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European Master's in Human Rights and Democratisation

UNSCR 1325 and OSCE Police Missions: Is Gender Really Mainstreamed?

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Abstract

United Nations Security Council Resolution 1325 adopted by the Security Council in 2000 is seen both as an instrumental tool and a benchmark, as it was the first time that the Security Council acknowledged the disproportionate impact of conflict on women and the importance of their role in all peace related aspects ranging from peace negotiations, conflict resolution to post-conflict reconstruction. It called on United Nations Members States to mainstream a gender perspective in peace operations, to train peacekeepers in gender and human rights and to reflect on the impact peacebuilding can have on women and girls in particular. It also appealed to Member States to increase the recruitment of women in police forces, a field where women are still widely underrepresented.

The Organisation for Co-operation and Security in Europe is the world largest regional security organisation and has been particularly responsive to UNSCR 1325 and in including the gender mandate the Resolution defends. The OSCE has today an important array of field police missions with several police advising services which include capacity building activities for police officers, recruitment of police officers and training in policing related matters as well as gender issues. It also advocates that gender mainstream lies at the heart of its police missions. It is this gender dimension that this research will strive to assess.

Table of Contents

5	1. Introduction
	1.2 Methodology
	1.3 Approach
13	2. The road to UNSCR 1325
13	2.1 The political background
20	2.2. The necessity of UNSCR 1325
	2.2.1 What does it say?
	2.2.2 Building on UNSCR 1325
	2.2.3 The increased impact of conflict on women
	2.2.4 The exclusion of women from peacebuilding and peacekeeping initiatives
	2.2.5 Conclusion
33	2.3 Defining the gender language
	2.3.1 Gender mainstream and gender
	2.3.2 Gender based violence and violence against women
	2.3.3 Conclusion
44	2.4 Human Security and the Security Sector Reform
	2.4.1 The Security Sector a gendered sector
	2.4.2 The Development of a Human security agenda
	2.4.3 The Security Sector Reform
	2.4.4 Conclusion
51	3. The OSCE, a promising regional Organisation in terms of gender mainstream?
51	3.1 A human rights pace setting Organisation
54	3.2 The OSCE political commitments towards gender equality

	3.2.1 The 2004 Action Plan on Gender Equality
	3.2.2 Conclusion
61	3.3 The Gender Section of OSCE
	3.3.1 Recent developments in the field of Gender Equality
	3.3.2 Conclusion
68	3.4 The Office of Democratic Institutions and Human Rights work
	3.4.1 Fighting domestic Violence
	3.4.2 Trafficking of Human Beings
	3.4.3 “The Human Rights Women and Security Program” or ODIHR’s commitment to UNSCR 1325
	3.4.4 Conclusion
77	3.5 The Strategic Police Matters Unit
	3.5.1 Gender in SPMU
	3.5.2 Conclusion
87	3.6 Insights from the case of Kosovo
	3.6.1 Fighting Violence Against Women
	3.6.2 Training on gender issues
	3.6.3 Participation of women in police forces
	3.6.4 Conclusion
97	4. General Conclusion
103	5. Bibliography
	<u>Tables and Annexes</u>
37	Table 1 Potential gender issues in conflict and post-conflict situations
58	Table 2 OSCE’s gender strategy
83	Table 3 Number of International Police Officers serving in OSCE’s missions
118	Annexe 1 United Nations Security Council Resolution 1325

1. Introduction

United Nations Security Council Resolution 1325 (hereinafter UNSCR 1325), adopted in October 2000, is an extremely important document as far as women's rights are concerned in conflict and post-conflict countries. Not merely because it is broad in scope, as it aims at covering diverse fundamental aspects related to women's rights but also because it is the first time the "gender agenda" is included in a recognized international global security institution the United Nations (UN), at the highest level, the Security Council.

Unfortunately, security continues to be a field in which women are excluded from and unrepresented throughout the world. For that reason, the adoption of UNSCR 1325 has been widely applauded.

Since the adoption of UNSCR 1325, in October 2000, the UN and its Member States (MS) are compelled to guarantee, a gender mainstream perspective in all peacekeeping missions and that gender training is provided to all peacekeeping personnel including civilians. It calls on all parts of conflict to take special measures to protect women and girls from gender based violence, including rape and other forms of sexual violence¹.

The resolution goes further as it does not only cover aspects related to a context of conflict: it compels MS and the UN to ensure, among others, the equal participation of women in prevention of conflict and the promotion of peace, to increase the number of women involved at high decision-making level in the security sector and in national institutions, ensure that women's rights are taken into consideration and part of the peace negotiation process in a peace building context. It calls for the increased

¹ United Nations Security Council Resolution 1325, S/RES/1325, 2000, available at http://www.un.org/events/res_1325e.pdf, consulted on 3 July 2011.

participation of women in all areas of the security sector including in police forces, where women are still widely underrepresented throughout the world².

The resolution has been used as an interesting tool to assess the situation of women in many countries where peace missions are held and has been integrated in several organisations and governments frameworks, namely through the adoption of National Action Plans (NAP). For instance, the European Union Members States (EUMS) have been leading the way in the adoption of NAP³, accounting for twelve of the twenty-five United Nations Members States having adopted a NAP⁴.

Several organisations have since UNSCR 1325 taken commitments towards “gender mainstream” or “gender mainstreaming⁵” and included a gender perspective in their field operations. The Organisation for Security and Co-operation in Europe (OSCE), the European Union (EU) under the new European Security and Defence Policy, now the Common Security and Defence Policy⁶, and even the North Atlantic Treaty Organisation⁷ have all included the UNSCR 1325 framework into their policies.

² *Op., Cit., ibidem*

³ Information taken from NGO PeaceWomen website, available at <http://peacewomen.org/pages/about-1325/national-action-plans-naps>, last consulted on 3 July 2011

⁴ Following the advice of the Council of the European Union, see Council of European Union, “Implementation of UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security, elaboration and implementation of UNSCR 1325 National Action Plans”, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news230.pdf, last consulted on 3 July 2011 quoted in Maras, I, Salich, L., “Le soutien de la Belgique à la mise en œuvre de la Résolution 1325 en République démocratique du Congo. Modalités et implications pour sa politique de coopération au développement”, Note adaptée sur base des actes de la Table ronde du GRAPAX - 28.09.2010, Groupe de recherche en appui aux politiques de paix (GRAPAX), forthcoming.

⁵ “Gender mainstream” and “gender mainstreaming” are used as equivalents depending on which Institution uses it. The Council of Europe, the UN uses the term gender mainstream but OSCE also refers to “gender mainstreaming”. Both these expressions refer to equivalents and therefore will be used interchangeably.

⁶ The Treaty of Lisbon new born. For more information on Common Security Defense Policy see Institute for International and European policy, available at <http://soc.kuleuven.be/iieb/eufp/content/cfspcsdp>, last consulted on 25 June 2011.

⁷ North Atlantic Treaty Organisation, “Bi.SC Directive 4 O-1 Integrating UN SCR 1325 and gender perspective in the NATO command structure including measures for protection during armed conflict”, NATO, September 2009, available at

The inclusion of the gender agenda in regional security organisations is an appraisable development given that the security field has been and still is an extremely dominated masculine world and that field missions impact women's lives greatly. Sadly, not necessarily in a positive way as history has proven it and as documented hereinafter in this work.

The OSCE, the world largest regional security organisation, has provided since its existence a forum for political negotiation and decision making in diverse aspects that range from conflict prevention to crisis management and post-conflict rehabilitation. The Organisation is recognised by the UN as a regional agreement under chapter VIII of the United Nation Charter and as such plays an important role in the maintenance of international peace and security. Through the political decisions of its participant States, the OSCE deploys field missions that encompass several elements of peacebuilding as sought in the Agenda for Peace from Secretary-General Boutros Boutros-Ghali in 1992⁸.

The Organisation has been deploying missions in efforts of peacebuilding through the strengthening of government institutions and legislation, including support and advice to civil society as well as through police reform. The OSCE is a particularly

http://www.nato.int/nato_static/assets/pdf/pdf_2009_09/20090924_Bi-SC_DIRECTIVE_40-1.pdf, consulted on May 16 2011.

⁸BoutrosBoutros-Ghali, "An Agenda for Peace," A/47/277 - S/24111, 1994, available at http://www.unrol.org/files/A_47_277.pdf.²¹, last consulted on 10 July 2011. This implies moving on from the traditional peacekeeping missions that supervised cease fires for or observed the respect of peace accords to the more complex peacekeeping missions nowadays that involve implementation of justice and rule of law, strengthening of civil society, and addressing security sector reform in post conflict countries, commonly referred as Peacebuilding or post-conflict peacebuilding. Peacebuilding usually refers to the non-military aspect of international efforts to support countries after conflict, even though this might be accompanied or succeed military operations see Parver, C. and Wolf, R. "Civil Society's Involvement in Post-Conflict Peacebuilding," pp-50-79 in *International Journal of Legal Information*: Vol. 36, Article 5, 2008, Available at: <http://scholarship.law.cornell.edu/ijli/vol36/iss1/5>, last consulted on 11 July 2011 and Tschirgi, N "Post Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges" in *The security Development Nexus Program*, 2004, available at http://www.ceinicaragua.org/posguerra/library/general/Post_Conflict_Peacebuilding.pdf, last consulted on 11 July 2011.

interesting organisation given the development of its human dimension mandate, apparent comprehensive framework on gender and its increasingly popular police missions.

The Organisation has taken several political commitments and adopted diverse policies towards gender equality that are relevant for its participant States but also within the Organisation's structure. It has incorporated UNSCR 1325 in its framework of action and affirms that "gender mainstream" and a "gender perspective" need to be implemented throughout its three dimensions, the politico-military dimension, the environmental and economic dimension and the human dimension.

Including a gender perspective and gender mainstreaming in the politico-military dimension is a difficult task as women are largely underrepresented. Matters in this dimension usually focus on militaristic and state interest approaches to security that are usually gendered and do not include security threats upon individuals, as this paper will prove as well.

However, according to several OSCE official documents, UNSCR 1325 is at the heart of the policing concept of OSCE, an area of intervention where the Organisation wishes to have a comparative advantage⁹. The Organisation has gathered extensive experience in Central Asia, the Balkans and the Caucasus region, where it operates in deploying police missions or police-related activities with the most diverse mandates.

Police reform is in the present days at the heart of peace missions, an essential component of peacebuilding, an element that several organisations dealing with security have adopted given the potential divisive and repressive role the police can play in

⁹ Merlingen, M., and Ostrauskaitė, R., "A Dense Policy Space? The Police Aid of the OSCE and the EU", pp. 341-357 in OSCE Yearbook 2004, available at http://www.core-hamburg.de/documents/yearbook/english/04/Merlingen_Ostrauskaite.pdf consulted on May 20 2011.

countries at conflict¹⁰. This work will aim at understanding how this Organisation has included the most fundamental aspects of UNSCR 1325 within its police operations.

The subject of analysis of this paper will be to explore how this large peacebuilding regional actor and human rights pace setting Organisation has introduced gender mainstream and gender policies relevant to UNSCR 1325 through its police missions, particularly under the obligation of providing gender training to police officers, integrating a gender perspective in missions and the sustained efforts to increase the participation of women in police forces in countries where the OSCE conducts police missions. Three angles that are repeatedly seen by the Organisation as best practices in order to implement UNSCR 1325 in the particular field of police reform.

With the adoption of new policies towards gender mainstream and the incorporation of gender issues in the discourse of international and regional security organisations, it can seem at first examination that “gender” is the new tool of addressing security issues.

Nevertheless, as specialists in gender studies in the security sector will generally admit gender mainstream implementation lacks effectiveness¹¹. Indeed even despite the broad framework of OSCE and its institutions it appears that there is a gap between theory and practice. This thesis will aim at understanding and addressing this gap.

The first part of this dissertation will focus on introducing the scope of UNSCR 1325 and its political background, the importance of the adoption of such a resolution and its essence. Key concepts like “gender”, “gender issues” and “gender mainstream”,

¹⁰ Merlingen, M., Ostraukaite, R., “Power/Knowledge *in* International Peacebuilding: the Case of the EU Police Mission in Bosnia”, *in* Alternatives, 2005, available at http://www.operationspaix.net/sites/operationspaix.net/IMG/pdf/Power_knowledge_in_international_peacebuilding.pdf, last consulted 10 July 2011, p. 299.

¹¹ Mobekk, E., “Gender, Women and Security Sector Reform”, pp. 278-298 *in* International Peace Keeping, 2010, available at <http://dx.doi.org/10.1080/13533311003625142>, consulted on 31 May 2011.

widely used but misunderstood will be defined. This research will also address how “gender” came into the language of the security sector through the introduction of the “human security” concept and the development of the Security Sector Reform (SSR), the precursor of police reform frameworks, where the gender discourse can seem to have a fully fledged seat.

Finally, this work will present and discuss the main institutional policies and tools adopted by the OSCE in order to answer the challenges introduced by the UNSCR 1325, with regards to specific aspects: How has this Organisation addressed issues of violence against women? How has the training of police forces been conducted and the participation of women in police services been fostered? Kosovo will serve as a case insight to assess how efficient gender mainstream has been in the field.

This thesis will further aim at answering the following general questions:

- What are the main developments that the OSCE achieved in terms of its gender policies ten years after the adoption of the UNSCR 1325 considering in particular gender mainstream in its police missions?
- Based on observable facts, has gender been genuinely mainstreamed in the police component of the OSCE intervention?
- Which obstacles does the organisation still face in order to effectively enhance gender mainstream in its police missions?

1.1 Methodology

This study will be based on a particular case study, the regional security organisation, OSCE. Latest reports from the OSCE on police activities, OSCE annual gender reports, the OSCE Gender Section publications and articles written on police and OSCE missions will be therefore qualitatively analysed. Some useful input was also kindly

provided by current and ex-OSCE officials by email and in discussions during a Vienna Study Trip organised by the IFSH (Institut für Friedensforschung und Sicherheitspolitik) in April 2011. For practical reasons I will mostly rely on the above mentioned documents and sources. I was not able, unfortunately, to interview OSCE police officers or gender focal points in field operations nor could I travel to missions for in-depth field research.

Despite having contacted all field missions the feedback was very either very thin or non-existent. For that reason drawing conclusions from a case study was rendered difficult. Kosovo was chosen as information on projects conducted was more easily available than for other missions.

Other policy documents related to police reform, security sector reform, women's reports, from several other organisations like the United Nations, the United Nations Development Fund for Women UNIFEM, Geneva Center for Democratic Control of Armed forces (DCAF) and UN-INSTRAW United Nations International Research and Training Institute for the Advancement of Women (Now part of UN Women) were also used in order to provide conceptual clarity regarding gender and gender mainstream, and on what are considered general good policies in achieving gender mainstreaming in the security sector particularly to police reform.

1.2 Approach

UNSCR 1325 is a broad resolution that touches upon a variety of issues that are not meant to be exclusively related to women's issues. This paper though will take a feminist approach while analysing how OSCE has included UNSCR 1325 into its programs framework.

By a feminist approach is meant the affirmation of the equal value of men and women, a supporting argument for the changes needed to deliver it¹².

This choice is based on the fact that UNSCR 1325 is a document that prioritizes the needs and agendas of women and because women still are the most affected by discrimination and gender based violence, especially in conflict and post-conflict countries.

I will also restrict the scope of analysis taking three important aspects of UNSCR 1325: The policies adopted to fight violence against women especially when relevant to police related activities; the participation of women in OSCE police missions; finally, the training on gender issues provided to local police and international deployed police.

¹² As reflected in Reardon, B., A., “Women and Human Security: A feminist framework and critique of the prevailing patriarchal security system”, *in* Reardon, B., A., and Hans, A., (Eds.), *The gender Imperative*, (Eds.), London, Routledge, 2010, p. 12

“We call on the Governments of the world to encourage women everywhere to take a more active part in national and international affairs, and on women who are conscious of their opportunities to come forward and share in the work of peace and reconstruction as they did in war and resistance¹³”

Eleanor Roosevelt at the General Assembly in London in February 1946

2. The road to UNSCR 1325

2.1 The political background

Already in 1946, when Eleanor Roosevelt pronounced these words at a UN General Assembly meeting in London, there was a clear need to address women’s issues and the importance of their participation in the security sector.

Thankfully, a lot has happened in the history of women’s rights and the development of a gender agenda within the UN since then.

The gender agenda has evolved enormously especially in the past decades adapting itself to different feminist schools of thought and influenced by the needs that emerged from the field where conflict is a reality¹⁴.

¹³ Eleanor Roosevelt at the General Assembly in London in February 1946 taken from “Short History of the Commission on the Status of Women”, available at <http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf>, last consulted on 10 June 2010.

¹⁴ Hudson, N.F., Gender, Human Security and the United Nations, Security language as a political framework for women, New-York, Routledge, Critical Security Studies, 2010, pp.22-41.

A few days after Eleanor Roosevelt's speech at the UN, a sub-Commission was created dedicated to the Status of Women. A few months later, under the lobby of UN women delegates and NGO's, a fully fledged Commission on Status of Women was created in June 1946¹⁵. For more than 60 years now, this Commission has fought for the inclusion of women's rights in the UN agenda¹⁶. Created initially as an organ of ECOSOC (Economic and Social Council) it was the "*principal global policy-making body dedicated exclusively to gender equality and advancement of women*"¹⁷. The CSW defended neutral language in major human rights international conventions in order to clearly include women as bearers of the same rights as men, pushed for the advancement of the women's agendas in different fields of UN work, drafted the Convention on Elimination of All Forms of Discrimination against Women (CEDAW)¹⁸ and ensures today that gender issues are taken into consideration in UN planning and programming.

But perhaps the strongest asset of the CSW, that also spilled over to other UN agencies working with women's and the gender agenda, was that it had built since the early days of its conception a strong relationship with NGO's that provided it with crucial information about the situation of women throughout the world and could influence positively the work of the UN as a whole¹⁹.

¹⁵ Commission on the Status of Women, available at <http://www.un.org/womenwatch/daw/csw/index.html>, last visited on May 25, 2011.

¹⁶ Since July 2010 the CSW as all UN agencies dealing with gender equality and women's issues fall under UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women.

¹⁷ *op cit.*, *ibidem*

¹⁸ With of course the recommendations and comments of UNMS and civil society organisations

¹⁹ See Hudson, H., " 'Doing' Security as Though Humans Matter: A feminist Perspective on Gender and the Politics of Human Security" , p.8- 17 *in* Security Dialogue, Vol.36, no.2, June 2005 and Barnes, K., "Evolution and Implementation of UNSCR 1325" *in* Olonisakin F., Barnes, K. and Ikpe, E. (eds.) Women, Peace and Security, London and New York Routledge, Contemporary Security Studies, 2011, p. 15-33

In fact behind the adoption of 1325 is the work of a network of advocates from different backgrounds familiar with women issues that wanted to see a women's and a gender agenda reflected in a binding document adopted by the Security Council of the United Nations, the highest body at the United Nations²⁰.

Several organisations, women's movements, governments and individuals were part of the machinery behind the acknowledgement that long term security and peace are only sustainable if human rights were guaranteed to all individuals and the different impact of war and conflict on men and women thought upon²¹.

Indeed, there was some resistance to include a "women's agenda" or even a "gender agenda" at the Security Council level because it was usually seized on other matters of concern, traditionally perceived as more valid subjects of the security sector and because a resolution emanating from that body creates an obligation upon all UN MS. The "women's agenda" was perceived as the agenda of other UN bodies, such as the General Assembly, the Commission on the Status of Women and the United Nations development Fund for Women, UNIFEM, which came into existence later in the 80's. It was only in the nineties with the multiplication and complexification of peace missions and conflict throughout the world that gender issues and the need to address the lack of participation and representation of women in the efforts of peace building became evident and started to be considered in the security sector²².

²⁰ For more details on the conferences and history of the women's movement prior to 1325 see Barnes, K., "Evolution and Implementation of UNSCR 1325", p. 16 and Hudson, N.F., *op.cit.*, p.11

²¹ Barnes, K., *op. cit.*, *ibidem* and Hudson, N.F., *op cit.*, *ibidem*.

²² Barnes, K., *op cit.*, pp. 15-33

The UN agency UNIFEM²³, an important actor in acknowledging this need emanating from the field, was initially created to assist financially marginalized and poor women, especially from least developed countries that inherited from a colonial past, that were struggling to access market despite constituting an important source of revenue and productive force in the local communities²⁴. While working with women in rural areas, UNIFEM with other regional and local women's associations quickly documented and witnessed other problems that women faced in conflict and post conflict societies like sexual violence and systematic exclusion from decision making processes at all levels and from participation in peace building efforts²⁵.

With the mandate of “development work”, UNIFEM started including sexual violence and security at the core of its action. Experience in the field proved that their work was relevant in post-conflict and conflict countries and had a close link with the security sector if durable peace was to be an objective of security agendas. UNIFEM was largely supported by the General Assembly work that granted it a permanent structure at the UN in 1984 and included UNIFEM's recommendations in its resolutions, drawing attention to the Fund's work in development, conflict and post-conflict processes.²⁶

Under the umbrella of the General Assembly, the CSW and UNIFEM in the latest years, several UN conferences were held between 1975 and 1995 that played a crucial role for the upcoming of UNSCR 1325. These conferences dealt with gender inequality, human rights and development issues and facilitated the network of several

²³ Originally not called UNIFEM but the Voluntary Fund for the Decade for Women, the Fund was later made a permanent structure of the UN in 1984 and inherited the name of United Nations development Fund for Women.

²⁴ Hudson, N.F., *op.cit.*, p.97 and UNDP Human Development Report, 1994 http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf, this report states that women accounted for 90% of the total food produced in Africa in the nineties.

²⁵ Hudson, N.F., *op cit. ibidem*

²⁶ *op.cit., ibidem*, p.102

NGO's that worked with women in developing countries and wanted to see the support of women's peace initiatives and women's empowerment recognized as a fundamental factor of durable peace and security issues²⁷.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the General Assembly in 1979, entering in force in September 1981²⁸ was a great achievement in terms of women's rights and linking the gender agenda to development issues²⁹.

The Convention composed of a preamble and 30 articles defines all types of discrimination against women and sets up an agenda for national action to end such discrimination and achieve equality³⁰.

However, the document did not link explicitly women to peace and security issues, an agenda that feminist scholars and early advocates on women's rights were trying to see reflected in the security field given the implications of conflict and post-conflict in women's lives and the multiplication in the nineties of so called peace missions, led by the UN but also by other regional organisations, like the OSCE. This missing link was materialized in Beijing a few years later.

The UN Fourth World Conference on Women held in Beijing, in 1995, was the biggest conference organized by the UN and gathered an important number of participants including women's groups and NGO's dealing with gender issues. 183 UN

²⁷ Hudson, H., *op cit*, p.8

²⁸ See Division for the Advancement of Women, Department of Economic and Social Affairs website available at <http://www.un.org/womenwatch/daw/cedaw/history.htm> , consulted 17 May 2011

²⁹ Barnes, K, *op. cit. ibidem*

³⁰ UNIFEM, "Advancing gender equality using CEDAW and United Nations Security Council Resolution 1325", training module for gender equality advocates, UNIFEM publication, available at http://www.unifem.org/attachments/products/AdvancingGenderEqualityManual_eng.pdf, consulted May 20, 2011.

Member States established that “gender mainstreaming” was the global strategy in order to achieve gender equality.³¹ At the same time, the Beijing Platform for Action, a parallel NGO led conference, identified violence against women as an impediment to the achievement of equality, development and peace. One of its strategic objectives is to combat violence against women and promote the status of women. It also committed states to the development and improvement of gender training for security sector actors with a focus on gender based violence³².

This Platform was fundamental in identifying a common agenda between several NGO and Organisations dealing with women’s rights and refining the agenda that was later put on the table of the Security Council: the importance of the role of women in all aspects and forms of peace building and peace keeping, the importance of gender training to security forces and including gender perspectives in peace missions. The final document addressed 12 critical areas of concern, known as the 12 Platforms for Action, one of the platforms was dedicated to women and armed conflict linking gender issues to security and peace³³.

The adoption by the General Assembly of the UN declaration on the Elimination of Violence Against Women adopted in 1993³⁴ condemning sexual violence and the criminalization of sexual violence, a few years later, by the International Criminal Court during the trials held by the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda which indicted and convicted

³¹ Hudson, N.,F., *op. cit.*, p.8 and Barnes, K., *op. cit.*, p.16-17

³² Bastik, M., Grimm and Kunz, R., “Sexual violence in armed conflict, global overview and implications or the security sector”, Geneva Center for the Democratic Control of Armed Forces, 2007, available at <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=43991>, last consulted on 10 May 2011,p.148

³³ Barnes, K, *op. cit.* p.16

³⁴ United Nations General Assembly, Declaration on the Elimination of Violence against Women, A/RES/48/104, of 20 December 1993, available at [http://www.unhchr.ch/huridocda/huridoca.nsf/\(symbol\)/a.res.48.104.en](http://www.unhchr.ch/huridocda/huridoca.nsf/(symbol)/a.res.48.104.en), last consulted on 14 June 2011

defendants for rape, came to explicitly include rape as a war crime in their statutes³⁵ and made stronger legal ground for the women's agenda.

The adoption of CEDAW, the adoption of the UN Declaration on Elimination of Violence Against Women, the momentum that was gathered at Beijing, as well as the inclusion of "gender" in the gender crime jurisprudence of the ICC, were perhaps the most important "events" that draw the attention of the world to the importance of a tool that would address women's issues in the security field and the need to have their role recognized.

From the several meetings organized by the UN, a network of organizations came into being. The NGO working group on Women, Peace and Security, the driving force behind the design, proposal and implementation of 1325³⁶. The working group includes several NGO's and is supported by some UN agencies like UNIFEM who had an important role circulating documents between UNMS and civil society ensuring that it was adopted as a State own initiative³⁷.

This NGO Working Group provided documentation, literature and "agreed language" from previous UN documents and statements, met with Security Council members and through the original Arria³⁸ formula permitted that women from conflict

³⁵ Dallman, A., "Prosecuting conflict related sexual violence at the International Criminal Court" in SIPRI Insights on Peace and Security, N. 2009/1, available at <http://books.sipri.org/files/insight/SIPRIInsight0901.pdf>, last consulted on 6 June 2011

³⁶ Hudson, H., *op cit*, p.8

³⁷ Hudson, N.F., *op.cit.*, p. 13. While it was mainly a civil society initiative it had better chances of being adopted if perceived as a UNMS initiative. This NGO working group is nowadays supported by 23 UNMS, the so called "friends of 1325" that aim at the implementation of the resolution and were supportive of the initiative since the beginning.

³⁸ Name of the Ambassador who created this type of informal meetings, allowing the SC to meet informally with civil society actors, a polemic but successful formula, which is influencing the shape of multilateralism permitting prime and non-official access of civil society to UNMS.

affected countries shared their stories with them in an informal way³⁹ and ended up convincing the Security Council to finally propose the text of UNSCR 1325. .

The 13 October 2000, a couple of months after the creation of this group and the meeting between these women and Security Council Member States (SCMS), UNSCR 1325 was adopted.

2.2 The necessity of UNSCR 1325

2.2.1 *What does it say?*

UNSCR 1325 revolves around a complex myriad of issues and led to the adoption of even more complex policy recommendations. It is composed of 18 recommendations and operative paragraphs. It inflicts obligations on UN MS, on the Secretary-General and among all actors taking part in peace keeping and peace building.

It tells the UN and its Member States (MS) to guarantee, among others, a gender perspective in all peace keeping missions and that gender training is provided to all peacekeeping personnel including civilians. It calls on all parts of conflict to take special measures to protect women and girls from gender based violence⁴⁰. It compels MS and the UN to insure the equal participation of women in prevention of conflict and promotion of peace, to increase the number of women involved at high decision making level in the security sector and in national institutions, insure that women's rights are taken into consideration and part of the peace negotiation process in a peace building context. It calls also for the increase participation of women in all areas of UN

³⁹ Barnes, K., *op cit.*, p.18-19

⁴⁰ United Nations Security Council Resolution 1325, *op cit.*

intervention including as civilian police officers⁴¹. By doing so it incorporates fully the principles of the agenda drawn at Beijing a few years earlier.

For the problematic of this dissertation I underline and summarize the following:

- The necessity of expanding the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
- The need to fully implement international human rights law that protect rights of women and girls during and after conflict.
- The need to have a gender mainstream perspective in peace keeping operations.
- Specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situation
- Support local women's initiatives and indigenous processes for conflict resolution;
- Urges parties to armed conflict to take measures to protect women and girls from gender-based violence.

If one should summarize briefly what UNSCR 1325 is about, the so called “3P formula” is extremely helpful⁴². The provisions of UNSCR 1325 revolve essentially around: the **protection** of women and girls, the **prevention** of conflict and the increase **participation** of women⁴³ at all stages of peace keeping and peace building. In bold are

⁴¹ *Op., cit., ibidem*

⁴² Used in Barnes, K, *op.cit.*, p.19 and Basu, S., “Security Council Resolution 1325” in Reardon, B., A., and Hans, A., *The Gender Imperative*, (Eds.) London, Routledge, 2010, p. 294

⁴³ Although we can come across authors, especially in institutional documents that refer to the 3p's being protection, prevention and prosecution, but prosecution mainly referring to crimes related to Violence Against Women.

the key words linked to actions that all actors involved in peacebuilding, peacekeeping and post-conflict reconstruction have to take towards this framework⁴⁴. For example protection implies that peacekeepers have an active role protecting women from all kinds of abuse, but also that MS need to have legal frameworks in place that allow for law enforcement in areas like gender based violence. Prevention relates closely to training of security forces and UN personnel that have been increasingly involved in sexual violence in countries that have been hosting missions. Here, gender training is called upon. Lastly, participation calls on the involvement of women at all level in all the processes of conflict resolution⁴⁵.

Critics of UNSCR 1325 have underlined the fact that there are not a set of clear priorities and the resolution leaves a big margin of interpretation concerning what a gender perspective in peace missions should be⁴⁶. This can be explained given fact that the resolution itself was a compromise between several agendas as coming from an important number of actors and the necessary agreement between UNMS like all Security Council Resolutions (SCR)⁴⁷. Undeniably, the resolution is very broad in scope, providing a framework of action but not a methodology on how to implement it. Also there is no mechanism in order to evaluate its implementation, unlike CEDAW, which has a Committee to which countries part of the Convention are supposed to report at least every four years. However, it does call for some important, even though general, actions upon actors in peace missions. Building on this framework, other SCR have since then been adopted highlighting important provisions of 1325.

⁴⁴ Hudson, N.F., *op cit.*, p. 44

⁴⁵ Basu, S., *op cit.*, pp. 293-294

⁴⁶ Barnes, K., *op cit.*, p. 15-33 and Basu, S., *op cit.*, p294

⁴⁷ Barnes, K., *op.cit.*, *ibidem*

2.2.2 *Building on UNSCR 1325*

Building in on UNSCR 1325, several other SCR have been adopted.

The UNSC Resolutions 1820 (2008), 1888 (2009) and 1960 (2010)⁴⁸ focus on sexual violence while 1889 (October 2009) focuses on the participation of women.

UNSCR 1820 recognizes that sexual violence is used as a tactic of war that needs a security response, that sexual violence is a war crime, crime against humanity and a constituent act of genocide making it possible to refer this crime to the UN sanction committee. It calls upon parties to conflict to prevent and punish sexual violence. It further explores the theme under the training of peacekeepers on issues related to sexual violence. It addresses the need to have appropriate training for peacekeeping and other civilian personnel deployed into UN missions, in order to make them capable to prevent, distinguish and respond to sexual violence. Furthermore, it acknowledges indirectly the fact that peacekeeping operations can contribute to sexual exploitation of local populations as it urges the SG to reinforce and implement policies of zero tolerance. It also urges its MS to take steps in increasing the capacity of response of the personnel they deploy to peace missions, including, and this is a fundamental aspect, the deployment of more women peace keepers or police.

But this resolution presents a more clear set of criteria that all actors in peace missions need to adopt in order to integrate a gender perspective. The UN recognizes that UN missions and personnel especially police and military are susceptible of committing sexual violence and that they need better training on gender issues to better address them and refrain from wrong doing. The Security Council also recognizes what

⁴⁸ The latest UNSCR has been criticized by certain women's NGOs as not taking into consideration women's agendas as women's groups were not consulted, furthermore, the same groups underline that the SCR focuses too much on women as victims, see The Global Network of Women Peacebuilders, "UNSCR 1960 and the need to focus on full implementation of UNSCR 1325" available at <http://www.gnwp.org/uns-cr-1960-and-the-need-for-focus-on-full-implementation-of-uns-cr-1325>, last consulted on 10 July 2011

the General Assembly in 1998 had already called upon UNMS action “*To encourage women to join police forces, including at the operational level*”⁴⁹. This second criteria is then set has having more chances at fighting sexual violence.

UNSCR 1888 will lead to the latter appointment of a Special Representative of the UN Secretary General (SRSG) to improve UN coordination and lead UN efforts in addressing the issue of sexual violence⁵⁰.

UNSCR 1889 urges the international Community “*to take further measures to improve women’s participation during all stages of peace processes, particularly in conflict resolution, post conflict planning and peacebuilding...*”⁵¹ In this line of thought it called for the development of a set of indicators to track implementation of 1325. The indicators later developed fall under 4 thematic pillars: Prevention, participation, protection and relief and recovery⁵².

All these resolutions set the scope on the women, peace and security agenda and are mutually reinforcing. Although several perspectives can be taken on 1325, training of police officers, including women in peace missions and addressing the issues of sexual violence come as important commitments the UNMS and the UN itself abides by. These are reinforced by the latest SCR and the main issues that we will analyse under the OSCE framework as it has taken the same commitments by incorporating UNSCR 1325 in its mandate of action and addressing it as good practices under the police component.

⁴⁹ United Nations General Assembly, “UN Model Strategies and Practical Measures on the elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice”, A/RES/52/86 of February 2, 1998 available at <http://www.undemocracy.com/A-RES-52-86.pdf>, last consulted on June 27 2011, p.6

⁵⁰ In March 2010, a SRSG on Sexual Violence is appointed, Ms Margot Wallström

⁵¹ United Nations Security Council Resolution 1889, S/RES/1889, 2009, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1889%282009%29, last consulted on June 27

⁵² Barnes, K., *op cit.*, p.29 for more information please refer to this article.

2.2.3 *The increased impact of conflict on women*

The first and perhaps most important reason for the adoption of UNSCR 1325 is that conflict affects women and men differently, especially even more so with the transformation of conflict in the world we currently live in. This means that both needs of men and women as well as the threats that are inflicted on them need to be reflected upon⁵³.

With the increase of international missions in the nineties conducted by several organizations, the UN, OSCE and the European Union, and others, an important number of personnel was deployed with the intent of conducting programs in diverse areas of governance of the “host” country. The impact these activities and important personnel deployments, both police and military, had on local populations and political dynamics had, and still has, obviously to be carefully thought of in order to ensure that the situation for the population does not worsen.

In addition, and despite the fact that women remain a minority among the combatants and perpetrators of war and conflict they are still the ones suffering the biggest harm⁵⁴ given the violence and specificity of crimes inflicted upon them during and after conflict. As reflected by the statement made by Major-General Patrick Cammaert, a former commander of UN peacekeeping forces in the eastern Democratic Republic of the Congo:

“It has probably become more dangerous to be women than a soldier in modern conflict”⁵⁵

⁵³ Barnes, *op.cit ibidem* & Hudson N., F., *op. cit., ibidem* & Ahmed Ali, F. “War and armed conflict: threat to African women’s security”, pp.111-135 in Reardon, B., A., and Hans, A., (Eds.) *The Gender Imperative*, London, Routledge, 2010.

⁵⁴UN Women website “Women, War and Peace” available at http://www.unifem.org/gender_issues/women_war_peace/ consulted on May 16.

⁵⁵ Taken from Ahmed Ali, F., *op cit*, p.110

According to UNIFEM, women and children account for 90 % of the casualties among civilians. Furthermore, women and girls in war and conflict societies are the victims of brutal and increasingly systematic sexual violence which can “*be deployed systematically to achieve military or political objectives*”⁵⁶. Rape, for example, is not a new phenomenon although it has been more documented and researched upon in the last decades. It has been used in many wars, in Korea by the Japanese troops, in China and in the Philippines during WWII, but also in civil wars in Liberia, Rwanda and Uganda⁵⁷.

Although it is difficult to calculate with precision the extent of sexual violence, estimations indicate extremely high numbers of victims especially during conflict but also in its aftermath. In Rwanda during the genocide estimations of rape point out at 15700 to 500000 women⁵⁸, during the 1992-1995 conflict in Bosnia Herzegovina estimations made varied from 20’000 to 50’000 women victims of rape.⁵⁹ In Kosovo, during the 1998-1999 war it has been documented that between 20’000 to 30’000 women were raped at the hands of Serbian military⁶⁰. Rape camps were created and rape was conducted under the eyes of political and military hierarchies. Rape was used with the purpose of impregnating women as an “ethnic cleansing tool” a systematic and programmed military strategy⁶¹.

⁵⁶ Quotation taken from UN Women website, *op.cit., ibidem*. The Security Council has recognized that sexual violence is a weapon of war in Resolution 1820 (2008). The ICC has also pronounced sexual violence a war crime.

⁵⁷ “Violence against women scope and magnitude” available at <http://www.hawaii.edu/hivandaids/Violence%20Against%20Women%20%20%20%20Global%20Scope%20and%20Magnitude.pdf> last consulted on 10 June 2011

⁵⁸ Bastik, M., Grimm and Kunz, R., *op cit.*,p. 55 To gather an idea of the proportion rape had during the genocide, one should know that from April to July 1994, estimations of murdered Tutsi and moderate Hutus point out at between 500, 000 and 1 million.

⁵⁹ *Op. cit. ibidem*

⁶⁰ The Kosova’s Women Network, “Explanatory research on the Extent of Gender based Violence in Kosova and its impact on women’s reproductive health”, Pristina, Kosova, 2008, p.95

⁶¹ *Op.cit. ibidem*. All these numbers do not count victims of rape that were murdered which would increase the numbers exponentially.

Conflict also increases human trafficking, a form of sexual violence, as we will see in a forthcoming chapter, which affects severely the Commonwealth of Independent States (CIS), the Caucasus and South Eastern Europe, the field of action of OSCE. This phenomena actually increased in Kosovo with the arrival of the UN and NATO led forces⁶². Here again, exact and recent numbers are hard to obtain, due to the complexity of the matter and to the little attention that some of these countries tend to benefit from the international community. However, in 2000-2001 a researcher pointed out that Georgia was the biggest “exporter” of human beings from the CIS countries⁶³. A study in 2002, estimated that about 100 000 women and girls from the former Soviet Union and about 175 000 women and girls from central and eastern Europe were victims of trafficking⁶⁴. It is also admitted that these regions constitute the biggest sources of trafficking worldwide of women that are later forced into prostitution or forced labor⁶⁵.

The consequences of sexual violence inflicted on women continue as conflict ends for obvious reasons: sexual transmitted diseases, unwanted pregnancies, social stigmatization and discrimination, etc. Women continue to lack legal protection due to deficient legislation or/and impunity of perpetrators of sexual offenses, have less access to education, lack protection on their social and economic rights, face bigger rates of unemployment⁶⁶, etc.

⁶² Vandenberg, M., “Peacekeeping, Alphabet Soup, and Violence Against Women in the Balkans”, pp. 150-177 in Mazurana, D., Raven-Roberts, A., Parpart, J., (Eds.), *Gender, Conflict, and Peacekeeping*, Oxford, Rowman&Littlefield Publishers, INC., 2005.

⁶³ Trafficking in human beings in Georgia and the CIS, available from http://findarticles.com/p/articles/mi_qa3996/is_200107/ai_n8954135/, last consulted on 26 June 2011

⁶⁴ Zimmerman, C., Watts, C., “Violence against women, global scope and magnitude”, *The Lancet*, Vol. 359, 2002, pp. 1232-1237, available at <http://www.hawaii.edu/hivandaids/Violence%20Against%20Women%20%20%20%20Global%20Scope%20and%20Magnitude.pdf>, last consulted on 10 July 2011

⁶⁵ *Op.cit.*, *ibidem*.

⁶⁶ Information gathered from UN Women website at http://www.unifem.org/gender_issues/women_war_peace/, consulted on 29 June 2011.

Additionally, international civilian police missions that deployed to conflict and post-conflict countries, mostly and sometimes exclusively composed of male officers were and still are having a negative impact given relationships they have with local women, the increase of prostitution, abuse of power given immunity that peacekeepers are granted with⁶⁷, and even sexual abuse and rape that still are documented threats that peacekeepers and peace builders can inflict upon local communities and especially women and girls⁶⁸.

Although it would be incorrectly to speak of “contingents” deployed under OSCE, as missions are relatively small compared to the ones deployed by the UN⁶⁹, this risk is not overruled, as they are still composed by a majority of men that operate at police level, with other police officers from other forces (EUPM for example in Bosnia Herzegovina, CIVPOL in Kosovo and local police services) generally, a very masculine world.

The Genocide in Rwanda, the war in Bosnia-Herzegovina and in Kosovo, among other human catastrophes brought the attention of the international security sector to the not only failure of protecting civilians from brutal violence, but the need of reforming the way the security sector addressed peace keeping and peace building missions in order to avoid these atrocities in the future.

Unfortunately, sexual violence is not a decreasing phenomena, on the contrary. Hillary Clinton, the United States Secretary of State during her visit to eastern Congo in

⁶⁷ Bastik, M., Grimm and Kunz, R., *op. cit.*, p.173, & Vandenberg, M., *op. cit.* The question of immunity raises a problem as only the government from where the peace keeper is can prosecute him, which does not happen systematically, raising another problem the one of impunity of crimes committed by peace keepers.

⁶⁸ Higate, P., Henry, M., “Engendering (In) security in Peace Support Operations” in Security Dialogue, Vol.35, Number1, March 2004, pp. 481-496, & DCAF, *op.cit.*, p.170-171 & Ahmed Ali, F. “, *op cit.*, pp. 110-135. & Vandenberg, M.,*op cit ibidem.*

⁶⁹ Refer to Table 3 and UN Background Note United Nations Peace keeping DPI/2429/Rev.10 - January 2011, available at <http://www.un.org/en/peacekeeping/documents/backgroundnote.pdf>, last consulted 19 June 2011

2009, had addressed the problem of sexual violence in the Congo, qualifying it as “epidemic”,⁷⁰.

More recently, Ms. Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict, on her speech to the Security Council on April 2011, remembered the importance of acknowledging the risk of sexual violence in SCR⁷¹ and recalled the importance of putting into practice the words adopted by the most recent SCR on the subject, UNSCR 1960. She recalled the increase use of sexual violence in Côte d’Ivoire and the rapes that occurred conducted by elements of the *Forces Armées de la République Démocratique du Congo*, part of a joint mission of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo⁷², an embarrassing history for UN peacekeeping. This sad event seems to underline the importance of UNSCR 1325, emphasizing the need to have more women part of peace missions including as security forces. Additionally, reflection on the impact that missions can have in a given country as well as the training and preparedness of security officers seemed to be fundamental.

2.2.4 *The exclusion of women from peacebuilding and peacekeeping initiatives*

The increase of missions intervening in a context of conflict or of post-conflict without any gender perspective was affecting the delivery of programs and aid. Policy makers started realizing that the projects designed for emergency and conflict situations sometimes excluded women’s needs, that women’s initiatives present before the arrival

⁷⁰ Agence France Presse, “Clinton presses Congo on rape epidemic”, 2009. available at <http://www.commondreams.org/headline/2009/08/12-1>, last consulted on July 10 2011.

⁷¹ Referring to SCR on Libya which are silent on the risk of sexual violence.

⁷²Statement of Margot Wallström at the Security Council of the United Nations on 14 April 2011, available at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SPV%206515.pdf>, last consulted on July 10 2011

of peace keeping missions were not taken into consideration, undermining local peace efforts or worsening the local situation⁷³.

In countries that need to reconstruct after war or conflict, women's rights and political agendas were also not sufficiently and/or systematically taken into consideration⁷⁴. And their efforts as active actors of peace were not recognized or taken into consideration by external actors like the UN⁷⁵.

As noted by women working in conflict and post-conflict countries, women are still lacking in participation in peace-building efforts, are not represented at decision making level or represented politically once conflict is over⁷⁶. Women were already recognized as victims of discrimination since CEDAW but they lacked recognition in their role as effective, fundamental, and already existing actors of peace building⁷⁷.

Women from different geographical locations touched by conflict have fundamental roles in protecting girls from abuse, in creating shelters for women and children in need, lobbying government for health and educational services⁷⁸, etc. but are also an important intelligence community source that can detect threats of violence or illegal activity inside the community, mediate conflict and constitute a valuable information source for security forces, namely the police⁷⁹. And perhaps more

⁷³ Barnes, K., *op.cit.*, p.17

⁷⁴ *ibidem*

⁷⁵ Farr, V., "The importance of a gender perspective to successful disarmament, demobilization and reintegration processes", pp.25-36, *in* Disarmament Forum: Women, Men, Peace and Security, available at <http://asci.researchhub.ssrc.org/the-importance-of-a-gender-perspective-to-successful-disarmament-demobilization-and-reintegration-processes/attachment>, last consulted 10 July 2011

⁷⁶ UN Women website, facts and figures available at http://www.unifem.org/gender_issues/women_war_peace/facts_figures.php

⁷⁷ *Op cit.*, *ibidem*

⁷⁸ Ahmed Ali, F. *op cit.*, pp.110-135

⁷⁹ Bastick, M., Valasek, K., "Security Sector Reform and Gender." *in* Gender and Security Sector Reform Toolkit, available at http://www.peacewomen.org/assets/file/AdvocacyEducationTools/genderssr_uninstraw_2008.pdf, last consulted on June 17 2011

importantly, they are part of societies they live in, their needs, security and political agendas need to be taken into consideration.

The UN acknowledging the necessity to better improve program, design and delivery of aid, created the first gender units in peacekeeping operations in Kosovo and in Timor-Leste, respectively in 1999 and 2002⁸⁰, leading the path to a new way of doing security by introducing the gender component and the gender language in its missions.

2.2.5 Conclusion

A few things need to be appraised and recognized, firstly the fact that a resolution of the kind, built over the years from women's activism, was adopted at the Security Council level, the center of UN power and decision making in the area of international security. Secondly the fact that it was a joint effort between active UN agencies and NGO's, but mainly civil society driven. Finally that it was able to produce a document that was broad in scope and touched upon very different issues related to women, peace building and peacekeeping and was later incorporated in other organisations dealing with security like the OSCE.

UNSCR 1325 introduced a gender and a women's agenda into the security arena providing guidelines of action for all actors in peace missions, may it be under peacekeeping mandates or in the aftermath of conflict under peace building initiatives, an area of activity of OSCE. The groundbreaking resolution recognised both the need to protect women from increasing sexual violence threats but also the need to have them and their agendas represented in all areas related to conflict and in its aftermath. It acknowledged a dual fact: Women in conflict and post conflict are potential victims of sexual violence but undeniably are irreplaceable actors of peace.

The international community had to admit an additional sad fact: Their missions potentially worsen women's situations and by doing so prejudice the bigger aim that is

⁸⁰ Barnes, K, *op cit.*, p.17

building lasting peace. The deployment of peacekeepers, may they be military or police have an indisputable potential for human rights violations that affect particularly women and girls.

OSCE being an active player in the peacebuilding arena and deploying police missions to the field with the purposes of training and advising local police services could not ignore its responsibility to abide by the obligations under UNSCR1325.

Given the potential of violence that police services have and usual negative roles they played in conflict, obligations reflected in international documents touched upon gender and human rights training of peacekeepers (both military and police), increasing the number of women police officers in order to have representative police forces and better addressing sexual violence threats and finally including a gender perspective by assessing the needs of men and women in all programs and actions is a crucial policy under the larger concept of “gender mainstream”

Certainly, since UNSCR 1325, gender mainstream and gender issues, have gathered importance in the security discourse as many players in the field of security sector reform address it in some way or another.

And because these concepts reflect on a variety of misunderstood and under disseminated concepts it is important to define them before going any further.

2.3 Defining the gender language

2.3.1 Gender mainstream and gender

In the past decade, international organisations have started to include “gender issues” in global governance through the adoption of a “gender mainstream” policy⁸¹: NATO introduced UNSCR 1325 in its operations and presents the concept of gender mainstream while explaining its applicability to all operations.⁸² The Council of the European Union adopted a document that aims at providing a comprehensive approach to the inclusion of UNSCR 1325 in its external action, programs and policies. ESDP missions are required to integrate gender issues, ensure gender training and gender awareness in their missions and programming⁸³. OSCE adopted UNSCR 1325 in its political commitments including gender mainstream as the tool to achieve gender equality, as we will see in more detail in the third chapter.

Furthermore, twenty-five UNMS adopted NAP in order to implement UNSCR 1325 in their framework. Gender mainstream is the policy usually referred to achieve gender equality in their programs and actions.

NGO’s, members of the international women’s movement and progressive governments saw it as an important policy shift in order to “*ensure greater and more*

⁸¹ Burton-Hafner, E., Pollack, M., “Gender Mainstream and Global Governance” in *Feminist Legal Studies*, Volume 10, Numbers 3-4, 2002, p. 292

⁸² North Atlantic Treaty Organisation, “Bi.SC Directive 4 O-1 Integrating UN SCR 1325 and gender perspective in the NATO command structure including measures for protection during armed conflict”, *op cit.*

⁸³ The Council of the European Union, *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*, September 2008, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news187.pdf, last consulted on 29 June 2011.

*consistent attention to gender issues in global governance*⁸⁴”. It has been seen as a “*requiring change in the way policy is made/or change in who participates in this process*⁸⁵” basically, to achieve gender equality.

Several Organisations have defined the concept of “gender mainstream”. The Council of Europe in 1998 defined it as the “*organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy making*⁸⁶”.

OSCE’s definition states that “*Gender mainstreaming is the process of assessing the implications for women and men of any planned action. It is a strategy for making women and men’s concerns and experience an integral part in the design, implementation, monitoring and evaluation of policies and programmes. These may be policies, programmes or projects in all political, economic and social spheres*⁸⁷”.

From these two definitions one can gather that mainstreaming is therefore not adding a women’s component or even a gender equality component into an existing program or project. It is a much more challenging process. It actually aims at the change of social and institutional structures that reproduce inequality, it is a deeper process as it may require the change in goals and strategy of an organisation in order to ensure that men and women benefit equally from development processes⁸⁸.

⁸⁴ Burton-Hafner, E., Pollack, M., *op.cit.*, p.287

⁸⁵ Beveridge, F. and Shaw, J., in “Introduction: Mainstreaming Gender in European Public Policy”, in Beveridge, F., (Ed.) *Feminist Legal Studies*, Volume 10, Number 3-4, p.210

⁸⁶ Council of Europe website, available at http://www.coe.int/t/dghl/standardsetting/equality/03themes/gender-mainstreaming/index_en.asp 1998 consulted on May 16 2011

⁸⁷ OSCE, “Aide Memoire on Gender Mainstreaming” available at <http://www.osce.org/gender/26402>, consulted on 29 June 2011

⁸⁸ UNDP, “Gender Approaches in Conflict and Post- Conflict Situations”, October 2002, available at <http://www.undp.org/women/docs/gendermanualfinalBCPR.pdf>, consulted May 21 2011, p. 8

It goes beyond the participation of women in a given process or their mere presence in a given project. As being a women does not exempt from being gender blind, reproducing unequal relations of power and reproducing stereotypical patterns.

Feminists started using the “gender” in a way of “*referring to the social organization of the relationship between sexes*”⁸⁹. The idea behind it is that gender is socially constructed while sex is biologically determined:

Individuals learn based on their sex, to become women and men, sex determines gender roles and what socially expected behavior is. It tacitly introduces the reality that gender relations tend to be unbalanced, establishing dominant power relations that tend to favor man and/or “masculine” behavior. Masculine characteristics would be “strong”, “rational” for example, while women’s characteristic would be “sensitive”, “emotional”, etc. “feminine” characteristics tend to be perceived less positively in society than masculine ones.

The “gender” concept was introduced to enlarge feminist studies that concentrated solely on women’s issues⁹⁰ and therefore were considered too narrow as a category of analysis⁹¹. Gender came as a notion to introduce the relational aspect between men and women, because they are defined in terms of one another, and “*no understanding of either could be achieved by entirely separate study*”⁹².

Including a “gender perspective” is including “gender issues” in the security problematic, challenging gender roles in order to permit women’s and men’s empowerment, guarantee their protection from threats to their security but also

⁸⁹ Scott, J.W., “Gender: A Useful Category of Historical Analysis” *in* the American Historical Review, Vol 91, No.5. (dec., 1986) p. 1053

⁹⁰ Scott, J., W., *Op.cit.*, *ibidem*.

⁹¹ Although some feminists would argue that the “gender agenda” takes the spotlight away from women’s issues, see Manuela Tavares, “Feminismos”, Lisbon, Texto, 2011, p.45.

⁹² Scott, J, W, *ibid. Op.cit.*, p.1054.

challenge traditional roles that traditional but also modern societies still inflict upon men and women. It questions what is “masculine” and “feminine” as socially constructed values, roles that can be assigned by birth given the biological sex.

War, conflict, have a different impact on women and men and these need to be addressed if conflict prevention and resolution are to be designed seriously. To illustrate the different impacts on men and women, the following table, reconstructed based on a UNDP report of October 2002, called “Gender Approaches in Conflict and Post-conflict situations”⁹³ is a valuable tool that can provide some clarity on what exactly can gender issues touch upon.

On the left of the table we have potential threats arising from conflict situation and on the right the potential impacts on the gender dimension.

⁹³ UNDP, “Gender Approaches in Conflict and Post- Conflict Situations”, October 2002, available at <http://www.undp.org/women/docs/gendermanualfinalBCPR.pdf>, consulted May 21 2011. Only parts of the table from the report were reproduced while others were added for clarity.

1. Table 1 on Potential gender issues in conflict and post-conflict situations

Nationalist propaganda used to increase support for military action	Gender stereotypes and specific definitions of masculinity and femininity are often promoted. There may be increased pressure on men to 'defend the nation.'
Mobilization of pro-peace activists and organizations	Women have been active in peace movements – both generally and in women-specific organisations. Women have often drawn moral authority from their role as mothers, but they have also been able to step outside traditional roles during conflict situations, taking up public roles in relief and political organizations.
Increasing human rights violations	Women's rights are not always recognized as human rights. Gender-based violence may increase.
Psychological trauma, physical violence, casualties and death	Men tend to be the primary soldiers/combatants. Yet, in various conflicts, women have made up significant numbers of combatants. Women and girls are often victims of sexual violence (including rape, sexual mutilation, sexual humiliation, forced prostitution and forced pregnancy) during armed conflict.
Social networks disrupted and destroyed – changes in family structures and composition	Gender relations can be subject to stress and change. The traditional division of labour within a family may be under pressure. Survival strategies often necessitate changes in the gender division of labour. Women may become responsible for an increased number of dependents.
Mobilization of people for conflict. Every day life and work disrupted	The gender division of labour in workplaces can change. With men's mobilization for combat, women have often taken over traditionally male occupations and responsibilities. Women have challenged traditional gender stereotypes and roles by becoming combatants and taking on other non-traditional roles.
Material shortages (shortages of food, health care, water, fuel, etc)	Women's role as provider of the everyday needs of the family may mean increased stress and work as basic goods are more difficult to locate. Girls may also face an increased workload. Non-combatant men may also experience stress related to their domestic gender roles if they are expected, but unable, to provide for their families.
Creation of refugees and displaced people	People's ability to respond to an emergency situation is influenced by whether they are male or female. Women and men refugees (as well as boys and girls) often have different needs and priorities. Women and girls can be victims of sexual violence in camps if certain logistical and security arrangements are not made.
Dialogue and peace negotiations	Women are often excluded from formal discussions given their lack of participation and access in pre-conflict decision-making organizations and institutions.
Use of outside investigators, peace keepers, etc.	Officials are not generally trained in gender equality issues (women's rights as human rights, how to recognize and deal with gender-specific violence). Women and girls have been harassed and sexually assaulted by Peacekeepers

Taken from UNDP, “Gender Approaches in Conflict and Post- Conflict Situations”, October 2002, available at <http://www.undp.org/women/docs/gendermanualfinalBCPR.pdf>, consulted May 21. Only parts of the table from the report were reproduced.

As reflected on the table above “gender issues” can touch upon a variety of problems that deal with women’s political empowerment, children’s rights, human trafficking, gender based violence, gender training of peacekeeping personnel, etc. It can also touch upon disarmament and environmental issues, legislative reform, property rights, sexual safety in internally displaced people (IDP’s) camps, etc.

For example, sexual violence has been reported as a crime committed in refugee camps⁹⁴ when gender issues, for example, having sex separated toilets and having security officers patrolling the camps were not considered⁹⁵.

Gender issues include also men and boys as its subject of analysis. Introducing a “gender perspective” or guaranteeing “gender mainstream” aims, at least theoretically, at a win-win situation for both genders. It is including a perspective and/ or policies that are most favourable for both men and women and taking into consideration their needs while ensuring equality between them.

Addressing gender issues then seems to become an imperative by all actors that intervene in peace keeping and peacebuilding, an imperative addressed by the UN and recognized by other actors in the field, namely OSCE. Gender issues also touch upon gender based violence, an increasing phenomena in conflict and post conflict societies, as we have seen that particularly affects women. As UNSCR 1325 touches upon this concept it is important to define it.

⁹⁴ Bastik, M., Grimm, K. and Kunz, R., *op cit ibidem*

⁹⁵ Research as pointed out that sexual violence can increase in IDP camps, see UNIFEM “Women targeted or affected by armed conflict: what role for military peacekeepers?” available at http://www.unifem.org/attachments/products/0501_WomenTargetedOrAffectedByArmedConflict_en.pdf, last consulted on 18 June 2011

2.3.2 Gender based violence, violence against women, sexual violence and domestic violence

UNSCR 1325 urges parties to armed conflict to protect women and girls from gender based violence (GBV). GBV is a big concern within gender issues as it is an increasing phenomena especially affecting women and girls as referred previously⁹⁶. It refers to all kinds of violence that can be inflicted to both genders, based on socially ascribed gender differences between male and female⁹⁷.

It has been documented worldwide that despite GBV affecting men and boys as well, women and girls tend to represent the majority of victims⁹⁸. This is the reason why many policy documents, refer commonly to the need to address violence against women (VAW).

According to the UN Declaration on the Elimination of Violence Against Women adopted by the General Assembly in 1993⁹⁹, VAW “*shall be limited to encompass but not be limited to... physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution*”¹⁰⁰.

⁹⁶ Dallman, A., “Prosecuting conflict related sexual violence at the International Criminal Court”, available at <http://books.sipri.org/files/insight/SIPRIInsight0901.pdf> last consulted on June 6 2011, p.4

⁹⁷ Taken from Council of the European Union, “Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security” Brussels, 2008, available at <http://register.consilium.europa.eu/pdf/en/08/st15/st15671-re01.en08.pdf>, consulted on June 22 2011

⁹⁸ OSCE, “Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices” & UNIFEM “Women targeted or affected by armed conflict: what role for military peacekeepers?”, *op cit* & Bastik, M., Grimm, K. and Kunz, R., *op cit*.

⁹⁹ United Nations Declaration on the Elimination of Violence against Women, A/RES/48/104, available at <http://www.un.org/documents/ga/res/48/a48r104.htm>, last consulted on June 7 2011

¹⁰⁰ Article 2b of Declaration on the Elimination of Violence Against Women, United Nations General Assembly, 1993, available at <http://www.un.org/documents/ga/res/48/a48r104.htm>, last consulted 10 July 2011

There are several forms of sexual violence against women and not all of them have been reflected in legal documents or well documented like, for example, cyber sexual violence¹⁰¹. We will concentrate here solely on violence defined by UN documents.

The UN Declaration on the Elimination of Violence Against Women adopted by the General Assembly in 1993 typifies 3 sorts of sexual violence depending on where the crime occurs: In the family, in the community or condoned by the state.

Sexual violence in the family is usually known as domestic violence and usually implies that the victim knows the perpetrator and has a close relationship with him; sexual violence in the community can go from rape to human trafficking and prostitution, while sexual violence condoned by the state is usually inflicted by security forces, during conflict or not and by peace keepers for example.¹⁰²

Crime statistics have shown that threats upon security of men and women are different and that while men are more inclined to be victims of crimes taken place in public areas, women are more often victims of crimes in private spheres, at home or at work¹⁰³. Domestic violence is a recurrent crime that women are victims of and still perceived in many countries as a private matter. For instance, not all states have made domestic violence a public crime, a legal step necessary for better protecting women from this recurrent threat.

The responsibility of the police in regards of the prevention of and protection from violence against women (VWA) is indisputable. They have the responsibility to respect and promote human rights, to maintain public order and prevent crime.¹⁰⁴ They

¹⁰¹ OSCE, “Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices”, *op cit ibidem*

¹⁰² *op., cit., ibidem.*

¹⁰³ *ibidem*

¹⁰⁴ Bastik, M., Grimm, and Kunz, R., *op cit.*

have an important role to play in all phases of VWA: in its protection, prevention and prosecution to some extent.

This is widely reflected as well through documents related to the Security Sector Reform especially concerning police reform¹⁰⁵. It is recognised that police reform should put in place services police services that can prevent and investigate sexual violence, provide support to victims and adopt effective measures to punish such abuses when committed by police personnel. The creation of specialized services for victims of sexual violence is also recommended¹⁰⁶.

2.3.3. Conclusion

A few remarks are important here before going further. Firstly, in spite of the fact that “gender” and “gender mainstream” are concepts that have been integrated in the political discourse of many organisations and currently used by many states in order to achieve gender equality there are still no clear definitions or a universal agreement on what is meant by these concepts, what exactly they aim at achieving and if they are, at all, successful¹⁰⁷.

As pointed out by Beveridge and Nott regarding mainstream of gender policies, through which gender issues can be integrated in, it seems that “*everyone understands the general idea but no one is sure what it requires in practice*”¹⁰⁸.

¹⁰⁵ OECD-DAC, Handbook on Security Sector Reform, Section 9 Integrating Gender Awareness and Equality, available at <http://www.oecd.org/dataoecd/33/39/42033010.pdf>, last consulted on July 10 2011 & Bastik, M., Grimm, K. and Kunz, R., op cit.

¹⁰⁶ Bastik, M., Grimm, K. and Kunz, R., op cit., p. 10

¹⁰⁷ Beveridge, F., Nott, S., op cit p.299

¹⁰⁸ Beveridge, F., Nott, S., op. cit. *ibid*.

Secondly, like all policy tools, mainstream can be adopted for political reasons and can fail at achieving a transformative agenda that could actually effectively pursue gender equality.¹⁰⁹ “Adding women” simply does not do the trick and thus should not be considered effective mainstream of gender policies.

Thirdly, the gender agenda can be as broad in scope as one wishes to, depending mainly on political will and opportunity as well as the input received from civil society and NGO’s dealing with these issues. For that reason it should state clearly and concisely at what it aims at achieving. Not all NGO’s and women’s groups emphasize the same agendas. Some have pushed for more action towards the violence against women, others for the participation of women in decision-making and in the security sector.

Fourthly, it should be also underlined that despite “gender” not signifying women, it is understood or at least perceived by many as referring to women’s issues.¹¹⁰ There are several explanations for this but perhaps the most sensible is that women have lead gender discussions given that “gender issues” raise more concerns on women’s and girls disadvantaged positions in society compared to those of man, especially in conflict societies. Women of course are not exempt to commit human rights violations. In Rwanda women are reported to have committed crimes of sexual violence against men and participated in premeditated murders¹¹¹, the world has lately assisted to an increase of female suicide bombers in Palestine and Iraq and women have since war exists taken part in it in several roles¹¹². The change in roles that women and men play in conflict is also an argument why the impact of war and conflict upon them should be reflected ahead, as they have enormously evolved over time and have different consequences for populations affected by conflict.

¹⁰⁹ *op. cit.*, p.300

¹¹⁰ Hudson, N.F., *op.cit.*, p.7

¹¹¹ Bastik, M., Grimm, K. and Kunz, R, *op.cit*, p.55

¹¹² Fitzsimmons, T. “Gender and Policing in police operations” in Mazurama, D., Raven, A., Parpart, J., (Eds.), *Gender, Conflict, and Peacekeeping*, Oxford, Rowman & Littlefield Publishers, Inc., 2005, p.187

Finally, it should be pointed out that even among feminists, like political science theories, there is no one single theory about what the gender agenda should be or if mainstream is the adequate way of achieving real equality¹¹³ or even if it is equality that should be achieved as individuals can sub divide themselves in other categories, such as race, culture, religion, etc. and therefore present other needs beyond their gender. Realistically speaking taking them all into consideration is a utopian, unrealistic and burdensome task in terms of policy making.

Notwithstanding these preliminary remarks about gender and gender mainstream, women's situation throughout the world but especially in conflict and post conflict societies as documented earlier required the attention of the international community and of the security sector.

What is though interesting is that like the UN, OSCE has, in its framework and political commitments, made the gender speech, one that is seemingly indivisible from the way security issues should be addressed and police related activities conducted. Something that appeared to be unthinkable only a few years ago.

To grasp how this change in discourse was possible, it is important to understand why the security sector was so impermeable to gender issues and women's issues beforehand. This is what the next chapter will try and address.

¹¹³ Beveridge, F., Nott, S., *op. cit.* 299-311 and Sjoberg, *op cit.*, p.3

2.4 Human security and the security sector reform

“With its emphasis on war and the use of force, the international security arena has been one of the most thoroughly gender-biased fields of international politics¹¹⁴”.

2.4.1 *The security sector a gendered sector*

In the early nineties, J. Ann Tickner reminded us that international politics was a man world, international civil servants, diplomats, politicians, soldiers were all an overwhelming majority of man. Politics and security matters were not seen as suitable for women.¹¹⁵ Historically, security issues like the defence of state’s security have been an exclusive man’s affair and one that has been linked to a positive value of masculinity, one of patriotism¹¹⁶.

Traditionally security studies under international relations and political science disciplines focused mainly on the protection of the State and the defence of its interests from external threats that could potentially arise from third States. States were the sole valid actors of security and, as Krause reminds us, in his introduction to *Critical Security Studies* what needed to be secured was the State, other concerns were seen as futile or irrelevant for the scope of security¹¹⁷.

As Joan W. Scott pointed out in 1986 most historians concerned with issues of power and politics did not consider gender as a serious category of analysis when

¹¹⁴ Hudson, N.F., p.49

¹¹⁵ Tickner, J. A., *Gender and International Relations, feminist perspectives on achieving global security*, New York, Columbia University Press, 1992, pp.6-7

¹¹⁶ Tickner, J.A., *op cit.*

¹¹⁷ Krause, K., Williams, M.C., (eds.) *“Critical Security Studies”*, Minneapolis, University of Minnesota Press, 1997, preface ix.

studying war and diplomacy¹¹⁸. The main subjects of discussion emerging from the security sector were militaristic approaches to security like warfare which included arms control, military strategy, terrorism, border control, etc. Threats were perceived as designed against the State and its ability to defend itself from those was what provided security to the State's citizens. This realist conception of the State tended to personify it and make him the only legitimate actor in the sphere of international relations.¹¹⁹

As Tickner put it reflecting the philosophy of the realism school of thought, after the Second World War “*conflict was inevitable and the best way to insure security was to prepare for war*”¹²⁰. Indeed, in its initial development as a subject of the international relations discipline, the security sector did not consider nor include security threats upon the individual. Systems of collective security, military alliances like NATO were born with that perspective in mind: They were and still are to a certain extent collective defence mechanisms designed against third States to guarantee the security of States part of the alliance. Bluntly put: a mean to avoid war between State

2.4.2 *The Development of a Human security agenda*

In the past two decades, the United Nations and other security organisations have started using another language when speaking about security, a language that is closer to the individual, the human security concept¹²¹.

The complex and changing conflicts that arise in the nineties forced the security sector to enlarge its studies, as threats to security were changing due to new emerging wars and internal conflicts, combatants targeting civilians and increasing violence in

¹¹⁸ Scott, J., W, “Gender: a Useful Category of Historical Analysis” in the American Historical Review, Vol 91, No.5. (dec., 1986), p. 1057

¹¹⁹ Tickner, J. A., *op cit*, p.10-15

¹²⁰ Tickner, J. A., *op.cit.*, p.10

¹²¹ Update on Security Sector Reform
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2486441/k.531B/Update_Report_on_Security_Sector_Reform_14_February_2007.htm#kf for

methods of warfare, an increase of threats that did not find answers in typical traditional militaristic approaches.

With the end of the cold war, multi disciplinary studies based on development, international relations, human rights and feminist studies linked global insecurity to the lack of certain human rights¹²², especially second and third generation rights¹²³ and, by doing so, also attracted the attention to the “gender agenda” the rights of women, the brutal impact of war and conflict on women and their exclusion from security organisations and their agendas¹²⁴. Quoting Jonathan D. Wadley “*pluralism of security studies today means that the field (of security) is much more amenable to approaches to incorporate gender*¹²⁵”.

The “Human security” concept gave legitimacy to the Security Council to incorporate gender issues into the discussions. It argued that the referent for security should be the individual, the human and not the State. It defended a shift from the traditional view of national security to an individual-centered view of security and forged an important concept necessary for national, regional and global stability. Although it is not consensual if “human security” can in fact fully include the “gender agenda”¹²⁶, it has seemingly given “a seat” to gender issues in the formal speech at UN level and, particularly of interest here, within OSCE as we will see in forthcoming analysis.

¹²² See Tickner, J. Ann, 1992, *op cit.*, p.108

¹²³ These rights are, respectively, economic and social rights and the right to development which are not universally recognized by all states and therefore benefit from poor protection.

¹²⁴ Hudson, N.F., *op cit.*, pp.22-41

¹²⁵Wadley, Jonathan, D. “Gendering the State” in Sojberg, L., (Ed.), *Gender and International Security, Feminist Perspectives*, London and New York, Routledge Critical Security Studies, 2010, p.39

¹²⁶ Hudson, N.F., *op cit.*, pp22-33 and Gibson, I., “Human Security Post 9-11 Gender Perspectives and Security Exclusion” in *Ritsumeikan Annual Review of International Studies*, 2004. Vol.3, pp. 157-175 available <http://www.ritsumei.ac.jp/acd/cg/ir/college/bulletin/e-vol.3/gibson.pdf>, last consulted on 22 June 2011.

In 1994 UNDP produced a report¹²⁷ that is widely known as the beginning of the “Human security” language in the UN world but also throughout the security sector as a conceptual framework for the security field. It shifts the paradigm of traditional security of states to a broader one, the security of the individual. In the report it is argued that sexual violence constitutes a factor of instability, it goes further stating a sad truth: “*in no society are women secure or treated equally as men*”.¹²⁸

Another important document broadening the scope of security is the 2004 report of the High-Level Panel on Threats Challenges and Change of the United Nations¹²⁹, which insists that today’s threats are all interconnected and therefore they need to be addressed in a comprehensive way. The report states that development and security are two matters that are inextricably linked. Gender equality is mentioned as part of collective security strategy that needs to be addressed in the same lines as terrorism and interstate conflicts. The fact that sexual violence is recognized as a weapon of conflict in that report¹³⁰ also constitutes a victory for the “gender agenda” and goes a long way from the conceptual image of traditional weapons and warfare.

More than an utopian conceptualization of the world, the human security concept has found some strong defenders among academics and security specialists that admit that today’s security forces are no longer prepared for the actual conflict scenarios given that traditional security forces have been intervening increasingly in humanitarian scenarios and have lacked training and preparation to address the needs and specific challenges of such reality which revolves essentially around the needs of civilian population, threats like human trafficking, sexual violence, etc. The need of security sector reform also comes from admitting that security forces need to rethink how they

¹²⁷ UNDP Human development report, 1994, available at http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf, last consulted on 19 June 2011

¹²⁸ *Op.cit* ibidem, UNDP Human Development Report, 1994

¹²⁹ United Nations, “A more secure world: Our shared responsibility” Report on the Secretary-General’s high level panel on threats, challenges and changes, 2004, available at <http://www.un.org/secureworld/report2.pdf>, consulted on May 16.

¹³⁰ *Op.cit, ibidem*, p.74

do security in order to guarantee real security of their citizens¹³¹. A holistic approach is called upon.

2.4.3 The Security Sector Reform

According to the OCDE Handbook on SSR: “*The traditional concept of security is being redefined to include not only state stability and the security of nations but also a clear focus on the safety and well-being of their people*”.

The Human security approach and the reform of the security sector are closely linked. Although there are controversies on both concepts and disagreement on what they should be in practice¹³², the Security Sector Reform (SSR) also perceives that the protection of the citizen is a fundamental factor of internal state security. Actually, the concept of human security is key to the SSR according to the Organisation for Economic Cooperation and Development- Development Assistance Committee (OCDE-DAC) a handbook often quoted when speaking on the SSR¹³³. The SSR is meant to guide donors in sustainable effective development programs when intervening mainly in peace building programs, post-conflict and conflict prevention.

The Security Sector Reform discourse is more inclusive as it argues for a human security perspective, local ownership by national authorities but also by civil society. It involves the traditional security actors (all armed and security forces), the justice institutions (prosecution and judiciary system), non-state security and justice actors

¹³¹ Kaldor, M., “Human security in complex operations”, in Prism 2, N.2, 2011, available at http://www.operationspaix.net/IMG/pdf/PRISM_HumanSecurityinComplexOperations_2011-03-01_.pdf, last consulted 10 May 2011.

¹³² Hänggi, H. “Conceptualizing the Security Sector Reform and Reconstruction”, pp. 3-13 in Reform and reconstruction of the Security Sector Reform, Geneva Center for the Democratic Control of Armed Forces, 2004, available at <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=96921>, last consulted on 10 July 2011

¹³³ Organization for Economic Cooperation and Development- Development Assistance Committee (OCDE-DAC), OECD DAC Handbook on Security Sector Reform <http://www.oecd.org/dataoecd/21/58/38304398.pdf> last consulted on 19 June 2011

(militias, private military companies, traditional justice mechanisms) and management and oversight bodies. (Ministries and Parliament). SSR argues that reform is needed throughout all these actors of security, and good governance should be part of the process if development aid is to be effective and supportive of lasting peace¹³⁴. As stated in the 2007 OCDE report:

“The recognition that development and security are inextricably linked is enabling security in partner countries to be viewed as a public policy and governance issue inviting greater public scrutiny of security policy. A democratically run, accountable and efficient security system helps reduce the risk of conflict, thus creating an enabling environment for development to occur”¹³⁵,

More bluntly put by Mobbek, it aims at *“(...) effect shifts and mindsets and the transformation of a political system where the security sector is abusive, corrupt and politicized to one that is accountable, legitimate and transparent in the provision of the internal and external security and the rule of law(...)*¹³⁶,

Police reform is very much at the core of SSR an activity that several organisations, the EU under ESDP missions, the UN and OSCE, among others have taken along as their field of action when deploying police missions abroad.

As Mobbek points out there has been an increase of policy tools aiming at addressing the need for gender sensitive SSR¹³⁷. Two strategies seem to be stand out: Gender balancing and gender mainstream. Gender balancing being the policy that has

¹³⁴ Mobbek, E., “Gender, women and Security Sector Reform”, in International Peace Keeping, April 2010, available at <http://dx.doi.org/10.1080/13533311003625142>, consulted on 31May 2011, p. 279

¹³⁵ OECD DAC Handbook on Security Sector Reform, op cit.

¹³⁶ Mobbek, E., *op cit*, pp. 278-291

¹³⁷ *Ibidem*, p.278

for objective the recruitment and retaining of women in the security sector, a practice reflecting obligations already touched upon under UNSCR 1325. Gender mainstream as already seen, requires reflecting the needs of men and women in order to identify their main security concerns in order to better tackle and prevent them. Despite the 2007 OCDE Handbook being remarkably silent on gender, not only one time the word appears in the document, OCDE does introduces gender as an integral part of the SSR speech in 2009 in an additional chapter¹³⁸ confirming that gender balancing and mainstreaming are at the core of sensible police reform.

Gender mainstream and gender balancing are at the core of OSCE mandate and also when related to police missions as we will see in the next chapter.

2.4.4 Conclusion

Although the human security concept and the change in political dynamics permitted an entry point to gender and a women's agenda into the security sector, it is still widely represented by men and state interests. Women still lack at decision making level, in security organisations and national institutions. Security organisations are still run by political agendas dictated by state interest that are gender biased. Although some changes are perceptible in comparison to the early nineties, for instance the fact that human security touches upon threats to women and their needs and that there are tools and guidelines in order to conduct gender sensitive reform.

The security sector reform seems to present a compromise between the sole preoccupation on state interests and the human security concept based solely on the individual. It also, despite still marginal, addresses the gender agenda and provides tools to police reform.

¹³⁸ OECD-DAC, Handbook on Security Sector Reform, Section 9 Integrating Gender Awareness and Equality, *op cit*.

In the forthcoming chapter we will address how OSCE has integrated gender mainstreaming in its policies especially with a focus on police missions and how it has integrated UNSCR obligations particularly related to police missions.

3. The OSCE, a promising regional security organisation in terms of gender mainstreaming?

3.1 A human rights pace setting organisation

The regional security Organisation originally created as the Conference on Security and Cooperation in Europe (CSCE- the OSCE predecessor¹³⁹) the Organisation included in its founding document, the Helsinki Final Act, in 1975, provisions related to human rights, commonly referred to as the “Basket III” of the Organisation or the “Human Dimension”. The OSCE was thought as a regional mechanism under chapter VIII of the Charter of the United Nations (regional agreements) to contain threats to peace and democracy.

As a Conference it was meant to contain the political and military tension and weapon escalation between the two super powers, the United States and the USSR, during the cold war providing them with a dialogue forum.¹⁴⁰

However, because it was perceived as part of the sovereign domain of states, it is only after the end of the cold war that the Organisation started effectively developing its

¹³⁹ It was later renamed OSCE in the 90's with the creation of the new institutions. For simplicity, OSCE will always be used as it is considered as a mere formal change.

¹⁴⁰ Burton-Hafner, E., Pollack, M., *op cit*, pp. 292-294

human dimension and that human rights and gender equality ceased to be perceived as the exclusive competence of states.¹⁴¹

Indeed, in the aftermath of the cold war, a fully fledged Organisation saw the day with the creation of the Office for Democratic Institutions and Human Rights (ODIHR), responsible of the implementation of the “human dimension” of the OSCE. A High Commission on National Minorities, a Representative on Freedom in the Media, were also institutions that were created as part of the “Human Dimension”.¹⁴²

These institutions were all born out of the needs and challenges of democratisation and strengthening of the rule of law that the ex-soviet States inherited of. With the dismantlement of the USSR, the new born states saw OSCE as a “lifejacket” that would help them survive the breaking apart with the Soviet Union. In order to integrate the new family, certain human rights obligations and reforms at institutional level were mandatory in exchange of the membership to OSCE¹⁴³.

The work of the institutions created under the Human Dimension vary immensely but fundamentally revolve around human rights issues, strengthening of the rule of law and democratisation, media strengthening and monitoring, election observation and legislative electoral reform, trafficking of human beings.

The Organisation underlines “*that States need to respect human rights and fundamental freedoms (...) for all without distinction as to race, sex, language or religion*”. It has committed itself and its participating States to a great number of rights reflected in the Universal Declaration of Human Rights from 1948, in the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

¹⁴¹ *ibidem*

¹⁴² Burton-Hafner, E., Pollack, M. p. 293

¹⁴³ Ghébali, V.-Y., « La CSCE: Du schisme est-ouest à l’après- communisme », *L’intégration européenne et la révolution de l’Europe de l’Est*. Luxembourg, Institut Universitaire international, 1992, p. 203

Furthermore, the human dimension term is said to cover a wider field than traditional human rights law¹⁴⁴ opening it to a broader interpretation of human rights that lies fundamentally within the concept of human security already discussed. The political commitments taken by OSCE participant States under the Human Dimension apply to all other dimensions and therefore need to be taken into consideration while implementing projects in all fields

OSCE recognizes that human rights are an integral element of its regional security framework on the same basis as political and military and economic issues affirming there is no hierarchy between them¹⁴⁵. As OSCE underlines: “*no government can claim that they have to establish political or economic stability before addressing democracy or human rights*”¹⁴⁶. The Organisation is regarded as pace and standard setting in the field of human rights as it has had over the years a valuable impact in the field, raising human rights and security at the same level of discussion.

With its 56 participating States, OSCE is the biggest regional security Organisation in the world. Its originality also resides in the fact that decisions are based on consensus and discussions among its participating States and in spite of not having the legal value of decisions emanating, for example, from the high instance of the Council of Europe, the European Court of Human Rights, its normative and diplomatic work has had a non-negligible impact throughout the OSCE region and has shaped a certain conception of the rule of law and democracy¹⁴⁷.

The nineties were extremely promising as OSCE enlarged its agenda and scope of action to include projects that would address problems that the ex-soviet republics and the Balkans experienced. The Organisation quickly pointed out that economic transition and conflict had had a disproportionate impact on women. It had also increased trafficking in human

¹⁴⁴ OSCE, Human Dimension Commitments, Vol.1, Thematic compilation, 2011, p. xvi.

¹⁴⁵ OSCE, Human Dimension Commitments, *op cit.*, p.201

¹⁴⁶ OSCE, *op cit*, p. xvi.

¹⁴⁷ Ghebali, V.Y., *op cit ibid.*

beings, female unemployment, domestic violence and other violations of women's human rights¹⁴⁸.

As "gender mainstream" and "gender issues" became an important part of international public policy, the OSCE, adapted rapidly in including it in the Organisation's mandate.

3.2. The OSCE political commitments towards gender equality

Prior to 2000, the OSCE had already addressed some issues reflected in UNSCR 1325. Since the adoption of the Resolution it has laid down a comprehensive framework and practical recommendations to its MS. Actually, OSCE refers to issues that relate to women's rights and empowerment in a quite exemplary and complete way.

Its commitments towards equality between men and women are reiterated throughout the organisation's numerous meetings with an increase mention to women's rights issues. The following can be underlined in a non exhaustive list:

- In the Concluding Document of the Madrid Meeting in 1983, MS agreed to take "*all necessary actions to promote equally participation of men and women in political, economic, social and cultural life*"¹⁴⁹.
- In Vienna, in 1989, OSCE recommends to its participating states to consider the possibility to accede to the Convention on Elimination of all forms of Discrimination Against Women (CEDAW).
- In Moscow, in 1991, the language is strengthened urging MS to comply with CEDAW and to achieve *de jure* and *de facto* equality of opportunities. It goes further,

¹⁴⁸ Burton-Hafner, E., Pollack, M. *op cit. ibidem*

¹⁴⁹ OSCE, Human Dimension Commitments, *op. cit. ibidem*

recognizing, among others “*the rich contribution of women to all aspects of political, cultural, social and economic life (...)*”¹⁵⁰,

- In Istanbul, in 1999, the OSCE affirms that the full and equal exercise of women and their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. Participating States commit themselves in making equality between men and women an integral part of their policies at national and organizational level. Furthermore it declares that participating States will undertake measures to end violence against women and children. Gender mainstream is indirectly called upon.
- In Sofia, in 2004, the Organisation endorsed the “2004 OSCE Action Plan for the promotion of Gender Equality”¹⁵¹. “Gender mainstreaming” is seen as the tool to achieve the goal of gender equality. 1325 is mentioned in the Action Plan. The Action Plan gives several recommendations to its participant States and states obligation of the organisation itself.
- Ministerial Council Decision 14/05 on Women in Conflict Prevention, Crisis Management and Post Conflict Rehabilitation¹⁵², explicitly refers to 1325 and underlines the importance of the role of women “*in all levels of conflict prevention, crisis management and resolution, and post-conflict rehabilitation*”.
- Ministerial Council Decision 15/05 on preventing and Combating Violence Against Women¹⁵³, it states that violence against women is a threat against security aligning itself with the UN Declaration on the Elimination of Violence Against Women and CEDAW. It calls upon States to prevent, VAW, protect victims and prosecute

¹⁵⁰ OSCE, *op cit.*, p.201

¹⁵¹ Adopted by Ministerial Council Decision 14/04 “OSCE Action Plan on the Promotion of Gender Equality” available at <http://www.osce.org/mc/23295>, last consulted May 31 2011

¹⁵² Ministerial Council Decision No.14/05, Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation, available at <http://www.osce.org/mc/17450>, last consulted on 10 June 2011

¹⁵³ OSCE Ministerial Council Decision No. 15/05, Preventing and Combating Violence Against Women, available at <http://www.osce.org/item/17433.html>, last consulted on 10 June 2011

perpetrators of VWA. Furthermore it tasks the Secretary General to include in its annual report references to the implementation of 1325.

- With Ministerial Council Decision 7/09¹⁵⁴ on Women's participation in political and public life, OSCE calls upon its participating States to take measures to, among others, “ensure balanced recruitment, retention and promotion of women and men in security service” and “develop legislative measures to facilitate the participation of women in decision-making in all spheres of political and public life”

The OSCE 2004 Action Plan is the document referred to by the OSCE as setting the priorities on gender equality to its participant States and for the Organisation itself. As such, a moment should be taken to consider its content.

3.2.1 The 2004 Action Plan on Gender Equality

The OSCE gender strategy is indeed mainly reflected in its last “2004 OSCE Action plan on Gender Equality” adopted by Ministerial Council decision N.14/04¹⁵⁵. The latter summarizes the political commitments of OSCE in terms of gender equality and gives a framework of action for the several institutions and sets their responsibilities accordingly.

¹⁵⁴ OSCE Ministerial Council Decision 7/09 on Women's Participation in Political and Public Life, available at <http://www.osce.org/mc/17451>, last consulted on 10 June 2011

¹⁵⁵ OSCE, “OSCE 2004 Action Plan on Gender Equality” available at <http://www.osce.org/mc/23295> last consulted on May 31 2011, from now on will be referred to as “The 2004 Action Plan” for simplicity.

Seemingly, the OSCE implemented a dual track approach to gender¹⁵⁶, promoting both **the mainstreaming of gender in policy making** and **establishing specific projects** focusing on gender and women's rights within the Organisation's field

offices. This strategy is largely reflected in the Action Plan. The Plan contains different types of obligations for the OSCE itself and for the participating States.

These can be subdivided in three categories that for more clarity are summarized in the following table. On the left of the table we have the three different categories of obligations, on the right we read the priorities that these obligations touch upon and recommendations aimed at facilitating a gender perspective:

¹⁵⁶ “Gender mainstreaming cannot replace specific policies which aim to redress situations resulting from gender inequality. Specific gender equality policies and gender mainstreaming are dual and complementary strategies and must go hand in hand to reach the goal of gender equality” taken from Council of Europe website at http://www.coe.int/t/dghl/standardsetting/equality/03themes/gender-mainstreaming/index_en.asp, consulted on May 18 2011. The Council of Europe affirms that a dual approach is more efficient. In this sense, OSCE aligns itself, purposely or not, to the Council of Europe's approach. See also Burton-Hafner, E., Pollack, M, *op cit.*, p. 293

2. Table on OSCE gender strategy¹⁵⁷

<p>Gender Mainstream of the structures, working environment and in recruitment</p>	<p>Making senior managers accountable for all gender mainstreaming efforts; Training and capacity building of staff to enable them to gender mainstream and build awareness of gender issues; Promotion of a gender-sensitive management culture; Pro-active implementation of Staff Instruction 21/2006 (Policy against harassment, sexual harassment and discrimination); Making efforts to achieve gender balance in recruitment.</p>
<p>Gender mainstreaming into OSCE activities, policies, programmes and projects</p>	<p>The OSCE Action Plan makes gender mainstreaming a requirement for all activities, projects and programmes. The politico-military dimension shall take into account obligations embodied in Security Council resolution 1325 calling for increased participation of women in, inter alia conflict prevention and post-conflict reconstruction processes; All OSCE management and programming staff have responsibility for gender mainstreaming in their activities; The Training Section of the Secretariat developed a comprehensive training programme to build staff capacity to Incorporate a gender perspective into their work.</p>
<p>Promoting gender equality</p>	<p>Non-discriminatory legal and policy frameworks; Preventing violence against women; Ensuring equal opportunity for the participation of women in political and public life; Encouraging women's participation in conflict prevention, crisis management and post-conflict reconstruction; Promoting equal opportunity for women in the economic sphere; Building national mechanisms for the advancement of women</p>

¹⁵⁷ Table made based on information taken from "Filling the GAPS, Gender in the Analysis, Policy and Strategy Development of the Conflict Prevention Centre", available at <http://www.osce.org/gender/30842> last consulted on June 13 2011

We can see for example that management endorses the main responsibility to implement gender mainstreaming in their activities and in programming; that training of OSCE staff on gender mainstreaming is compulsory and that the politico-military dimension needs to take into consideration 1325 in regards to the increase of participation of women in conflict prevention and post-conflict reconstruction processes. In addition, the Secretary-General has the obligation of reporting on gender issues in the Annual Report which he submits and presents to the Permanent Council in June of every year.¹⁵⁸ An important step in showing how committed the organisation is to gender mainstream and also an important source of information that would be not easily accessed otherwise.

Furthermore, the Plan states that the OSCE police component, known in OSCE jargon as the SPMU, the Strategic Police Matters Unit, has the obligation of enhancing “*its project development to assist participating states in reacting to sexual violence offences...*”¹⁵⁹ This includes interviewing and special investigation techniques aware of the victim’s needs and information on referral mechanisms for victim’s assistance in the police training curriculum¹⁶⁰.

Similar to the 3 p’s earlier discussed, ODIHR has 3 connected obligations: Promotion, Protection and Prosecution¹⁶¹. ODIHR assists institutions in developing gender programs, promoting equality and gender awareness in countries without missions it has the obligation of identifying projects “*to support measures in the areas of prevention of violence against women, promotion of women in the public, political and economic spheres, and support for national mainstreaming*”. Prevention of sexual

¹⁵⁸ Since June 2006

¹⁵⁹ OSCE 2004 Action Plan, *op cit.*, p. 11

¹⁶⁰ *Op.cit., ibidem*

¹⁶¹ As stated previously, some authors refer to the last P being promotion of women. The Action Plan refers to Prosecution as the 3rd P, although promotion of women is a component that is reflected in the commitments that OSCE has taken.

violence falls directly under the “protection” mandate of 1325 and makes their work very valuable and closely intertwined with police work. As far as prosecution goes, ODIHR has an extremely important role as it assists countries in ensuring that legal reform is respectful of women’s human’s rights and in compliance with international instruments in force.

3.2.2 Conclusion

The OSCE aligns with the general UNSCR 1325 framework by incorporating the Resolution’s provisions in its Ministerial Council Decision 14/05. However, it does not clearly prioritize actions as it states that *relevant* parts of UNSCR1325 will be integrated in OSCE’s activities without defining which ones¹⁶². Perhaps this is due to the fact that UNSCR 1325 itself leaves some margin of interpretation, but possibly also because OSCE customises UNSCR 1325 to its own context, as being an Organisation that does not deploy peace keeping missions for example, but is largely involved in peace-building, it thus may be considered that certain operative paragraphs do not apply directly to its work. With the adoption of the latest Ministerial Council decisions, it ultimately aligns itself with general obligations already set forth in UNSCR 1325 and touched here earlier: The obligation to protect women and girls, prevent conflict, prosecute perpetrators of VAW as well as promote the role of women in the security sector. Gender mainstream is clearly stated as the tool to achieve gender equality.

It is important to keep in mind that these political commitments fall upon all participant States of the OSCE as do obligations of the UN, as all participant States of OSCE are UNMS as well.

¹⁶² Ministerial Council Decision 14/05, *op. cit.*, *ibidem*.

After having summarized the commitments and responsibility of institutions that are particularly relevant for the scope of this study, we need to address the work of the “driving force” of this Action Plan, namely the Gender Section of OSCE. This Section is definitely the most crucial and active department in mainstreaming gender and producing guidelines to all departments and projects to ensure they are gender aware.

3.3 The Gender Section of OSCE

The Gender Section manages the gender issues program and functions under the Office of the Secretary General. It assists OSCE in achieving gender equality in their units and throughout all thematic of OSCE’s work. It pursues the objective of integrating gender perspectives into all OSCE policies, programs, projects and activities¹⁶³.

Although the Gender Section has its own webpage, has published numerous publications and is an active department within OSCE, it was difficult to trace the creation of this department as there is no reference to its constitution.

However, it appears that it has been a progressive development that started in 1998, when based on additional funding from specific participant States, two full gender advisors were appointed to the OSCE in Vienna and the ODIHR in Warsaw. Currently, the OSCE has a gender focal point in each department and/or a gender advisor or a gender focal point in each mission to help with “gender mainstreaming”¹⁶⁴.

In 2010, there were 43 gender focal points (13 male) including higher

¹⁶³ OSCE, “Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices”, p.2

¹⁶⁴ While gender advisors have as unique tasks gender issues and insuring gender mainstream, focal points have other main tasks as core functions.

management officials at deputy head of mission or head of mission/institution level¹⁶⁵. The designation of a focal point is mandatory in all missions and departments¹⁶⁶.

The Gender Section advises the political and operational OSCE structures on the design, implementation, monitoring and evaluation of the OSCE's overall "gender mainstreaming" strategy since the adoption of the 2004 OSCE Action Plan on Gender Equality¹⁶⁷. For instance all of the OSCE project templates need to have a section with "gender mainstreaming" aspects to be taken into account. The Gender Section gives comments on all projects that come from extra budgetary funds to increase gender awareness already at the stage of project design. In summary, the section functions on three levels based on the mandate from the 2004 Action Plan:

- Raises awareness on gender within the organisation and the participating states delegations through specific training programs.
- Looks over gender policies in the organisation and promoting female candidates to OSCE positions
- Provides assistance in programmes/ departments with their work making sure that they incorporate gender mainstreaming.

3.3.1 Recent developments in the field of gender equality.

In order to have an overview of the "performance" of OSCE in achieving gender equality it seems relevant to look for the latest general developments that set the tone for this organisation.

¹⁶⁵ OSCE, "Secretary-General's Annual Evaluation Report on the Implementation of the 2004 Action Plan on Gender Equality", available at <http://www.osce.org/sg/71201> last consulted on June 1, 2011 p. 4

¹⁶⁶ Information provided in an email from a gender advisor to the Gender Section in Vienna of April 21 2011

¹⁶⁷ OSCE, "OSCE 2004 Action Plan on Gender Equality" *op cit., ibidem*

The latest “Secretary-General’s Annual Evaluation Report on the Implementation of the 2004 Action Plan on Gender Equality” reports an impressive increase augmentation of field projects, all dimensions included, that have incorporated “gender mainstream”: 218 projects compared to 146 in 2009¹⁶⁸. Despite this appraisable rise, 70 of those projects refer to a gender perspective being the sole presence of women in the projects¹⁶⁹, which, as stated previously, is not exactly what is meant by introducing a gender perspective. However, the fact that the report states this limitation can be seen as window for improvement.

On training on gender mainstream, between May 2009 and May 2010, four training sessions were delivered (between 1, 5 day and 3 days long) that aimed at 56 participants from different locations. For example, it included OSCE staff in Kosovo and Ukraine, but also the Secretariat, institutions and other field mission’s staff. Even so, the demand for this kind of training remains low¹⁷⁰. Yet some personnel in field offices and in the Secretariat dealing with the politico-military dimension, expressed the need to have more customized material on gender for specific activities they were dealing with¹⁷¹.

In addition to supplementary training on gender mainstreaming, all contracted OSCE staff undertake one hour induction training on gender issues. In 2010, 237 OSCE staff members undertook this training. To put this number in perspective, in 2009, the organization had 2861 staff all positions and locations taken into consideration¹⁷².

¹⁶⁸ OSCE, “Secretary General's Annual Evaluation Report on the Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality”, *op cit.*

¹⁶⁹ *Ibidem*

¹⁷⁰ *Ibidem*

¹⁷¹ *Ibid.*

¹⁷² Accessed through “Gender matters in OSCE”, available at <http://www.osce.org/gender/33480>, last consulted on July 4. Unfortunately numbers for 2010 were not possible to gather.

According to the Annual Report on OSCE activities in 2010¹⁷³, the Secretary-General also reported several considerable progresses that are worth mentioning:

One of the highlights is that the representation of women in management positions reached 30 percent¹⁷⁴. A woman was hired as head of one institution of the OSCE for the second time in OSCE's history¹⁷⁵, gender perspectives were included in the first and second dimensions, and the Forum for Security Co-operation integrated a gender perspective into the OSCE Plan of Action on Small Arms and Light Weapons¹⁷⁶. Furthermore, the Gender Section provided assistance to field operations through delivery of training to OSCE staff "Gender issues in the monitoring of the work of the Kosovo Police". In Armenia, for example, it assisted in the development of the action plan with recommendations for the inclusion of gender in the National Police strategy.

According to information provided by an officer of the Gender Section of the OSCE in Vienna¹⁷⁷ and to the Annual Plan 2010¹⁷⁸, the Gender Sector developed tools for the police development departments called the "Gender matters in the OSCE"¹⁷⁹. They are meant to provide basic understanding of gender and the methodology of gender mainstreaming and how it is intertwined into OSCE policy. It is an extremely user friendly document that defines gender, underlines gender stereotypes, the importance and definition of gender issues and gender mainstream, lessons learned and presents important facts and figures.

¹⁷³ OSCE Annual report on OSCE activities 2010 available at <http://www.osce.org/item/66000> consulted on 20 May 2011

¹⁷⁴ OSCE does not have a quota system or affirmative actions for the recruitment of professional women. The recruitment is said to be based exclusively on competence for the position. However, for same qualification and experience women are said to be preferred for a given position.

¹⁷⁵ Representative on the Freedom of the Media, Mrs. Dunja Mijatovic

¹⁷⁶ Although concretely what it represents is unclear in the reports accessed.

¹⁷⁷ Based on an email from a project officer in the Gender Section of the OSCE in Vienna, 23rd of April 2011.

¹⁷⁸ OSCE, "Secretary General's Annual Evaluation Report on the Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality", *op cit*.

¹⁷⁹ OSCE, "Gender Matters in the OSCE" available at <http://www.osce.org/gender/71259> consulted June 10 2011

The Gender Section also initiated the production of an electronic newsletter *The Gender Monitor*, distributing three issues in 2010 aiming at the exchange online of best practices and lessons learned from the field. This online newspaper is meant at providing practical solutions linking security to gender issues.

As recruitment in this dimension of female personnel is considered more difficult than in others, as women are widely unrepresented, OSCE has created a roster for female security experts. This will permit OSCE to have a pool that can be drawn from when creating conflict prevention, crisis management and rehabilitation projects¹⁸⁰. The roster is open to use for other international Organisation such as EU, NATO, etc.

Moreover, the Gender Section has produced a document that is aimed at assisting departments with concrete actions towards gender mainstream. It is a user guide to the Action Plan. It is called “filling the GAPS” and it presents itself as a handbook to help Mission programme officers to include “*gender perspectives in analysis of situations in the field, in policy and strategic development*¹⁸¹”. Regarding police activity, it gives out examples how police officers can better include gender in their field of action. For example, they are recommended to: “*Analyse gender balance in police forces and promote the idea of women police officers as part of a modern, democratic police force; collect data on services available to victims of sexual violence and develop systems of protection for such victims/witnesses*¹⁸².” This clearly means for example that police projects should collect sex-disaggregated data on police services in field missions.

The Gender Section has also developed a valuable tool in regards to Violence Against Women. It is called “Bringing Security Home Combating Violence Against

¹⁸⁰ OSCE, GenderBase leaflet, available at <http://genderbase.osce.org/>, consulted on 10 June 2011

¹⁸¹ OSCE “Filling the GAPS, Gender in the Analysis, Policy and Strategy Development of the Conflict Prevention Centre”, available at <http://www.osce.org/gender/30842>, last consulted on 13 June 2011

¹⁸² *Op cit. ibidem.*

Women in the OSCE region: A Compilation of Good practices¹⁸³”. It aims at providing guidance on good practices in the OSCE region and elsewhere in the fight against VAW in all its 3 phases already mentioned above: the protection, prevention and prosecution. It is quite an impressive document as it compiles projects led by national institutions, NGO’s, International Organisations and even the private sector.

Recently, the Gender Section has announced a two-day conference in Sarajevo in October 2011, with the aim to discuss how to improve the implementation of 1325 “*and to further promote practical steps to advance its implementation within the executive structures and among OSCE participating States*”¹⁸⁴. This conference is supposed to bring together local and international experts from the OSCE region, international and local organizations such as NATO, the country and regional offices of UN Women, EUFOR (European military missions), EUPM (European Police Missions) and NGOs. This initiative is one more indicator that OSCE wishes to see its role in advancing the gender agenda in the security sector recognized by the international community.

3.3.2 Conclusion

The Gender Section is perhaps the spine of the 2004 OSCE Action Plan as it keeps the mandate alive by providing practical and comprehensive tools to all the dimensions of OSCE, and particularly to the most difficult one, the political-military dimension. Something the senior gender advisor, Ms. Jamila Seftaoui has made an

¹⁸³OSCE, “Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices”, *op cit*.

¹⁸⁴ Information available at <http://www.osce.org/gender/> last consulted on 14 June 2011.

important item on her agenda, given the gender unbalance and the relevance of gender issues in this particular field¹⁸⁵.

It also contributes daily in creating gender awareness within OSCE and among its participant States. However, the knowledge on what really “gender issues” or “gender mainstream” covers or refers to remain surprisingly low, even at the highest level. The same goes for the existence of UNSCR 1325 as it is still widely under disseminated. This is largely reflected in OSCE reports, as field missions for instance when asked to report on projects that touch upon “gender issues” still refer to the sole participation of women. Gender mainstreaming is also understood as only including women among staff members, few projects actually reported on actual impact of projects on women and men separately¹⁸⁶.

Despite the efforts to implement gender issues as core work and relevant policy within the OSCE activities in the politico-military dimension, a representative of OSCE admitted that it is still widely perceived as a different matter, separated from the core security issues and that men still see it as a “women’s matter”.¹⁸⁷

This perspective partially matches the conclusions of the Secretary-General’s report on gender equality, stating that gender and gender mainstream remain obscure concepts in the politico-military dimension and that gender advisors are still not taken seriously¹⁸⁸.

Regarding the creation of gender focal points, another obstacle foreseen, as confirmed by a representative of OSCE working in the Gender Section, is that they usually have other “work as their core work and gender mainstream is usually

¹⁸⁵ Interview with Jamila Seftaoui in “Le Magazine de l’OSCE”, Juillet- Aout 2009, available at <http://www.osce.org/fr/secretariat/37699>

¹⁸⁶ OSCE, Secretary General’s Annual Evaluation Report on the Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality, *op cit.*, *ibidem*

¹⁸⁷ Conversation with a Senior Policy Support Officer from the Conflict Prevention Centre, 22 of April, Vienna and feedback received by email from an ex-intern at the Gender section in Vienna, June 9 2011.

¹⁸⁸ OSCE, “Secretary-General’s annual evaluation report on the implementation of the 2004 Action Plan on Gender Equality”, *op cit.*

something that they have chosen to take on voluntarily therefore not systematically something that is dealt with or part of their main tasks”¹⁸⁹. Some heads of missions have taken on the responsibility to act as gender focal points, which has been applauded as good policy. However, unless this is seen as a political priority in the mission this can dilute the gender mandate as heads of mission obviously will have other concerns to deal with.

Adding to this, recommendations that the Gender Section provides at designing stage to police projects, one of its core tasks, are not compulsory and therefore their integration at field level depends on the will of the head of mission. The same goes for all the tools provided and designed by the Gender Section, it is not clear how they integrate the SPMU as we will see in a forthcoming chapter.

Although the Gender Section is particularly active in implementing the gender mandate of OSCE, other institutions conducting police related activities also deliver very important gender programs. ODIHR is certainly the most active and important institution in this regard under the Human Dimension. We will therefore now turn to the initiatives they have conducted in this field with relevance to police missions.

3.4 The Office of Democratic Institutions and Human Rights Work

The scope of ODIHR’s work has greatly evolved since its creation in the early nineties. The observation of elections is definitely the activity that ODIHR has built expertise on and is best known for as well as election legislative support. But at the end

¹⁸⁹ Information provided through email by a Gender officer at the Gender Section in Vienna, 23rd of April 2011.

of the nineties, ODIHR enlarged its scope of action to include human rights work and monitoring, and strengthening of the rule of law by capacity building of institutions¹⁹⁰.

The work of ODIHR is directly intertwined with UNSCR 1325 as it is active in the promotion of women in political, economic and public spheres and in the fight in violence against women. It's work is complementary to activities that are held in other dimensions of OSCE as it is active in advising and monitoring legislative reform, promoting and training on human rights and gender issues, creating the capacity and awareness of civil society in gender issues particularly on sexual and domestic violence¹⁹¹.

The SPMU report of 2010 reflects that ODIHR continued on integrating gender perspectives in policing, combating domestic violence and trafficking in human beings, among others¹⁹².

3.4.1 Fighting domestic violence

ODIHR assists several participant states in improving their legal framework in regard to domestic violence and delivers training to civil society members and law enforcement officials on how to fight domestic violence.

Appropriate legislation is crucial as domestic violence is still perceived as a private matter and needs to be criminalized in order to allow for effective police law enforcement. In that line of action, ODIHR advised Macedonia, Moldova, Kazakhstan

¹⁹⁰ Glover, A.F., "The Office for Democratic Institutions and Human Rights 1994-1997", pp.328-329 in OSCE yearbook, vol.3, 1997.

¹⁹¹ OSCE, ODIHR Annual Report, Warsaw, 2010, available at <http://www.osce.org/files/documents/d/b/77665.pdf>, last consulted on June 26, 2011.

¹⁹² OSCE, Annual report on the Secretary-General on Police related activities in 2010, available at <http://www.osce.org/spmu/36726>, last consulted on May 10 2011.

and, more recently, Kosovo (2010) on their draft laws on protection against domestic violence¹⁹³.

According to its annual plan of 2010, it has also organized a study trip to Vienna aimed at civil servants, elected officials, civil society organizations from Moldova, Belarus and Ukraine to improve the fight against domestic violence. It assisted several NGO's, in Tajikistan and Uzbekistan, to address the issue of domestic violence and women's human rights. Recently it held consultations with police experts with the aim of creating a joint manual on domestic violence for front-line police officers that is expected to be published in 2011¹⁹⁴.

These efforts reflect positively in how committed OSCE is towards effectively implementing legislation that respects women's human rights throughout the OSCE region. Nevertheless, effective enforcement, after legislation has passed, is still up to the participant States, relegating the role of ODIHR at monitoring level.

3.4.2 Trafficking of Human beings

Although human trafficking is not directly referred in USCR 1325, it is a form of gender based violence that can affect many women in post-conflict countries¹⁹⁵, and therefore falls into the scope of interest of this study especially as the Caucasus, the CIS region and Eastern Europe are the main sources of this phenomena as we have briefly seen under the second chapter.

¹⁹³ OSCE, Secretary-General's Report on Police related activities, 2010, pp.113-115.

¹⁹⁴OSCE, ODIHR Annual Report, Warsaw, 2010, available at <http://www.osce.org/files/documents/d/b/77665.pdf>, last consulted on June 26, 2011

¹⁹⁵ OSCE, "Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices", p.12. Trafficking of human beings usually affects more women and girls than men.

ODIHR has provided assistance in the drafting of legislation concerning human trafficking in Azerbaijan, Armenia, Georgia, Moldova and Ukraine¹⁹⁶. In Georgia, for example, the fact that human trafficking was not recognized as a crime in past legislation made it difficult to address the problem as there was no legal ground to permit law enforcement¹⁹⁷. These latest achievements are therefore very commendable and a step forward in accessing the dimension of the problem in those countries and providing necessary ground for police intervention and law enforcement.

ODIHR went further as it has supported participating States and civil society members to better address the problem and guarantee that trafficked persons have better access to justice and compensation.¹⁹⁸ Seminars were conducted aiming at criminal justice experts (prosecutors, judges and police) in Albania, Azerbaijan, Turkmenistan and Uzbekistan with the objective of ensuring that the fight against organized crime is in compliance with human rights standards.¹⁹⁹

3.4.3 "The Human Rights Women and Security Program" or ODIHR's commitment to UNSCR 1325

In 2005, ODIHR created an interesting program with the aim of relating women's rights to conflict prevention, post-conflict prevention, post-conflict reconstruction and maintenance of security, "the Human Rights, Women and Security

¹⁹⁶ ODIHR Legislative Assistance available at <http://www.osce.org/odihr/31782>, last consulted on 21 June 2011

¹⁹⁷ Trafficking in human beings in Georgia and the CIS, available from http://findarticles.com/p/articles/mi_qa3996/is_200107/ai_n8954135/, last consulted on June 26 2011

¹⁹⁸ ODIHR, Annual Report, 2010, pp.41-42

¹⁹⁹ OSCE, Secretary-General's Report on Police related activities, 2010, pp.113-115

Program”. In that line of action ODIHR has funded trainings on 1325 with government and civil society representatives throughout the OSCE region²⁰⁰.

This specific ODIHR program jointly with the OSCE mission in Serbia, the Southeast Europe Police Chiefs Association (SEPCA) and UNDP, supported the establishment of Southeast Europe Women’s Police Officer Network with the objective of promoting the principle of gender equality and democratic control of police services²⁰¹. In a first phase the network conducted research on the present situation of women police officers in the Balkans. This document is very valuable for instance to establish the number of women police officers in that region, something that is not considered in the SPMU annual reports, despite disaggregated data being one of the recommendations of the SSR tool on police reform²⁰².

In 2008, ODIHR promoted a tool kit aiming at the integration of gender issues in the Security Sector Reform. One of the first documents of the kind. The document is called “Gender and the Security Sector Reform Toolkit²⁰³” and was produced jointly with the United Nations International Research Training Institute for the Advancement of Women (UN-INSTRAW) and the Geneva Center for Democratic Control of Armed Forces. It was designed as a practical tool for incorporating and addressing gender issues in the SSR.

In 2010, ODIHR translated this tool in the Russian language for better dissemination in the OSCE region. This tool defends the importance of the inclusion of

²⁰⁰ ODIHR Annual Report 2010, *op cit. ibidem*.

²⁰¹ Southeast Europe Police Chiefs Association, “Establishing the Southeast Europe Women’s Police Officer Network”, September 2010, available at <http://www.seesac.org/uploads/WPON%20ENG%20web.pdf>, consulted on June 26 2011.

²⁰² Valasek, K., “Security Sector Reform and Gender.” *Gender and Security Sector Reform Toolkit*. Eds. Bastick, M., Valasek, K., Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008 available at http://www.peacewomen.org/assets/file/AdvocacyEducationTools/genderssr_uninstraw_2008.pdf, last consulted on June 17 2011. This tool kit will be presented in the next paragraph.

²⁰³ Valasek, K., *op cit ibidem*.

a gender perspective in SSR and how gender can be integrated into specific security components and institutions. It was designed specifically for practitioners at the field level. The toolkit also includes a training module of 4 pages entitled “Police Reform and Gender”.

In that module it is explicitly stated that SSR recognizes the different needs of security between men and women, girls and boys, that police needs to be representative of society, non-discriminatory and promote human rights. It admits that a gender perspective is essential for the efficiency and the responsibility of the police services as well as to the local ownership and legitimacy of the SSR process. It recognizes sexual violence of all kinds, and human trafficking and domestic violence as the biggest threat on security the world faces today²⁰⁴.

It provides key aspects of police reform in order to integrate a gender perspective, it underlines the importance of:

- Evaluating the police unit in terms of how is female recruitment done, what is the sexual harassment rate in the unit;
- Examine the existence of codes of conduct and the elaboration of those codes if non- existent;
- Establish procedures aimed at addressing issues of sexual violence; consider the creation of special units for police women officers related to domestic violence and sexual violence in order to;
- Train police officers in gender issues;
- Evaluate recruitment of female officers and their retention in the forces, fix strategic objectives for recruitment of female officers, and adapt recruitment procedures accordingly.

²⁰⁴ Bastick, M., Valasek, K., (eds), *op cit.*, *ibid.*

The document affirms that international support both financial and through police advising can improve the performance of local police. It also reads that international police advisors play an important function towards introducing a gender perspective and in that sense be role models.

This affirmation is particularly puzzling as it hinders a non matching reality. Although UNSCR 1325 creates an obligation that falls over all participant States of OSCE and not only on the ones receiving police assistance in the field it seems that it is only local police forces that are being trained in gender issues, while the police deployed internationally do not receive specific gender training before deployment with the exception of the very general gender induction training given to all staff by the Gender Section, mentioned here previously. As we have seen, police officers have acted as perpetrators of violence against women, not exactly standing up for the role model behaviour expected, especially as human trafficking and violence against women tend to increase upon arrival of peacekeeping and/or peacebuilding missions²⁰⁵. Feedback on missions and several reports point out that Police officers integrating peace missions have not been better trained in gender issues and still have little knowledge on what these issues touch upon²⁰⁶. Which makes the following question legitimate: how are the international police advisors supposed to be role models if they themselves are not better trained than the local police they are supposed to deliver training to?

Another interesting initiative that ODIHR has been promoting through this program is the reporting on the implementation of UNSCR 1325 through the OSCE

²⁰⁵ Vandenberg, M., *op cit ibidem* & Ahmed Ali, *op cit ibidem*& Bastik, M, Grimm and Kunz, R., *op cit*. Please refer to the 2.2 section of this work.

²⁰⁶ The idea that gender is misunderstood and not taken seriously is reflected in the Secretary-Generals Annual report on Gender Equality (*op cit*) and already touched upon under the Gender Section of this thesis.

Forum for Security Cooperation's (FSC) Code of Conduct on Politico-Military Aspects of Security. This Code of Conduct was adopted in 1994 through the FSC, one of the two main decision making bodies of OSCE focusing on the political-military dimension of security. Seventeen participant States have agreed on reporting on the Code including commitments taken towards implementation of UNSCR 1325²⁰⁷.

In the answers to the questionnaire of 2010, some participant States have indeed reflected the policies taken towards the implementation of UNSCR 1325. Canada stands out as being one of the few that report on UNSCR. Canada states that the personnel deployed to missions abroad receives specific training which "*includes topics related to codes of conduct, human rights, international humanitarian law, human trafficking and the protection of civilians, women and children in armed conflict*". Training which is regularly updated built on experience from personnel deployed and in coordination with non-governmental organisations. Furthermore Canada informs that jointly with the United Kingdom a special training on gender and peacekeeping was developed in 2002 and adopted since by the UN itself²⁰⁸.

Nevertheless as this commitment is recent, reporting on this matter was not apparent in other participant States replies to the questionnaire. Moreover, so far only 17 states have taken that commitment, abiding by this new practice is not compulsory. Additionally, it is not clear what how replies might change or influence policies towards the implementation of UNSCR 1325.

²⁰⁷ Through the adoption of a "Technical update of the Questionnaire on the Code of Conduct", available at <http://www.osce.org/fsc/36748>, last consulted on July 10 2011.

²⁰⁸ Answer from the Canadian Delegation to the OSCE to the OSCE Forum for Security Cooperation's Code of Conduct on Politico-Military Aspects of Security available at <http://www.osce.org/fsc/68551>, last consulted on July 10 2011. For more information on the gender training and peacekeeping: <http://www.genderandpeacekeeping.org/>, last consulted on July 10 2011

3.4.4 Conclusion

ODIHR's work is extremely relevant to the implementation of UNSCR 1325 as it assists in setting the legislative frameworks of OSCE participant States in accordance with women's human rights standards and in areas such as domestic violence, human trafficking and gender equality policies in all missions where it has a field presence. Furthermore ODIHR supports measures that aim at the prevention of violence against women, promotion of women in public, political and economic areas. It's work is closely intertwined with police work as not only it provides it with the necessary legal framework permitting law enforcement, as it designs concrete tools for their implementation and lastly it delivers training in human rights, human trafficking and gender issues.

Like the Gender Section, the work of ODIHR seems to be fundamental for the mainstreaming of gender into police work in critical areas of their work and particularly on the implementation of UNSCR 1235.

However, despite the importance and relevance of ODIHR's work it seems that it is ODIHR that provides and delivers most training on gender to the local police. It seems that the police component of OSCE, the SPMU, does not "own" or specialize in gender training. And although the initiatives related to UNSCR 1325 implementation are extremely appraisable it is again under the initiative of ODIHR that they are conducted and not of the police component. Moreover it is not clear to what extent the SPMU uses this expertise when conducting training.

As the Strategic Police Matters Unit is responsible for designing and programming police missions in the OSCE region it is now to this component we turn in order to evaluate how this unit mainstream gender in police missions.

3.5 The Strategic Police Matters Unit

The OSCE police component, The SPMU, based in Vienna, resides, like the Gender Section, under the Office of the Secretary-General. It provides police related advice to the Secretary-General and the Chairman-in-Office, it responds to participant states request for assistance in police reform and supports the OSCE in field missions related to the police component²⁰⁹.

The SPMU goal is to deliver a democratic vision of policing for the whole OSCE region and practically implement that vision by supporting OSCE participating States in police capacity and institution building as well as improving police performance in the reinforcement of national criminal justice systems²¹⁰. It is part of the broader politico-military dimension, the first basket of the organisation which is fundamental in the delivery of projects and programs related to conflict prevention and resolution. This dimension includes arms control, border management, combating terrorism, conflict prevention, military reform and policing.

The role of OSCE police-related activities is reflected in the Istanbul Charter for European Security in 1999 which calls upon the “*importance of enhancing the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management, and post-conflict rehabilitation*”²¹¹.

The mandate for police-related activities was further redefined in 2001 with the Bucharest Ministerial Council Decision No. 9, in which the OSCE participating States declared the importance of “*improving operational and tactical policing capacities;*”

²⁰⁹ OSCE, Annual report of the Secretary-General on police related missions, 2010, *op cit*, p.8.

²¹⁰ *Op cit., ibidem*.

²¹¹ Stodiek, T., “OSCE’s police related activities lessons learned during the past decade”, pp. 201-211 in Security and Human Rights, N.3, 2009, available at http://www.shrblog.org/journal/OSCE_s_police_related_activities__Lessons_learned_during_the_last_decade.html?id=37, last consulted on 25 May 2011.

*enhancing key policing skills, including respect for human rights and fundamental freedoms, and, as appropriate, dealing with the criminal aspects of illegal migration; and increasing community policing, anti-drug, anti-corruption and anti-terrorist capacities*²¹²,

As seen previously, the SPMU is not the only unit carrying out police related activities as the ODIHR and the Office of the High Commissioner on National Minorities²¹³ include aspects of policing in their projects as seen in previous chapters with the work of ODIHR. These aspects touch mainly upon training related to human rights and despite being developed in consultation with SPMU²¹⁴ they are part of the human dimension or the “third basket”.

The OSCE police missions started out in 1998 in Southern-Europe under the OSCE Police Monitoring Group deployed to take over the work of the United Nations Police Support Group in Croatia mainly to support the return of IDP’s (Internally Displaced Persons). An OSCE police mission was later deployed in Kosovo with the task of training a new Kosovo Police Service²¹⁵.

²¹² As quoted in Stodiek, T., *op cit.*, p.202.

²¹³ The work of the Office of the High Commissioner on National Minorities objective is to “*identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between or within OSCE participating States*”(OSCE Annual Report 2010). Like ODIHR it has been supporting participant States in the adoption of legislation that is non-discriminatory and examining the situation of minorities and inter-ethnic relations. It has been active in issuing recommendations on policing in multi ethnic societies, a field of concern where OSCE has field presences. The work of this office won’t be part of the analysis as not directly linked to the problematic.

²¹⁴ Lewis, D., “Reassessing the role of OSCE Police assistance in Central Asia”, Central EurAsia Project, Occasional Papers series n.4, April 2011, p.12, available at http://www.soros.org/initiatives/cep/articles_publications/publications/occasional-paper-4-20110411/OPS-No-4-04-11-2011.pdf last consulted on 31 May 2011.

²¹⁵ Stodiek, T., *op.cit.*, p.202.

It is not exceptional that OSCE replaces the UN, providing continuity to their police work, under the same mandate, or works “hands in hands” with the UN²¹⁶. Unlike the UN though, the OSCE police missions do not have executive powers and therefore do not substitute or replace local authorities. Of course this can have an impact on the quality and delivery of programs as they depend on the mandate negotiated with the host country. Thus, OSCE police missions largely differ from one country to another. They do not fall under the traditional peace keeping mandates of the UN under chapter VII, permitting the use of force, but they do address peace building issues.

OSCE has today an important array of field missions with several police advising services which include capacity building of police officers, recruitment, training in policing related matters, police and military reform, etc. Its geographical scope presently covers South-Eastern Europe, Central Asia and the Caucasus²¹⁷.

At the beginning of 2010, 15 out of 18 field operations had police related activities²¹⁸ taking into consideration ODIHR, HCNM and other institutions that also conducted police-related activities. 3 out of those 18 missions have gender officers while the others have gender focal points.

Of the 218 OSCE field projects mentioned previously as having included a gender perspective in 2010, 49 projects were carried out in the politico-military dimension in field operations, which represents an increase of 30% from the previous reporting period²¹⁹. But yet again, 14 of the 49 referred the inclusion of gender being the

²¹⁶ Please see OSCE, “Implementation of Police Related Programs Lessons Learned in South Eastern Europe”, available at <http://polis.osce.org/library/f/3562/2667/OSCE-AUS-LSN-3562-EN-Implementation%20of%20PRP%20-%20LL%20Report.pdf>, consulted on 20 May 2011.

²¹⁷ OSCE, Annual report of the Secretary-General on police related missions, 2010 p. 7.

²¹⁸ Stodiek, T., *op.cit.*, p. 201.

²¹⁹ Compared to 41 projects in the environmental dimension and 128 in the human dimension, OSCE Annual report of the Secretary General on Gender Equality.

sole presence of women, which, as already reflected here, is not matching the definition and purpose of gender mainstream.

The understanding of gender issues does not seem to be the strength of the police component of OSCE. This hypothesis was confirmed when speaking to an OSCE a police advisor to OSCE during a field trip to Vienna in 2011. When asked about how gender mainstream and gender issues were taken into consideration in the police sector, he admitted that he was only responsible for the police component that we was not an expert on gender issues. Furthermore, in an email from a SPMU police advisor in Vienna, as to the question on what the advisor thought was good gender mainstream he replied that it was better to contact the gender advisor of the unit²²⁰. Indeed it appears that gender is only addressed by gender advisors and not really dealt outside gender units.

Nevertheless, police-related activities have increasingly become part of the OSCE field of action and experts assume that “*“good policing” is a key element of conflict management and the consolidation of democratic governance*”²²¹.

It goes without saying that police work in countries that have known conflict, political and institutional instability is essential for the strengthening of the rule of law and democratic governance²²². Moreover, it is common that police forces played an important role during conflict and need complete reform, training, and capacity building.

As police is one of the coercive arms of the state, sharing the monopoly of violence with the military, the risk of these forces becoming perpetrators of human

²²⁰ Email from a senior police advisor at the SPMU in Vienna, 3 June 2011.

²²¹ Merlingen, M., and Ostrauskaitė, R., “A Dense Policy Space? The Police Aid of the OSCE and the EU”, pp. 341-357 in OSCE Yearbook 2004, available at http://www.core-hamburg.de/documents/yearbook/english/04/Merlingen_Ostrauskaite.pdf consulted on May 20 2011.

²²² Stodiek, T., *op.cit. ibidem*.

rights is high. Training on human rights and gender issues are undeniably fundamental if the State claims its democratic essence and respect for the rule of law and human rights.²²³.

The OSCE has had the reputation over the years to have a comparative advantage in police reform missions, an element of pride within the Organisation²²⁴. OSCE experts have defended a particular OSCE vision to Police missions which is the model of a community police, closer to the citizens and aware of human rights²²⁵. What some specialists have called a “*partnership between the police and the public*”²²⁶ that would be more efficient at fighting crime as working closer with communities. It is also commonly known as community policing.

According the senior gender advisor of the Gender Section, building the capacity of Police particularly through community policing and addressing violence against women has been at the heart of the OSCE field missions during the past years²²⁷.

To see if this statement is compatible with the SPMU discourse, three annual reports on SPMU activities (2008, 2009, 2010) and two SPMU publications were qualitatively analysed.

²²³ Merlingen, M., and Ostrauskaitė, R., *op cit.*, p.4.

²²⁴ *Ibidem.*

²²⁵ *Ibidem.*

²²⁶ *Ibidem*, p.10.

²²⁷ International Conference Gender, Peace and Security, July 9-10, Munich, statement from Jamila Seftaoui, OSCE Gender Matters, “Beyond Human rights : gender matters in comprehensive security” available at <http://www.gender-peace-security.de/de/dokumentation-2010/beitraege-aus-der-praxis/72-beyond-human-rights-gender-matters-in-comprehensive-security>, consulted on June 10 2011.

3.5.1 Gender in the SPMU

Community policing is indeed something that is largely touched upon on the 3 last activity reports of the SPMU and the two SPMU publications introduced hereinafter. It is seemingly a component that experts point out as being fundamental part of police reform in countries where OSCE has police missions. Community policing or police-public partnerships is a philosophy promoting close collaboration between the police and the public in order to better identify, prevent and tackle crime. For that concept to be effective the police needs to be representative, accountable, responsive and professional. Mainstreaming gender into community policing involves showing transparency and communicating with men and women equally, outreaching to both their needs and being representative of both genders. The objective is to increase security for all, improve project effectiveness, public support and confidence in the police, which is important given that in many countries lack of confidence in police is high, and finally, increase police transparency²²⁸.

From a non-police expert point of view it can seem at first that gender mainstream and integrating gender issues in community policing is innate. However, in the last report of SPMU activities, one can read that it is still the Gender Section that assists in introducing a gender perspective in police activities²²⁹. And although there is mention to percentage of minorities taken part in public-discussions organised by the police, there is none to the percentage of women that took part in them. Not reflecting

²²⁸OSCE, Integrating gender into police-public partnerships, available at <http://polis.osce.org/library/f/3582/2666/OSCE-AUS-RPT-3582-EN-Integrating%20a%20gender%20approach%20into%20police-public%20partnerships.pdf>, last consulted on July 10, 2011.

²²⁹ OSCE, Annual report on the Secretary-General on Police related activities in 2010, *op cit*.

the advice and criteria of the Gender Section tools and other SSR instruments in collecting sex-disaggregated data reflected here previously.

Indeed, collecting sex-disaggregated data is seen as one of the tools recommended to use in order to assess the outreach of a project. It is also important for establishing the gender ratio of a given police force. However, in the SPMU reports there is no reference to either category of these numbers. This information was also not possible to obtain from the SPMU headquarters in Vienna.

The same goes for the numbers of international women police officers deployed. Once more, this information was not possible to gather from SPMU publications or headquarters. This information was said not to be available, despite availability of the numbers for all police officers deployed where police missions are held, as we can see in the above table:

Table 3. Number of International Police Officers serving in OSCE Law Enforcement Departments (LED), Police Assistance Programmes (PAP) and SPMU in 2011²³⁰:

Serbia	- OSCE LED -	20
Montenegro	- OSCE LED -	5
Kosovo	- OSCE LED -	17
FYROM	- OSCE LED -	27
Albania	- OSCE LED -	2
Azerbaijan	- OSCE PAP -	5
Kyrgyzstan	- OSCE PAP/CSI -	34
Tajikistan	- OSCE PAP -	7
Secretariat	- SPMU -	7
Total		117

From information gathered in the “Gender matters in the OSCE”, it was possible to gather that the percentage of OSCE women in civilian police is of an average of 10%²³¹. Again, a researcher as to refer to gender specific reports to have access to

²³⁰ Numbers provided by email from Thorsten Stodiek, Senior Police Advisor, SPMU, Vienna, 28 June 2011.

²³¹ OSCE, “Gender matters in the OSCE”, *op cit*.

basic and quite simple information to gather in order to assess if there is gender balance in police missions.

Despite the argument read in several gender tools and policy documents pointing out at the need to have more women in the politico-military component, including police forces, the lack of women in internationally deployed police forces is not a problem reflected in the annual activities reports that were analysed.

The “Guidebook on Democratic Policing²³²” prepared by the Senior Police Adviser to the OSCE Secretary General published by the SPMU, aims at giving advice on what good policing should be. In seventy pages, gender is mentioned four times. It is used to refer to the necessity of having a representative police including in terms of gender, the importance of non-discrimination based on gender within the police forces and towards the population and the prohibition of sexual harassment from police officers. The report does recognize in one small paragraph that the police should be “sensitive and adaptable” to the needs of women and vulnerable people, especially in cases of domestic violence, trafficking and sexual exploitation. Although training in human rights is recognized as important there is no mention to gender training. This discourse analysis points out that although there is some reference to gender, it is not a relevant part of the discourse.

“The lessons learned from police missions in southern Europe”²³³, published in the same year (2008), another SPMU publication, refers to gender six times, in the seventy page document, mainly to mention the importance of having gender balance in recruitment of local police, an important criteria reflected in many good practices documents touched upon in this study. The need to recruit more women police in field operations is also stated as being important in order to serve as role model to national

²³² OSCE, “Guidebook on Democratic Policing”, available at <http://www.osce.org/spmu/23804>, 2008, last consulted on 10 July 2011.

²³³ OSCE, “Implementation of Police Related Programs Lessons Learned in South Eastern Europe”, 2008, available at <http://polis.osce.org/library/f/3562/2667/OSCE-AUS-LSN-3562-EN-Implementation%20of%20PRP%20-%20LL%20Report.pdf>, consulted on 20 May 2011.

counterparts. An indicator showing that SPMU is aware of the gender unbalance in field operations and counter-balancing the lack of reference to this matter in the annual reports.

There is though no reference or evaluation of gender training that was provide to the OSCE region, namely Kosovo, something that would have been interesting to read given the importance it seems to have in other documents produced by the Gender Section and ODIHR's work.

In the same report there is only one reference to domestic violence, relating it to the activities planned for Croatia and part of the community policing curricula, making the link so "talked about" in the tools prepared by the Gender Section. However, it only refers to the need to have training investigation in domestic violence, a slim reference.

It should also be mentioned, that OSCE has been highly criticized for its police reform projects namely in Central Asia. It has been accused of sponsoring indirectly authoritarian regimes that used police in order to keep power and control. Security forces have been accused of committing human rights violations, abuse of power and being highly corrupted.²³⁴ In Lewis article, here before quoted, it is recognised that OSCE made some progress in police community and addressing domestic violence but not really in "overall police reform."²³⁵ He points out the need "*to be a more explicit recognition that democratic policing is only possible within a democratic political system, and that security sector reform needs to be linked to political reform*".²³⁶

Furthermore, he directly recommends that OSCE policing programs strengthen the organizational links with other OSCE assistance programs engaged in human rights

²³⁴ Lewis, D., "Reassessing the role of OSCE Police assistance in Central Asia" in Central Eurasia Project, Central Eurasia Project Occasional Paper Series No. 4, April 2011, available at http://www.soros.org/initiatives/cep/articles_publications/publications/occasional-paper-4-20110411/OPS-No-4-04-11-2011.pdf, last consulted on 31 May 2011.

²³⁵ *Op cit., ibidem.*

²³⁶ *Ibidem.*

and political support. This recommendation and the tone of the article do suggest that the police component is out of touch with necessary elements of police reform, an holistic approach, in order for it to be effective including in protecting women's human rights.

3.5.2 Conclusion

Although community policing seems to be a good carrier for the gender agenda, it is mainly still the Gender Section and ODIHR that provide that link, through training and preparation of gender tools, making the connection between community policing and gender. In the core documents of police matters that link is still not evident, despite its increase appearance.

It is also not clear how the tools prepared by the Gender Section are in practice used by the SPMU or/and integrated in the field missions. There is no reference to them with the exception of the sections purposely prepared for the thematic units in police reports, that one can gather were written by the Gender Section and ODIHR.

As pointed out by Thorsten Stodiek, Senior Police Advisor to the SPMU in Vienna, some countries are still reluctant in receiving training from the human dimension field including training in community policing as the demand for technical expertise, facilities and operational subjects like fighting organized crime are seen as more important priorities²³⁷. This could be a justification on why so little information on projects dealing with gender issues were difficult to gather.

However, the fact that basic sex-disaggregated data was not available to collect from SPMU headquarters²³⁸ and that gender was not a topic that advisors working in the

²³⁷ Stodiek, T. *op cit*, p. 208.

²³⁸ As stated in the methodology field missions were all contacted, from the 5 replies gathered none could either give numbers on local women police or on international police deployed with OSCE. The reasons invoked were that these numbers did not exist or that the person replying to the email did not know of the existence of such numbers.

police feel comfortable with, does indicate that there is still a big margin of improvement. The critics point out by Lewis also seem to be of relevance, if OSCE engages in policing reform in states that are not willing or prepared to reform their political institutions then it seems that the rule of law that respects, promotes and enforces human rights won't have many chances of success. As seen here, SSR does imply, theoretically, the reform of all actors involved in the security field, including at governance level.

As guidelines on police reform demand that police services effectively address the issue of violence against women, training on gender issues and the participation of women in police forces, as seen before, it is under those 3 angles that we will turn to now in order to see if they have been adopted in practice in the field, taking Kosovo for case study.

3.6 Insights from the case of Kosovo

The OSCE field mission in Kosovo (OMIK) was established in 1999 and bases its work on the United Nations Security Council 1244 framework. Among others, the OMIK mission was given the responsibility “*to establish and operate a Kosovo Police School to train a new Kosovo Police Service*”²³⁹ and acts as a distinct component of the United Nations Interim Administration Mission in Kosovo (UNMIK)²⁴⁰.

²³⁹ OSCE, “Implementation of Police Related programmes Lessons learned in South Eastern Europe”, *op cit.*

²⁴⁰ OSCE, “Survey of OSCE field operations”, 2010, available at <http://www.osce.org/cpc/74783>, last consulted 10 July 2011.

Since 1999, OSCE has been active in training the Kosovo Police forces and assisting UNMIK in creating the new Kosovo Police²⁴¹.

3.6.1 Fighting violence against women

Kosovo is an extremely interesting case to look at, not only because it is today the largest OSCE field operation²⁴², but also because it has been quoted as a model in fighting violence against women at police level. Indeed it has developed quite quickly institutional and legal practices that are seen as praiseworthy in the field of gender equality²⁴³. OSCE has supported Kosovo, has already seen, in the adoption of crucial legislation regarding gender based violence but also valuable initiatives under the Ministry of Justice.

For example, in 2002, OSCE supported the creation of a specialized department the Victim's Advocacy and Assistance Unit that later became the Victims' Advocacy and Assistance Division under the Ministry of Justice. The work of the unit consisted in providing legal advice and assistance to victims involved in legal processes, but also in providing "*psychological and medical support, interpretation, educational assistance and shelter through an Interim Secure Facility*"²⁴⁴. Although primarily created to assist vulnerable people, the department came to realise that women victims of domestic violence are the ones benefiting more from their services.

The department later created under the Ministry of Justice is now in charge of matters related to anti-trafficking, gender based violence, legislative and political

²⁴¹ Harris, F. "The role of capacity building of police reform", OSCE, 2005, p. 15. UNMIK has many other functions related to the rule of law and democratisation, but we will focus here on activities relevant to the police and UNSCR 1325.

²⁴² Annual report on the Secretary-General on Police related activities in 2010, *op cit*, p.37.

²⁴³ OSCE, "Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices", p.64 and Kosova Women's Network, "Monitoring implementation of United Nations Security Council Resolution 1325 in Kosova", second edition, Prishtina, Kosova, 2002.

²⁴⁴ OSCE, "Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices", p.107.

support of institutions at governments level responsible for gender issues and finally support to victims. OSCE is known to currently provide assistance to this unit and department both through advisory services and financial support.²⁴⁵

Furthermore, in 2004, the Kosovo Police Service undertook police reform in order to establish a unit that would better deal with domestic violence. Kosovo Police forces were required to undertake training in gender issues, human trafficking and human rights. Domestic Violence Units were created staffed with Regional Domestic Violence coordinators and Primary Domestic Violence Investigators. They are trained to follow special procedures in the response to domestic violence²⁴⁶.

Creating such units has gathered some popularity among police services worldwide, but despite anecdotal information pointing out that these police units are better prepared to assist victims of domestic violence, it is not clear if it helps diminishing the phenomena²⁴⁷. In ten years, in Kosovo, the tendency is to an increase of domestic violence cases reported to the police²⁴⁸. On the other hand, this can simply mean that women report more on this type of crime after awareness raising campaigns and not necessarily because they are experiencing increasingly domestic violence.²⁴⁹

The support to this practice though seems to be in tone with the 2004 Action Plan, as already mentioned here before, in the role the SPMU has in enhancing “*its project development to assist participating states in reacting to sexual violence offences...*”²⁵⁰. This shows that at the practical level, OSCE is also aligned with its

²⁴⁵ Kosova Women’s Network, “Monitoring implementation of United Nations Security Council Resolution 1325 in Kosova”, *op cit. ibidem*

²⁴⁶OSCE, “Bringing Security Home: combating violence against women in the OSCE Region a Compilation of Good Practices”, p. 109.

²⁴⁷ *op cit. ibid*

²⁴⁸The Kosova’s Women Network, “Explanatory research on the Extent of Gender based Violence in Kosova and its impact on women’s reproductive health”, *op cit., ibidem*

²⁴⁹ *Op cit., ibidem*

²⁵⁰ OSCE 2004 Action Plan, *op cit.*, p. 11

obligation to protect women from gender based violence and follows guidelines given by the Gender Section.

However, it would be incorrect to attribute these developments only to OSCE. Firstly, although initially the Kosova Police Service was established under the OSCE Mission in Kosovo (OMIK), it has been supported by UN Civilian Police personnel and UNMIK funds. The first Victim's Advocacy and Assistance Unit, under the justice department, was actually adopted under UNMIK mandate despite the support the OSCE provides currently to this unit. The same is true for the Domestic Violence Units.

At the same time as the UN established itself in Kosovo it also created a gender unit in the mission. The UN Department of Peace Keeping Operations, in charge of the design and programming of field missions, started deploying such units in the field since then. OSCE created a Gender Section at his headquarters only a few years later, gender units in the field are not yet in practice. More recently, EULEX, the European Union Rule of Law Mission, set up in 2008, has also been involved in gender matters as a rule of law mission with a focus on the police, the judiciary and customs²⁵¹. It has opened a Gender Affairs Office and addresses issues related to UNSCR 1325, namely in promoting women in police forces and providing gender training to police officers.

Furthermore, local reports from the Kosova Women's Network, emphasize that is not clear how OSCE uses the UNSCR 1325 into its framework of action in Kosovo. According to interviews this local NGO conducted, gender is indeed seen as something that is not highly prioritized within OSCE²⁵², feedback that contradicts the institutional OSCE speech.

²⁵¹Kosova Women's Network, *"Monitoring implementation of United Nations Security Council Resolution 1325 in Kosova"*, *op cit.*, p. 15.

²⁵²*Op cit.*, p.19.

Additionally, in 2008, the new Kosovo Police was formed under the auspices of the Ministry of Internal Affairs²⁵³, which continued adopting favourable gender policies like making gender training mandatory for all police personnel²⁵⁴. Perhaps the incentive of the so-hoped European integration has helped Kosovo to rapidly incorporate policies directed to foster gender equality and OSCE pushed for those policies. However, one cannot undermine these efforts and attribute them to the sole international presence and even lesser to OSCE's activities alone.

It should also be mentioned that some regional and national initiatives have been recognized as having an important impact in lobbying government institutions and international actors in matters related to the SSR, namely the "The Regional Women's Lobby for Peace, Security and Justice in South East Europe", a regional group composed of women leaders from Bosnia Herzegovina, Albania, Montenegro, Croatia, Macedonia, Kosovo and Serbia. With the support of the UN agency UNIFEM, this group issued a common strategy and guidelines on SSR and organized several high level meetings on UNSCR 1325 and respective needs to be addressed in the region²⁵⁵.

Based on the inputs provided by this group, UNIFEM collaborated with the Kosovo Police and supported gender focal points in 30 police stations, an Internal Advisor Board on Gender Equality to the Kosovo Police and a Gender Equality Task Force. UNIFEM also created the Security and Gender Coordination Group which gathers all local stakeholders and multilateral donors and meets at ministerial level to provide advice sustaining the Kosovo Security Strategy²⁵⁶.

²⁵³ Kosova Women's Network, *op cit*, p.30. The Ministry of Internal Affairs is also under the supervision of the Police General Director, appointed by the Prime Minister.

²⁵⁴ Kosova Women's Network, *ibidem*.

²⁵⁵ Suthanthiraraj, K and Ayo, C, "Promoting women's participation in conflict and post-conflict societies", August 2010, available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/colhr34&div=17&id=&page=>, last consulted on 20 June 2011

²⁵⁶ *Op cit., ibidem*.

3.6.2 Training on gender issues

According to the 2004 OSCE Action Plan for the Promotion of Equality, “providing specific training programs for OSCE staff on gender awareness and sensitization to gender equality²⁵⁷” constitutes one of the priorities and objectives of OSCE. The Action Plan mentions the need to expand and create new training programs and it tasks the General Orientation Program at the Secretariat and the Human Dimension Induction Course at ODIHR to incorporate in the delivery of their training specific tailored modules. It also underlines the importance to have a specific module on domestic violence and trafficking in human beings particularly designed for police and border monitors²⁵⁸. In that sense, OSCE launched a project known as “enhancing response” that trained over 7000 police officers to address cases of sexual violence in Kosovo alone.²⁵⁹

Yet it seems that it is ODIHR, the main institution providing gender training at field level. Thus one can doubt how gender training is really mainstreamed through the police component as its not owned or delivered by this component but by an external department that *a priori* has no expertise in police operations.

Moreover, as international police officers integrating missions are not exempted from committing human rights violations - as history has documented it and earlier documented here-, their training in gender issues also seems as important as training that modules they are mandated to deliver in police matters. As earlier presented, all contracted OSCE staff undertake only an induction training of one hour on gender issues. Some of them, seconded by their government, might receive additional training

²⁵⁷ OSCE 2004 Action Plan for the Promotion of Gender Equality, *op cit.*, p.3

²⁵⁸ *Ibidem*, p. 5

²⁵⁹ Suthanthiraraj, K and Ayo, C , *op cit.*, p.64

as it is the case for Finland, who according to the gender advisor's information delivers additional specific training on gender issues²⁶⁰.

However training on gender, according to police officials and information gathered in the field²⁶¹, is not part of most police curricula which raises the following and legitimate question: How can they be role models, as suggested by the SSR tool developed on police reform, if they are not themselves trained in gender issues? Despite the efforts to have all OSCE staff trained in gender issues, one hour would not suffice to create the needed operational links and good practices within police structures and in the course of the police work.

Additionally, one of the challenges also reported by the SPMU is that training needs assessments are rarely conducted on a comprehensive way²⁶², given that they depend on the host country demands. Despite this not being solely the case for gender training, the lack of available and competent trainers is also stated as a challenge in the same report. Which brings up a similar question if the quality of trainers is not always a given how can programs like "train the trainers", which constitutes a component of SPMU activities, be effective? This begs for another question regarding the trainers: who is actually training the "trainers of the trainers"? and with which background and accurate expertise?

²⁶⁰ Email from an OSCE gender officer at the Gender Section in Vienna, 10 June 2011.

²⁶¹ For instance, Portugal adopted a NAP in 2009 that affirms that police officers deploying abroad in UN, OSCE, EU or NATO missions receive gender training. However, according to 3 Portuguese police officers from P.S.P (Polícia de Segurança Pública) that deployed to Timor-Leste in 2009-2010 and 2010-2011, to work under UNMIT, this training was not conducted.

²⁶² OSCE, "Secretary-General Annual report on Police related activities in 2010", *op cit*, p.37

3.6.3 Participation of women in police forces

The participation of women in police forces is a fundamental aspect in creating a police service representative of the population and, as we saw, constitutes one of the policies that actors in the field of peacebuilding should incorporate when addressing SSR.

The inclusion of women police officers has proven to have concrete operational advantages, not solely because women victims of sexual violence often prefer to report to female police officers but because women police officers can gather intelligence information from women especially in more traditional societies, where men would struggle to access, and, in countries where terrorism is a high risk, they are fundamental for body searches²⁶³. Ultimately women are necessary “*to effect broad institutional change and to challenge the dominant “masculine” environment*”²⁶⁴

The 2004 Plan also recognizes the need to have women participating in conflict prevention, post conflict reconstruction and crisis management. It underlines that the “*empowerment of women in the political-military dimension is essential to comprehensive security*”²⁶⁵,

A commendable area indeed addressed by some OSCE field offices is said to be the support of the local authorities to increase female participation in police forces²⁶⁶.

In the SPMU report, under the Gender Section thematic part is stated that the gender training provided to all staff in Kosovo has concentrated on the monitoring of

²⁶³ Bastick, M., Valasek, K., *op cit.*,

²⁶⁴ *ibidem*

²⁶⁵ OSCE 2004 Action Plan, *op cit.*, p.13

²⁶⁶ International Conference Gender, Peace and Security, July 9-10, Munich, statement from Jamila Seftaoui, OSCE Gender Matters, “Beyond Human rights : gender matters in comprehensive security” available at <http://www.gender-peace-security.de/de/dokumentation-2010/beitraege-aus-der-praxis/72-beyond-human-rights-gender-matters-in-comprehensive-security>, consulted on 1 June 2011

the work of the Kosovo Police and a particular emphasis was given to “*the recruitment, the retention and the career development of female officers in the KP*”²⁶⁷.”

Although as seen here before, throughout the SPMU reports there is no sex disaggregated data on police officers have integrated local polices and the SPMU headquarters did not have this data available.

Some NGO reports demonstrate that Kosovo is once again setting the example with 15% of female police officers have integrated the new police²⁶⁸. Nevertheless, as previously said, these efforts cannot be reasonably attributed to OSCE’s work as other international actors are believed to have played an important role in supporting this policy of recruitment and ultimately, such policies, reside, once more, in the hands of the Minister of Internal Affairs.

Moreover, according to Kosova Women’s Network which issued a report on the implementation of UNSCR 1325 (already quoted in this research) interviews pointed out that the international presence was not really seen as a model given the low percentage of women represented within CIVPOL in Kosovo (2%).

As presented here before, the percentage of OSCE women civilian police in field operations is of an average of 10%²⁶⁹, the lowest percentage after military affairs which is stated as nul.

As a mere interesting comparison, despite the UN missions being much larger, the percentage of UN women civilian officers is of 9% a number that tended to increase

²⁶⁷OSCE, “The Secretary General Annual report on police related activities”, 2010, *op. cit.*, p.29

²⁶⁸Suthanthiraraj, K and Ayo, C, *op cit*, p.64. Compared to 6.3% in its neighbor Bosnia Herzegovina (data for 2009), and 20% for the United States (in 2008). For the United States information available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/wle8708.pdf>, last consulted 10 July 2011. Information for Bosnia Herzegovina “Women in Police, situation in Bosnia Herzegovina”, Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the European Union Police Mission in Bosnia and Herzegovina”, 2009, available at [http://www.eupm.org/Women in police.aspx](http://www.eupm.org/Women%20in%20police.aspx), last consulted on 10 July 2011.

in the past years but still being extremely slim. For instance in 2005-2006, only 81 women police officers were part of CIVPOL, under UNMIK, in a mission that comprised 4,468 members. This may indicate that OSCE is not doing worse than bigger players in the field of police reform but it is not doing much better either.

3.6.4 Conclusion

Although it is widely recognised that good policies have been implemented in Kosovo, through OSCE's assistance, namely in supporting legislative reform, providing legal support and in the implementation of a police curricula that addresses domestic violence issues, it is impossible to attribute the outcomes of these policies solely to OSCE activities alone.

Furthermore and despite some appraisable developments regarding police work, ODIHR itself, in charge of monitoring human rights performance inside the OSCE region, acknowledged that response improving capacities and the skills of Kosovo police still need to be addressed especially in combating domestic violence.²⁷⁰

The role of OSCE, of the UN and the EU rule of law mission ,EULEX, need to be put into perspective for another obvious reason. Since their establishment in Kosovo, the international community has failed indeed to prosecute perpetrators of war crimes some of which have been involved in rapes and enforced disappearances²⁷¹.

Although OSCE did not inherited the mandate of prosecuting perpetrators of war crimes, the Organisation is involved in Kosovo in the strengthening of the rule of law and human rights (as is EULEX). As a consequence, the message that these institutions send seem biased. On one hand, they are involved in strengthening the rule of law, while on the other hand, they fail to prosecute recognised criminals.

²⁷⁰ ODIHR Annual report, 2010, *op cit*.

²⁷¹ Amnesty International, "Justice Failed in Kosovo", 2008 available at <http://www.amnesty.org/en/news-and-updates/report/justice-failed-kosovo-20080130>, last consulted on 10 July 2011

This affects negatively the perception that the population has on the work of the UN and other regional organisations working in the field of justice, as reflected in several graffiti's observed in the streets of Pristina and also reflected in the perception gathered from the Kosova Women's Report, which does not even recognise the work of OSCE towards the implementation of UNSCR 1325 in Kosovo.²⁷²

4. General Conclusion

One cannot undermine the efforts that the OSCE has undertaken in including UNSCR 1325 within its framework of action. The political commitments of the Organisation are quite clear. Gender and gender equality, gender mainstream and addressing gender issues like violence against women are part of the mandate of the OSCE, including in its police reform missions.

Several departments and organisations like ODIHR and the Gender Section have undertaken important steps and commitments towards UNSCR 1325 and gender equality. The Gender Section for instance has published practical tools intended to sustain and facilitate gender mainstreaming in the police activities and particularly when dealing with violence against women. This Section is also extremely active in creating gender awareness within the Organisation's structure and delivering gender training to all OSCE staff including police officers.

²⁷²Kosova Women's Network, "Monitoring implementation of United Nations Security Council Resolution 1325 in Kosova", *op cit.*

ODIHR has advised on crucial legislation and drafted fundamental legislation in regards of women's rights and especially violence against women in all its forms with a specific focus on domestic violence and human trafficking, the main threats for women's human security in the OSCE region. It has supported civil society in addressing these issues, creating a specific UNSCR 1325 program aiming at disseminating the Resolution and training government and civil society officials on UNSCR 1325 matters throughout the OSCE region. The Organisation also supported the creation of a women police network for Southeast Europe in order to conduct research on women police officers and promote gender equality principles and democratic control of police services. Furthermore, it provides general training in human rights, in human trafficking, in domestic violence and in gender issues to local police officers where OSCE has police activities.

The assistance to legislative reform reflecting international women's rights law seems to be a fundamental part of the obligation to protect women and girls from gender based violence. Legal reforms are a fundamental part of the obligation to protect under UNSCR 1325. In specific countries that did not have such legislation like Georgia, the Commonwealth of Independent States and the Balkans, a considerable step towards the implementation of this Resolution was taken.

Without a strong legislation no effective law enforcement can follow, which has an obvious impact on the work and responsibilities of the police bodies and forces. As documented in the Kosovo case, support at the Ministry of Justice level in providing legal assistance and conducting victims to psychological support is seen as a fundamental good practice. The creation of domestic violence units within the police services is also a commendable development that has been in use in several countries now and disseminated through UN missions as essential good practice.

However, protection does not necessarily mean enforcement of the law or prosecution. Furthermore, the prosecution of criminals of sexual violence need to lead to effective punishment based on the law. As the Kosovo case illustrates many perpetrators of war crimes which had a predominant role in raping women and girls

have not been prosecuted or punished, disregarding the obligation to prosecute war crimes perpetrators that falls upon all UNMS and all OSCE participant States.

Moreover, despite the fact that gender should be mainstreamed throughout all the departments of OSCE, including the SPMU, it appears that the concepts of gender and the essence of gender mainstreaming is not a widely understood concept. It also stands out that gender issues are not mainstreamed into police activities as carried out by other departments. For example, as stated earlier in this work, basic criteria like having sex-disaggregated data on international police officers deployed and/or local police officers where OSCE has field missions is not data readily available from SPMU headquarters. It also does not appear in SPMU reports. Furthermore, comments given from the Gender Section on projects designed by the SPMU are mere recommendations whose concrete implementation depends largely on the head of missions.

Gender training of police forces raises another issue. It is an obligation that falls over all participant States of OSCE, as UNMS, and not only of the ones receiving assistance in the field. It is interesting to read in the SSR tool kit²⁷³ that the international police officers should act as role models as reality points out that international Police officers integrating these missions have not been better trained in gender issues, still have little knowledge on what they touch upon and, according to the latest Secretary General report on the implementation of the Action Plan, to a senior OSCE policy advisor, gender issues are not matters taken seriously.

Police officers that deploy under OSCE can potentially also deploy under UN missions and some, from European countries, under European police missions, as long as they are authorized and seconded by their respective governments. Regardless of the adoption of National Action Plans that incorporate UNSCR 1325, among which many European states, gender training of police forces prior to development still seem

²⁷³ Bastick, M., Valasek, K., *op cit.*

condemned to be mere words on paper. The comparative advantage of OSCE police reform in terms of incorporating the gender mandate, given that all these institutions, like OSCE, provide basic gender training equally, does not stand out.

Furthermore, it seems that integrating gender training in police forces requires more than having civilians with little or no experience in policing issues training the police. As reflected in the SG report on Gender Equality of 2010 and in this work earlier, specific gender training was demanded for particular operational police areas, which leads to the belief that the training provided is too general and does not meet the field needs.

The solution here seems to point at the full integration of gender studies into the national police curricula, especially of countries that deploy police officers, with a specific accent in gender issues that are operational, practical and relevant for police work. This said, as gender studies offer a real category of historical and political analysis of world dynamics they should therefore be integrated more systematically in educational curricula in all fields, particularly in social sciences.

As far as the participation of women in police goes, despite the impressive number of women police officers that have been recruited in Kosovo, the international police advisors deployed are still predominantly male dominated as we have seen. This can be explained by the fact that the police units deployed to field missions still struggle to recruit female officers and have not made serious efforts in changing recruitment policies in order to abide by UNSCR 1325. However the fact that OSCE lobbies governments in order to increase the share women police officers when it only deploys 10 percent of women police officers does not stand out as giving the example.

These gaps between the theoretical framework and the effective realisation perhaps are due simply because incorporating a gender perspective to police and police training is a considerably new approach, it will take a few more years for those concepts to develop in solid policy making and to systematically integrate gender into police work at field level. This may also be attributed to the lack of political power the

Secretary-General of the OSCE has to lead the agenda and make gender issues a priority for police work²⁷⁴.

Other external facts also need to be reflected upon though. Political instability cannot be ignored, especially when accompanied with conflict as it affects for obvious reasons the delivery of projects. For instance, recent events in Kirgizstan have led to the halt of project delivery²⁷⁵.

Lack of funding remains an issue that seems relevant to all field missions and is very much tied to political will, gender training is still not perceived as a priority by many actors in the police sector, and thus, unless there is strong political lobby to implement gender programs, like training of security forces, a fundamental component of UNSCR 1325, this will be relegated to second plan or simply not conducted. As reflected by Stodiek, some countries are still reluctant in receiving training from the human dimension field as the demand for technical expertise, facilities and operational subjects like fighting organized crime are seen as more important priorities.

Lastly, another obstacle seems to be the fact that police reform has not found consensual background on what and how exactly it should perform its activities. As pointed out by Lewis, if OSCE engages in policing reform in states that are not willing or prepared to reform their political institutions, then it seems that rule of law that respects, promotes and enforces human rights won't have many chances of success. As seen here, security sector reform does imply, theoretically, the reform of all actors involved in the security field, including at governance level.

In many ways, the international political arena and even more the international security sphere remains a man's world. Women are still strongly underrepresented at decision-making level in security agencies and national institutions as well as at

²⁷⁴ Ghebali, Y., "The Reform of the OSCE: Hurdles and Opportunities for a New Relevance", pp. 53-72 in *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and risks*, Geneva, IUHEI, 2006.

²⁷⁵ OSCE, "Annual report on the Secretary-General on Police related activities in 2010", *op cit*, p. 87

operational level in police and military services, while there is little mention of gender issues at academic level in security studies – except in gender studies - even if it is an important dimension of analysis to be taken into account.

Stating that the security sector is gender biased goes beyond the fact that women lack in these organisations and at different levels of representation. The gender agenda should be more than “just add women and stir²⁷⁶”. Perhaps the main obstacle in including gender in the scope of the security arena is simply that the security sector, as a modern feminist²⁷⁷ has pointed out seeks military advantage and not human protection. It is still a world ruled by State’s interests and political agendas where a transformative agenda including gender issues at all levels of policy making seems utopian and unrealistic.

In fact, making Kathryn B. Ward words mine “*world system theory needs to be recast totally to incorporate (...) gender at its center*²⁷⁸” because in order to take the gender agenda seriously one needs to start thinking the subject of security as being the human and not the State.

²⁷⁶ Ward, B. K., “Reconceptualising world system theory to include women” in England, P.,(ed.), *Theory on gender, Feminism on theory*, New York, Aldine de Gruyter, 1993, p.49 also Hudson, N.F., op cit., p.39 arguing that significant change can only be achieved if mainstreaming aims at a transformative agenda.

²⁷⁷ Wright, S., “Feminist theory and arms control” , pp.191-213 in Sojberg, L., (Ed.), *Gender and International Security, Feminist Perspectives*, London and New York, Routledge Critical Security Studies, 2010.

²⁷⁸ Ward, B. K., op cit., *ibidem*

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- Gender Advisor to the SPMU in Vienna, emails of 28 April and 10 June 2011 Thorsten Stodiek, Advisor on Research and Analysis in SPMU Vienna, emails of 3 and 28 June 2011.
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- Alexandra Prevedourakis, Gender Officer from the Gender Section in Vienna, email of 14 June 2011.
- Ms. Kelley Thompson, Political Officer, OSCE Mission in Kosovo, email from 22 June 2011.
- Ms. Anne Jenichen, Ex-intern at the Gender Section in Vienna, email from 9 June 2011.

- Ms. Farida Babayeva, Programme Assistant, OSCE office in Baku, email from 16 June 2011.
- Elvana Lula, National Civil Society and Gender Officer Democratization Department, OSCE Presence in Albania, email from 1 July 2011

Annexe 1. Taken from PeaceWomen Website

Security Council Resolution 1325

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United

Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;

8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. Decides to remain actively seized of the matter."

2011

UNSCR 1325 and OSCE police missions: is gender really mainstreamed?

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