should include the relevant minister (e.g., the minister of interior, security, police affairs, defence and/or justice) and/or city mayors (in relation to the oversight of municipal and county police, prisons and fire departments), the judiciary (with whose verdicts and orders security sector institutions have to comply) and the parliament (which drafts laws establishing the powers and duties of security sector institutions and approves their budgets). The office of an auditor general may exercise financial oversight. Ombuds institutions and NHRIs are independent external oversight bodies and their roles in security sector oversight are discussed in the following section.

Civil society oversight is a further form of external oversight, and an important component of accountability. The tool on *Gender and Civil Society Oversight of the Security Sector*, published jointly by DCAF, OSCE/ODIHR and UN-INSTRAW, introduces civil society oversight and discusses strategies to make it gender-responsive.

At the international level, oversight is exercised by international and regional human rights treaty bodies, special mechanisms and the UN Universal Periodic Review. International human rights treaty bodies include the UN Human Rights Committee, the Committee Against Torture and the Committee for the Elimination of All Forms of Discrimination against Women. Regional treaty bodies include the African Commission and Court on Human and Peoples' Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Court of Human Rights and the Inter-American Commission and Court on Human Rights.



3

WHAT IS THE ROLE OF OMBUDS INSTITUTIONS AND NHRIS IN SECURITY SECTOR OVERSIGHT?

The terms “ombuds institutions” and “NHRIs” include a broad range of organizations with a diverse range of mandates, powers and functions, which should ideally be enshrined in national legislation.

Ombuds institutions are official bodies headed by an ombudsperson (who may have another title, such as “public defender” or “protector of citizens”). The ombudsperson is usually appointed by the government or parliament, but has a significant degree of independence. Ombuds institutions are charged with representing the interests of the public by investigating and addressing complaints of maladministration or the violation of rights.

NHRIs are independent bodies established by a constitutional or legislative act, funded by the state and specifically mandated to protect and promote human rights (also known as a human rights commission or an equal opportunities commission). As such, all NHRIs are mandated to protect and promote women’s rights and gender equality, as these are fundamental human rights. In many countries (including Croatia, Iceland, Lithuania, the Netherlands and Sweden), a specialized NHRI has been established to address discrimination, equality and/or women’s rights, such as an equal opportunities commission or sex discrimination commissioner.

Jasminka Džumhur, Human Rights Ombudsperson of Bosnia and Herzegovina, speaks to journalists ahead of an OSCE expert workshop on national human rights institutions and the role they can play in promoting gender equality, Sarajevo.

Photo: Verdan Pribilovic, 2012.

NHRIs typically handle complaints, monitor public (and sometimes private) actors, advise government officials, carry out legislative reviews and engage in human rights promotion, advocacy and education. The scope of an NHRI's activities will depend on the particular mandate and enabling legislation of the institution. The UN Principles Relating to the Status of National Institutions (the Paris Principles) outline minimum standards and requirements for establishing effective NHRIs. In terms of security sector oversight, the Paris Principles require that NHRIs have the following:

- A broad human rights mandate;
- Autonomy and independence from government and from the institutions they are mandated to oversee;
- Pluralism, in being composed of and co-operating with different segments of society, including the meaningful participation of women;
- A statutory right to monitor, enquire about and report on security actors' activities (including the military, police, border security and immigration authorities);
- The power to launch "own motion" investigations and conduct research and public inquiries. This prerogative is particularly important in countries where women appear to be reluctant to file complaints for cultural, educational, access-related or other reasons;
- Adequate investigative powers, including the right to summons and subpoena, and the ability to make unannounced visits to cadet schools, police academies, military bases, immigration facilities, detention centres, rehabilitation centres and recruitment centres based on a complaint or on their own initiative;
- The power to make recommendations for review and reform of systemic issues for the entire institution(s), not just recommendations confined to redressing individual complaints;
- The ability to report directly to the parliament and/or government, as well as to the public;
- The necessary financial and human resources to discharge their mandate effectively;
- Powers to undertake promotional activities in the form of advocacy, publicity and public reporting, and to engage in human rights education and training for security sector institutions; and
- The capacity to take complaints from members of the public and the families of security sector members, as well as from former or serving security sector personnel.²

Some, but not all, ombuds institutions satisfy these Paris Principles, and thus qualify as NHRIs.

Ombuds institutions and NHRIs can play an influential role in supervising the conduct of security sector institutions. At times, ombuds institutions are created for this very

purpose, and are mandated to oversee one or more security sector institutions. The following are some examples:

- Ombuds institutions for the military (e.g., the independent parliamentary commissioners for the armed forces in Austria, Bosnia and Herzegovina, Germany and Norway, and Ireland's Ombudsman for the Defence Forces);
- Ombuds institutions for the police (e.g., England and Wales' Independent Police Complaints Commissioner); and
- Ombuds institutions for prisons (e.g., the Correctional Investigator of Canada).

At other times, ombuds institutions and NHRIs oversee security sector institutions within a broader mandate to supervise public authorities. They may have a department dedicated to the security sector, as in the Office of the Human Rights Defender of Poland, where there is a Department for Soldiers and Uniformed Services.

Depending on their mandate, ombuds institutions and NHRIs usually oversee the security sector by investigating complaints, raising awareness of human rights violations and ensuring compliance with national and institutional policies and the rule of law. Through regular reporting to parliament and other activities, they promote policy and legislative change. As regards complaints, their activities can include receiving, investigating and in some cases mediating complaints from the public and/or security sector personnel; monitoring the handling of complaints by security sector institutions; and analysing trends in complaints. If an investigation reveals the likelihood that a criminal act or disciplinary offence has been committed, some ombuds institutions and NHRIs can refer the matter to the prosecuting authorities or the judiciary. Some external oversight bodies also oversee appointments and promotions. In some countries, ombuds institutions and NHRIs collaborate directly with security sector institutions on management reform and policy-making. For effective security sector oversight, it is essential that security sector institutions are not excluded from laws protecting human rights, including those concerning gender equality, sexual discrimination and sexual harassment.

A 2006 survey of ombuds institutions in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Russian Federation and Uzbekistan found that between 11 per cent and 59 per cent of their annual caseload involved allegations of violations by security sector institutions. They identified the following challenges for NHRIs and ombuds institutions when monitoring, investigating and influencing the security sector:

- Lack of knowledge about human rights among security sector officials and civilians;
- An insufficient legal basis for the protection of human rights of members of security sector agencies;
- Limitations on ombuds institutions' access to relevant institutions;
- A culture of secrecy, and scarce and irregular information exchange;

- Insufficient resources to hire specialized staff and independent experts; and
- In some cases, insufficient powers to start investigations on their own initiative.⁵

The *additional resources* listed on page 51 offer some more generic guidance to overcoming such challenges in the oversight of the security sector.

This guidance note does not address oversight roles that are *integrated within* a particular security sector institution, such as the role of an inspector general or inspectorate within the armed forces, as found, for example, in Canada, the Czech Republic, France, the Netherlands and the United States. These are addressed in the related guidance note on *Integrating a Gender Perspective into Internal Oversight within Armed Forces*. The guidance note also does not focus on those oversight bodies that do not have a specific complaints-handling mandate, such as audit institutions and gender observatories. Nonetheless, many of the recommended strategies in section 5 on page 19 can also be adopted by such bodies to strengthen their responsiveness to gender issues.



4



WHY IS GENDER IMPORTANT TO SECURITY SECTOR OVERSIGHT BY OMBUDS INSTITUTIONS AND NHRIs?

Gender roles – together with other factors such as age, disability, ethnicity and class – are central to our experiences of security and violence. Gender is not just “about women” – it is about men and women, and the different roles, characteristics and behaviour expected or assumed of women and men in any society. Box 2 contains some of the gender terms used in this guidance note.

Promoting gender awareness and associated good practices in the security sector is a long-term process, requiring not only changes to policies and behaviour but also shifts in attitudes. Nevertheless, by adjusting certain laws, rules, policies, procedures and behaviour, real and immediate progress can be made towards ensuring that women and men are protected from discrimination and human rights abuses. Some key benefits of integrating gender in security sector oversight are as follows.

Members of a U.S. female engagement team speak with an Afghan man during a patrol. Photo: U.S. Marine Corps, Cpl. Marianne T. Mangrum, 2010.

BOX 2 – GENDER TERMINOLOGY

An ombuds institution or NHRI will usually draw its definitions from national laws or policies that follow internationally agreed upon terms. The following are some examples.

Gender “refers to the social attributes and opportunities associated with being male and female and the relationships between women, girls, men and boys... These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities... Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.” (UN Office of the Special Adviser on Gender Issues and Advancement of Women, *Gender Mainstreaming: Strategy for Promoting Gender Equality*, rev. August 2001.)

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 political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” (Official Records of the General Assembly, Fifty-Second Session, Supplement No. 3 (A/52/3/Rev.1), chapter IV, paragraph 4.)

Sexual discrimination is unfair treatment or arbitrary distinction based on a person’s sex, gender, sexual orientation or gender identity. (Adapted from Committee on Economic, Social and Cultural Rights, *General Comment No. 20*, Article 2, paragraph 2, E/C.12/GC/20, 2 July 2009.)

Sexual exploitation “means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”. (*United Nations Secretary-General’s Bulletin on Protection from Sexual Exploitation and Abuse*, ST/SGB/2003/13, 9 October 2003. See also NATO Bi-Strategic Command Directive 40-1, *Integrating UNSCR 1325 and Gender Perspective into the NATO Command Structure, Including Measures for Protection during Armed Conflict*, Annex B, 2012.)

Sexual harassment is “any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment”. (*United Nations Secretary-General’s Bulletin on Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority*, ST/SGB/2008/5, 11 February 2008.)

To ensure that security sector institutions meet the different needs of women, men, girls and boys

Women, men, girls and boys tend to experience crime and violence differently, for example in relation to domestic violence, sexual violence, homophobic violence, gang violence and human trafficking. When in detention, women and men have different healthcare, support and treatment needs. Therefore, oversight bodies need to take a gender-responsive approach to ensure that they monitor how effectively security sector institutions are providing services to women and men in different parts of the community.

To ensure that security sector institutions are representative of the wider society

To fulfil their mandates effectively, it is essential that security sector institutions have a balanced representation of the entire population, including by employing female and male personnel. Ombuds institutions and NHRIs should be able to play a part in advocating, monitoring and facilitating the equal opportunities of women and men employed in security sector institutions.

To prevent and address sexual discrimination, harassment and misconduct by security sector personnel

Gender-related violence and discrimination by security sector personnel against detainees, victims of crime, their own family members and other members of the community are unfortunately prevalent in many countries. Bullying, sexual harassment and discrimination against personnel are also serious problems within many security sector institutions. Such misconduct not only violates the rights of the victims, but undermines the effectiveness and credibility of the entire institution. Investigating and punishing misconduct and utilizing lessons learned from complaints are essential practices in security sector institutions. Ombuds institutions and NHRIs can monitor the effectiveness of internal complaints mechanisms and their follow-up, and in some cases also have the discretion to investigate these types of complaints.

To ensure that their own complaints and investigation procedures are fair and accessible to all

At times ombuds institutions and NHRIs may overlook, or lack a sensitive approach in handling, complaints that involve gender-related violence or complaints lodged by people at the margins of society.⁴ A focus on gender-related harassment, discrimination and imbalance of power, as well as on being accessible to women and men from across the community, can ensure that this is not the case.



5

HOW CAN GENDER BE INTEGRATED INTO SECURITY SECTOR OVERSIGHT BY OMBUDS INSTITUTIONS AND NHRIS?

The following are practical strategies for integrating gender issues into security sector oversight. When implementing these strategies three things should be kept in mind. First, in order to maintain credibility when engaging with the security sector on gender, an ombuds institution or NHRI should itself be a model of good practices (discussed in more detail below). Second, any examination of gender issues within a security sector institution needs to focus on the organizational culture and values of the institution in question. By addressing this issue instead of focusing on individual complaints, the work of the ombuds institution or NHRI is more likely to produce sustained change. Third, security sector institutions should be encouraged to view responsiveness to gender issues as benefiting both women and men in the service/force, as well as the service/force itself and the communities it serves. Working on gender issues can be a basis for positive engagement between security sector institutions and ombuds institutions and NHRIs. As always, the good practices described below need to be adapted to fit the needs and resources of each ombuds institution or NHRI.

Nicholas Long, formerly with the Independent Police Complaints Commission for England and Wales, discusses independent oversight of police handling of cases of gender based violence, at the Human Dimension Implementation Meeting, Warsaw.
Photo: OSCE, Piotr Markowski, 2013.

5.1 Ensuring appropriate mandate and powers for gender-responsive oversight of security sector institutions

The basic powers referred to in section 3 above are an essential basis for gender-responsive security sector oversight. The founding legislation or regulations of any NHRI or ombuds institution, including those with exclusive jurisdiction over a particular security sector institution, can address gender issues in the following ways.

- Include specific reference to the institution's responsibility to engage in women's rights and gender equality issues. Specific reference can also be made to their responsibility to review, monitor and report on the implementation of national gender equality laws within the framework of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, the UN Security Council resolutions on women, peace and security, and other international and regional instruments concerning equality between women and men and gender-related violence.
- Require representation and participation of women and men within the institution and among its members and governing body, to help achieve equal representation and participation of women. For example, the law governing the ombudsperson for the autonomous province of Vojvodina in Serbia specifies that at least one deputy ombudsperson shall be elected from among the less-represented sex.
- Ensure that the admissibility criteria for the institution when considering a case are flexible enough to allow it to protect women's rights adequately (see Example 1).

EXAMPLE 1 – DEPARTMENT FOR GENDER EQUALITY OF THE PUBLIC DEFENDER OF GEORGIA

In 1997 the Government of Georgia appointed the Public Defender and established the Public Defender's Office (PDO) as an independent institution for supervising the protection of human rights. It is staffed by experts from a range of fields, including lawyers, psychologists and mental health professionals.

Strategic framework on gender equality

In 2013 the PDO elaborated a three-year strategic framework to mainstream gender equality within all its activities and to raise the gender capacity of each and every department. The progress made in this strategy is measured through institutional self-evaluation. The PDO's staff training programme covers issues such as gender equality, women's rights, the rights of lesbian, gay, bisexual and transgendered (LGBT) people, and mechanisms to prevent and combat sexual harassment.

The Public Defender's annual reports to parliament include a section dedicated to women's rights. In 2012 the annual report focused on a wide range of issues, including women's involvement in peace talks, governmental structures to ensure women's political participation, domestic violence, labour rights, social assistance, child marriage, discriminatory treatment of female drug addicts and violence against elderly women.

Dedicated gender expertise

The PDO has a Department for Gender Equality tasked with working on women's and LGBT rights. The Department's main activities are as follows:

- Monitoring and researching gender equality, domestic violence, women's rights, human trafficking and LGBT rights;
- Handling complaints and own-motion investigations concerning these issues;
- Providing the Public Defender with information used in drawing up proposals and recommendations for relevant state and local government bodies, public entities and officials, as well as information to be included in his annual report;
- Establishing partnerships and initiating joint actions with non-governmental organizations (NGOs); and
- Conducting civic education and awareness-raising campaigns.

The PDO oversees the implementation of components of Georgia's Action Plan on Domestic Violence and Protection of the Victims of Domestic Violence, including activities aimed at enhancing legal redress for victims of domestic violence. In 2011 and 2012 the Public Defender reviewed over 100 cases of domestic violence to assess the promptness and efficiency of response by law enforcement bodies, and the accessibility of protection measures for the victims. The Public Defender monitors police training on domestic violence and the number of restraining orders issued, highlights systemic shortcomings in police responses and provides specific recommendations to the Ministry of Internal Affairs. In partnership with an NGO, the PDO has produced the *Pocketbook for Police Officers on the Issues of Family Violence*.

The PDO also regularly attends working sessions of the co-ordination council on the implementation of the National Action Plan on Women, Peace and Security, and is mandated to monitor the reports of different duty-bearers.

Proactive steps to attract complaints concerning gender equality

The PDO found it was receiving few complaints concerning gender equality, and perceived that this was because people lacked knowledge of their rights and/or were unwilling or unable to bring their complaints to the police or prosecutor's office. In response, the PDO suspended its admissibility criteria for cases concerning gender equality (as well as children's rights and disability rights), so that individuals are able to seek the PDO's assistance without having first to register a complaint with a public entity. In such cases, the PDO does not itself investigate the complaint, but advises, supports and encourages complainants in filing a complaint with the authorities, and refers them to relevant NGOs.

Sources: Correspondence with Anna Arganashvili, Head of PDO Department for Gender Equality, 2 September and 5 October 2013; OSCE/ODIHR, *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality* (Warsaw: OSCE/ODIHR, 2012); Public Defender of Georgia, *Annual Report of the Public Defender of Georgia – The Situation of Human Rights and Freedoms in Georgia* (Tbilisi: Public Defender of Georgia, 2012), p. 388.

5.2 Building internal institutional capacity to address gender issues

There are a few excellent guides for NHRIs on building institutional capacity to promote gender equality (see *Additional resources* on page 51). In 2012 the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights set out broad principles and areas of work for NHRIs in promoting gender equality, through the Amman Declaration and Programme of Action. The following highlights key steps for ombuds institutions and NHRIs to ensure they have the capacities to address gender issues in security sector oversight.

Internal structures and processes

- ✓ Publicly commit the institution to a gender-responsive approach and non-discrimination through, for example, a statement of values. Adopt a code of conduct, policies and procedures to promote gender equality within the institution and in its work.⁵ Consider developing a gender policy that defines the organization's goals and commitments.
- ✓ Undertake a strategic planning process, drawing on research and consultations with women's NGOs, as well as with any specialized gender institutions, to develop priorities for work on gender issues (see Box 3). Consider developing a gender strategy or action plan, setting out activities, timelines and responsibilities, as well as a framework for monitoring and evaluation activities.
- ✓ Establish institutional structures with dedicated funding and staffing for gender issues. This can include creating a department, division, unit or centre focused in whole or in part on gender issues (see Examples 1 and 2), defining roles within the institution dedicated to gender equality and/or setting up gender focal points mandated to support gender mainstreaming.

BOX 3 – GENDER PRIORITIES OF NHRIs IN THE OSCE REGION

According to ODIHR's 2011 survey of NHRIs in 28 OSCE participating States, the institutions' top priorities for work on gender equality and women's rights are discrimination and violence against women, followed by human trafficking, health and participation in politics and the public sector.

Source: OSCE/ODIHR, Handbook for National Human Rights Institutions on Women's Rights and Gender Equality (Warsaw: OSCE/ODIHR, 2012), p. 20.

EXAMPLE 2 – DEPARTMENT FOR OBSERVANCE OF RIGHTS OF THE CHILD, NON-DISCRIMINATION AND GENDER EQUALITY OF THE COMMISSIONER FOR HUMAN RIGHTS OF UKRAINE

In 2012 Ukraine's Commissioner for Human Rights identified the rights of the child, non-discrimination and gender equality as key priority areas, and created a representative and a 16-person department dedicated to these issues.

Activities

The Department for Observance of Rights of the Child, Non-discrimination and Gender Equality monitors the implementation of Ukraine's national, European and international obligations and relevant case law, considers citizens' appeals and develops recommendations for the Commissioner. It co-operates with NGOs, parliamentary committees, ministries and international organizations. In 2012 the Department received some 220 appeals concerning non-discrimination and gender equality (22 per cent of the total appeals received by the Department).

In 2013 the Department focused on monitoring the treatment of women in places of detention and domestic violence. Its activities included launching a training programme on preventing and combating domestic violence for district police officers and judges, as well as social service centres for families, children and youth.

Planning and monitoring

The Commissioner for Human Rights has an expert group that monitors and evaluates its Secretariat's activities while providing consultative assistance and research. In October 2012 this expert group surveyed the heads of each department within the Secretariat of the Commissioner for Human Rights concerning systematic human rights violations in Ukraine. The wide-ranging human rights concerns identified by the department heads included gender inequality and constraints on the types of jobs that women and men can access. The outcomes of this survey informed the development of the Commissioner for Human Rights' strategic action plan for 2013–2017.

Sources: Ukrainian Parliamentary Commissioner for Human Rights, *Evaluation of the Ukrainian Parliamentary Commissioner for Human Rights 2012 Activity* (Kyiv: UPCHR, 2013); Ukrainian Parliamentary Commissioner for Human Rights, "The Secretariat of the Ombudsman launched a series of trainings on preventing and combating domestic violence", website, 30 May 2013.

- ✓ Pluralism and diversity within the composition of an NHRI are among the recommendations provided by the Paris Principles. NHRIs and ombuds institutions should strive for equal representation of women and men at all staff levels and on their governing boards. For certain roles, including the monitoring of detention conditions and treatment of women prisoners, international standards require female inspectors.⁶ In order to create a work environment that supports equal opportunities for women and men, NHRIs and ombuds institutions are required to develop and implement policies to recruit and promote underrepresented groups, ensure flexible, family-friendly working conditions, and prevent and effectively address sexual harassment in the workplace, among others.

- ✓ Provide regular gender training for staff, as well as for other members of oversight bodies and key stakeholders, on topics such as the international, regional and national women's rights and gender equality frameworks, processes for investigating complaints of sexual harassment or discrimination, and conducting gender mainstreaming and gender analysis.
- ✓ Ensure that the institution's knowledge management systems are able to produce data disaggregated according to the following:
 - The sex of the complainant, alleged perpetrator and victim (see Box 4); and
 - The alleged grounds for discrimination or type of violation.

Ensure that the institution is able to identify gender-related patterns in complaints (see Example 6 on page 38), and track progress towards achieving institutional and national gender targets. This includes keeping track of the resources allocated to programs and policies aimed at gender issues (also known as gender-responsive budgeting).

BOX 4 – SEX-DISAGGREGATED DATA

What is it? Sex-disaggregated data are data that are collected and presented separately on women and men.

How to collect it?

- Ensure that all forms and computer records require that the sex of the subject is recorded.
- Require that data always be collected evenly from among women and men, or in proportion to the representation of women and men in the service or group concerned.
- Consider special measures to ensure that women and men participate in the data collection process, e.g., organize separate focus groups for women and men or collaborate with community organizations.
- Always compare data on women and men and analyse the differences.

External co-operation

- ✓ Develop co-operative relations with government agencies (including ministries, audit institutions, statistical agencies and any specialized anti-discrimination or gender equality body) and parliament. Participate in the development of any legislation, policies or action plans on gender and/or security issues, including as regards private security companies (see Box 5).
- ✓ Participate in international forums where experiences in addressing gender issues can be exchanged. For example, gender was a key theme of the Fifth Conference of Ombuds Institutions for the Armed Forces, held in Oslo in October 2013.

BOX 5 – THE ROLE OF OMBUDS INSTITUTIONS AND NHRIs IN GENDER-RESPONSIVE OVERSIGHT OF PRIVATE MILITARY AND SECURITY COMPANIES

The activities of private military and security companies can have important implications for the safety and security of women and men. In some countries these companies are a significant local employer, but tend to hire few women and only in low-status roles. Not all ombuds institutions and NHRIs have a mandate to consider complaints against the private sector, but they can still advise the government on regulating private military and security companies and encourage public authorities to take action to address discrimination. The DCAF, OSCE/ODIHR, UN-INSTRAW tool on *Private Military and Security Companies and Gender* details different ways in which gender issues can be addressed in the operations and staffing of private military and security companies. It suggests the types of recommendations that an ombuds institution or NHRI can make to these companies to address problems such as the sexual harassment and abuse of their staff, the exclusion of women from their workforces and their involvement in the exploitation of local women, while also examining gender aspects of their regulation and self-regulation.



- ✓ Co-operate with relevant NGOs. NGOs, including women's groups, often exercise informal oversight over the security sector by highlighting shortcomings and advocating change. Their roles tend to be best developed in relation to policing, especially when police are required to report to and co-operate with community policing forums, local security committees or civilian oversight boards. NGOs can thus provide ombuds institutions and NHRIs with information, and often have the specialized knowledge and human resources with which to support awareness-raising and training activities.
- ✓ Develop co-operative relations with female staff associations in the security sector.
- ✓ Arrange to receive information regularly from women's NGOs and female staff associations in the security sector concerning the status of women in the sector and the issues that are of current concern to them. When necessary, victims' rights groups and other relevant organizations should also be consulted.

Co-ordination with specialized national bodies for gender equality

- ✓ Where a specialized body to address discrimination, equality and/or women's rights exists, this body should ensure that its work includes a focus on security sector institutions.
- ✓ Other NHRIs and ombuds institutions, including those with exclusive jurisdiction over a particular security sector institution, should nonetheless integrate a gender-responsive approach in their planning and policies.
- ✓ Specialized gender institutions and other oversight bodies should make formal arrangements to meet regularly to exchange information and reinforce one another's work on gender and security sector institutions.⁷

5.3 Accessibility of the complaints process

Receiving and investigating complaints are a central mechanism through which NHRIs and ombuds institutions fulfil their mandate. It is crucial that they identify the different barriers preventing women, men, girls and boys from accessing their services. Special attention can then be directed at the barriers that women and men face when making complaints on gender-related issues involving security sector personnel.

Accessibility for all

To increase their accessibility, ombuds institutions and NHRIs should evaluate factors that may prevent members of the community from accessing them, and should take steps to address these. The most obvious measures that NHRIs and ombuds institutions can take to improve their accessibility include the following.

- Ensure that information about the institution and its methods of work is:
 - widely available in print and audio in all languages spoken in local communities;
 - illustrated in a form that people who cannot read can understand;
 - displayed in police stations, prisons, at border check points and in other community areas; and
 - provided to legal aid and welfare organizations.
- Provide flexible opening hours and a play space for children accompanying complainants.
- Guarantee the availability of female and male interviewers, so that a complainant has the option to be interviewed by someone of the same sex if desired.
- Give complainants the possibility to receive information and file complaints by post, via the internet or using a free telephone hotline.
- Ensure that offices or representatives in regional or rural areas, as well as in cities, are easy to reach on foot or by public transportation. Some NHRIs deploy mobile clinics and convene meetings throughout the country on a regular basis to reach out to poor, rural or minority and migrant communities.

Accessibility for women

Some NHRIs report that, in spite of widespread discrimination against them, women tend to bring forward relatively few complaints. A lack of complaints does not always indicate that there are no problems, but rather that women lack confidence in the complaints mechanisms. Several factors contribute to deterring women from filing complaints with an ombuds institution or NHRI. Many women will be reluctant to report their problem to the police, prosecutor or other public entity, and thus their case may not meet the admissibility criteria for an ombuds institution or NHRI to consider it. For example, if women rarely report domestic violence to the police, there is even less chance that such incidents will be reported to an NHRI, owing to the poor handling of domestic violence cases by the police. In addition, women often face physical barriers in reaching ombuds institutions and NHRIs, including a lack of financial resources for travel, limited access to transportation and child-care responsibilities. These barriers may be higher among refugee women, migrant workers, women with disabilities and many other groups.⁸

Therefore, there is a need for outreach programs to encourage and empower women to file complaints if they face discrimination or violence by the security sector, or if members of the security sector fail to provide them with proper services. Women's organizations

can help link communities to oversight bodies and bring forward their concerns. A 2006 survey of ombuds institutions in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Russian Federation and Uzbekistan suggested that they had a low level of interaction with civil society,⁹ highlighting the need for ombuds institutions and NHRIs to take positive steps towards building partnerships with NGOs.



Where there is evidence that victims are still not coming forward with complaints, ombuds institutions and NHRIs might consider amending their procedures by accepting cases that have not first been presented to police or prosecutors, by setting up internal complaints systems (see Example 1) and/or by admitting complaints filed by a witness to misconduct.

Encouraging complaints on gender-related issues concerning security sector personnel

There are particular barriers to women and men filing complaints against the security sector on gender-related issues such as sexual harassment and discrimination, discrimination based on sexual orientation or gender identity and bullying. These barriers are present regardless of the victim's status as a civilian or a member of the security services. Where civilians are abused by a police officer, prison guard, member of the military or other security sector actor, they are likely to feel powerless and may be at risk of reprisal if they file a complaint. This situation is exacerbated if the victim in question is also a detainee.

Within security sector bodies, the institutional culture often deters complaints, characterizing complainants as disloyal, or simply not "tough enough" to work in the sector. Personnel might be reluctant to exercise their rights in relation to pregnancy and parenthood for fear that such actions may make them look less committed. The hierarchical structures of the security sector may limit options for complaining about bullying or sexual harassment, especially when there is no independent complaints mechanism and personnel are forced to report such incidents to superiors.

Ombuds institutions and NHRIs can encourage the filing of complaints on gender-related issues by:

- ✓ Establishing a confidential reporting system;
- ✓ Publicizing the investigation process and the protective measures available for persons who lodge complaints against members of the security services;
- ✓ Issuing clear statements that complaints of sexual harassment, sexual discrimination, bullying, etc., will be taken seriously;
- ✓ Conducting site visits and inspections so as to maximize opportunities for people to communicate such complaints (see Box 6);

- ✓ Amending their mandates and procedures in order to be able to admit complaints filed by a witness to misconduct, by a third party such as a partner, family member, friend or member of parliament of the security sector staff member, or by an NGO (see Example 3);
- ✓ Allowing complaints to be filed anonymously, especially in contexts where people might fear reprisals;¹⁰
- ✓ Encouraging state and non-state providers of services to victims to share information about complaint options; and
- ✓ Liaising with staff associations or unions that represent security sector personnel.

BOX 6 – ENSURING THAT SITE VISITS AND INSPECTIONS ADDRESS GENDER ISSUES

- ✓ Include appropriately trained female and male staff.
- ✓ Visit areas where women are likely to congregate, and create opportunities for women to speak to you without men present.
- ✓ Be available in a public space (such as outside a base post office) where an individual can approach you without attracting attention.
- ✓ Interview senior personnel and personnel responsible for complaints, human resources and equality issues.
- ✓ Interview and/or hold separate focus group discussions with female and male personnel of all ranks, including both civilian and enlisted/sworn personnel.
- ✓ Meet with representatives of any staff associations, including female staff associations or informal women's networks.
- ✓ Inspect facilities and equipment available for both female and male personnel.
- ✓ Review records of the internal handling of complaints involving sexual harassment, discrimination or violence.
- ✓ Where relevant, inspect facilities and equipment for receiving and investigating complaints of domestic violence, sexual violence or human trafficking (such as waiting rooms, interview rooms, rape kits and other materials for collecting evidence, and forensic facilities), and review casebooks, investigation records and shift records.
- ✓ Inspect places of detention.
- ✓ Review informational materials for personnel and the public concerning standards of service and complaints.

EXAMPLE 3 – SERBIAN COMMISSIONER FOR EQUALITY PROTECTION TACKLES DISCRIMINATORY ADMISSION POLICIES

In March 2013 a Serbian NGO, the Belgrade Centre for Security Policy (BCSP), submitted a complaint to the Commissioner for Equality Protection concerning discriminatory criteria for enrolment of candidates at the Military Academy and Police Academy. Both institutions had set a 15 per cent admission quota for women as state-funded students. Although these quotas had initially been designed to encourage greater admission of female cadets, over time they had become a glass ceiling, being treated as the maximum number of women that might enrol. BCSP also drew attention to the Ministry of Defence's prohibition on civilian candidates enrolling if they were married.

Discrimination found to be recurring

Within three months of the complaint, the Commissioner for Equality Protection issued an opinion that the Military Academy and Police Academy violated the provisions of the laws on anti-discrimination and gender equality. The Commissioner issued a recommendation that the student admission processes must comply with anti-discrimination legislation, that the limit on the number of female students be removed and, in the case of the Military Academy, that the condition concerning marital or family status be revoked.

Source: Private correspondence with Maja Bjelos, researcher at Belgrade Centre for Security Policy, 1 October 2013.

5.4 Gender-responsive complaint handling and investigations

The staff of ombuds institutions and NHRIs must be equipped with the necessary professional skills to handle individual complaints, including case management, interviewing and (where their mandate includes investigation of criminal activity) forensic skills. It is important that there are investigation timelines and mechanisms for regular communication with the complainant.

To ensure that these processes are sensitive to the different needs of women, men, girls and boys and appropriate to gender-related crimes, ombuds institutions and NHRIs should ensure the following:

- ✓ That specific protocols are in place for handling complaints of sexual or homophobic harassment, discrimination or violence;
- ✓ The availability of both female and male caseworkers, so that complainants have the option to be interviewed by a woman or a man;
- ✓ That investigators with specialized skills and training undertake investigations concerning sexual or homophobic discrimination, harassment or violence, including interviews, referrals and (where relevant) the collection of forensic evidence;
- ✓ The provision of processes to refer complainants to support services, such as medical care, counselling, shelter or legal advice;

- ✓ That rigorous procedures are in place to protect the confidentiality of complaints and the security of file records;
- ✓ That procedures are in place to protect complainants and witnesses from retaliation, including by members of the security sector, in co-operation with the competent law enforcement and/or judicial authorities (and in some cases, NGOs); and
- ✓ Where a complaint is beyond the jurisdiction of the institution (for example, where it cannot investigate criminal matters), that procedures are in place to refer it to the appropriate body and to monitor and follow up the referral.

Finally, where there has been a history or threat of violence, mediation and conciliation should be used cautiously, if at all.

5.5 Systemic examination of gender issues within the security sector

While investigating individual complaints is usually an important aspect of the work of ombuds institutions and NHRIs, more systemic monitoring and investigation are required where gender issues are concerned. Because discriminatory attitudes and practices are often embedded within the institutional culture and practices of security sector institutions, studying individual complaints exclusively does not always reveal the underlying causes. Box 1 suggests some key gender issues for the security sector that may warrant focused and detailed investigations. Examples of investigations into gender issues by ombuds institutions and NHRIs are listed in the *Additional resources* section on page 51.

Three systemic approaches to examining gender issues within the security sector are discussed below:

- Monitoring progress on a particular issue through focused data collection;
- Pooling complaints; and
- Undertaking a gender assessment or a gender audit of a particular institution.

Gender-responsive monitoring and data collection

Whatever is being monitored, gender must be considered at all stages, including when planning the data collection and ensuring that both women and men contribute, as well as data analysis and response. When collecting data, ombuds institutions and NHRIs should record whether the information came from a woman, man, girl or boy, as well as their age group (sex- and age-disaggregated data), so that differences between the groups can be analysed. Depending on the context, it might also be important to record other characteristics, such as institutional rank and affiliation, religion, language group or ethnicity.

In addition to their own complaints data, ombuds institutions and NHRIs can draw on data from the following.

- ✓ Own-initiative investigations.
- ✓ Public inquiries and meetings, to which women’s representatives should be invited.
- ✓ Focus groups. It can be useful to organize separate focus groups for the different groups from which one wants to get information (for example, senior-level staff, service users, recent recruits). It might also be relevant to hold focus groups in different regions, or with personnel of different ranks.
- ✓ Surveys.
- ✓ Institutional audits.
- ✓ On-site visits (see Box 6 on page 30 and Example 4 on page 34).
- ✓ Research conducted by government agencies mandated to work on gender issues, parliament, academics and NGOs (including women’s groups and service providers).
- ✓ Security sector institutions (especially those handling complaints, including the military police and prosecutors).

In planning public meetings and focus groups, ombuds institutions and NHRIs should consider the following:

- ✓ Organizing separate meetings and/or focus groups for women, men, girls and boys to ensure that each group is able to express its views as freely as possible;
- ✓ Whether special arrangements are needed to ensure that women and girls can participate – such as organizing transport or child care;
- ✓ How to ensure that times and venues are convenient for different groups of women, men, girls and boys; and
- ✓ Whether female and/or male team members are required, as well as interviewers and/or translators.

In many cases, an ombuds institution or NHRI will know that a particular type of misconduct (e.g., sexual harassment) is underreported or rarely spoken about openly. To acquire a picture of the extent of such hidden problems, one can:

- Compare complaints data with more anonymous forms of data gathering (e.g., climate surveys); and
- Use surveys that ask respondents if they “know of” a particular thing happening to a person in their unit, as opposed to surveys focused on the respondents’ personal experience.

Even a small study can provide the evidence base to place an issue on the agenda of a government or a security sector institution.

EXAMPLE 4 – SOUTH AFRICA’S INDEPENDENT COMPLAINTS DIRECTORATE MONITORS POLICE RESPONSES TO DOMESTIC VIOLENCE

Between 1999 and 2012 South Africa’s Independent Complaints Directorate (ICD) oversaw the South African Police Service’s compliance with its obligations under the Domestic Violence Act. The police’s obligations include rendering assistance to the complainant, conducting investigations and keeping proper records. Where police failed in any such step, they were to notify the ICD. A member of the public could also lodge a complaint.

Proactive monitoring

The ICD’s provincial offices conducted inspections and interviews at police stations, using a standardized monitoring tool for evaluating stations’ compliance with the Domestic Violence Act. They checked:

- How case records were kept;
- Whether the facility was victim-friendly and equipped to deal with matters of domestic violence, including whether it had copies of the Domestic Violence Act and a list of service providers for victims; and
- Whether a female staff member was available on each shift.

Common police failings were failure to arrest the alleged transgressor; failure to open a docket and refer the matter to the prosecution; failure to advise complainants of their options; and failure to keep a copy of the protection order after it had been obtained from court. The ICD’s recommendations were most often for disciplinary steps to be taken against the police officer concerned (in the case of complaints) or for training on the Domestic Violence Act (in the case of inspections and interviews).

Reports to parliament

Every six months the ICD submitted a report to parliament on police compliance with the Domestic Violence Act. In 2007 the ICD’s Proactive Research Unit studied all the complaints the ICD had received over a more extensive period, and made a number of recommendations concerning the formulation of police instructions and the training and sensitizing of police, as well as public education.

Responsibility for monitoring the implementation of the Domestic Violence Act has now been passed to the Secretariat for Police, an internal body.

Sources: ICD Proactive Research Unit, A Study of the Factors Contributing to SAPS Non-Compliance with the Domestic Violence Act (Pretoria: ICD, 2009); ICD and African Policing Civilian Oversight Forum, The New Legislative Framework and Mandate of the Independent Complaints Directorate (Pretoria: ICD and APCOF, 2010), p. 17; ICD, Department of Independent Complaints Directorate Domestic Violence Act Report July 2011 – March 2012 (Pretoria: ICD, 2012), p. 62.

Pooling complaints

Pooling complaints from a common source or factor and investigating them together can assist in identifying underlying causes and barriers to change. It can also make the investigation process less difficult for individual complainants.

Gender self-assessment or gender audit of a security sector institution

Ombuds institutions and NHRIs can also work with a security sector institution to provide assistance in undertaking an institutional gender self-assessment or audit. A gender audit is an assessment process that an organization uses to identify how gender issues are addressed in its internal organizational processes and activities. Information is gathered from a range of sources, and can be used to examine a specific gender issue or to look at all aspects of the organization. A number of police organizations and armed forces (see Example 5) have found gender audits useful.¹¹

DCAF's *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector* that can be used by an oversight body to help develop and guide the auditing process (see *Additional resources* on page 51). The DCAF, OSCE/ODIHR, UN-INSTRAW tool on *Security Sector Reform Assessment, Monitoring & Evaluation and Gender* also gives advice on gender audits of security sector institutions.



EXAMPLE 5 – THE NEW ZEALAND DEFENCE FORCE’S GENDER INTEGRATION AUDIT

In 1998 the New Zealand Defence Force (NZDF) contracted the New Zealand Human Rights Commission to carry out a gender integration audit. This arrangement developed following discussions between the Commission and the NZDF arising from a complaint of sexual harassment within the New Zealand navy. The purpose of the audit, as stated in its terms of reference, was “to identify the philosophy, policies, and practices which underpin progress within the NZDF towards the integration of women at all levels and in doing so to identify any cultural, social or institutional barriers which impede the progression of women within the NZDF on a merit basis”. The audit also examined how different approaches to gender integration influenced the effectiveness of the armed forces in their operations.

How the audit was conducted

The gender integration audit included a document and literature review, focus groups, interviews and analytical interpretation. The resulting recommendations addressed the following:

- Attitudinal and perceptual barriers to gender integration;
- Physical standards, clothing and equipment;
- Policies and practices to allow people to combine their work with parenting and other responsibilities;
- Gender and sexual harassment;
- Human resource management policies and practices;
- Leadership on and management of gender integration; and
- Equal employment opportunities.

Ownership and proactive follow-up

The report of the gender integration audit was accepted in its entirety by the Chief of the Defence Force. A number of initiatives were introduced in response: firstly, to create a safe workplace for women; secondly, to remove all barriers to women accessing and succeeding in the services (the NZDF opened all combat roles to women in 2000); and finally, to introduce life initiatives to help personnel achieve a work/life balance.

Results

In 2005 an independent review of progress in implementing the audit’s recommendations found there had been significant advances in gender integration, including increasing numbers of women in the army, navy and air force, a steady increase in the retention of female personnel, a steady increase in the number of women occupying higher positions and a culture that was more accepting of women. There were also improvements in the way harassment issues were responded to, while harassment complaints decreased dramatically and personnel with families enjoyed improved career flexibility. Moreover, the review identified that initiatives designed to integrate women in the services also benefited other minority groups.

Sources: National Equal Opportunities Network, “Forward (into equality) march!”, November 2005, <http://www.neon.org.nz/newsarchive/forwardmarch/>; NZDF and New Zealand Human Rights Commission, *Report of the Gender Integration Audit of the New Zealand Defence Force (The Burton Report)* (Wellington: NZDF, 1998); NZDF, *Progress on the Integration of Uniformed Women into the Armed Services 1998–Present* (Wellington: NZDF, 2007); NZDF, “Significant progress in gender integration”, *Defence Update Newsletter*, 35, 2005.

5.6 Gender-responsive reporting and recommendations

An ombuds institution's or NHRI's reports to parliament are an important opportunity to draw parliament's, the media's and the public's attention to gender issues in relation to the security sector. Consideration should be given to gender at every stage of writing, presenting and promoting a report and its recommendations.

Writing reports and publicity materials

Most ombuds institutions and NHRIs are legally obliged to produce an annual report for parliament, and may also issue other thematic reports and publicity materials. All reports, whether or not they are specifically related to gender issues, benefit from gender-sensitive language, style and content, and this should be a requirement for all reporting. The following tips can help achieve this.

- ✓ Include in the methodology information on how women's perspectives were sought and what the challenges were in this regard.
- ✓ Where possible, be specific about whether the information or opinions included in the report relate to or were received from women, men, girls or boys. For example, "Men reported that..." and "Women reported that...".¹²
- ✓ Evaluate gender-related patterns in all complaints and investigations. This can be done by gathering and presenting sex-disaggregated data about complaints and investigations, and, where relevant, comparing complaints data to the representation of women and men in the population and in the security sector organization under review, as well as in the respective grades and categories of employment. An analysis of the types of complaints being submitted should also be presented, revealing the sources of these complaints by service, rank and sex. Include a section in the analysis on the different findings relating to women, men, girls and boys. For example, in its 2009 annual report the Montenegrin Protector of Human Rights and Freedoms included data on the number and proportion of complaints filed by women and men, the different state authorities they were complaining about and the rights concerned (see also Example 6).¹³
- ✓ Avoid using terms that exclude women. For example, use "police officer" instead of "policeman".
- ✓ Avoid using masculine pronouns or only the male grammatical gender in situations where the gender of the subject(s) is unclear or variable. For example, instead of "the commander is appointed on the basis of his training", write "commanding officers are appointed on the basis of their training".
- ✓ Where case studies are used, include cases involving women and girls as well as men and boys.
- ✓ Where images are used, make sure they include women, men, girls and boys, as well as both civilians and security sector personnel.

EXAMPLE 6 – UNITED KINGDOM SERVICE COMPLAINTS COMMISSIONER: IDENTIFYING THE GENDER DIMENSIONS OF COMPLAINTS

The United Kingdom's Service Complaints Commissioner for the Armed Forces (SCC) was created by the Armed Forces Act 2006 to help address bullying, harassment and unlawful discrimination in the armed forces. The Commissioner's role is to provide rigorous and independent oversight of how the internal complaints system is working, and to report back to ministers and parliament. The Commissioner presents an annual report to parliament on how efficient, effective and fair the complaints process has been during the year. Since her first annual report in 2008, the Commissioner has provided sex-disaggregated data on complaints she receives. Following a recommendation in the Commissioner's 2011 annual report, the services also provide a breakdown of service complaints by gender.

Report content

The SCC's annual report includes a section detailing the differences between complaints to the SCC from servicemen and servicewomen. This gender differences section of the report presents data on complaints received in the form of tables divided by gender and service (Royal Air Force, Royal Navy or Army). The annual report also identifies the reporting of formal and informal complaints regarding bullying, discrimination and harassment based on sex, race, religion or sexual orientation. This information is combined with case studies illustrating servicemen's and servicewomen's experiences of the complaints-handling mechanism. The Commissioner also compares the SCC complaints data with other sources of information, such as the Ministry of Defence's sexual harassment surveys, the annual Armed Forces' Continuous Attitude Survey, the Recruit Trainee Survey and reports on equality and diversity.

The SCC has noted that across all services "gender is a factor that needs attention" (*Annual Report 2010*, p. 19). The SCC's annual reports published between 2010 and 2012 include the following conclusions:

- "... whilst Servicemen contact the SCC about a range of alleged wrongs, Servicewomen do so mainly when they have been the subject of bullying, harassment, discrimination and other forms of improper behaviour" (*ibid.*, p. 17); and
- The percentage of servicewomen contacting the SCC, or about whom contact was made, has continuously been higher than their representation in the Royal Air Force, Royal Navy and the Army.

Impact

This monitoring of sex-disaggregated data has allowed the Commissioner to identify and analyse gender patterns and disparities in the complaints received, including whether the SCC's services are sought more by servicemen or servicewomen, and to develop recommendations to address gender-related concerns.

Sources: SCC, annual reports for 2010, 2011, 2012 (London: SCC).

Recommendations

Ombuds institutions and NHRIs make policy and legislative recommendations to the government ministries responsible for the security sector and, mandate permitting, directly to security sector institutions. Such recommendations can focus on how to make security sector institutions more gender responsive, for example by suggesting the following.

- *Changed or new legislation* concerning women in the armed forces and police responses to particular types of crimes, etc.
- *The development of national and institutional action plans* on gender, domestic violence, trafficking and the implementation of the UN Security Council resolutions on women, peace and security, or integration of gender into broader national/institutional action plans on human rights.
- *Stronger and comprehensive internal oversight* within security sector institutions on gender issues, including reporting on outcomes and actions to address identified problem areas.

Where ombuds institutions and NHRIs recommend remedies for abuses committed by the security sector, these should be appropriate to the women, men, girls or boys concerned. Remedies might include reparations in the form of payment, but might also be a formal apology, access to special training and/or access to housing or medical care or other benefits.

5.7 Education and awareness raising on gender issues

Ombuds institutions and NHRIs should generally undertake educational and awareness-raising activities on human rights or other aspects of their mandate. This should be aimed at both educating security sector personnel as to their rights and duties, and raising the awareness of communities as to their rights. In so doing, ombuds institutions and NHRIs have opportunities to do the following.

- Develop targeted thematic campaigns on gender issues, linked to either the rights or the duties of security sector actors. For example, the German Parliamentary Commissioner for the Armed Forces co-operated with the Ministry of Defence on an image campaign relating to being pregnant in the armed forces.
- Develop outreach to target specific audiences, for example female detainees, men at risk of being trafficked for forced labour, new recruits in the police or military, and female or male victims of domestic violence. For example, when in Afghanistan, the Norwegian Parliamentary Commissioner for the Armed Forces worked through Norwegian NGOs and military gender advisers to contact women's NGOs in the areas where Norwegian armed forces were stationed. He handed out leaflets to women's groups detailing the armed forces' code of conduct and how they could bring a complaint to him.

- Engage with international mechanisms and their recommendations, such as the Beijing Declaration and Platform for Action and the UN Committee for the Elimination of All Forms of Discrimination against Women, including by facilitating follow-up to any recommendations made in relation to gender and the security sector.

Ombuds institutions and NHRIs should identify partners that can assist them in reaching women and men in all communities, or in all parts of the security sector, as relevant to their mandate. Section 5.2 of this guidance note suggests some such potential partners. In addition, children and young people, persons with a disability and other marginalized groups can be involved in planning education and awareness-raising campaigns on gender issues.

A 2006 survey of ombuds institutions in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Russian Federation and Uzbekistan revealed that it was easier for most ombuds institutions to establish co-operation with the police and prisons, but more difficult with the armed forces and border authorities.¹⁴ Box 7 thus suggests some ways to engage with these actors. Engagement can focus on their rights and responsibilities in relation to gender issues, as well as the services that ombuds institutions or NHRIs can supply.

BOX 7 – WAYS TO RAISE AWARENESS OF GENDER-RELATED ISSUES AMONG ARMED FORCES AND BORDER PERSONNEL

- Organize regular meetings with senior personnel to build a constructive dialogue.
- Offer initial training on human rights and gender-related issues, and support the institutionalization of this training.
- Visit barracks, border posts and training colleges at regular intervals.
- Draft articles for staff magazines on gender-related issues.
- Develop advertisements to be played on armed forces' radio and/or television stations or during base movie nights.
- Contribute to online discussions and websites used by armed forces and border personnel.
- Engage with staff associations and unions.
- Meet and talk to family members of armed forces and border personnel.



6

CONCLUSION

In many countries, ombuds institutions and NHRIs have been at the forefront of legislative and policy changes that have made significant progress in improving the conditions under which security sector personnel work, as well as the standards of service they provide. For ombuds institutions and NHRIs to make such gains for women in the security sector, they need to integrate gender considerations into every aspect of their oversight. Likewise, ombuds institutions and NHRIs must hold the security sector accountable for its services and the exercise of its powers in regard to women, men, girls, boys and across all communities. Many ombuds institutions and NHRIs have already taken important steps in this direction, and have witnessed positive outcomes in the protection and promotion of human rights.

The active integration of a gender perspective touches upon every aspect of an ombuds institution's or NHRI's mandate and activities, including both reviewing and proactively encouraging complaints, reporting and conducting own-motion investigations, public hearings and awareness-raising and outreach activities. This guidance note encourages ombuds institutions and NHRIs to commit to integrate gender into security sector oversight, while demonstrating how it can be done.



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SELF-ASSESSMENT TABLE

Having read this guidance note, what is your reaction? Has this guidance note provided you with new information that could be used to improve your ombuds institution or NHRI, or that could be shared with an ombuds institution or NHRI with which you work?

Please find below a basic self-assessment tool that will help you to assess the systems in place in your ombuds institution or NHRI, and how they are operating, to focus on key areas that require attention and to identify next steps.

Questions	Sex-disaggregated data to be collected and analysed	What to do to improve on weaknesses	How to do it?
<p>Does the ombuds institution/ NHRI possess the appropriate mandate and powers for gender-responsive oversight of security sector institutions?</p>	<ul style="list-style-type: none"> • Number and % of enquiries and complaints made by women, men, girls and boys • % of enquiries and complaints that concern gender-related discrimination (including security sector response to gender-related crime) • % of complaints of each type accepted according to admissibility criteria 	<ul style="list-style-type: none"> • Advocate for an extension of mandate and powers • Adopt a code of conduct or code of ethics addressing gender issues and diversity • Revise admissibility criteria 	<ul style="list-style-type: none"> • Establish a working group • Consult with stakeholders, including the ministry responsible for women and gender issues, as well as NGOs
<p>Is there the internal institutional capacity to address gender issues?</p>	<ul style="list-style-type: none"> • % of women and men at each staffing level and on the governing board • % of resources allocated to programs and policies aimed at gender issues • % of personnel trained on gender 	<ul style="list-style-type: none"> • Prioritize gender issues in strategic planning • Consider developing a gender policy, and a gender strategy or action plan • Dedicate funding and staffing to gender issues • Commit to a target of equal representation of women and men at all staffing levels and on the governing board • Review internal structures and policies to achieve a work environment that supports equal opportunities for women and men • Train all members, staff and key stakeholders on gender • Review knowledge management systems 	<ul style="list-style-type: none"> • Establish working groups • Consult with stakeholders, including relevant ministries, NGOs and female staff associations in the security sector • Hold focus groups with staff and service users (separate focus groups for women and men) • Update forms and computer systems to ensure needed data are collected

Questions	Sex-disaggregated data to be collected and analysed	What to do to improve on weaknesses	How to do it?
Is there external co-operation on gender issues?	<ul style="list-style-type: none"> • % of women and men participating in meetings 	<ul style="list-style-type: none"> • Establish mechanisms for regular information sharing with government agencies, specialized national bodies for gender equality, NGOs and staff associations in the security sector, etc. • Engage with international networks 	<ul style="list-style-type: none"> • Convene regular meetings, listening sessions, etc.
Are complaints processes accessible to women and men in the security sector, and to women, men, girls and boys who come into contact with the security sector?	<ul style="list-style-type: none"> • Number and % of enquiries and complaints made by women, men, girls and boys • Number and % of enquiries and complaints made by women and men in security sector institutions 	<ul style="list-style-type: none"> • Evaluate factors that prevent women, men, girls and boys from accessing the ombuds institution's or NHRI's services • Improve communication and outreach tools and strategies 	<ul style="list-style-type: none"> • Consult with NGOs, victims' groups, other service providers, staff associations or trade unions in the security sector, etc. • Hold separate focus groups with female and male security sector personnel • Survey security sector personnel • Review other sources of information on human rights abuses (academic research, crime data, etc.)
Are complaints handled and investigated so as to be sensitive to the different needs of women, men, girls and boys?	<ul style="list-style-type: none"> • Satisfaction of women and men following contact with ombuds institution or NHRI • % of female and male caseworkers available • % of adherence to protocols • % of complainants using referral services 	<ul style="list-style-type: none"> • Review or develop protocols for handling gender-related complaints, including timelines, communication, confidentiality, referrals and protection • Train specialized caseworkers or investigators to handle gender-related complaints 	<ul style="list-style-type: none"> • Consult with NGOs, victims' groups, other service providers, staff associations or trade unions in the security sector, etc.

Questions	Sex-disaggregated data to be collected and analysed	What to do to improve on weaknesses	How to do it?
<p>Is systemic examination made of gender issues within the security sector?</p>	<ul style="list-style-type: none"> • % of women and men participating in monitoring and data collection 	<ul style="list-style-type: none"> • Revise monitoring tools and processes to ensure data are sex- and age-disaggregated, collected from both women and men and subjected to gender analysis • Train staff on gender-sensitive data collection and analysis • Develop a strategic focus on key gender issues in the security sector and a plan to collect data on them • Consider undertaking gender audits of security sector institutions 	<ul style="list-style-type: none"> • Update forms and computer systems to ensure required data are collected • Consult with staff associations or trade unions in the security sector, human resources and equalities personnel, etc.
<p>Do the ombuds institution or NHRI's reports and recommendations address gender issues within the security sector?</p>	<ul style="list-style-type: none"> • % of images of women and men in publicity materials 	<ul style="list-style-type: none"> • Evaluate gender-related patterns in all complaints and investigations • Use language that is inclusive of women and men • Highlight differing experiences of and make recommendations to address the different needs of women and men 	
<p>Is there education and awareness raising on gender issues directed by the ombuds institution or NHRI to security sector personnel?</p>	<ul style="list-style-type: none"> • % of images of women and men in communication materials • Number and % of women and men participating in outreach events 	<ul style="list-style-type: none"> • Develop thematic campaigns on gender issues for the security sector • Develop outreach to specific audiences of women, men, girls and boys in contact with the security sector • Develop outreach to specific audiences of women and men within the security sector 	<ul style="list-style-type: none"> • Co-operate with NGOs, staff associations or trade unions and human resources and equalities personnel in the security sector, etc. • Use social media for the purpose of awareness raising and outreach



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ADDITIONAL RESOURCES

Examples of investigations into gender issues in the security sector by ombuds institutions and NHRIs

- Reviews into treatment of women in the Australian Defence Force by the **Australian Human Rights Commission**: <http://defencereview.humanrights.gov.au>.
- Review of the treatment of federally sentenced women in prison on the basis of gender, race and disability by the **Canadian Human Rights Commission**: Canadian Human Rights Commission, *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women* (Ottawa: CHRC, 2003).
- Study of murders of women by members of the police service, by the **South African Independent Complaints Directorate**: ICD, *Femicide: A Case Study on Members of the South African Police Service* (Pretoria: ICD Proactive Research Unit, 2009).
- Investigation into handling of cases of human trafficking by police and border authorities by the **Spanish Ombudsperson**: Defensor del Pueblo, *Human Trafficking in Spain*, (Madrid: Defensor del Pueblo, 2012).

United States Air Force Maj. Corey Akiyama goes over drop-zone operational manuals and a certification checklist with Royal New Zealand Air Force Pilot Officer Emma Taylor at a designated drop zone. Photo: U.S. Pacific Air Forces, 2013.

- Investigation into sexual harassment in the armed forces by the **United Kingdom Equal Opportunities Commission**: DCAF, “United Kingdom: Addressing sexual harassment in the armed forces”, in *Gender and Security Sector Reform: Examples from the Ground* (Geneva: DCAF, 2011), p. 26.
- The **United Kingdom Independent Police Complaints Commission’s** review of cases involving police officers or staff forming, or attempting to form, sexual relationships with members of the public they ought to have been helping in a professional capacity: Independent Police Complaints Commission, *The Abuse of Police Powers to Perpetrate Sexual Violence* (London: IPCC, 2012).
- The **United States Department of Defense Inspector General’s** evaluation of sexual assault investigations within the military: Department of Defense Inspector General, *Evaluation of the Military Criminal Investigative Organisations Sexual Assault Investigations* (Alexandria, VA: DoD IG, 2013).

Associated guidance notes

Bastick, Megan, *Integrating a Gender Perspective into Internal Oversight within Armed Forces* (Geneva: DCAF, OSCE, OSCE-ODIHR, 2014).

Bastick, Megan, *Integrating Gender into Internal Police Oversight* (Geneva: DCAF, OSCE, OSCE-ODIHR, 2014).

Security sector oversight by NHRIs and ombuds institutions

Buckland, Benjamin and McDermott, William, *Ombuds Institutions for the Armed Forces: A Handbook* (Geneva: DCAF, 2012).

Born, Hans and Leigh, Ian (eds.), *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel* (Warsaw: OSCE/ODIHR, 2008).

Cole, Eden and Kinzelbach, Katrin (eds.), *Monitoring and Investigating the Security Sector: Recommendations for Ombudsman Institutions to Promote and Protect Human Rights for Public Security* (Geneva/ Bratislava: UNDP/DCAF, 2007).

Oversight of gender issues by NHRIs and ombuds institutions

Equitas, *Equality for Women: A Handbook for NHRIs on Economic, Social and Cultural Rights* (Montreal: Equitas, 2008).

Montgomery, Ruth, *Gender Audits in Policing Organizations* (Ottawa: Status of Women Canada, 2012).

OSCE/ODIHR, *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality* (Warsaw: OSCE/ODIHR, 2012).

Penal Reform International and Association for Prevention of Torture, *Women in Detention: A Guide to Gender-Sensitive Monitoring* (London: PRI and APT, 2013).

Gender and security sector reform

Bastick, Megan, *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector* (Geneva: DCAF, 2011).

Bastick, Megan and Valasek, Kristin (eds.), *Gender and Security Sector Reform Toolkit* (Geneva: DCAF, OSCE/ODIHR, UN-INSTRRAW, 2008).

Bastick, Megan and Valasek, Kristin (eds.), *Gender and Security Sector Reform Training Resource Package* (Geneva: DCAF, 2009), www.gsrtraining.ch.

DCAF, *Annex on International and Regional Laws and Instruments Related to SSR and Gender* (Geneva: DCAF/UN-INSTRRAW, 2011).

Endnotes

1. See DCAF, *Annex on International and Regional Laws and Instruments Related to SSR and Gender* (Geneva: DCAF/UN-INSTRRAW, 2011); Megan Bastick and Daniel de Torres, “Implementing the women, peace and security resolutions in security sector reform”, in Megan Bastick and Kristin Valasek (eds.), *Gender and Security Sector Reform Toolkit* (Geneva: DCAF, OSCE/ODIHR, UN-INSTRRAW, 2010). The UN Security Council resolutions on women, peace and security are a series of resolutions, beginning with Resolution 1325 of 2000, which address, *inter alia*, the particular experiences of women in armed conflict. They address such matters as participation of women in post-conflict reconstruction and decision-making, gender-responsive police and justice services and the protection and promotion of women’s human rights.
2. Brent Parfitt, “Independent oversight and the security of children”, in David Nosworthy (ed.), *Seen, But Not Heard: Placing Children and Youth on the Security Governance Agenda* (Geneva: DCAF, 2009), pp. 162–163. See also Office of the UN High Commissioner for Human Rights, *National Human Rights Institutions – History, Principles, Roles and Responsibilities* (Geneva and New York: United Nations, 2010).
3. Eden Cole and Katrin Kinzelbach (eds.), *Monitoring and Investigating the Security Sector: Recommendations for Ombudsman Institutions to Promote and Protect Human Rights for Public Security* (Geneva and Bratislava: UNDP/DCAF, 2007), pp. 13, 20.
4. Vera Institute for Justice, *Building Public Confidence in Police through Civilian Oversight* (New York: Vera Institute for Justice, 2002), p. 11.
5. See the examples of the UK Independent Police Complaints Commission’s Code of Conduct and Diversity in Employment Policy, as well as the Code of Ethics of the Police Ombudsman of Northern Ireland (in particular the section on equality).
6. The UN Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders (the Bangkok Rules) require that “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)). The Bangkok Rules provide a key reference point for monitoring bodies in fulfilling their responsibilities in relation to women in detention. *Women in Detention: A Guide to Gender-Sensitive Monitoring* (London: Penal Reform International and Association for Prevention of Torture, 2013) is invaluable for any ombuds institution or NHRI mandated to oversee places of detention.
7. For further guidance on co-ordination between specialized and other bodies regarding claims related to sex discrimination, see OSCE/ODIHR, *Handbook for National Human Rights Institutions on Women’s Rights and Gender Equality* (Warsaw: OSCE/ODIHR, 2012), pp. 25–27.
8. See Pearl Eliadis, *Pilot Comparative Review: National Human Rights Institutions and Their Practices in Protecting and Promoting Women’s Rights and Gender Equality* (Warsaw: OSCE/ODIHR, 2011), p. 22; OSCE/ODIHR, *ibid.*, p. 85. For a more lengthy discussion of accessibility see: *Assessing the Effectiveness of National Human Rights Institutions* (Geneva: International Council on Human Rights Policy, 2005), pp. 16–17.
9. Cole and Kinzelbach, note 3 above, p. 29.
10. In the United States, for example, one of the greatest areas for anonymous complaints against the police is sexual misconduct. However, there should be special procedures for dealing with anonymous complaints to protect the rights of the subject of the complaint appropriately. Moreover, it should be recognized that anonymous complaints can be misused to harass a member of the security services. For example, there have been cases where female personnel have been victimized by false anonymous complaints by their male colleagues.
11. Ruth Montgomery, *Gender Audits in Policing Organizations* (Ottawa: Status of Women Canada, 2012).
12. For an example of this reporting style see: Australian Human Rights Commission, *Listening Tour Report* (Sydney: Australian Human Rights Commission, 2008).
13. Protector of Human Rights and Freedoms of Montenegro, *Annual Report 2009* (Podgorica: Protector of Human Rights and Freedoms of Montenegro, 2010).
14. Cole and Kinzelbach, note 3 above, p. 25.

Evaluation

DCAF, OSCE/ODIHR and the OSCE would value your feedback on this publication – how you used it, whether you found it useful and what you would suggest changing.

We would be interested in your responses to some or all of the following questions.

1. With what type of audience or in what type of institution did you use this publication?
 - Armed forces
 - Police
 - Justice
 - Prisons
 - Civil society groups /NGOs
 - Parliamentarians
 - Other (please specify)
2. How did you use it? For example, in:
 - a. Needs assessment
 - b. Research
 - c. Developing new policies
 - d. Organising a workshop or seminar
 - e. Training
 - f. Monitoring and evaluation
3. Did you find any parts of the publications unclear?
4. Were there any issues not included in this publication that you found to be important?
5. Were there any issues included in this publication that in your opinion should not be included?
6. What has the impact of using this publication been for your work/organization?
7. What revisions would you suggest we make to this publication?
8. What additional resources would you suggest we develop in connection with this topic, if any?

Please send comments by e-mail to gender@dcaf.ch or mail them to:

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