

# Parliamentary Oversight of the Security Sector and Gender

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



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### The Gender and SSR Toolkit

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

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

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### DCAF

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

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

### UN-INSTRAW

The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:

- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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## ACRONYMS

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CSO</b>	Civil Society Organisation
<b>DDR</b>	Disarmament, Demobilisation and Reintegration Processes
<b>GBV</b>	Gender-Based Violence
<b>IPU</b>	Inter-Parliamentary Union
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGOs</b>	Non-Governmental Organisations
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>UN</b>	United Nations

# Parliamentary Oversight of the Security Sector and Gender

## 1 Introduction

Parliaments play an essential role in security sector reform. As representatives of the interests of citizens, parliamentarians play a crucial legislative and oversight role, holding the executive accountable. Parliaments approve budgets, review and implement legislation related to the security sector, and exercise a crucial bridging function between government and the citizens in shaping national dialogue on security. They are the only nationally elected bodies that can speak for all citizens and defend their security interests. When parliamentarians take gender issues into account – which includes an understanding of the different security needs of men, women, girls and boys – they strengthen their oversight of the security sector. Gender-responsive oversight can ensure inclusive, needs-based security policies; strengthen the operational effectiveness of security sector institutions; and hold them accountable for equitable budgeting.

This tool seeks to highlight the importance of parliamentary oversight of the security sector and the benefits parliamentarians derive from integrating a gender perspective into their work. The main audiences at the national level include parliamentarians, parliamentary staffers and political parties. Members and staff of regional parliamentary bodies, such as the Pan African Parliament, the Central American Parliament, the European Parliament and the OSCE and NATO Parliamentary Assemblies are also a target audience; as are institutions and groups of parliamentarians, such as the Association of European Parliamentarians for Africa, which undertake parliamentary assistance activities. Government security sector reform and governance project officers, civil society organisations, researchers and academics working on the intersection of security, parliaments and gender will also find this tool useful.

Following a brief discussion of the nature of parliamentary oversight of the security sector, this tool lays out the importance and benefits of integrating gender into parliamentarians' work on security issues. It gives suggestions on how to integrate gender into parliamentary oversight, and includes a section that addresses gender and parliamentary oversight in specific contexts of post-conflict and developed countries. The tool concludes with key recommendations and provides a list of additional resources for the practitioner.

## 2 What is parliamentary oversight of the security sector?

An established definition of parliamentary oversight of the security sector holds: *'The Legislature exercises parliamentary oversight by passing laws that define and regulate the security services and their powers and by adopting the corresponding budgetary appropriations. Such control may also include establishing a parliamentary ombudsman or a commission that may launch investigations into complaints by the public.'*<sup>1</sup>

Good governance requires parliamentary oversight. Parliament is at the very core of democracy, serving as a bulwark against autocratic rule. Parliament holds the power of the purse and thus determines the budgets that the security sector relies on. Further, it creates the legal parameters for security issues. Depending on the specific country in question, the following are some of the actions that parliament can take to oversee the security sector:<sup>2</sup>

- Approve, reject or propose amendments to security policies and defence laws.
  - Hold a parliamentary debate.
  - Ask parliamentary questions and make interpellations (demand that a government official explain some act or policy).
  - Call for a national consultation on security issues.
  - Commission research.
- Adopt and oversee budgetary provisions related to security.
- Authorise or end a state of emergency or war.
- Approve or reject government proposals regarding:
  - International treaties, alliances and sending troops abroad.
  - Appointment of high-level security personnel.
  - Major arms procurement.
- Monitor and evaluate security policies and programmes.
  - Establish a parliamentary inquiry or hearing.
  - Request an evaluation of policy/programme implementation from the government or hire consultants to conduct special performance audits.

- Institute or review the functioning of audit mechanisms e.g. a defence ombudsperson.

There are a variety of key actors within the parliamentary system:

- **Parliamentarians**, or members of parliament, are representatives elected by voters to the parliament. They can ensure that citizen concerns are taken into account in security related policies proposed by the executive. They can hold public hearings, provide civil society groups with pertinent information and, in some cases, individual legislators use town hall meetings to discuss government policy with their constituents. This last function, serving as a bridge to the public – be it at the party or individual legislator level – greatly strengthens the legitimacy of parliamentary decision making on security issues.
- **Political parties** are the main constituent parts of parliament. The organisational fabric of most parliaments is built around them. In most political systems, political parties, rather than parliament itself, are the main conduits between decision-makers and civil society. Political parties have their own specific positions on the security sector and use the legislature as a forum to get their views out to the public.
- **Parliamentary staffers** play the central role in making parliament function. The staff represent a repository of expertise that individual parliamentarians and political parties draw on. Professional staffers ensure continuity in the discussion of complex security issues and can provide a historical context. Thus, staffers are a crucial element in providing effective oversight of the security sector.
- **Parliamentary ombudspersons** have become quite common in Europe as a mechanism to assert parliament's oversight function. In Western Europe, with the exception of Germany, Greece, Italy, Luxembourg and Switzerland, all countries have ombudspersons at the national level. Italy and Switzerland have ombudspersons at the regional or municipal level, while Germany's Bundestag has a Petitions Committee which 'serves as a functional equivalent as does the military ombudsman for complaints from the armed forces'.<sup>3</sup>
- **Civil society** can be an effective partner in supporting parliamentarians in efforts to reform the security sector. Parliaments can employ different means to interact with civil society, including holding national dialogues, organising public parliamentary hearings on proposed laws, or soliciting presentations by experts. Such relationships are long-established traditions in many societies.

The differences in parliamentary oversight capability across the world are evident. Parliaments with a history of strong law-making powers, legitimacy based on a broad popular mandate and a record of robust oversight over the executive, will be more effective in exercising control over security sector reform than

parliaments in many developing and transitional countries that do not operate under such favourable conditions. Legislatures in conflict-affected and transitional societies face political, constitutional, and resource constraints that impede their effectiveness. Notwithstanding structural and institutional shortcomings, parliaments have a central role to play in ensuring that security sector reform is an inclusive process.

All parliaments are constrained by the inherent complexity of the issues relating to security sector reform and thus face common **challenges** in their efforts to exercise effective oversight. Whether it is the United States Congress seeking to rewrite the USA PATRIOT Act in order to reign in an overzealous executive branch in the wake of 9/11, a European parliament concerned about European Union defence policy or an Arab legislature seeking to assert its authority in the wake of conflict, all legislatures share an understanding of the complexities parliaments face when they attempt to establish control over military and police forces. Parliaments are limited both by their lack of expertise and the preeminence the executive branch enjoys in the security arena. For example, presidents and their cabinets frequently resort to the use of secrecy laws in order to hinder parliament's free access to information.

At times, great challenges also present great opportunities. For example, conflict situations present parliaments with important opportunities to become effectively involved in security sector reform. In the wake of civil war or other forms of violent political change, parliament has a strong mandate to represent citizens' interests by exercising its oversight and legislative functions in order to improve human security.



### 3 Why is gender important in parliamentary oversight of the security sector?

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

**Gender mainstreaming** is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.<sup>4</sup>

For more information see  
Tool on SSR and Gender

#### 3.1 Inclusive, needs-based security laws and policies

Parliaments engaged in security sector reform benefit from integrating a gender perspective into their core functions. Parliamentarians, as elected representatives of their constituents, have the responsibility to ensure that the security needs of women, men, girls and boys are incorporated into security policy-making. Men, women, girls and boys face different threats to their security. Gender-based violence (GBV) is one of the most common threats to human security worldwide. Women and men have differential access to health care, education, decision-

making power and other resources, affecting every aspect of their security. National security policy-making processes often focus on addressing external security threats such as terrorism and weapons of mass destruction, and military force preparedness. Laws and policies regulating policing, justice, prisons, border services, intelligence, defence forces and private security companies are often formulated without attention to how they may impact differently on diverse segments of the community. However, parliamentarians can use their legislative, budgetary and other oversight powers to ensure that security laws and policies meet the needs of all their constituents, taking into account GBV and other aspects of men and women's differential access to security.

The increased involvement of women in the security sector raises new questions for parliaments to consider, including issues of training, dress codes and housing. At the same time, there are traditional security sector needs that have only recently been given increased attention, such as adequate training of police personnel to respond to domestic violence and other forms of GBV. Attention to these important issues generates confidence and trust among traditionally marginalised sectors in the institutions of government. It also strengthens parliamentary legitimacy.

Further, when parliaments include a broad range of civil society actors, including representatives from women's organisations, in law and policy-making processes, this increases the responsiveness and legitimacy of security policies, security institutions and the parliament itself (see Box 1).

#### Box 1 Creating gender-responsive security policies in South Africa<sup>5</sup>

The South African process of reforming its security sector post-apartheid is often used as an example of gender inclusiveness and participation.

The 1996 White Paper on National Defence for the Republic of South Africa was drafted by Laurie Nathan of the University of Cape Town. The first draft of the paper was widely commented on by civil society organisations and members of the defence industry. It included a focus on human security and emphasised the creation of a non-sexist institutional culture, including an obligation of the Ministry of Defence to identify and eliminate discriminatory practices and attitudes in the armed forces. In addition, it called for affirmative action and equal opportunity programmes as well as acknowledgment of the right of women to serve in all ranks and positions, including combat roles.

The White Paper also called for a defence review to outline operational details such as doctrine, force design, logistics, armaments, human

resources and equipment. At the insistence of women parliamentarians and others, the Parliamentary Joint Standing Committee on Defence called for a national consultation as part of the defence review process. A variety of measures were taken to ensure public participation, including using military planes and buses to transport religious and community leaders, NGO activists and representatives of women's organisations to regional meetings and workshops.

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

## Box 2 Rwandan women parliamentarians' contribution to post-conflict reconstruction

After the Rwandan genocide, electoral reforms introducing legislative quotas helped to make Rwanda the world leader in terms of women's representation in parliament, with 48.8 per cent of parliamentarians being women.<sup>8</sup> The Rwandan experience demonstrates the difference a significant number of female parliamentarians can make to post-conflict reconstruction. Women parliamentarians established the first parliamentary caucus that reached across party lines and included both Hutus and Tutsis. It addressed issues of women's security, regardless of their ethnic or party affiliation, initiating laws on women's right to inherit property and widows' right to claim property from their deceased husband's male relatives, and on GBV.<sup>9</sup> The Government created a ministry dedicated to women's empowerment and a national gender policy was drawn up in 2001. This paved the way for gender to be

identified as one of three cross-cutting priorities in the poverty reduction strategy review process. The Government sponsored extensive research into different aspects of gender-based disadvantages. The findings were fed into discussions within every ministry and Government department about the barriers to gender equality and how they may be overcome. As a result, the Ministry of Agriculture is committed to increasing the number of women reached by its extension programmes; the Ministry of Education is striving to increase the retention of girls in schools; provincial government structures are committed to promoting the representation of women in local decision-making processes; and gender-budgeting exercises are used to train civil servants to translate policy decisions into concrete actions through resource allocation.<sup>10</sup>

### 3.2 Effective and representative security sector institutions

Parliaments can exercise oversight over the performance of the security institutions and personnel by promoting education, introducing codes of conduct, establishing accountability mechanisms and reviewing human resource policies. The integration of gender issues is essential for operational efficacy and efficiency within the security sector – including in armed forces, police, border authorities, the judiciary and the penal system – and thus should be monitored by parliament. Security sector institutions have been shown to be more operationally effective if they increase the participation of women and lower rates of discrimination, sexual harassment and violence. Women's participation in security services is also a key aspect of creating representative security sector institutions, which will enjoy broader public trust.

See the Tools on Police Reform and Gender, Defence Reform and Gender

Parliamentarians can institute proactive accountability measures to increase women's participation and decrease discrimination and violence. For instance, it is parliaments' role to adopt laws that ensure that all positions in security sector institutions, including combat, are open to women. In 2000, the Israeli Parliament adopted an amendment to the Security Service Law which opened all military professions to women.<sup>6</sup> As parliaments exercise control over the composition and mandate of peacekeeping missions, they have the opportunity to call for increased female participation.

There is increased awareness that such missions are more effective when their members have received gender training and the force itself includes women in the command structure as well as in the actual force. Female soldiers tend to be more aware of the gendered needs of the population they serve and are more likely to be approached by marginalised sectors of society.<sup>7</sup>

Parliaments also play an essential role in preventing and holding security sector institutions accountable for discrimination, sexual harassment and violence. From the scandals of peacekeepers involved in sexual exploitation and human trafficking, high rates of sexual harassment of women within the armed forces, to sexual assault by prison staff, these forms of GBV are criminal acts that reduce the effectiveness of security services. In response, parliamentarians can adopt policies that establish codes of conduct, enact legislation on disciplinary measures, establish a defence and/or gender ombudsperson, call for in-depth inquiries and monitor that sanctions are enforced.

One example is the European Parliament's resolution on the participation of women in peaceful conflict resolution, passed in 2000. It calls on member states to take a wide variety of actions to increase the participation of women and gender responsiveness in the context of peace and security-related initiatives. In addition to mandating gender training for military personnel and staff engaged in policies concerning conflict, the resolution calls for the recruitment and nomination of more women to the diplomatic services and promotes the use of all-female peacekeeping, fact-finding and assistance teams. With regards to human rights violations, the resolution condemns the sexual misconduct of soldiers involved in peacekeeping operations; calls for actions against trafficking; and recommends that human rights observers accompany peacekeepers to ensure that international law is upheld.

### 3.3 Equitable budgeting and resource management

Parliaments adopt and oversee budgets related to security. Budget control is one of the most important ways in which they can influence government policy.<sup>11</sup> Parliamentary committees also play an important role in the procurement of arms and military equipment. Analysing budgets for military and police forces through a gender lens – known as gender budgeting – can be an important tool to help parliaments recognise the different security needs of women, men, boys and girls and make sure that they are being adequately prioritised and resourced. It can also highlight whether gender initiatives, such as providing gender training for security sector personnel, have sufficient earmarked funds.

Gender budgeting remains a challenge since economic decision-making itself is far from gender-balanced. As in the case of the key security sector portfolios, women are grossly under-represented when it comes to economic decision-making. As of 2005, only twenty women throughout the world held portfolios on finance and the budget.<sup>12</sup> Still, over fifty countries have adopted gender budgeting initiatives, with about half of them having institutionalised such programmes.<sup>13</sup> Among the Council of Europe member states, the Nordic countries, Austria, Belgium, France, Germany, Great Britain, Ireland, Poland, Spain, Switzerland and Turkey have all implemented gender budgeting initiatives.<sup>14</sup>

### 3.4 Gender equality in parliamentary decision-making

To strengthen the legitimacy and representativeness of parliamentary oversight of the security sector, there is a need to increase the number of female parliamentarians. Formal gender parity in political decision-making, despite some improvement in women's representation in recent years, is still a distant goal. Significantly, the percentage of parliaments with less than 10% female representation has dropped from 63% in 1995 to about 30% in 2007.<sup>15</sup> At the same time, there are still seven countries (among those providing data to the IPU) that have not a single woman in parliament.

In 2007, less than 20% of the world's parliamentarians were women (see Table 1).

**Table 1** Gender composition of the world's parliaments, 2007 (single or lower house)<sup>16</sup>

Region	% of female MPs	% of male MPs
Nordic Countries	41.6	58.4
Europe OSCE (Nordic countries included)	20.4	79.6
Americas	20.0	80.0
Europe OSCE (Nordic countries not included)	18.4	81.6
Sub-Saharan Africa	17.2	82.8
Asia	16.6	83.4
Pacific	13.1	86.9
Arab States	9.6	90.4
<b>World Average</b>	<b>19.6</b>	<b>80.4</b>

Only the Nordic countries have parliaments with a gender composition that consistently approaches gender parity. Recently Rwanda has joined this elite group and has elected a parliament that has equal representation of men and women (see Box 2). Although considerable progress has been made since 1995, when the proportion of women in parliament was only slightly above 11%, the gender gap is still significant.

The lack of a gender balance in the world's legislative and executive decision-making bodies is a structural impediment to making parliamentary security and defence decision-making more representative. In general, women hold only a small number of ministerial positions throughout the world, an imbalance that is particularly prominent in the areas of defence and justice. In 2005, of 183 countries assessed, only 12 women headed defence and veteran affairs ministries and there were only 29 female justice ministers. Of 97 parliaments reporting data on the gender composition of their parliamentary committees in 1997, only 3% had a woman chairing the defence committee. Overall, less than 20% of the presiding officers of all parliamentary committees were women.<sup>17</sup> Thus, one challenge is to include a greater number of female parliamentarians on security committees and have women appointed to the key security portfolios of defence, police and justice.

A more equal participation of women and men in the democratic oversight process strengthens the legitimacy of parliamentary decision-making. Therefore, parliaments themselves stand to benefit from addressing the unequal power relations found in society and ensuring formal, legal equality between women and men.

## 4 How can gender be integrated into parliamentary oversight of the security sector?

*'As parliamentarians, women can play a key role in demanding accountability and transparency from the security services; determining budgets and policies to ensure that military expenditures do not take away resources from developmental issues such as education, the environment, social services and health care; including the public in debate and dialogue on these issues; and ensuring democratic representation in the new security structures. In South Africa, women parliamentarians promoted public participation in the reform process by including NGOs when formulating new policies. They also took a stand, pleading for honesty and transparency when an arms deal was concluded without public debate and allegations of corruption were rampant. Women also criticised the government for spending scarce funds on arms instead of alleviation of poverty, and one key female parliamentarian resigned in protest over the deal.'*<sup>18</sup>

In conclusion, integrating gender into parliamentary oversight of the security sector is essential for good governance and sustainable development. For example, there is a link between gender equality and lower levels of intra-state armed conflict. Taking gender aspects fully into account when reforming the security sector makes future conflict less likely. Gender equity in decision-making, including in the security sector, is beneficial for all members of society. As has been asserted, 'the higher the rate of female representation in parliament, the lower a state's level of intrastate armed conflict will be'.<sup>19</sup>

### Compliance with obligations under international laws and instruments

Integrating gender into parliamentary oversight of the security sector is also necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

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

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

All countries, whether they have enjoyed long periods of peace and democratic government or have recently emerged from violent conflict, have to confront complex, difficult issues concerning the security sector. At the same time, the specific challenges and opportunities involving parliamentary oversight of the security sector differ between countries. Thus, any strategy needs to be adapted to the specific reform context. For instance, in many developed societies, issues of incorporating women more fully into military and police forces, as well as equal pay or promotion opportunities often take precedence, whereas in conflict-affected societies questions such as how to protect women and girls from GBV, exacerbated by war, may dominate the agenda. This section presents some practical strategies while specific contexts are elaborated in Section 5.

### 4.1 Formulate inclusive, needs-based security laws and policies

It is parliament's role to represent the frequently divergent interests present in society and use its 'ability to build relationships within parliament and within the broader community'.<sup>20</sup> At this point in time, parliaments 'often inadequately engage non-governmental actors'.<sup>21</sup> Parliaments in conflict-affected societies, in particular, tend to have weak relations with their constituencies. Many parliamentarians seek contact with the voters only during election time. In order to strengthen their legitimacy, parliaments need to reach out to their constituents, 'increasing relationships between parliament and other governance partners such as civil society'.<sup>22</sup>

In the context of war-affected and transitional countries, civil society is starting to play a more active role. Several African parliaments, including those of Liberia, Somalia and Zimbabwe, have been increasingly engaged with civil society organisations. In Central America, too, we find similar engagements between parliaments and non-governmental organisations. Yet the initiative for these dialogues rarely comes from parliament.<sup>23</sup>

From a gender perspective, women's organisations are a key ally in parliament's efforts to strengthen gender equality. Gender-responsive policies passed by parliament often have their origin in proposals emanating from civil society, which in turn, has an interest in facilitating their implementation. For example, women's groups in many countries are actively engaged in campaigns against GBV. As a result, those parliaments that have strengthened their laws against domestic violence can count on the



support of women's groups to see these laws implemented.

Parliaments play a crucial role in the attainment of inclusive security by passing gender-responsive security legislation and policies. Practical strategies include:

#### Participatory processes

- Set up mechanisms for public debate and consultation, such as public hearings, to facilitate civil society input into policies concerning defence, policing, border management, justice and penal issues.
- Encourage women's organisations to participate in policy consultation processes.
- Individual parliamentarians can make themselves available to hear concerns expressed by both urban and rural women's organisations.

#### Gender-responsive security laws and policies

- Include gender-related content in security laws and policies, such as addressing GBV and promoting the full and equal participation of men and women in security sector institutions.
- Use gender-inclusive ('police officers') and gender-specific language ('male and female military personnel') as appropriate.
- Seek the advice of gender experts in drafting and reviewing security policies.
- Conduct a gender impact assessment of proposed and existing security policies.

#### Gender training and mandates for security policy-makers

- Ensure that parliamentarians and their staff, especially those on defence and security committees, are trained on gender and security issues.
- Ensure that defence and security committees include gender issues within their mandate.

See Tool on National Security Policy-Making and Gender

## 4.2 Build representative and effective security sector institutions

Effective security institutions are both representative and understand the gendered security needs of the populations they serve. Operational efficacy and effectiveness can be strengthened if gender is taken into account, in particular through efforts to increase the representation of women and to implement gender training.

Women tend to be a distinct minority in security sector institutions, including the police, military forces, judiciary, penal institutions and border services. For example, women officers are only four per cent of the

Rwandan National Police force.<sup>24</sup> Parliaments can call for quotas and other measures of positive discrimination in changing the composition of the security apparatus. For instance, before the war there were no female police in Kosovo.<sup>25</sup> Quotas were successfully instituted, and women now constitute 14% of the police force of this UN-administered territory, which is attributed to the introduction of a mandatory quota.<sup>26</sup> Under the new system, 20% of all new recruits have to be women.<sup>27</sup> Liberia has adopted a 20% quota for women's inclusion in the police and armed forces. In 2004, there were only 11 female judges to 32 male judges on the European Court of Human Rights. The European Parliamentary Assembly passed a resolution that it would no longer consider lists of candidates that did not include at least one candidate of each sex. This rule was changed a year later to allow for single-sex candidate lists, provided they were from the under-represented sex on the Court (currently women).

Apart from focusing on increased female recruitment, additional initiatives are necessary to create a non-discriminatory institutional culture that can help ensure the retention and advancement of women. One key initiative in this area is gender training. Parliaments approve the budgets for security sector training programmes and can use their oversight function to call for the inclusion of specific gender training as well as the mainstreaming of gender issues into core training curriculum. For example, female leaders in Burundi advocated during the peace negotiations that it was essential for security forces to 'have technical, moral, and civic training ... with a special emphasis on the protection of women and children'.<sup>28</sup>

Practical strategies include:

#### Gender training for security sector personnel

- Ensure that all security sector personnel are trained on gender sensitivity.

See Tool on Gender Training for Security Sector Personnel

#### Initiatives to increase the recruitment, retention and advancement of women

- Monitor the implementation of international, regional and national commitments as regards full and equal participation of women.
- Ensure that legislation governing participation in security sector institutions promotes the participation of women and other under-represented and excluded groups.
- Exercise oversight over the human resource and recruitment policies, training and management of security sector institutions. These are crucial elements in ensuring that security sector institutions promote the full and equal participation of women

and men, operate effectively, are non-discriminatory and address gender-based insecurities.

- Call for mandatory targets to increase women's representation in security sector institutions.

### 4.3 Address gender-based violence

Parliamentarians involved in security sector reform need to give special attention to GBV, as well as to laws on land ownership, inheritance, marriage and sexual orientation.

See the Law Reform section of Tool on Justice Reform and Gender

Caroline Moser has emphasised that 'women and men as social actors each experience violence and conflict differently, both as victims and as perpetrators.'<sup>29</sup> Representative security forces are more likely to be aware of and sensitive to the impact of GBV, whether it concerns domestic violence in Western Europe and the US or the effect of war-time rape in Africa or the Balkans.

Parliaments can address GBV by ensuring that current laws recognise such violations and by passing new legislation that encompasses all forms of GBV and establishes appropriate sanctions for perpetrators. When rebuilding post-conflict justice systems, parliamentarians can make certain that GBV is included in the mandate of truth commissions and special courts that are established in the wake of war. Further, parliament can serve as a forum to increase social awareness of the gendered impact of violence.

Bouta, Frerks and Bannon have emphasised that 'GBV polices need to target both men and women' in order to 'reach all actors involved (survivors, survivors' families, witnesses and perpetrators)'.<sup>30</sup> Although it is recognised that men are affected by GBV, existing policies fail to take the needs of male victims into account.<sup>31</sup> Thus, in support of inclusive security, parliamentarians need to direct attention to both female and male survivors of sexual violence.

New police forces require training to be more effective in responding to gender-based crimes. In recognition of this reality, specific training programmes have been implemented in countries around the world. For example, in 2002, one third of the Rwandan police force received training to strengthen its response to cases concerning sexual and gender-based crimes.<sup>32</sup> Mechanisms also need to be put into place to prevent security sector personnel from committing GBV and to hold them accountable for their crimes.

Practical strategies include:

#### Pass comprehensive legislation to prohibit and punish GBV

- Ensure that all forms of gender-based violence, including rape within marriage, male-on-male rape,

forced pregnancy and abortion and 'honour killings' are crimes, with penalties commensurate with their seriousness.

- Ensure that legal definitions of rape and other sexual offences are gender neutral, and that sexual offences are treated equally whether occurring with or outside a sentimental relationship.
- Monitor the implementation of international, regional and national commitments concerning the elimination of GBV.

#### Hold security institutions and personnel accountable for the prevention and response to gender-based violence

- Ensure clear legislation and codes of conduct on the responsibility of security sector personnel for human rights violations, including disciplinary procedures.
- Monitor complaints, investigation and punishment of human rights violations by security sector personnel, with a view to ending impunity for GBV.
- Establish inquiries/studies into the nature and extent of GBV and discrimination within security sector institutions.

#### Ombudsperson

- Consider the creation of a position, such as an ombudsperson, with special powers to oversee the integration of gender issues within defence and other security sector institutions, and/or ensure that any such oversight positions examine gender issues. Parliamentary ombudspeople have become institutionalised in many countries. In Germany, for example, a special ombudsperson deals with armed forces issues. Ombudspeople can be effective advocates and play a key role in highlighting the impact of both domestic violence and of conflict-related crimes.

### 4.4 Increase women's representation in parliaments and parliamentary security decision-making

Parliament can take various types of action to increase the number of female parliamentarians, as well as increasing their participation on defence and security related committees. For instance, parliamentarians can enact electoral reform to ensure the full incorporation of women and minorities into the political process. Important considerations for parliaments involve the type of election system to be used and the introduction of electoral and party quotas.

Electoral quotas play an important role in changing the gender composition of the world's parliaments. About forty countries have constitutional or electoral gender quotas for parliamentary elections.<sup>33</sup> As is often stated, it is crucial for female representation in parliament to achieve a 'critical mass' – considered to be about 30%. The 'critical mass argument' holds that for women to have a substantive impact on parliamentary decision-making, they need to be present in significant numbers. As of August 2007,

<b>Table 2 Transforming parliament: countries achieving 30%, 2007</b> <sup>34</sup>			
<b>Country</b>	<b>Electoral system</b>	<b>Existence of quotas</b> <sup>(1)</sup>	<b>% Women in NA</b> <sup>(2)</sup>
Rwanda	Plurality: first past the post	YES Type 1: Constitution establishes quota for women. Type 2: 24 seats out of 80 are reserved for women in the National Assembly. Type 3: 20% district councillors are reserved for women.	48.8 (2005)
Sweden	Proportional representation: list system	YES Type 4: 50% quota for women in the Social Democratic Labour Party, the Left Party and the Green Party	47.3 (2006)
Finland	Proportional representation: list system	NO	42.0 (2007)
Costa Rica	Proportional representation: list system	YES Type 2: 40% quota for women in all public elections. Type 4: 40% quota for women in the National Liberation Party and the Christian-Social Unity Party; 50% in the Citizen Action Party.	38.6 (2006)
Norway	Proportional representation: list system	YES Type 4: 40% quota for women in the Socialist Left Party, the Norwegian Labour Party, the Centre Party, and the Christian People's Party.	37.7 (2005)
Denmark	Proportional representation: list system	NO Used to have Type 4. Quotas were abandoned around 1996.	36.9 (2005)
Belgium	Proportional representation: list system	YES Type 2: One third minimum quota for either sex; two top positions on party list cannot be held by members of the same sex. Type 4: 50% quota for women in Flemish Socialist Party and French Socialist Party.	36.7 (2007)
Netherlands	Proportional representation: list system	YES Type 4: Labour Party has 50% quota for women; Green Left has a quota for women also (% not confirmed).	36.7 (2005)
Cuba	Majority: two-round system	NO	36.0 (2005)
Spain	Proportional representation: list system	YES Type 4: Spanish Socialist Workers' Party has 40% quota for either sex.	36.0 (2005)
Argentina	Proportional representation: list system	YES Type 1: Constitution establishes quota for women. Type 2: 30% of party's list must include women in winnable positions. Type 3: The capital and provincial laws include quotas. Type 4: Most parties adopted a 30% quota for women.	35.0 (2005)
Mozambique	Proportional representation: list system	YES Type 4: The Front for the Liberation of Mozambique has a 30% quota for women.	34.8 (2005)
South Africa	Proportional representation: list system	YES Type 4: The African National Congress has a 30% quota for women, 50% quota for women on party lists at local level.	32.8 (2005)
Austria	Proportional representation: list system	YES Type 4: The Green Alternative has 50% quota for women; the Austrian People's party has 33.3% and the Social Democratic Party of Austria has 40%.	32.2 (2006)
New Zealand	Mixed member proportional system	YES Type 4: Voluntary party quotas	32.2 (2005)
Iceland	Proportional representation: list system	YES Type 4: The People's Alliance and the Social Democratic Party have 40% quota for women.	31.7 (2007)
Germany	Proportional representation: mixed-member system	YES Type 4: The Party of Democratic Socialism and the Greens have 50% quota; the Christian Democratic Union has 33.3%; the Social Democratic Party of Germany has 40%.	31.6 (2005)
Burundi	Proportional representation	Yes Type 4: Legislated quota of 30% women candidates	30.5 (2005)

Note 1: The following types of quotas are considered:  
Type 1 = Constitutional quota for national parliament  
Type 2 = Election law quota or regulation for national parliament  
Type 3 = Constitutional or legislative quota for local government  
Type 4 = Political party quota for electoral candidates.  
Note 2: Year of the latest elections in parenthesis.

### Box 3 Cambodian NGOs: promoting women's participation and cross-party cooperation

An absence of cross-party cooperation in Cambodia and dominance of one party has had negative consequences for women's alignment across parties for the purposes of promoting gender issues, particularly at the national level. Despite this, Cambodian women, working through NGOs, are at the forefront of building bridges across party lines. Women for Prosperity (WfP) is one of the most effective organisations in this sector. Led by returnee Pok Nanda, WfP has pioneered a programme that not only encourages and enables women to enter politics, but also bridges cross-party divides at the commune level. Among its network are women council members from all sides, including the three main

political parties. WfP focuses on the common challenges facing women in politics, regardless of ideology, and provides ongoing coaching, thus building their skills over time. In preparation for the 2000 communal council elections, WfP supported 5,527 candidates, offering guidance in public speaking, assisting in speechwriting, answering questions from voters and combating challenges from male party members, unsympathetic to women's participation. WfP has forged new political ground for women's participation, as well as provided an effective model for cross-party cooperation.<sup>36</sup>

eighteen countries had reached or surpassed 30% female representation in parliament (see Table 2).

Parliamentary committees give legislators the opportunity to organise their work and to focus expertise. Parliamentarians can use the defence and security committees to exercise their oversight function by requiring members of the security establishment to testify on the operational efficiency of security forces, or by seeking expert input from outside experts on security matters. The participation of female parliamentarians on these committees is a key aspect of women's full participation in security decision-making.

A variety of initiatives can be taken to ensure that parliamentary committees are gender balanced, including quotas. For instance, in 2005 the Knesset, Israel's parliament, passed an amendment to the 1956 Equal Representation of Women law which mandates the inclusion of women in teams appointed for setting domestic, foreign or security policy and peace negotiations. Two members of parliament initiated the law in collaboration with Isha L'Isha, a women's grassroots organisation. In order to get the law passed, an ad hoc coalition of women's and peace organisations was formed and an extensive lobbying and media campaign was initiated.<sup>35</sup>

The following strategies can be used to increase the participation of women (and other under-represented groups) within parliament and within security and defence committees:

#### **Increase the participation of women in parliament**

- Set quotas, whether in the Constitution, political party legislation or electoral regulations, reserving seats in parliament for women.
- Work with civil society to implement programmes, at the level of parliament as well as political parties, to encourage and equip women to stand for office (see Box 3).
- Provide incentives to political parties to nominate women for office.
- Create a women's parliamentary caucus, so that female parliamentarians can support each other and cooperate on policies to promote gender issues;

and/or create a male/female parliamentary caucus devoted to advancing gender issues (see Box 5).

- Conduct an audit of the gender implications of the electoral system.
- Experienced female parliamentarians can mentor less experienced or aspiring female parliamentarians.

#### **Increase the participation of women in parliamentary security and defence committees and security decision-making**

- Pass legislation calling for the increased participation of women in defence and security related committees.
- Consider creating gender quotas for all committee structures.
- Request more women in high executive positions, i.e. in the cabinet and in the national security council.

### 4.5 Implement equitable budgeting and procurement

Parliamentarians can implement gender budgeting initiatives to strengthen the equitable and appropriate use of funds. Gender budgeting is 'an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.'<sup>37</sup>

The parliament can input into security-related budgeting in the four main phases of a typical budget cycle:<sup>38</sup>

- **Budget preparation:** this phase is for the executive to propose allocations of money for several purposes but parliament and its members can contribute to the process through different formal and informal mechanisms.
- **Budget approval:** parliament should be able to study and determine the public interest and suitability of the money allocation and may, in certain contexts, complement security-related appropriations with specific guidelines.



- **Execution or spending:** parliament reviews and monitors government spending and may strive to enhance transparency and accountability. In the case of extra-budgetary demands, parliament monitors and scrutinises these demands to prevent cost overruns.
- **Audit or review:** parliament scrutinises whether there was misuse of the money allocated by the government. It also evaluates periodically the entire budget and audit process to ensure accountability, efficiency and accuracy.

A tool which is often used within gender budgeting is the Gender-Aware Budget Statement. This statement can be developed based on the entire budget or specific sectors such as security. Expenditures and revenues are analysed in terms of their likely impact on different groups of women and men, boys and girls. The goal is to ensure that women's and men's needs are considered equally.<sup>39</sup>

The Council of Europe explains that parliaments 'negotiate, amend and finally adopt the budget proposed by the executive authorities, but they can also submit requests and engage in lobbying activities, thereby participating in the formation of political will and strengthening governments' commitments to gender budgeting.<sup>40</sup> Within government, gender budget initiatives draw attention to the issue of gender equity in the allocation of resources. For civil society advocates and parliamentarians, they are useful tools for calling for greater transparency of budget decisions and accountability to women.<sup>41</sup> Gender budgeting initiatives aim to transform the budget process itself, by increasing the role of legislatures and civil society.<sup>42</sup>

Gender-sensitive budgeting systems are being advocated for and implemented in a number of countries around the world. For example, in Brazil, civil society organisations work with female parliamentarians to advocate for gender-responsive

budgets.<sup>44</sup> In the Philippines, women's groups raise awareness of the importance of gender budgeting and emphasise the crucial role legislative provisions play in pushing for gender equity.<sup>45</sup> South Africa was among the first countries to introduce a gender perspective in its economic policy-making. The South African Women's Budget Initiative was the result of a joint effort of parliamentarians and several civil society organisations. The initiative focuses on the gender dimensions of taxation and expenditure and seeks to ensure that the budget process conforms to the principle of gender equity. The effort is participatory, involving discussions at the national and local levels of government and seeks input from citizens. Civil society groups were commissioned to analyse the budget and the policies behind it for their gender impacts, and the parliamentarians used the research findings in their efforts to shape the budget debates in parliament.<sup>46</sup>

Strategies for more equitable budgeting and procurement include:

#### Gender budgeting

- Conduct a gender audit of all proposed and existing budgets to ensure funding to address the security needs of women, men, boys and girls.
- Mainstream gender issues into proposed budgets.

#### Gender and defence procurement

- Ensure that funds are earmarked to be spent on uniforms and equipment that fit women, separate facilities for women and women's reproductive health needs.
- Ensure that national arms trade regulations prohibit trade with regimes or individuals that perpetrate GBV.

### Box 4

### Parliament's tools and methods for gender budgeting <sup>43</sup>

**Analysing expenditures/revenues.** In order to analyse the current situations of women and men or girls and boys in a specific sector – or assess the gender effects of policies or policy measures – further measures have been developed which link budgets to policies, focusing on different aspects (revenues, expenditures, public services or time use).

**Gender-disaggregated revenue incidence analysis** is a research technique examining direct and indirect taxes as well as user fees paid by women and men.

**Gender-disaggregated public expenditure analysis** compares public expenditures on a given programme, usually with data from household surveys, to reveal the distribution of expenditures between women and men or girls and boys.

**Gender-disaggregated beneficiary assessment** is a research technique used to ask actual or potential beneficiaries the extent to which government programmes and/or public services match their needs, wants and priorities.

**Gender impact assessment** is an *ex post* evaluation of budgets or *ex ante* evaluation of budget proposals and probably the most extensive and complex tool of gender budgeting since it refers to short and long-term budgetary effects on the distribution of and access to resources (including time) and on gender roles and norms.

**Gender-aware policy appraisal** involves scrutinising the policies of different portfolios and programmes and paying attention to the implicit and explicit gender issues involved. It questions the assumption that policies are 'gender-neutral' in their effects and asks instead in what ways policies and their associated resource allocations are likely to reduce or increase gender inequalities.

## Box 5

## The construction of alliances

It is the joint responsibility of male and female parliamentarians to integrate gender perspectives into their work. Donna Pankhurst affirms that 'the chances of success are vastly increased where the responsibility for changing the culture of institutions is not left entirely in the hands of women, but also becomes the responsibility of men'.<sup>47</sup> In order to be successful in transforming parliament into a gender-responsive institution, men and women have to share an understanding of gender analysis.

Such a transformation toward greater gender equality is only possible if men and women work together to change societal consciousness. As a group, men tend to be privileged in the current hierarchies of power and can be expected to resist change. It is therefore particularly important to demonstrate the importance of gender analysis to men. Parliamentarians benefit when applying a gender lens in their parliamentary work, since gender analysis assists them in better recognising the needs of both female and male constituents. Tsjerd Bouta and Georg Frerks emphasise that '[g]ender-sensitizing policies require a thorough gender analysis that clarifies the interrelationship between gender, the specific conflict situation and the potential different

impact of external interventions on women and men'.<sup>48</sup> For example, gender analysis brings to the fore the different ways women and men are exposed to sexual violence during armed conflict or highlights the distinct reintegration needs of girls and boys who have been abducted and forced to serve in armed movements operating in Africa, Asia and Latin America.

A successful example of female and male parliamentarians joining forces to strengthen gender equality is the United Kingdom's Associate Parliamentary Group on Women, Peace and Security. The group organised around the effective implementation of UN Security Council Resolution 1325. The Committee, led by Labour Party MP Joan Ruddock, consists of sixteen women and six men. The gender composition and substantive focus of the group stand out, considering the rather traditional makeup of British committees, including those on security. In contrast, the British Parliament's Joint Committee on Defence has a single female member out of a membership of fifteen. Similarly, the Defence Committee appointed by the House of Commons includes a single female parliamentarian.

## 5 Integrating gender into parliamentary oversight of the security sector in specific contexts

### 5.1 Post-conflict countries

War-torn societies face specific challenges in attending to the security needs of their populations. Parliamentarians can play a constructive role in ensuring that gender issues are integrated into the security-related provisions of peace processes such as disarmament, demobilisation and reintegration (DDR) and transitional justice mechanisms, and are taken into account when addressing post-conflict violence and crime. Post-conflict contexts also present opportunities for increasing the number of female parliamentarians as part of political and electoral reform.

In addition to dealing with crimes committed during war, parliaments can take the initiative in addressing the security environment that emerges in the wake of conflict. Post-war violence, whether committed in the public or private sphere, plagues many countries. Parliaments can address societal security issues through reform of military and police forces, the judiciary and prisons, and by passing legislation that better addresses crime.

#### Peace processes

Ideally, parliaments play a role in conflict prevention or preventive security. Once conflict has broken out, however, parliaments can play a constructive role

in peace negotiations and subsequent peace agreements. These peace agreements often serve as a framework for security sector reform and therefore the integration of gender issues at an early stage is essential. Parliamentarians can insert themselves directly into the negotiation process and constitute an important forum for raising the public's awareness of the formal and informal peace processes taking place in their countries.

For instance, parliamentarians can be advocates of a negotiation process that fully incorporates women. In cases where parliament itself has gained representation at the peace table, female legislators need to be included in its delegation. A more balanced composition of the negotiating teams sends an important initial signal that the gender dimensions of a conflict will be taken into account during the negotiation process and makes it more likely that a gender perspective informs the ensuing peace agreements and security arrangements. Parliamentarians have significant leverage, since they can withhold approval of agreements that are not based on a gender-inclusive and thus legitimate process. A parliament that emphasises the gender dimensions of conflict resolution is supported by an emerging international consensus which holds that any peace process that 'fails to include women in agenda setting, substantive talks and implementation has no democratic legitimacy'.<sup>49</sup>

When women are excluded there is a natural tendency to focus on the male experiences of conflict and their expectations for conflict resolution, instead of considering the needs of both male and female actors and their respective positions in the societal structure.<sup>50</sup> Women's participation enriches the process, since women 'are likely to make a different contribution to the peace process. When compared to

men, women are more likely to put gender issues on the agenda, introduce other conflict experiences, and set different priorities for peace building and rehabilitation, and they may bridge political divides better.<sup>51</sup>

In conflict-affected countries, the implementation phase of peace agreements requires parliament's special attention. Peace accords and subsequent constitution-building present important opportunities for countries emerging from conflict to transform their political systems toward greater gender equality. Parliament can monitor official peace negotiations and give voice to informal initiatives emanating from civil society.

### Disarmament, demobilisation and reintegration

The resolution of violent conflict entails the disarming and demobilisation of combatant forces. An effective DDR process recognises that women and men are differently affected by war and attends to the needs of both male and female ex-combatants, as well as women and children associated with armed forces and fighting groups. Parliaments can play a constructive role as advocates for gender-responsive DDR processes (see Box 6). The needs of women and girls who are part of or associated with non-statutory armed forces are often overlooked in DDR processes. Other gender aspects include counselling, education and effective reintegration of male former combatants, in order to allay the risk that they become perpetrators of domestic and other forms of violence in their post-conflict lives.

Restructuring the security sector in the wake of conflict is an important opportunity for parliament to create representative security forces. In the wake of conflict, countries like El Salvador, Guatemala, Mozambique or Liberia integrated former combatants into established police and military forces. Demobilisation records collected by UN peace missions around the world indicate that women represent up to 30% of the fighters of many insurgent forces. Thus there exists a recruitment pool, which permits the transformation of traditional police and military forces into a more balanced gender composition.

See Tool on Defence Reform and Gender

### Transitional justice

Parliaments play an important role in ensuring that gender considerations are given weight in the administration of post-conflict justice. A public accounting of crimes committed during conflict, including those that are gender-based, is essential for social reconstruction to succeed. Whereas women tend to be the main beneficiaries of gender justice initiatives, a gender lens also helps to better recognise male victims of violence. Parliament's legislative and oversight functions, together with its budgetary authority, give parliamentarians the opportunity to deal with issues of post-war justice. Parliament can be a venue for public debate on divisive post-conflict issues and play a leading role in promoting tolerance.<sup>53</sup>

Parliaments share in the responsibility to create fact-finding bodies, such as truth commissions, which establish a record of crimes committed during conflict. They also participate in the creation of special courts to prosecute offenders. Parliaments can demand that the gender composition of these bodies be equitable and that a gender perspective inform their proceedings and policies. Parliaments have significant control over the work of these commissions, since they pass enabling legislation, participate in the appointment of individual commissioners, allocate operational funding and oversee the implementation of commission findings.<sup>54</sup>

Over the past 30 years, more than two dozen truth and fact-finding commissions have been established at the international and national level to investigate human rights abuses that occurred during conflict.<sup>55</sup> Women have chaired two of the commissions, the UN International Commission of Inquiry, which investigated breaches of International Humanitarian Law in East Timor, and the Sri Lankan Commission on the Western and Southern Provinces.<sup>56</sup>

Parliaments can also ensure equal access to proceedings before truth and reconciliation commissions by being sensitive to the specific needs of male and female victims (see Box 7). For example, legislators can insist that some sessions are exclusively dedicated to hearing testimony from female victims and/or that a chapter of the commission's report is dedicated to GBV. Compared with male victims, women that have been victims may be less likely to have access to justice processes because they are often economically disadvantaged and have

## Box 6 Transforming the DDR process: the role of parliaments <sup>52</sup>

The legislative and oversight functions of parliaments provide them with an important institutional role in guaranteeing that gender is duly considered in the DDR process. Parliamentarians can assure that the respective needs of male and female combatants are acknowledged from the outset. Special attention has to be given to ensure that the disarming process itself is gender-sensitive. In Uganda, parliament assumed an active role in visiting demobilisation camps to investigate

the conditions of male and female fighters. Subsequently, it demanded action by the government. In Latin America, Colombian legislators are taking increased interest in demobilisation issues confronting their constituents. In order to assume a constructive role in the demobilisation of combatants, parliamentarians need to understand the complex role of women and men in war, as well as their gendered peace-time needs.

## Box 7 South African Truth and Reconciliation Commission: integrating gender issues

The South African experience presents a case of successful parliamentary involvement in introducing a gender dimension into the creation of a truth and reconciliation commission. Members of the South African parliament, representing the country's political parties, together with leaders of civil society organisations, formed a selection committee that played a key role in determining the composition of the truth commission. Based on 300 nominations received in a public process, the selection committee established a list of 25 finalists.<sup>57</sup> President Nelson Mandela chose the 15 commissioners from this list. One third of them were women.<sup>58</sup> This quota reflects a commitment by the African National Congress to allocate one third of decision-making positions to women. The commitment to strengthen gender equality translated into a

much-improved gender balance in parliament where women held almost 33% of the seats by 2006.

Despite the significant inclusion of women in the commission, it was well into its investigation when women's organisations denounced that men had privileged access and that women's experiences were marginalised. Women were reluctant to discuss rape and other incidences of sexual violence in front of male commission members. The women's movement successfully pushed for the inclusion of gender issues on the commission's agenda.<sup>59</sup> In an effort to be more sensitive to women's needs, all commissioners received gender training and the commission held several special women's sessions.<sup>60</sup>

greater family and household duties, which restrict their mobility.<sup>61</sup> Parliaments can also put victims' compensation on the national agenda, something the legislature in the Ivory Coast succeeded in doing when the executive branch failed to act.<sup>62</sup> A group of legislators served as victims' advocates and lobbied parliament to act. Compensation schemes should also be designed in a gender-sensitive manner, recognising the particular abuses experienced by men and women during the conflict, and their distinct needs for reparation.

See Tool on Justice Reform and Gender

### Post-conflict violence and crime

Whereas gender-based crimes committed during war have been recognised as war crimes, little attention has been given to the way in which conflict-related circumstances influence the continuation of violence within the home following the cessation of hostilities.<sup>63</sup> Increased understanding of gender issues can help parliamentarians to appreciate the importance of addressing domestic violence and post-conflict stress, experienced by both male and female former combatants and displaced people. UN studies have found a dramatic increase in domestic violence in conflict-affected areas, fuelled by the availability of weapons, the violence male family members have experienced or meted out, the lack of jobs, shelter, and basic services. Displaced people are particularly vulnerable.<sup>64</sup>

Post-conflict Central America provides an example of the transformation of war-related violence into a crime wave that affects both the public and private spheres.<sup>65</sup> Whereas political violence subsided in the wake of the peace accords, criminal violence rose. Increasingly, women have become victims. Guatemala registered the murder of 383 women in 2003, an increase of 135% compared with 2002. In 2004, 527 women were assassinated. During the first eight months of 2005 the death toll amounted to 427, evidence that the rate of assassination continued to rise.<sup>66</sup> While the violence directed against women is

part of a general crime wave affecting the country, the rate at which women are being assassinated is outpacing that for men.

Although women suffer greatly under conditions of post-conflict violence, it is important to recognise that violence prevailing in war-torn societies affects men in disproportionate numbers. In Colombia, for example, one quarter of all male deaths are attributed to violence, as are 60% of deaths for males between 15 and 44 years old.<sup>67</sup> Colombian men are four times as likely to die a violent death than women.<sup>68</sup> In general, men are the vast majority of gun and gang violence victims, while also being the main perpetrators of violence.

Parliamentarians in Central America and other regions of the world are increasingly concerned about the proliferation of small arms, which are used in a majority of these murders. Recently, members of the Guatemalan Congress commissioned and directed a study on the scourge of 'femicide' in Guatemala. This study has been presented in a number of public fora highlighting the problem of male gun violence and its victims.

### Representative parliaments

The post-conflict context also holds the promise of transformation for parliament itself. It affords legislatures the opportunity to change their composition and to become truly representative bodies (see Table 3). The transformation of parliament toward a more equal gender composition is an important indicator that gender equality is given priority in societal reconstruction.

The international focus on increasing women's role in political decision-making has served as an incentive for governments in conflict-affected societies to strengthen the gender balance of their parliaments. This has been generally accomplished with the help of legislative and constitutional quotas. Afghanistan and Iraq represent the most recent successful examples of implementing constitutional quotas (see Box 8).



**Table 3** Initiating change in the wake of war: the gender composition of post-conflict parliaments<sup>69</sup>

Country	% Women	% Men
Rwanda (2003)	48.8	52.2
Mozambique (2004)	34.8	65.2
South Africa (2004)	32.8	67.2
Burundi (2005)	30.5	69.5
Uganda (2006)	29.8	70.2
Timor-Leste (2007)	27.7	72.3
Afghanistan (2005)	27.3	72.7
Iraq (2005)	25.5	74.5

## 5.2 Developed countries

Parliaments in developed societies face many of the same domestic challenges concerning security sector reform as their counterparts in the developing world, albeit from a different position. For example, European and North American parliaments have to assert their authority in overseeing peace missions or military interventions. The NATO missions in Afghanistan and the Balkans, the US-led military intervention in Iraq or the UN-led humanitarian intervention in Haiti are some recent examples. International and regional security cooperation agreements pose challenges to effective parliamentary oversight. In all instances, parliaments need to ensure that security policy is being implemented in a manner consistent with International Humanitarian Law and principles.<sup>71</sup> International instruments – notably UN Security Council Resolution 1325 – mandating due consideration of gender issues in all peace and security operations, are particularly relevant.

Several countries have used Security Council Resolution 1325 as an important starting point for reform and have either developed National Action Plans for its implementation or are in the process of doing so. The plans in most cases refer both to addressing gender issues in the country's own security sector, and to gender aspects of peacekeeping and post-conflict reconstruction (in some cases including security sector reform). Austria,

Denmark, Norway, Sweden, Switzerland and the United Kingdom all have fully developed 1325 Action Plans, and Canada is in the process of developing one.

A central focus of the Swedish plan, initiated in 2006, concerns peacekeeping operations. The plan directs the Armed Forces to develop 'conscious efforts to increase the number of women conscripts and officers who can participate in peacekeeping operations' and creates projects such as *GenderForce* in order to develop measures to 'incorporate a gender perspective into international operations'. Similarly, the National Police Board 'implemented special efforts to increase the proportion of women in the Swedish contingencies in peace support operations'.<sup>72</sup> Further, all members of peacekeeping operations are supposed to receive gender training.

Parliamentarians share responsibility for developing national action plans. Efforts to develop the Canadian plan emphasise the importance of parliamentarians supporting and driving the effort to develop the plan, asking the Standing Committee on Foreign Affairs and International Trade and the Parliamentary Women's Caucus to 'take an interest in this file and even play a role in implementation'.<sup>73</sup>

## Box 8 Implementing constitutional quotas: the reforms in Afghanistan and Iraq<sup>70</sup>

Afghanistan changed from a country where women's rights were severely restricted to one that guarantees gender equality by law. In the area of political representation, the new constitution guarantees the formal inclusion of women in political decision-making processes. Article 83 states that at least two female candidates from each province should be elected to parliament. This constitutional provision was successfully implemented. In the September 2005 elections, 69 women, representing about 27% of the 249 members of the Wolesi Jirga, were elected.

Similarly, the new constitution of Iraq, ratified in October 2005, guarantees women one quarter of parliament's 275 seats. In Iraq too, the constitutional quota was enforced. Following the December 2005 election, women represent one quarter of the National Council of Representatives. These two electoral outcomes are of particular significance in a region where women continue to be under-represented in political decision-making and, in some instances, lack full citizenship rights.

## 6 Key recommendations for parliamentarians

1. Support the signing, ratification and implementation of **international and regional treaties and conventions** that mandate the inclusion of gender issues in security sector reform, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
  2. **Increase the representation of female parliamentarians** through implementing quotas, reforming electoral systems and supporting capacity building among female candidates.
  3. Increase the representation of **female parliamentarians on defence and security-related committees**, including the passing of legislation on women and men's equal representation or parliamentary committee quota systems.
  4. **Build the gender capacity of male and female parliamentarians**, especially members of defence and security committees, through briefings, training, and other awareness-raising initiatives.
  5. **Involve civil society**, especially women's organisations, in security policy-making through broad-based consultations, public hearings and other formal and informal mechanisms.
  6. Establish a **gender caucus** including both women and men in order to raise awareness of, and support for, gender-responsive budgeting and legislation.
  7. Introduce and strengthen **gender budget initiatives** and conduct **gender impact assessments** of security policy.
  8. Commission and request **sex-disaggregated data** concerning gender mainstreaming and the composition of security sector institutions in order for policymakers be able to make informed decisions.
  9. Monitor the deployment and implementation of **peacekeeping missions** to ensure that women are well represented in peacekeeping forces and that initiatives are taken to prevent sexual exploitation and abuse, and build the capacity of peacekeeping staff to integrate gender issues.
- In post-conflict contexts in particular:*
10. Use parliament as a forum to integrate gender issues and ensure women's participation in the **peace process**.
  11. Demand that women are fully included and gender issues are incorporated in **truth commissions, special courts and reparation programmes**, including through the legislation that supports their creation.
  12. Reform the **judicial system** to more effectively combat gender-based violence.

# 7 Additional resources

## Useful websites

Association of European Parliamentarians for Africa - <http://www.awepa.org>

I Know Politics - <http://www.iknowpolitics.org>

Initiative for Inclusive Security - <http://www.womenwagingpeace.net>

International Development Research Center - <http://www.idrc.ca>

International Institute for Democracy and Electoral Assistance - <http://www.idea.int>

Inter-Parliamentary Union - <http://www.ipu.org>

UNDP, 'In focus: Parliaments and Gender Mainstreaming' - [http://www.undp.org.vn/projects/vie02007/in\\_focus/gender.htm](http://www.undp.org.vn/projects/vie02007/in_focus/gender.htm)

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## Practical guides and handbooks

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