

Parliamentary Oversight of the Security Sector and Gender

Ilja Luciak



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DCAF, OSCE/ODIHR, UN Women Gender and Security Toolkit

This Tool is part of the DCAF, OSCE/ODIHR, UN Women *Gender and Security Toolkit*, which comprises nine Tools and a series of Policy Briefs.

Tools:

1. Security Sector Governance, Security Sector Reform and Gender
2. Policing and Gender
3. Defence and Gender
4. Justice and Gender
5. Places of Deprivation of Liberty and Gender
6. Border Management and Gender
7. Parliamentary Oversight of the Security Sector and Gender
14. Intelligence and Gender
15. Integrating Gender in Project Design and Monitoring for the Security and Justice Sector

Policy Briefs:

The 2030 Agenda for Sustainable Development, the Security Sector and Gender Equality
 A Security Sector Governance Approach to Women, Peace and Security
 Gender, Preventing Violent Extremism and Countering Terrorism
 Gender and Private Security Regulation

Additionally, a Compendium of International and Regional Laws and Instruments Related to Gender Equality and the Security and Justice Sector is available online.

The *Gender and Security Toolkit* builds upon the DCAF, OSCE/ODIHR, UN-INSTRAW *Gender and Security Sector Reform Toolkit* that was first published in 2008. The following Gender and Security Sector Reform Tools can be used alongside this Toolkit:

8. National Security Policy-Making and Gender
9. Civil Society Oversight of the Security Sector and Gender
11. Security Sector Reform Assessment, Monitoring and Evaluation and Gender
12. Gender Training for Security Sector Personnel
13. Implementing the Women, Peace and Security Resolutions in Security Sector Reform

They are home managers
meaning they are capable to
manage any organisation, even
going into parliament.

I Support Leadership
for Women because
we need Balance
decision Making.

Women are also
decision makers

The

Prosperity &
Accountability.

Women do only hard work
in the communities.

Women because also
their performance
in community
transparency.

BECAUSE WOMEN
SEE ISSUES FROM
THE HEART- WOMEN
DECIDE ON THE BEST
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WOMEN
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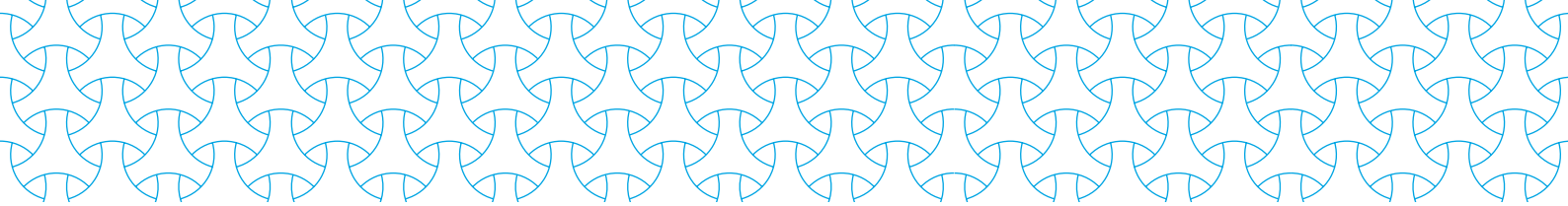
It will make
our nation
stronger for

WOMEN IS A PILLAR IN OUR
SOCIETY AND IS SUPPORTED BY OUR
CUSTOM AND CULTURE.

WOMEN USUALLY HAD A POSITION
AS CHIEF AND ALWAYS CAPABLE
TO OUR RESOURCES WHICH NOW A DAY
HAD BEEN SUPPORTED BY MAN.

We should all be
to make
decisions.

just
us.



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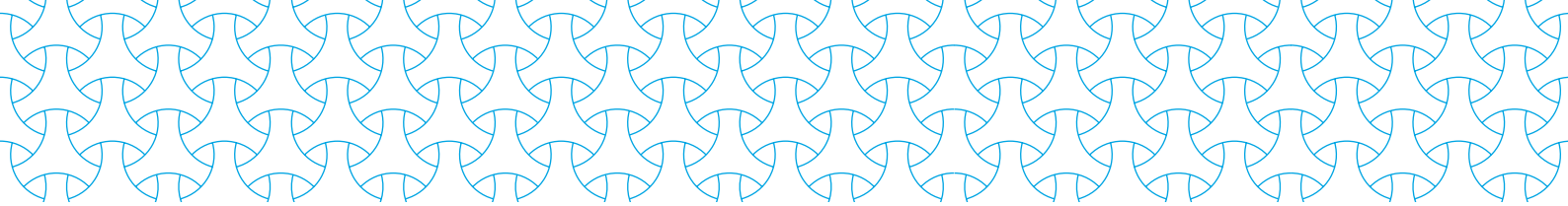
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Gender and Children's Affairs
Sata Kabia

MRS. CATHERINE MAWONGETHI



Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
GBV	gender-based violence
IPU	Inter-Parliamentary Unit
LGBTI	lesbian, gay, bisexual, trans and intersex
MP	member of Parliament
NAP	national action plan
NATO	North Atlantic Treaty Organization
NHRI	national human rights institution
SDGs	Sustainable Development Goals
SSR	security sector reform
UK	United Kingdom
UN	United Nations

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TENEMOS DERECHO A VIVIR SIN VIOLENCIA

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Hora: 9:00 am a 12:00 am

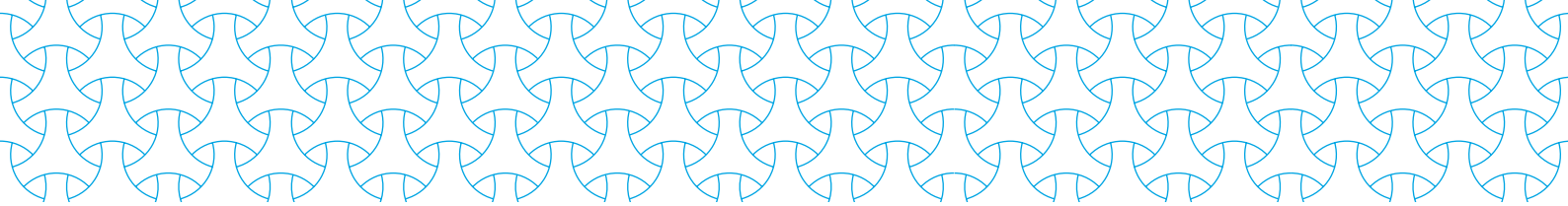
Lugar: Plaza Simón Bolívar del Coahuila de Zaragoza, República



Hellen Tipian Rodríguez
EX ALCALDESA METROPOLITANA
DE LOS MUNICIPIOS ESCOLARES.



Dr. Luis Fernando Galarreta
Velarde
CONGRESISTA DE LA REPUBLICA



1. Overview

This Tool sets out a vision and strategies to deepen efforts to integrate a gender perspective and advance gender equality in parliamentary oversight of the security sector. Parliamentary oversight is of key importance in establishing an effective and accountable security sector which is responsive to the needs of the whole citizenry. Gender-responsive oversight is the responsibility of all members of parliament (MPs), regardless of their gender, partisan affiliation or professional background.

This Tool explains the importance of parliamentary oversight of the security sector in achieving gender equality, and likewise how the delivery of security can benefit from parliaments integrating a gender perspective into their oversight. It aims to establish *what* parliamentary oversight of the security sector that advances gender equality would look like and *how* parliaments can effectively oversee the security sector, including defence, intelligence and law enforcement agencies, in a manner that integrates a gender perspective. The Tool provides a range of examples that illustrate how pursuing gender equality enhances parliament's oversight function.

More than a decade has passed since the publication of the DCAF, OSCE/ODIHR and UN-INSTRAW *Gender and Security Sector Reform (SSR) Toolkit*, and much has changed in this time. This new DCAF, OSCE/ODIHR and UN Women *Gender and Security Toolkit* draws together key lessons in promoting gender equality in security and justice. The aim of this Toolkit is to share new and emerging good practices, reflect upon how successes in increasing gender equality have been achieved, and move forward thinking about integrating a gender perspective in security and justice sector institutions.

1.1 Audiences for this Tool

The main audiences for this Tool at the national level include parliamentarians, parliamentary staff and political parties. Beyond the national level, the Tool can be used by members and staff of regional bodies. Civil society and ombuds organizations, national human rights institutions (NHRIs), researchers and academics working on the intersection of security, parliaments and gender may also find this Tool useful.

1.2 Outline of this Tool

Section 2 explains the scope and importance of parliaments' oversight of the security sector, and the key actors within the parliamentary system that are involved in oversight.

Image: Participants in a public event organised by the Peruvian Congress discuss law to stop violence against girls and boys, 2012 © Congreso de la República del Perú.

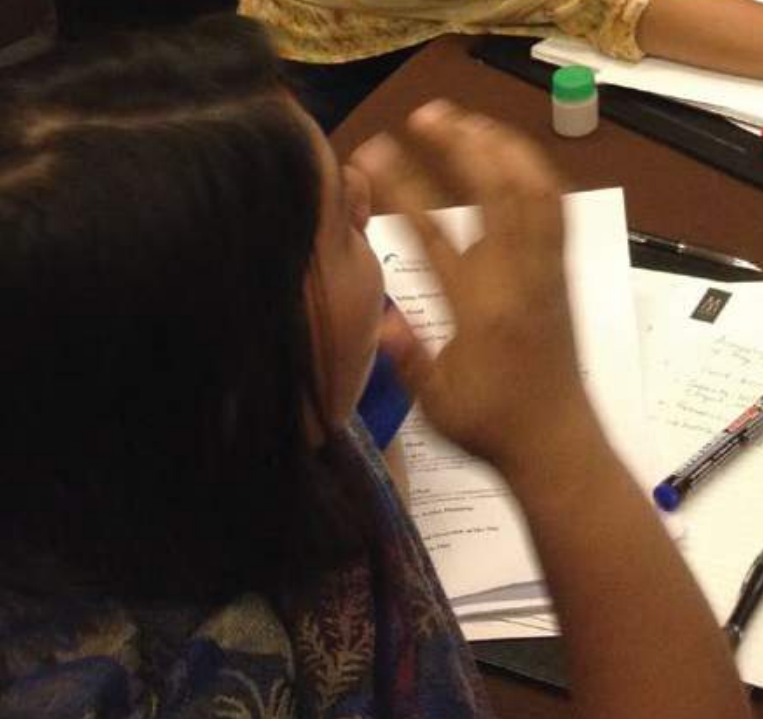
Section 3 demonstrates why gender-responsive oversight of the security sector is a crucial obligation for all parliamentarians. The focus is on the importance of upholding international and regional legal and normative standards for gender equality; ensuring that laws and regulations concerning security are inclusive and address diverse needs; equitable budgeting; and ensuring that parliamentary oversight is diverse and inclusive.

Section 4 focuses on what parliamentary oversight of the security sector that advances gender equality would look like. The Tool presents key features of parliamentary oversight that integrates a gender perspective into its work. Essential approaches include defining security and security needs in an inclusive, gendered manner; comprehensively addressing gender-based violence (GBV) against women and girls, as well as men and boys, in all their diversity; mainstreaming gender into budgeting processes; and implementing national action plans (NAPs) on Women, Peace and Security.

Section 5 sets out ways in which parliaments can approach their task of integrating gender in security sector oversight. Key strategies are gender analysis, including within budget processes; engaging parliamentary gender structures in security sector oversight; collaboration with civil society, NHRIs and ombuds institutions; and taking steps to achieve gender equality within the parliament.

Section 6 presents key recommendations for integrating a gender perspective into parliamentary oversight of the security sector.

Section 7 suggests other useful resources.





2. What is parliamentary oversight of the security sector?

Oversight of the security sector is a key task for all parliaments. This section explains why it is needed, what it is and how it is conducted.

2.1 Parliamentary oversight

Oversight is a core function of parliaments, alongside representation, law making and control over the budget process. Parliamentary oversight is one of the cornerstones of representative democracy: it should be an effective instrument of checks and balances that holds the executive government accountable. The robust monitoring of the executive by the parliament is an indicator of good governance. It is through oversight that the parliament can ensure a balance of power and assert its role of defender of people's interests.

The fundamental objectives of parliamentary oversight are to promote people's freedoms and well-being (including gender equality) and to improve governance. Oversight processes assess the impact of government action on society, help ensure that appropriate resources are provided to implement government programmes, identify unintended or negative effects of government policy and actions, and monitor the meeting of national and international commitments. Oversight processes encompass scrutinizing proposed government action, ongoing monitoring, review of actions taken, evaluation and investigation.¹ To hold governments to account, parliaments require a legal mandate for oversight in addition to the capacity and independence to exercise it.

While conducting oversight is a core responsibility of all MPs, they do not bear this responsibility alone. Parliament is one of many oversight actors within society, although with a unique constitutional role. To perform effective oversight, the parliament must work closely with the other bodies, which include audit institutions, NHRI and ombudspersons, as well as civil society organizations. This is discussed further in section 5.

2.2 Parliamentary oversight of the security sector

Parliamentary oversight of the security sector involves the 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 units), prisons, probation services and private security services. In short, the security sector is composed of all institutions and entities with a role in ensuring the security of the state and its people.

Image: In May 2014, Inclusive Security, in partnership with UNDP's N-Peace Network, led an advocacy and mobilization workshop in Thailand for 19 women from a variety of sectors, including members of Myanmar's parliament, Nepalese police officers, and Indonesian leaders. The workshop, customized for women involved in peace processes, prepared the participants to organize and train others to advocate for women's inclusion © Inclusive Security.

Security sector oversight mechanisms are designed “to provide checks and balances that prevent human rights abuses, hold those guilty of abuses accountable, make recommendations to prevent recurrence and ensure that institutions operate efficiently and effectively while respecting the rule of law”.² Scrutiny of how the security sector implements national policy around gender equality and Women, Peace and Security is integral to these oversight tasks. Based on their representational function, parliaments are in a unique position to grant or withhold democratic legitimacy to government’s decision about security policy and security reform and to bridge government and citizens in shaping national dialogue on security.³ Parliamentary oversight, if effective, sets limits on the power of the executive or president. As such, effective oversight is essential to *good security sector governance*, characterized by a substantive concern for human rights, democracy and the rule of law, including the principles of gender equality, and to sustainable social and economic development (see Box 1). Democratic parliaments oversee the work of the security sector on the basis of the principles of legality, accountability, transparency, participation and responsiveness to the citizenry.*

Box 1: Parliamentary oversight and achieving the Sustainable Development Goals

In September 2015 the UN General Assembly adopted the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs). The 2030 Agenda for Sustainable Development affirms that through law making, the adoption of budgets and their role in ensuring accountability for the security sector, national parliaments play a crucial role.

The implementation of the SDGs requires an inclusive parliament, as inclusiveness is at the core of SDG 16 (peace, justice and strong institutions), and also a parliament that focuses on achieving SDG 5 on gender equality. The 2030 Agenda presents “both a challenge and an opportunity for parliaments to develop their role in working with governments to improve the well-being of all people” (IPU and UNDP, 2017: 11).

See the Policy Brief on “The 2030 Agenda for Sustainable Development, the Security Sector and Gender Equality”.

Source: UN Department of Economic and Social Affairs (2015) “Transforming our world: The 2030 Agenda for Sustainable Development”, New York: UN DESA; IPU and UNDP (2017) “Global parliamentary report 2017 – Parliamentary oversight: Parliament’s power to hold government to account”, Tignieu-Jameyzieu: Courand et Associés, p. 11.

In countries undergoing democratic transition there are often widespread problems in the security sector. Security sector institutions may be plagued by a lack of accountability mechanisms, corruption and low public trust. Other countries may suffer from a lack of resources and oversight, widespread corruption and an inadequate parliamentary and judicial framework. To address these problems and strengthen security sector governance, reform of the security sector is often required. Parliaments play an essential role in security sector reform (SSR). SSR has two components, a normative one to ensure *good governance* of the security sector by strengthening management, accountability and civilian oversight; and a practical one to pursue effectiveness and efficiency by restructuring the sector and building its human and material resources.

2.3 Key actors within the parliamentary system

Parliamentary oversight of the security sector is conducted in multiple ways. Central are a parliament’s mechanisms for scrutinizing and approving budgets, and enacting legislation related to the security sector and supervising its implementation. OSCE commitments, for example, refer to parliamentary oversight in military and national security matters,

* Security sector governance and SSR are explained in more detail in the DCAF Backgrounder Series.

The connections between gender equality and good security sector governance and SSR are discussed in more detail in Tool 1, “Security Sector Governance, Security Sector Reform and Gender”.

namely, “effective arrangements for legislative supervision of all such forces [i.e. military and paramilitary forces, internal security and intelligence services, and the police], services and activities” and “legislative approval of defence expenditures”.⁴ Parliament can monitor, investigate and report on the security sector’s policies, personnel, finances, operations and procurement of equipment and weapons systems. In some contexts, parliaments have the mandate to scrutinize, veto or approve senior appointments within security sector institutions.⁵

There are a variety of key actors within the parliamentary system that contribute to security sector oversight.

- ◆ *Parliamentarians*, or MPs, are representatives elected by voters to a country’s parliament. They should ensure that citizens’ concerns are taken into account in security-related policies proposed by the executive. They can initiate and review draft laws, question members of the executive in parliamentary sessions and demand official inquiries and investigations. Serving as a channel to the public, parliamentarians can hold public hearings and provide civil society groups with pertinent information. 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 level of political parties or individual legislators – greatly strengthens the legitimacy of parliamentary decision-making on security issues.
- ◆ *Political parties* are the main constituent parts of parliaments. The organizational fabric of most parliaments is built around them. In most political systems, political parties 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 committees* are the key legislative bodies that exercise a parliament’s oversight function. Committees are crucial because they are able to scrutinize the government’s record in detail. The committee structure gives parliamentarians the opportunity to organize their work and bring their expertise to bear. Furthermore, they allow direct communication between parliamentarians belonging to different political parties.⁶

Committees can exercise oversight over the security sector within the framework of a dedicated mandate, such as a committee on intelligence oversight, or within a broad mandate, such as committees on budget and finance or human rights. Given the complexity of the security sector, a well-developed committee structure is needed if a parliament is to exert real influence on the government. Specifically, parliamentary committees can play a crucial role in monitoring, investigating and reporting abuses within and by the security sector. For example, the primary function of the Austrian Parliamentary Committee on the Armed Forces is to collect complaints and present them to parliament in its annual report. To achieve compliance, the committee makes announced inspections throughout the country.⁷

An effective oversight committee has the following features.

- Its functioning and powers are based on rules of procedure.
- It has control over its own schedules (agenda, issues, dates, frequencies of committee meetings), and has appropriate latitude in the initiation and amendment of legislation.
- It has access to all information it deems necessary for carrying out its mandate, including classified information that is of crucial importance in overseeing the security sector.
- It can make use of minority reports.

- It has regular inter-committee co-ordination with other committees relevant to the security sector, such as those on defence, home affairs, budget issues, human rights and foreign affairs.
- It is chaired by a senior member of parliament with a background in defence and security policy; it is good practice to have a chairperson from an opposition party.
- It has the power to organize hearings on any topic it deems necessary.
- It has the power to demand that ministers and civilian and military experts testify at hearings.
- It effectively uses experts from academia and civil society organizations and from outside the government.
- It has its own meeting rooms, staff, budget and documentation.⁸

Parliamentary committees are discussed further in section 5.2.

- ◆ *Parliamentary ombuds institutions and NHRIs* are common mechanisms for exercising certain aspects of a parliament's oversight function. 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 human rights commissions or equal opportunities commissions). All NHRIs, by virtue of their human rights remit, are mandated to protect and promote women's rights and gender equality. Many countries have a specialized NHRI to address discrimination, equality and/or women's rights, such as an equal opportunities commission or sex discrimination commissioner.

Ombuds institutions are official bodies headed by an ombudsperson (who may have another title, such as "public defender" or "protector of citizens"). The term "ombuds institution" includes a wide range of organizations with diverse mandates, powers and functions, regulated by national legislation. 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. In some countries (such as Germany, the Netherlands, Serbia, Spain and Sweden) the national ombudsperson has general competence to receive individual complaints, including those against the security sector.⁹ In a number of countries ombuds institutions have been established to oversee security sector institutions, including police and armed forces, such as the Police Ombudsman for Northern Ireland and the Parliamentary Commissioner for the Armed Forces in Germany. Such institutions typically review and comment on draft laws from the perspective of protecting human rights; monitor the implementation of laws and oversee practices of state bodies, including security sector institutions; handle individual complaints against state bodies; and monitor detention conditions and facilities, especially in countries where ombudsperson institutions are the designated National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Parliamentary co-operation with ombudsman institutions and NHRIs is discussed further in section 5.4.

- ◆ *Parliamentary staff* play a central role in making parliaments function. Staff members represent a repository of expertise that individual parliamentarians and political parties draw on. Professional staff who have access to adequate training and resources on good security governance and/or who have accumulated significant experience supporting parliamentary processes aimed at improving security governance form a unique reservoir of knowledge, skills and institutional memory for MPs to tap into. They can ensure continuity in discussions about complex security issues and provide a historical context. Thus staff are a crucial element in empowering MPs and committees to provide effective oversight of the security sector.

- ◆ *Parliamentary research services* provide non-partisan and balanced analysis related to security issues, customized to meet the needs of parliamentarians.
- ◆ *Civil society* constitutes a central partner in supporting parliamentarians in efforts to reform and oversee the security sector. Civil society engagement is a crucial aspect of good security governance. Parliaments can employ different means to interact with civil society, including holding national dialogues, organizing public consultations, such as parliamentary hearings on proposed laws, and soliciting presentations by experts. Such relationships are long-established traditions in many societies and strengthen the legitimacy of parliament. Parliamentary engagement with civil society is discussed in section 5.3.

Endnotes

1. H. Born and G. Mesevage (2012) "Introducing intelligence oversight", in H. Born and A. Wills (eds) *Overseeing Intelligence Services: A Toolkit*, Geneva: DCAF, p. 7.
2. M. Bastick (2014) *Integrating a Gender Perspective into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions*, Geneva: DCAF, OSCE/ODIHR, OSCE, p. 5.
3. DCAF (2009) *Gender and Security Sector Reform*, Geneva: DCAF, p. 7.
4. CSCE (1995) "Budapest Document 1994: Towards a genuine partnership in a new era", Helsinki: Helsinki Monitor. The OSCE was the first security organization to conceive of and adopt a concept of comprehensive and co-operative security, which the participating States have reaffirmed in major documents and decisions taken since the Helsinki Final Act. At the heart of the OSCE comprehensive concept of security lies the understanding that the politico-military, the economic-environmental and the human dimensions are all of equal importance to security.
5. H. Born, P. Fluri and S. Lunn (2010) "Oversight and guidance", in H. Born, P. Fluri and S. Lunn (eds) *The Relevance of Parliamentary Oversight for the Security Sector*, Geneva: DCAF, p. 6; DCAF (2015) "Parliaments", SSR Backgrounder Series, Geneva: DCAF, p. 2.
6. W. F. van Eekelen (2010) "The democratic control of the armed forces: The national and international parliamentary dimension", in H. Born, P. Fluri and S. Lunn (eds) *The Relevance of Parliamentary Oversight for the Security Sector*, Geneva: DCAF, p. 47.
7. Interview with MP Michael Hammer, Executive Director of the Austrian Parliamentary Commission for the Federal Armed Forces, Austria, 9 October 2018; interview with Otto Pendl, Director of the Austrian Parliamentary Commission for the Federal Armed Forces, Austria, 13 October 2018.
8. H. Born (2010) "Learning from best practices of parliamentary oversight of the security sector", in H. Born, P. Fluri and S. Lunn (eds) *The Relevance of Parliamentary Oversight for the Security Sector*, Geneva: DCAF, p. 33.
9. M. Bentinck and H. Born (2013) *Parliamentary Oversight of the Security Sector*, Brussels: European Parliament Office for Promotion of Parliamentary Democracy, p. 29.





3. Why are gender equality and integrating a gender perspective important in parliamentary oversight of the security sector?

Gender equality must be at the core of parliamentary decision-making. A gender-sensitive parliament responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. It derives its legitimacy from representing constituents' voices in all their diversity and in an inclusive manner. Ultimately, it is a parliament that is more efficient and effective.*

Parliaments can and should contribute to good security sector governance: making security sector institutions more transparent, accountable, compliant with human rights and gender sensitive, operating on the basis of the rule of law. Gender equality is integral to good security sector governance because this equality is a fundamental human right and a democratic principle; it is essential to the rule of law. (See Boxes 2 and 4 for definitions of key gender terms used in this Tool.)

* The Inter-Parliamentary Union, the European Institute for Gender Equality and OSCE/ODIHR have published tools on gender-sensitive parliaments, listed in section 7.

Box 2: Gender and gender equality

Gender refers to the roles, behaviours, activities and attributes that a given society at a given time considers appropriate based on biological sex. It also refers to the relationships between women and men and girls and boys, as well as those between women and those between men. These attributes, opportunities and relationships are *socially constructed* and *learned* through socialization processes. They are context- and time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or 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 and decision-making opportunities.

Gender equality is a fundamental human right, and a goal to which governments and international organizations have committed. Gender equality means that “the rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female” (UN OSAGI, 2001). In the context of the security sector, this means that women and men have equal opportunities to participate in the provision, management and oversight of security, and that the security needs of women, men, girls and boys are equally met.

Source: UN OSAGI (2001) Important Concepts Underlying Gender Mainstreaming, New York: United Nations.

Pursuing gender equality and integrating a gender perspective help to provide effective security. Effective provision of security recognizes and addresses the different security needs of all parts of communities, including of women and men, girls and boys, and lesbian, gay, bisexual, trans and intersex (LGBTI) persons.

Image: Egyptian women line up to vote in parliamentary elections, 2011 © UN Women/ Fatma Elzahraa Yassin.

To address gender bias, prevent discrimination and adopt a comprehensive gender approach to security, it is important to understand *intersectionality* – that is, how gender identities and expectations interact with other societal markers such as ethnicity, race, religious background, age, social class, sexual orientation, marital status, disability and the situation of people in different positions of power and privilege, discrimination and exclusion. Intersectionality is to be found “when a person identifies as belonging to more than one marginalized group, [which] compounds the level of vulnerability experienced”.¹ It is necessary for any work on gender and security to consider how gender intersects with ethno-religious background, age, social class, sexual orientation, marital status, race, ethnicity, disability and other demographic identifiers, in different places and at different times.*

Effective and efficient security sector institutions are representative of the diverse populations they serve, including (although not limited to) women, men and LGBTI persons.

Parliamentary oversight has key roles to play in achieving gender equality within the security sector for several reasons.

- ◆ If security institutions are to function within a framework of gender equality, the creation of an adequate legal and policy framework is essential.
- ◆ Just and effective legislation must consider the security needs, and access to security, of different groups of individuals: women, men, girls and boys have different experiences of security.
- ◆ Gender analysis of national laws and policies and their impact on the delivery of public services is necessary to ensure practices that match the needs of the full spectrum of society.

This section explores in greater depth four key reasons why promoting gender equality and integrating a gender perspective are critical for parliamentary oversight of the security sector:

- ◆ to uphold and comply with international and regional human rights standards
- ◆ to ensure that laws and regulations concerning security and justice are inclusive and address diverse needs
- ◆ to achieve gender-equitable budgeting for the security sector
- ◆ to ensure that parliamentary oversight is itself diverse and inclusive.

3.1 To meet international and regional legal and normative standards for gender equality

Parliaments’ oversight of the security sector must be guided by and reinforce international norms and standards related to human rights, gender equality and the rule of law, such as those enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW – see Box 3) and developed through the Women, Peace and Security Agenda (see Box 7 on page 23).

Since the UN Fourth World Conference on Women in Beijing in 1995, *gender mainstreaming* – the process of ensuring that policies and practices meet the needs of men and women equitably – has been hailed as a key strategy in the achievement of gender equality.² Gender mainstreaming can help to address the needs of all women, men, boys and girls, as well as people of diverse backgrounds, including different gender identities, age, disability, etc. Furthermore, it can help identify areas where affirmative action or other measures might enable rectification of the ongoing impact of historical and present-day gender-based discrimination.

* Gender, gender roles, gender stereotypes, masculinities and femininities, gender equality, intersectionality and diverse sexual orientation and gender identity and expression are discussed in more depth in Tool 1, “Security Sector Governance, Security Sector Reform and Gender”.

Conducting intersectional gender analysis is discussed in Tool 15, “Integrating Gender in Project Design and Monitoring for the Security and Justice Sector”.

Box 3: International and regional instruments pertaining to gender equality and security

A range of national, regional and global legal obligations are relevant to a gender perspective and/or oblige states to integrate a gender perspective in the work of the security sector. A compendium of international and regional legal instruments is published online as part of this Toolkit.

Key instruments include the following.

- ✦ CEDAW and the CEDAW Committee's General Recommendations.
- ✦ The Yogyakarta Principles and Yogyakarta Plus 10 Principles pertaining to rights of persons of diverse sexual orientations and gender identities and expressions.
- ✦ Regional human rights treaties, such as the African Union's Maputo Protocol and the Council of Europe's Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence.
- ✦ The UN SDGs: SDGs 5 (achieving gender equality) and 16 (promoting peaceful and inclusive societies) are of particular importance for the security and justice sector, but SDGs 1, 2, 3, 4, 6, 7, 8, 10, 11 and 13 are relevant as well.
- ✦ Regional institutional frameworks, such as the OSCE 2004 Action Plan for the Promotion of Gender Equality and the 2009 Ministerial Council Decision No. 7/09 on women's participation in political and public life.

This Tool uses the similar but more inclusive concept of “integrating a gender perspective”. A *gender perspective* is a way of seeing or analysing which looks at the impact of gender on people's opportunities, social roles and interactions. This way of seeing is what enables one to carry out gender analysis and subsequently to mainstream a gender perspective into any proposed programme, policy or organization.³ Integrating a gender perspective should occur alongside measures actively designed to promote gender equality.

3.2 To ensure that laws and regulations concerning security are inclusive and address diverse needs

The central power of parliaments lies in law making, which is interdependent with oversight processes. Parliaments establish the legal frameworks that can support and advance gender equality and lay the ground for relevant policies and budgeting, including with regard to personnel, services and standards of the security sector.

Women are increasingly being recruited into and advancing within security sector institutions.* These efforts are based on the following rationales: a commitment to equal employment opportunities for men and women; that gender-balanced security sector institutions increase the perceived legitimacy of, and trust in, the security sector; and that women do embody different useful skills and strengths.⁴ Parliaments can play key roles in directing and supporting security sector institutions in becoming more inclusive of women and more representative of society at large by, for example, reforming legal provisions that block women from certain roles (such as close-combat roles within the military), drafting legislation and amendments aimed to promote gender equality within institutions and scrutinizing the impact of laws and regulations on women and men.

A person's gender – as well as age, disability, ethnicity, sexual identity and class – is intimately associated with how he or she experiences, is affected by and participates in violence. Moreover, a person's gender – along with other characteristics – is intimately associated with how he or she experiences and is involved with the provision of security.

* See discussion and data in Tools 2, 3 and 14.

Women, men, boys and girls have different security needs, which should be reflected in criminal law and legislation concerning security and justice. While women and girls are the overarching majority of victims of GBV, men and boys may also be victims, not only during conflict but also in peacetime.* It is essential that laws defining rape and other sexual offences are gender-sensitive. Parliaments have the power to hold security institutions and personnel accountable for effectively preventing and responding to GBV affecting women, girls, men and boys.

LGBTI persons and others of diverse sexual orientations and gender identities and expressions (see Box 4) often face particular forms of discrimination, exploitation, abuse and violence. This is recognized by the many states and international organizations that address discrimination on the basis of sexual orientation or gender identity in their laws and declarations.⁵ Discrimination, exploitation, abuse and violence against LGBTI people include (but are not limited to) taunting and bullying for not adhering to gender norms, humiliation, extortion and blackmail, sexual harassment and exploitation, as well as various forms of physical and sexual violence, at times leading to death. In countries where homosexuality is criminalized, LGBTI persons who are victims of a crime can be reluctant to seek justice.⁶ It must be a fundamental goal of parliaments to defend the rights of all constituents, regardless of their sexual orientation and gender identity and expression.

Box 4: Diverse sexual orientations and gender identities and expressions

Tool 1 explains in more detail what is meant by diverse sexual orientations and gender identities and expressions. This inclusive phrase recognizes persons who identify as LGBTI, but also persons whose sexual orientations are not (or not only) primarily heterosexual and whose gender identities do not necessarily subscribe to a man/woman gender binary. This includes non-Western non-binary gender identities.

While this Tool frequently uses the terms “man” and “woman”, it is important to remember that some people do not identify as either or exclusively man or woman. The discrimination and violence people of diverse sexual orientations and gender identities and expressions face are intimately related to gender roles.

3.3 To achieve gender-equitable budgeting for the security sector

Parliaments are able to shape gender-responsive budgets related to security that take the diverse gendered needs of all constituents into consideration. To do so, parliaments need to be aware of their budgetary oversight prerogatives (see Box 5) and be willing to exercise them. In many countries, because of widespread acceptance that the areas of security and defence lie primarily within the executive, parliaments have ceded their powers of initiative to the executive in these matters. In comparison to other sectors, such as agriculture and education, scrutinizing security and defence budgets poses an additional challenge due to the sensitive nature of certain budgets (e.g. intelligence) and governments' tendency to overclassify information.⁷ Security budgets submitted to parliaments may not be sufficiently detailed or itemized, which makes it harder for MPs to identify areas with potential risks of corruption or to conduct a gender analysis.

Nevertheless, the parliament “controls the purse strings” and has a duty to ensure that the security needs of women, men, boys and girls are equally taken into account. Recognizing the challenge of overseeing security sector budgets, parliaments around the world are seeking ways for enhanced parliamentary scrutiny of security budgets. In Germany the parliamentary Budget Committee established a subcommittee, called the Group of Trust,

* For the purpose of this Toolkit, the phrase “gender-based violence” (GBV) is used to refer to all harmful acts inflicted upon someone because of normative assumptions about their gender. GBV is an umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed (gender) differences between females and males. The nature and extent of specific types of GBV vary across cultures, countries and regions. Examples include sexual violence, sexual exploitation/abuse and trafficking for sexual exploitation; domestic violence; forced/early marriage; harmful traditional practices such as female genital mutilation; honour killings; widow inheritance; and homophobic and transphobic violence.

See UN Women (2019) “Gender equality glossary”, <https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36> (accessed 6 September 2019); OHCHR (2011) “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity”, report of the UN High Commissioner for Human Rights, UN Doc. A/HRC/19/41, 17 November, para. 20.

which is tasked exclusively with overseeing the budgets of intelligence agencies. Members of the Group of Trust have broad access to classified information and co-operate with the intelligence oversight committee to ensure more effective oversight.⁸

Box 5: Types of parliamentary budgetary powers

In terms of their respective budgetary powers, three broad categories of legislatures can be identified:

- ✦ Budget-making legislatures, such as the US Congress, are able to amend, reject and even formulate alternative budget proposals. The legislature is highly involved in security budgeting, policy and oversight, and is accordingly staffed with the necessary expertise.
- ✦ Budget-influencing legislatures, like most European parliaments, can amend and reject bills but may not present their own proposals. This does not prevent them from examining proposed budgets in detail and producing numerous amendments, as can be observed in Germany and the Netherlands, for example.
- ✦ Legislatures based on the British Westminster system (including Australia, Canada, India, New Zealand, South Africa, the United Kingdom and Zambia) are authorized only to reduce existing budgetary items but not to increase or add any items.

Considering the implications of each model for gender-responsive oversight, budget-making legislatures tend to be most effective: not only can they modify existing budget proposals, but they have the option of presenting an alternative proposal.

Source: M. Bentinck and H. Born (2013) Parliamentary Oversight of the Security Sector, Brussels: European Parliament Office for Promotion of Parliamentary Democracy, p. 28.

3.4 To ensure that parliamentary oversight is diverse and inclusive

Modern parliaments are expected to be representative, transparent, accessible, accountable and effective institutions, and places where the views of a wide range of stakeholders are not only welcomed but considered essential. Part of this expectation is that there should be gender balance: ideally, equal participation of men and women in the parliament. This is a matter not only of well-informed decision-making but of democratic representation and legitimacy, and is called for under international human rights frameworks (including those listed in Box 3).

Parliaments need, however, to aspire to achieve not just an equal balance of women and men, but a *diversity* of men and women, from different types of backgrounds and with different characteristics. Where parliamentarians come from a wide range of backgrounds (e.g. socio-economic, class, religious and ethnic) and have a diversity of characteristics (e.g. age, gender and sexual orientation), they better reflect and represent the diversity of the society they serve. There should also be diversity in distribution of parliamentary roles and decision-making responsibilities within the parliament, particularly in key positions.

As well as being diverse, parliament should be inclusive, accountable and transparent. This means reaching out across all of society to listen, consult and respond, and sharing information with the public. An inclusive parliament is better informed about the distinct security needs of all people within societies, and when parliaments are inclusive the legitimacy of their oversight is strengthened.⁹

Women remain seriously underrepresented in national parliaments. Data compiled by the Inter-Parliamentary Union attest that, as of April 2019, the following situation pertained.¹⁰

- ◆ A mere 24.3 per cent of the world's parliamentarians were women, and only 46 countries had surpassed the 30 per cent threshold in women's representation.*
- ◆ Regional analysis reveals that parliaments in Nordic countries had 42.5 per cent women MPs, followed by the Americas with 30.6 per cent. The Pacific region had the lowest proportion of women at 16.3 per cent.
- ◆ Amongst OSCE participating States, the average percentage of women in parliament was 26.7 per cent (see Table 1).

Table 1: Women in parliament in OSCE countries, regional average

Category	Single house or lower house (%)	Upper house or senate (%)	Both houses combined (%)
Europe – OSCE participating States, including the Nordic countries	28.6	28.1	28.5
Europe – OSCE participating States, excluding the Nordic countries	27.2	28.1	27.4

Source: Inter-Parliamentary Union (2019) "Women in national parliaments: Regional averages (situation as of 1 April 2019)"; <http://archive.ipu.org/wmn-e/arc/world010419.htm>.

Among the top ten countries in terms of women's participation, there are six nations from Latin America and the Caribbean: Cuba, Bolivia, Mexico, Grenada, Nicaragua and Costa Rica have either achieved gender parity or come close to it.

Progress is being made. In 2007 women constituted only 17 per cent of parliamentarians worldwide, with only 18 countries reaching or surpassing 30 per cent female representation.¹¹

Within parliaments, the distribution of committee membership/leadership also tends to be gendered; health and education feature more women parliamentarians than found in defence, budgets and foreign affairs committees, which are typically male-led. It is significant that the advances made over the past decade are being translated into gender-balanced parliamentary committees in some contexts.

Both male and female parliamentarians share responsibility for making parliamentary oversight more reflective of the population at large. The attainment of gender equality has to be a goal for parliament in and of itself. A more diverse, inclusive parliament constitutes a more effective body in ensuring that all its oversight functions integrate a gender perspective.

* Data on women in national parliaments are published by the Inter-Parliamentary Union, <https://data.ipu.org/>.

Endnotes

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5. For example, resolutions of the UN Human Rights Council and General Assembly, <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx> (accessed 26 March 2019); the OSCE Parliamentary Assembly's 1995 Ottawa Declaration called upon participating States "to ensure that all persons belonging to different segments of their populations be accorded equal respect and consideration in their constitutions, legislation and administration and that there be no subordination, explicit or implied, on the basis of ... sexual orientation"; European Union (2013) "Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons".
6. In Lebanon, for instance, while homosexuality is not explicitly outlawed, elements of the Penal Code criminalize same-sex intercourse. This deters LGBTI people from reporting rape for fear of prosecution and incarceration. L. Khattab and H. Myrtilinen (2014) "Gender, security and SSR in Lebanon", Beirut: International Alert.
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4. What would parliamentary oversight of the security sector that advances gender equality and integrates a gender perspective look like?

This section lays out a vision of what a focus on gender equality in parliaments' oversight function entails, and examines the key features that promote security by integrating a gender perspective.

The main areas examined are defining security and security needs in an inclusive manner, with a gender perspective; effective legislation and structures to address GBV; mainstreaming gender into budgeting; and Women, Peace and Security NAPs. This section presents examples from Africa, Central America, Macaronesia, North America and Southeast Europe.

Section 5 examines *how* parliamentarians can achieve this vision.

4.1 Security and security needs are defined in an inclusive manner and with a gender perspective

Parliaments that are effective in their oversight function lay out a vision for inclusive national security. In pursuing this goal, parliaments support SSR “by deepening national ownership; developing a vision for security, shaping sound legal frameworks; ensuring better public financial management, encouraging a culture of service; and providing for a more inclusive and responsive approach”.¹ Women, men and individuals of diverse backgrounds, sexual orientation and gender identities and expressions are guaranteed equal access to security services and accountability mechanisms. Without this, the security sector risks reinforcing existing gender inequalities by allowing more powerful members of society (including security institutions' own staff) to dominate others.

Public hearings can help parliaments assess and document the need for legal evolution. An example from Togo highlights how legislative processes can be supported through public consultations on violence against women and girls. In 2010 female parliamentarians in Togo organized national consultations on violence against women and girls, with support from international partners, including the Inter-Parliamentary Union. Using their leadership positions within parliament, women such as the Deputy Speaker of Parliament and the Chair of the Parliamentary Commission on Human Rights mobilized support from international partners and national stakeholders inside and outside the National Assembly, Togo's legislative body. The outcomes of this process, which covered every region and province in the country, informed the development of proposed legislation on violence against women and girls, a first for Togo. An inclusive editing team, including women's rights activists, independent gender and legal specialists, technical advisers from the Ministry for the Promotion of Women and a core group of male and female MPs from different political

Image: Members of the European Parliament visit Turkey to assess response to the Syrian refugee crisis, 2016
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parties, was put in place to develop the content of the proposed law. The final version was reviewed during a one-week retreat by the editing team before being presented to the National Assembly. Although the law had not been adopted at the time of writing, this process has served to put the issue of violence against women and girls on the agenda of the National Assembly and given other stakeholders an entry point for advocating for legal improvements.²

The parliament of El Salvador provides another example of how security and security needs can be defined in an inclusive manner. In 2015 the Salvadoran Parliament passed a law that takes into account the unique security challenges encountered by the LGBTI community. A dialogue between MPs and the LGBTI community led to the conclusion that sanctions for crimes motivated by hatred based on sexual orientation and gender identity needed to be made more severe. Violence against the LGBTI community and impunity for attacks perpetrated by non-state actors, especially gangs, are serious problems. The Salvadoran justice system:

... has failed to recognize and investigate LGBTI hate crimes, thereby rendering individuals vulnerable to attack and without redress. In particular, transgender individuals have been the targets of brutal murders. Most of these cases are not investigated and none have resulted in a successful prosecution.³

To address this situation, the Legislative Assembly, El Salvador's unicameral Parliament, approved a reform of the Penal Code in 2015. The reform introduced harsher penalties for murder and hate-motivated threats, "including on the basis of race, ethnicity, political views, religion, gender, gender identity and expression, sexual orientation or any other equivalent".⁴

As in El Salvador, the Federation of Bosnia and Herzegovina took action in 2014 to rectify the fact that hate crimes were not addressed in its Criminal Code. The Women's Caucus of Parliamentarians of the Federation's House of Representatives, the lower house of parliament, worked with a civil society coalition that was fighting against hate speech and hate crimes. The Caucus drafted an amendment to the Criminal Code that included provisions for hate crimes committed on the basis of sexual orientation and gender identity. Subsequently, the Women's Caucus submitted to parliament a comprehensive draft law on amendments to the Criminal Code. In February 2016 the House of Representatives in Sarajevo adopted the draft into law.⁵

4.2 Effective legislation and structures address GBV

A parliament that carries out effective oversight of the security sector to advance gender equality ensures that comprehensive legislation is passed to prevent, detect, investigate and prosecute GBV. Legislation should encompass all forms of GBV, including (but not limited to) sexual harassment; domestic violence and marital rape; male-on-male rape; forced marriage, pregnancy or abortion; trafficking for sexual exploitation; genital mutilation; and honour killings. Legislation should establish appropriate sanctions for perpetrators and support for victims.

An effective security sector protects everyone, including women in all their diversity (taking account of age, disability, etc.) and individuals of diverse sexual orientations and gender identities and expressions, from violence and discrimination. For example, research suggests that women with disabilities are more likely to experience domestic violence, emotional abuse and sexual assault than women without disabilities. Women with disabilities may also feel more isolated and unable to report abuse, or they may be dependent on the abuser for their care. Discrimination on the basis of sexual orientation or gender identity and expression consists of unfair treatment or an arbitrary distinction based on a person's

actual or perceived non-heterosexual sexual orientation (for example, being lesbian, gay or bisexual), or based upon how a person identifies and expresses their gender in terms of appearance, mannerisms and behaviour.

A parliament that carries out effective oversight of the security sector to advance gender equality addresses gender-based bias and discrimination by driving forward legislative and policy reform, training for security sector personnel, the inclusion of more women in the security sector, vetting to exclude perpetrators of sexual violence from the security sector and improvements to judicial proceedings to address survivors' and witnesses' needs better while acknowledging the special needs of various groups of women, men, girls and boys. In addition, parliaments can serve as a forum to increase social awareness of the gendered impacts of violence.

In the context of oversight of the security sector to advance gender equality, parliamentary committees play a significant role in reviewing existing national laws with a view to ensuring that discrimination on the basis of gender, sexual orientation or gender identity is strictly prohibited, that national laws are in line with international human rights law and standards, and that the legislative framework provides a sufficient basis to prevent, detect, investigate and prosecute, without discrimination, various forms of GBV. For example, where domestic violence laws do not apply to same-sex couples who live together, this renders LGBTI individuals vulnerable. In reviewing laws concerning domestic violence, parliamentarians can ensure that the law protects individuals who are not in a traditional heterosexual marriage when they are victims of domestic violence.

Parliaments play a significant role in overseeing and legislating peace processes – a role that is mentioned in the UN Security Council resolutions on Women, Peace and Security. Regional bodies, including the European Union, NATO and the African Union, have also developed strong frameworks around gender equality and women's rights, emphasizing the role of parliaments in building sustainable peace. For example, Article 42 of the 2013 African Union Framework on Security Sector Reform states that the African Union:

... advises Member States to encourage and support their legislatures to oversee the work of the security sector. Additionally, [legislatures] will make and approve laws, rules and regulations of the respective security sector institutions and mandate specialized Committees to exercise oversight on behalf of the legislature and regularly report thereto.⁶

OSCE Ministerial Council Decision No. 7/14 on preventing and combating violence against women calls on all OSCE participating States, encompassing all relevant actors including parliaments, to develop (among other things) comprehensive and co-ordinated national policies aimed at combating all forms of violence against women.⁷

Armed conflict and its legacy raise particular challenges and potential opportunities for gender-responsive parliamentary oversight (see Box 6). During reform of the justice sector in the aftermath of a conflict, parliamentarians can ensure that GBV is included in the mandate of truth commissions and special courts. The Croatian Parliament provides a good example of what addressing GBV during conflict looks like. In 2015 Croatia adopted the Homeland War Act, which prescribed support measures for women who were victims of sexual violence in the wars of 1991–1995. This ground-breaking legislation made Croatia a European leader in terms of legislation on sexual violence during conflict.⁸

Box 6: Parliamentary oversight in conflict-affected contexts

Parliaments must be cognizant of the fact that gender roles undergo significant change in times of conflict and in post-conflict peace processes. Peace processes provide distinct opportunities for parliaments to make their oversight of the security sector more inclusive and diverse.

During conflict, women and men take on new responsibilities. For women this frequently entails serving in counter-traditional roles. In the post-conflict stage, there are new opportunities for women to be integrated into security sector institutions and parliament. Women are increasingly participating in peace negotiations, donor conferences and other reconstruction planning processes. Based on these experiences and having participated in an armed struggle, women are demanding that they be included in post-conflict political structures.

Furthermore, peace processes can present opportunities for former armed combatants to undergo gender training. Disarmament, demobilization and reintegration processes can present opportunities to close the gender gap – for example, female ex-combatants can be given the opportunity to join security sector institutions.

A parliament that enacts effective legislation with regard to GBV ensures that laws are written in gender-sensitive language. It makes sure that laws do not exclude men or women, or give the impression that they apply only to a particular sector of the population. To avoid exclusion and discrimination, security legislation and policy use language which acknowledges that society, as well as any specific institution, consists of different groups with different needs. Appropriate language also serves as a reminder that certain positions within the security sector are not reserved for men or women only.⁹

To address GBV better, specialized police stations for women have been created in several Latin American countries. The idea behind such stations is that women feel freer to report sexual violence when they do not have to face male officers. Nicaragua is one country that stands out in successfully creating police stations for women while showing the complexities involved in addressing GBV.* Although Nicaraguan women who experienced GBV initially came forward in greater numbers, recently passed national legislation has taken a step backwards. A new law requires that victims of GBV first engage in reconciliation efforts with the perpetrator before further legal steps can be taken, and this has resulted in a decrease in the number of women coming forward to confront their perpetrators. This demonstrates that it is crucial for parliamentarians to review the legislative framework with a view to identifying legal gaps or conflicting laws that hamper efforts to tackle GBV. Moreover, parliament must assess the possible negative and positive impacts of proposed legislative changes on men, boys, women and girls in all parts of society.

4.3 Gender is mainstreamed into budgeting

The “power of the purse” is at the heart of parliamentary powers in security sector governance. A parliament that carries out effective oversight of the security sector to advance gender equality takes a systematic approach to integrating a gender perspective in the evaluation and approval of budget proposals and procurement. This requires developing insight into the impact that government policies, budgetary allocations and expenditures have on women, girls, men and boys, as well as individuals of various backgrounds. It assesses “whether gender-blind or gender-biased assumptions have been made about the beneficiaries of a process or policy, who the process or policy target is, and whether all groups will benefit equally”.¹⁰

* Discussed in Tool 2, “Gender and Policing”.

Cape Verde's Network of Women Parliamentarians is engaged in gender-responsive budget oversight. With the help of gender experts and UN Women, the network produced a results-based analysis of the country's 2015 budget proposal. Subsequently, it successfully advocated for the reallocation of funding for the Strengthening Gender Equality and Equity Programme.¹¹ The network's persistent legislative oversight resulted in a more gender-responsive budget.

Serbia provides another example of gender-responsive budgeting. The Serbian government formally introduced gender-responsive budgeting with the adoption by the Serbian Parliament of a new Budget System Law in 2015. The law specifies gender equality as one of the budget's objectives, to be introduced gradually and fully implemented by 2020. To be able to meet the requirements of the law, civil servants took part in training in 2015 and 2016 that was co-ordinated at the top by the Co-ordination Body for Gender Equality and the Ministry of Finance.¹²

4.4 Parliament plays a role in national action plans on Women, Peace and Security

A parliament that integrates a gender perspective and advances gender equality is committed to implementing the Women, Peace and Security Agenda (see Box 7).

Box 7: The Women, Peace and Security Agenda

In 2000 the ground-breaking UN Security Council Resolution 1325 was adopted. It recognized that women and men have different experiences in conflict, different needs after conflict, different perspectives on the causes and outcomes of conflict and different contributions to bring to a peacebuilding process. Subsequently, the UN Security Council has adopted a further nine resolutions addressing women and conflict, together comprising the Women, Peace and Security Agenda: Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019). The goals of the Women, Peace and Security Agenda are to:

- ✦ promote gender equality and strengthen the participation of women in decision-making in all aspects of conflict prevention, peace processes, peace operations and peacebuilding
- ✦ improve the protection of women in conflict-affected environments, and end conflict-related sexual violence and impunity for these crimes
- ✦ ensure that international engagement in conflict-affected environments addresses the specific needs of women and improves the protection of women's rights.

The Women, Peace and Security Agenda emphasizes women's participation in security decision-making and the security sector, and women's access to justice. See the Policy Brief on "A Security Sector Governance Approach to Women, Peace and Security" for further discussion.

Over 75 countries worldwide have adopted a Women, Peace and Security NAP.¹³ Women, Peace and Security NAPs can play an important role in promoting gender equality within the security sector and transforming the security sector to be more responsive to diverse gendered needs.*

Parliaments can play a central role in the development of Women, Peace and Security NAPs, in ensuring that the focus on Women, Peace and Security is maintained and in monitoring NAP implementation. For example, 68 per cent of the parliaments that participate in the NATO Parliamentary Assembly are monitoring implementation of their nation's NAP.¹⁴ Parliaments

* See Tool 1 for a discussion on the role of Women, Peace and Security NAPs in relation to gender-responsive security sector governance and SSR.

have a range of tools at their disposal to exercise oversight over the implementation of NAPs, including plenary debates, committee meetings, hearings, questions to government ministers, officials or experts, and the production and examination of reports.

In many countries, parliamentarians are engaged in producing and examining reports on the government's implementation of the Women, Peace and Security Agenda. In the United Kingdom, the All-Party Parliamentary Group on Women, Peace, and Security was established in 2006, bringing together parliamentarians, policy-makers and civil society and focusing on the UK's implementation of its Women, Peace and Security commitments. On an annual basis, this group scrutinizes the government's report on its NAP implementation, thus strengthening parliamentary and public accountability.¹⁵

Questions and motions can be effective measures. Parliamentarians use questions to respond to emergencies, current events and emerging priorities. For example, the German Parliament interrogated the German federal government on sexual violence in international missions a few months after Oxfam staff members were found to have sexually exploited victims of the 2010 Haiti earthquake. A similar intervention was made in the Netherlands, where in 2016 the House of Representatives tabled a motion during a plenary session asking the Minister of Defence to ensure full-time gender expertise within the Ministry of Defence and its operations, and to facilitate women's participation in all its sections.

Parliaments can also use their budgetary power to oversee government spending for the implementation of the Women, Peace and Security Agenda. In Canada, for example, the parliamentary Standing Committees on Foreign Affairs and International Development and on National Defence meet at least three times a year to examine the spending of governmental departments responsible for the implementation of the Women, Peace and Security Agenda. In 2018 this oversight meant that parliamentarians were able to question the Minister of National Defence. Questions focused on the recruitment of women, the commitments of the Ministry of Defence to peace operations, and its policies on the elimination of harmful and inappropriate sexual behaviour within the military.¹⁶

Endnotes

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13. See the Women's International League for Peace and Freedom's compilation of information on NAPs on the PeaceWomen website, <http://peacewomen.org>.
14. Ferbach and Reeves, note 8 above.
15. Gender Action for Peace and Security (2019) "All-Party Parliamentary Group on Women, Peace and Security", <http://gaps-uk.org/about/appg/> (accessed 9 December 2019).
16. Ferbach and Reeves, note 8 above, p. 16.





5. How can parliamentary oversight of the security sector help advance gender equality and integrate a gender perspective?

This section outlines some key mechanisms by which parliamentary oversight of the security sector can be strengthened so as to advance gender equality. The overarching strategy is to integrate a gender perspective in *all aspects* of parliamentary work. As described by the UN Development Programme:

Gender mainstreaming within the legislative branch is the internal transformation of the institution (“how work is done”), of its results (“what is legislated” and “what content the legislation has”) and of its links (“who it has a dialogue with”, “who it controls”, “to whom is it accountable”).¹

To integrate a gender perspective in oversight of the security sector, more specific mechanisms include:

- ◆ gender analysis of the security sector, including in budgetary scrutiny
- ◆ engaging dedicated gender infrastructure, such as a parliamentary committee on gender equality or a women’s parliamentary caucus, in security sector oversight
- ◆ inclusive processes, reaching out to communities
- ◆ strengthening collaboration with ombuds institutions engaged in security sector oversight
- ◆ achieving gender parity within the parliament.

5.1 Gender analysis of the security sector, including in budgetary scrutiny

Integrating a gender perspective in oversight involves considering *who* performs a process or implements a policy, *how* it is performed or implemented, for *what purpose*, and whether the process or policy *promotes gender equality*. Gender-responsive oversight of the security sector thus entails scrutinizing security-sector-related laws, budgets, policies and practices with a view to ensuring that the security needs and priorities of all men and women, regardless of their sexual orientation and gender identities and expressions, are taken into account, and that security sector institutions respect, protect and fulfil the human rights of all, including as regards their own personnel.

Doing this requires some understanding, knowledge and skills. It is first and foremost necessary to conduct a gender analysis: a critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect women, men, girls and boys (regardless of their sexual orientation and gender identity or expression) in a given policy area, situation or context.*

* Tool 15, “Integrating Gender in Project Design and Monitoring for the Security and Justice Sector”, presents approaches to gender analysis, including a range of gender analysis tools that could be used by parliamentarians.

Image: Six members of the European Parliament’s all-party Women’s Rights and Gender Equality Committee, 2011 © European Union 2011 PE-EP/Pietro Naj-Oleari.

Thus it is essential to build the gender capacity of male and female parliamentarians, especially members of defence and security committees, through briefings, training and other awareness-raising initiatives. Indeed, parliaments as a work space can be a critical location “to discuss core gender equality issues including equal pay, equality in advancement, parental leave, ending sexual harassment in the workplace and promoting more flexible work hours to support better work–life balance and more equitable sharing of parenting and care work”.² If parliamentarians have even a basic understanding of gender analysis, this empowers them to ask important questions and request relevant data.

Parliamentarians should also be able to rely upon their staff and research departments to support their integration of a gender perspective. Parliamentary research services can be well suited to providing objective, concise analyses to assist parliamentarians in overseeing complex security-sector-related issues with a gender perspective.

In Fiji a parliamentary gender committee was created to ensure that gender considerations are taken into account in the work of all committees and reflected in the respective reports presented to parliament. Furthermore, the Fijian Parliament has adopted a “gender toolkit” to assist committee members in conducting gender impact assessments on all pieces of legislation, including the budget.³ The toolkit emphasizes the importance of collecting sex-disaggregated data. In the words of Jiko Luveni, the Speaker of Parliament, “the Parliament’s Standing Orders require a gender-based analysis to be used by parliamentary committees when scrutinizing legislation or undertaking their oversight functions”.⁴ Gender training, such as is carried out in Fiji, can be an effective measure to convince male and female parliamentarians of the significance of gender-responsive oversight.

A specific form of gender analysis is to conduct a “gender audit”. In parliamentary work, gender audits of all proposed and existing budgets help to reveal the degree to which gender inequality has an impact on security and to determine which priorities of the security of men, women, boys and girls, as well as persons from diverse backgrounds including diverse sexual orientation and gender identity and expression, require funding. When the parliament is discussing the general budget, it should establish gender equality as a priority goal in budget procedures. Such procedures can “ensure that allocations are in line with policy commitments on gender equality, increase transparency, and verify if spending is bringing about the desired impact”.⁵

A gender audit can ascertain whether the budgets for all security sector actors are gender-responsive. A gender-responsive budget, in turn, strengthens the legitimacy of the parliament’s oversight function. Gender audits should be based on a participatory methodology that:

- ◆ considers whether internal practices and related support systems for gender mainstreaming are effective and reinforce each other
- ◆ monitors and assesses the relative progress made in gender mainstreaming
- ◆ establishes a baseline for the audited unit
- ◆ identifies critical gaps and challenges
- ◆ recommends ways of addressing these gaps and challenges, and suggests new and effective strategies
- ◆ documents good practices aimed at achieving gender equality.⁶

South Africa was one of the first countries to introduce a gender perspective in its budget process. In 1995, about one year after the country’s first democratic elections, the South African Women’s Budget Initiative came to fruition as a joint effort on the part of parliamentarians and several civil society organizations. The Women’s Budget Initiative

analysed all sectoral allocations of the government's budget from a gender perspective to determine its differential impacts on women, men, girls and boys. The underlying idea was to analyse all forms of public expenditure or methods of raising revenue in the context of the benefits that would accrue to women and girls in relation to men and boys. The first phase of the initiative focused on four sectors – welfare, education, housing and the Reconstruction and Development Programme. The second phase included areas such as health, justice, safety and security, correctional services, transport, home and foreign affairs, agriculture, land affairs and energy.⁷ It is significant that a key to success was the close co-operation between parliamentarians and civil society organizations.

5.2 Engaging parliamentary gender structures in security sector oversight

As explained in section 2, parliaments' oversight function concerning the security sector tends to be centred in committees on security and defence. They can investigate the activities of the security forces and provide a public forum for political parties to deliberate on security policy and activities. Parliamentary committees on security and defence should actively communicate and co-operate with the parliament's dedicated gender structures – most commonly a committee with a particular focus on gender equality, or a women's caucus.

As of 2015, 144 parliamentary bodies with a mandate to address gender equality existed in 116 countries. Examples include the Belgian Advisory Committee on Equal Opportunities for Men and Women, the Canadian House of Commons Standing Committee on the Status of Women, the Indian Committee on the Empowerment of Women, the Spanish Committee on Equality, the Dominican Republic's permanent Gender Committees, the Committee of Equal Opportunities of the Assembly of North Macedonia, the Gender Equality Committee in Montenegro's Parliament, the Sectoral Oversight Committee on Women and Gender in the Parliament of Sri Lanka, the Gender Equality Committee of the Danish Parliament, Finland's Employment and Equality Committee, the Committee of Equal Opportunities of the Bosnia and Herzegovina House of Representatives, the Gender and Children Committee of the Parliament of Ghana and the Women's Parliamentary Group in El Salvador. It is an essential role of these committees to hold public hearings and consult with the policy community to determine the effects of policies, programmes and legislation on women, men, girls and boys. In Moldova, for example, the Women's Committee has sought expertise from the Gender Equality Platform, which comprises 19 prominent civil society organizations.⁸

A women's caucus can bring women together across party lines. Cross-party women's caucuses exist in, among other countries, Albania, Bosnia and Herzegovina, Kyrgyzstan, North Macedonia, Poland, Slovakia and the United States of America.⁹ An OSCE/ODIHR study on structures for women MPs in the OSCE regions revealed that while the type of parliamentary and political system in place does not appear to affect directly the emergence of a women's parliamentary body, the political environment can influence what type of body emerges. Likewise, the existence of legal gender quotas or voluntary measures to support women's election to parliament does not appear to be a direct indicator of the likelihood that a women's parliamentary body will be established. Nonetheless, many women's parliamentary bodies have played a key role in advocating for the introduction of gender quota provisions in electoral laws, in lobbying for amendments to gender quota provisions and/or in monitoring the implementation of quota provisions.¹⁰

A good example of a women's caucus is the Association of Women Parliamentarians and Ex-Parliamentarians in El Salvador. When the association was founded, the president

belonged to the Farabundo Martí National Liberation Front, a former guerrilla movement, and the vice president was from the right-wing ARENA party that had engaged in death-squad activities against the guerrillas throughout the 1980s. It became a symbol for women and men in parliament in terms of how dialogue was possible across hostile party lines.¹¹ The association's main goal is to offer training for women parliamentarians on leadership skills.¹²

5.3 Inclusive processes, reaching out to civil society

The committee structure is an important mechanism through which parliaments can seek civil society and other expert input on security affairs. Beyond engagement with a women's caucus or gender equality committee, parliamentary defence and security committees and gender equality committees should reach out to women's organizations, gender experts and civil society organizations that deal with the security sector or focus on human rights.

Committees should ensure that diverse groups are meaningfully consulted (see Box 8). Parliaments can employ different means to interact with civil society, such as holding national dialogues, organizing public consultations, including public parliamentary hearings on proposed laws, and soliciting presentations by experts. For example, one of the ways in which Austria has tried to address GBV is by involving civil society in the deliberations of the Committee on Gender Equality. In 2018 the committee undertook a special initiative against GBV in co-ordination with the non-governmental sector, integrating perspectives from civil society.¹³

Box 8: Conducting diverse and inclusive consultations

Representatives of diverse groups of men and women, including LGBTI persons, should be given opportunities to participate in legal reform processes and security sector oversight. This is crucial to ensure that communities' diverse needs are heard and addressed. In this regard, it is important to remember that neither women nor men nor LGBTI persons are homogeneous groups, and thus it is necessary to engage a diversity of groups to bring diverse experiences, needs and views to inform reform.

Participation of representatives of diverse groups in legal reform processes and security sector oversight should be:

- ✦ comprehensive – in sufficient number
- ✦ meaningful – in decision-making roles and with influence
- ✦ throughout the whole process – from inception of reform through implementation of reforms to evaluation.

Tokenism (consulting just a small number of “diverse people” merely as a formal display of inclusion) or engagement only after key decisions have been made must be actively avoided!

Parliaments' oversight function can include receiving, on a regular basis, information from civil society organizations and associations of female staff in the security sector with regard to the status of women in the sector and issues that are of current concern to them. When necessary, victims' rights groups and other relevant organizations should also be consulted. Such consultations with civil society make parliaments more representative and effective in their oversight function. Based on the information obtained, parliaments can question the executive and, if needed, pass legislation to address abuses.

5.4 Co-operation between parliaments and national human rights institutions and ombuds institutions in ensuring effective security sector oversight

As highlighted in section 2, NHRIs and ombuds institutions play an important role in monitoring security sector institutions. They receive and investigate complaints from the public and/or security sector personnel, and issue reports and recommendations. Gender-related violence is prevalent in the security sector institutions of many countries, and might involve violence against detainees or crime victims, or abuse of personnel's own family members or other members of the community. Investigation and reporting by NHRIs and ombuds institutions can help to identify, address and deter problematic behaviour by or within the security sector, as well as highlight institutional shortcomings. In this sense, an NHRI or ombuds office can be seen as a key ally for a parliament's oversight function. In overseeing the security sector, it investigates complaints, raises awareness of human rights violations and ensures compliance with national policies and the rule of law.

Collaboration between a country's NHRIs and ombuds institutions and its parliament can be an effective mechanism to advance gender equality and address GBV. In most countries, NHRIs and ombuds institutions report annually to the parliament. Their reports provide an overview of key human rights issues, with a particular focus on the actions and practices of state institutions that violate human rights. They give parliamentary committees an insight "into the overall situation in the services and the morale of their personnel".¹⁴ They might urge parliament to prevent and correct human rights abuses by initiating corresponding legislation; for example, advocating that parliament pass gender-sensitive legislation that takes into account the different needs and experiences of women and men.

Parliaments can rely on information provided by NHRIs and ombuds institutions to initiate hearings on reported abuses, and may be able to ask them to report on specific issues, such as the specific needs of women and girls.*

The Department for Gender Equality of the Public Defender of Georgia is a good example of how an ombuds institution works to protect and promote the human rights of all citizens, especially those at risk of vulnerability such as women and the LGBTI community. In her 2016 report on Georgia, the UN Special Rapporteur on Violence against Women, Its Causes and Consequences repeated her call for all states to establish a "femicide watch" or "gender-related killing of women watch". She explained that the purpose in doing so was to "collect and publish [annual] data on the number of femicides [committed] and [to] establish or entrust an existing body to analyse each case of femicide, in order to identify any failure of protection, with a view [to] improving measures to prevent femicides".¹⁵ In April 2017 the Public Defender of Georgia assumed responsibility for monitoring of gender-based killings of women. In 2018 the Public Defender presented to parliament its preliminary monitoring findings: an analysis of six femicides and four attempted femicides committed in 2016. The Public Defender's analysis identified gaps in data collection, essential for addressing shortfalls in the protection of survivors. It also called for the introduction of the term "femicide" into the Criminal Code, to facilitate legal qualification of the crime, strengthen the proportionality of sanctions and improve the system for victim protection.¹⁶

In 2019 the Conflict Prevention Centre of the OSCE Secretariat and Office for Democratic Institutions initiated a process leading to the establishment of an inter-agency platform where oversight bodies meet to discuss security sector governance and reform in the Republic of Armenia. The platform aims to bring together oversight bodies (National Assembly, Human Rights Defender's Office and civil society organizations) with security and justice sector institutions (National Security Council, Ministry of Defence, police,

* For more information on NHRIs and gender equality see OSCE/ODIHR's (2012) *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality* and DCAF, OSCE/ODIHR, OSCE's (2014) guidance note, *Integrating a Gender Perspective into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions*.

National Security Service, Investigative Committee, the Prosecutor's Office and the Special Investigative Service). It also includes the Supreme Judiciary Council. The integration of a gender perspective into security frameworks will be regularly reviewed by the platform.

5.5 Achieving gender equality within the parliament

The gross underrepresentation of women in most parliaments is discussed in section 3, in the context of the importance of parliament being representative in terms of men and women, both for its legitimacy and for the quality of its oversight. Important strategies for integrating a gender perspective in parliamentary oversight of the security sector are thus to increase the number of female candidates to be MPs and the number of women elected to parliament, and to make sure that women hold leadership positions within parliament once elected. The so-called “critical mass” of at least 30 per cent of women MPs is widely accepted as a benchmark for minimum standards. Additionally, the composition of the candidate pool for parliament needs to be inclusive of LGBTI communities as well as other traditionally underrepresented groups, such as women with disabilities and young women.

As noted in section 3, there has been a distinct improvement in women's participation in parliaments globally over the last two decades. This progress is to a large extent the result of the introduction of special temporary measures, such as quotas or reserved seats. As the CEDAW Committee has noted, quotas and reserved seats should not be considered discrimination against men; rather, they constitute special temporary measures to reverse historical inequalities and trends.¹⁷ The efficiency and impact of these measures vary. Kyrgyzstan and Ireland are examples where quotas have brought positive results. But temporary special measures are only as effective as their formulation and implementation, and there is no universal model suitable for all countries.¹⁸ Legislative quotas, while legally binding, do not always automatically produce desired changes in the number of women elected. At the same time, internal party quotas, although only voluntary measures, have been more effective in achieving higher representation of women in some countries.

In the discussion on numbers of women, at times less attention is placed on the outcomes – that is, the influence of women's participation in parliaments on gender equality. Parliaments are often “steeped in norms, practices and policies that discriminate against women and which make it difficult for women to effect change”.¹⁹ For example, improvement in the proportion of female parliamentarians does not necessarily lead to an active role for women in security-related decision-making, such as holding ministerial or senior positions on committees responsible for defence and policing (see Box 9). To illustrate, as of 1 January 2019 women held a total of 1,412 ministerial portfolios within governments; of those, women occupied only 22 portfolios for defence and/or veterans' affairs, 50 for home affairs and/or immigration and 31 for justice.²⁰ At the same time, most parliaments' gender equality committees have a predominantly female membership. Diverse committees, however, are more likely to understand the gendered security needs of their constituents. This enhanced understanding, in turn, strengthens the legitimacy of such committees.

Box 9: The Austrian Parliamentary Commission for the Federal Armed Forces

Austria provides a good example of the challenges and advances in committee oversight. The Austrian Parliamentary Commission for the Federal Armed Forces represents the democratic principle of the Austrian legal system in the military sphere. The institution is an independent monitoring body of the National Council of the Austrian Parliament.

The Commission was originally headed by the Minister of Defence, which greatly limited its independence, but over the years it has developed into an independent body that is no longer subject to directives from the minister. Now, even when members of the Commission lose their parliamentary seats, they serve their full six-year term on the Commission.

In 2016 the Commission started a special gender initiative, the goal of which is to mainstream gender throughout the armed forces. A particular focus is to ensure the advancement of women at all decision-making levels. Austria has a conscripted army that has opened up to women only over the last two decades. Since 1998 women have had the option to volunteer for service in the armed forces. In 2018 women constituted 10–13 per cent of the armed forces.

In 2018 the Commission was dominated by male MPs: none of the chairpersons and only two of the members were women. The Commission's limited diversity is explained by the fact that Austria's political parties tend to nominate their respective speaker on the defence sector as candidates. These, in turn, tend to be exclusively male. Thus institutional cultures need to change for the Commission to become gender-responsive.

Sources: "The Austrian Parliamentary Commission for the Federal Armed Forces", website of the parliament of Austria; interview with MP Michael Hammer, Executive Director of the Austrian Parliamentary Commission for the Federal Armed Forces, Austria, 9 October 2018; interview with Gisela Wurm, member of the Austrian Parliamentary Commission for the Federal Armed Forces and Chairperson of the Parliamentary Committee on Gender Equality (2008–2017), Austria, 13 October 2018; interview with MP Otto Pendl, Director of the Austrian Parliamentary Commission for the Federal Armed Forces, Austria, 13 October 2018.

To embrace gender equality as a value for all parliamentary work, male and female parliamentarians need to work together to transform institutional culture and overcome long-held prejudices. Male MPs can be incentivized to participate in gender equality committees in greater numbers. Female MPs can be prioritized for committees on which women are underrepresented, including committees mandated to oversee defence and security.

Nonetheless, it would be wrong to assume that women MPs automatically adopt more gender-responsive and gender-inclusive approaches to security sector oversight. Both men and women have inherent gender biases, and may be equally unaware of the security needs and potential vulnerabilities of people within communities with which they have little personal contact. While quotas and other measures for ensuring gender-balanced parliaments and committees are an important first step, it is imperative that all members of parliamentary committees receive capacity-building support to address potential gender bias and become aware of the security-related needs, challenges and vulnerabilities of women, men, boys and girls.

Endnotes

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16. Ibid.
17. General Recommendation No. 25 on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures.
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19. UNDP, note 1 above, p. 1.
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6. Key recommendations for integrating a gender perspective into parliamentary oversight of the security sector

- ◆ Conduct *gender analysis* of security legislation and introduce and strengthen gender-responsive budget initiatives.
- ◆ *Build the gender capacity of male and female parliamentarians*, especially members of defence and security committees, through briefings, training and other awareness-raising initiatives.
- ◆ Support the signing, ratification and full implementation of *international and regional treaties and conventions* that mandate the promotion of gender equality in the security sector, such as the UN Convention on the Elimination of All Forms of Discrimination against Women.
- ◆ Adopt effective *legislation to address gender-based violence* against and by women and girls, men and boys and individuals of diverse backgrounds, including with due regard to age, disability, sexual orientation, gender identities and expressions.
- ◆ Involve the parliamentary *gender committee* and parliamentary *women's caucus* in security sector oversight.
- ◆ *Achieve gender equality within the parliament* by implementing special temporary measures such as quotas, reforming electoral systems and supporting capacity building among political parties and female candidates.
- ◆ Increase the representation of *female parliamentarians on defence and security-related committees*.
- ◆ *Involve civil society*, especially women's organizations, in security policy-making through broad-based consultations, public hearings and other formal and informal mechanisms.
- ◆ *Co-operate with ombudsperson institutions and national human rights institutions* to incorporate gender mainstreaming into parliamentary work.
- ◆ Demand, monitor and oversee *national action plans on Women, Peace and Security*.





7. Additional resources

Websites

DCAF <https://www.dcaf.ch>

I Know Politics www.iknowpolitics.org

International Development Research Centre www.idrc.ca

International Institute for Democracy and Electoral Assistance www.idea.int

Inter-Parliamentary Union (IPU) www.ipu.org

OSCE/ODIHR <https://www.osce.org/odihr/gender-equality>

UN Women www.unwomen.org

World Bank dataset on proportion of women parliamentarians <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS>

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Image: Members of the public celebrate advances to approve law to prevent and eradicate gender based violence against women at National Assembly in Ecuador, 2017 © Alexander Moya / Asamblea Nacional del Ecuador.

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