



# THE SECURITY SECTOR AND GENDER IN WEST AFRICA

A survey of police, defence, justice and penal services in ECOWAS states  
Miranda Gaanderse and Kristin Valasek (Eds)



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

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Cover image: Graduation ceremony of newly trained corrections officers in Liberia 31 March 2009 © Christopher Herwig/UNMIL

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# List of Abbreviations

<b>AFELL</b>	Association of Female Lawyers of Liberia	<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>DOVVSU</b>	Domestic Violence and Victim Support Unit (Ghana)
<b>AFJCI</b>	Association of Women Jurists of Côte d'Ivoire	<b>CEDHD</b>	Centre d'études en droits humains et démocratie (Mali)	<b>ECOWAS</b>	Economic Community of West African States
<b>AFJB</b>	Female Lawyers' Association of Benin	<b>CMRN</b>	Military Committee for National Recovery (Guinea)	<b>EU</b>	European Union
<b>AFL</b>	Armed Forces of Liberia	<b>CNDH</b>	National Human Rights Commission (Togo)	<b>FARP</b>	People's Revolutionary Armed Forces of Cape Verde
<b>AJM</b>	Association of Female Malian Jurists	<b>CNDHCI</b>	National Human Rights Commission of Côte d'Ivoire	<b>FCFA</b>	West African CFA franc
<b>AMJ</b>	Association of Women Jurists (Cape Verde)	<b>CPA</b>	Comprehensive Peace Agreement (Liberia)	<b>FGM</b>	female genital mutilation
<b>ANSD</b>	National Agency for Statistics and Demographics (Senegal)	<b>CSC</b>	County Security Council (Liberia)	<b>FIDA</b>	International Federation of Female Lawyers
<b>AU</b>	African Union	<b>CSO</b>	civil society organisation	<b>FIDH</b>	International Federation for Human Rights
<b>BCR</b>	Bureau of Corrections and Rehabilitation (Liberia)	<b>DCAF</b>	Geneva Centre for the Democratic Control of Armed Forces	<b>FSU</b>	Family Support Unit (Sierra Leone)
<b>BICC</b>	Bonn International Center for Conversion	<b>DDR</b>	disarmament, demobilisation and reintegration	<b>GBV</b>	gender-based violence
<b>BICE</b>	International Catholic Child Bureau	<b>DFID</b>	Department for International Development (UK)	<b>GDP</b>	gross domestic product
<b>BNUB</b>	UN Office in Burundi	<b>DGPF</b>	General Directorate for the Advancement of Women (Togo)	<b>GIZ</b>	German Company for International Cooperation
<b>CARL</b>	Centre for Accountability and Rule of Law (Sierra Leone)			<b>GTZ</b>	German Society for Technical Cooperation
				<b>HIV</b>	human immunodeficiency virus
				<b>HRW</b>	Human Rights Watch
				<b>ICIEG</b>	Institute for Gender Equality and Equity (Cape Verde)

<b>ICRC</b>	International Committee of the Red Cross	<b>PDG</b>	Parti démocratique de Guinée	<b>UNIFIL</b>	UN Interim Force in Lebanon
<b>IMATT</b>	International Military Advisory and Training Team (Sierra Leone)	<b>PRI LAS</b>	Prison Ladies Association (Ghana)	<b>UNIOGBIS</b>	UN Integrated Peacebuilding Office in Guinea-Bissau
<b>IMC</b>	Institute of Women and Children (Guinea-Bissau)	<b>PRI WA</b>	Prison Women Association (Sierra Leone)	<b>UNMIK</b>	UN Interim Administration Mission in Kosovo
<b>IPU</b>	Inter-Parliamentary Union	<b>PROSAD</b>	Programme on Sexual Health and Human Rights	<b>UNMIL</b>	UN Mission in Liberia
<b>LIFLEA</b>	Liberia Female Law Enforcement Association	<b>RSLAF</b>	Republic of Sierra Leone Armed Forces	<b>UNMIS</b>	UN Mission in the Sudan
<b>LNP</b>	Liberia National Police	<b>RSLMF</b>	Royal Sierra Leone Military Forces	<b>UNMIT</b>	UN Integrated Mission in Timor-Leste
<b>MACA</b>	Maison d'Arrêt et de Correction d'Abidjan (Côte d'Ivoire)	<b>SGBV</b>	sexual and gender-based violence	<b>UNOCI</b>	UN Mission in Côte d'Ivoire
<b>MINURSO</b>	UN Mission for the Referendum in Western Sahara	<b>SILNAP</b>	Sierra Leone National Action Plan for the Full Implementation of UN SCRs 1325 and 1820	<b>UNSCR</b>	UN Security Council resolution
<b>MINUSTAH</b>	United Nations Stabilization Mission in Haiti	<b>SLP</b>	Sierra Leone Police	<b>USAID</b>	United States Agency for International Development
<b>MONUSCO</b>	UN Stabilization Mission in the Democratic Republic of the Congo	<b>SLPS</b>	Sierra Leone Prison Service	<b>USD</b>	United States dollar
<b>MOWAC</b>	Ministry of Women and Children's Affairs (Ghana)	<b>SOP</b>	standard operating procedure	<b>WACPS</b>	Women and Children Protection Section (Liberia)
<b>MSWGCA</b>	Ministry of Social Welfare, Gender and Children's Affairs (Sierra Leone)	<b>SSI</b>	security sector institution	<b>WANEP</b>	West Africa Network for Peacebuilding
<b>NGO</b>	non-governmental organization	<b>SSR</b>	security sector reform	<b>WHO</b>	World Health Organization
<b>NHRC</b>	National Human Rights Commission (Nigeria)	<b>UK</b>	United Kingdom	<b>WIPNET</b>	Women in Peacebuilding Program (WANEP)
<b>OCPMRTEH</b>	Central Office for the Protection of Minors, the Family and the Prevention of Trafficking in Human Beings (Benin)	<b>UN</b>	United Nations	<b>WIPSEN-Africa</b>	Women Peace and Security Network Africa
<b>OECD</b>	Organisation for Economic Co-operation and Development	<b>UN Women</b>	UN Entity for Gender Equality and the Empowerment of Women	<b>WISS-SL</b>	Women in Security Sector – Sierra Leone
<b>OECD DAC</b>	OECD Development Assistance Committee	<b>UNAMID</b>	UN-AU Mission in Darfur		
		<b>UNDP</b>	UN Development Programme		
		<b>UNFPA</b>	UN Population Fund		
		<b>UNHCR</b>	UN High Commissioner for Refugees		
		<b>UNICEF</b>	UN Children's Fund		
		<b>UNIFEM</b>	UN Development Fund for Women		





# Introduction

Kristin Valasek

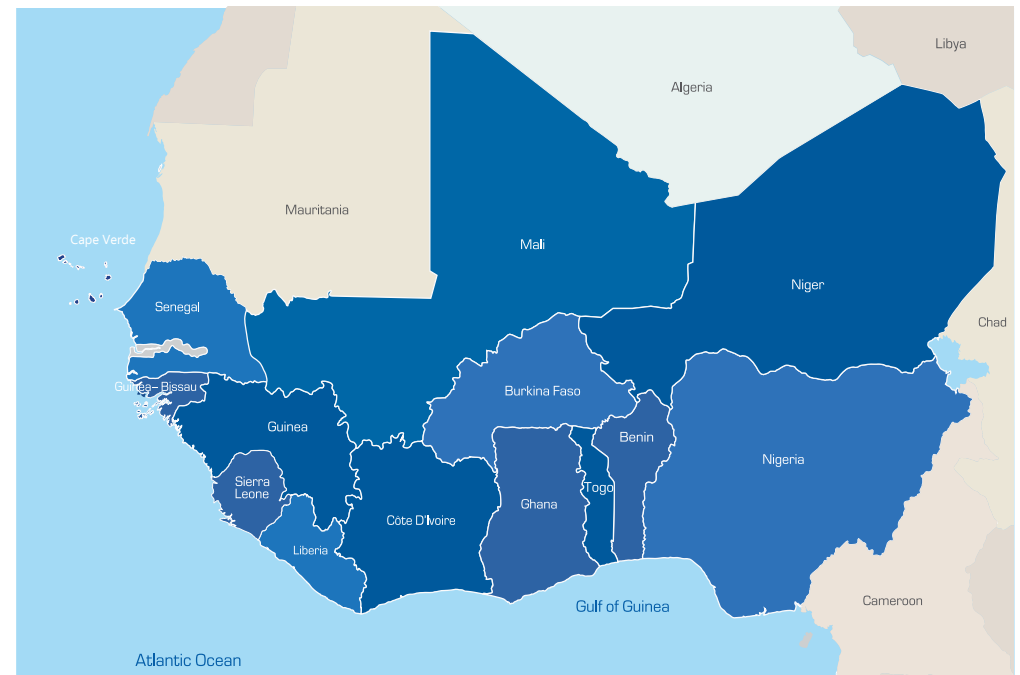
Since 2008, when the Geneva Centre for the Democratic Control of Armed Forces (DCAF) began working on gender and security sector transformation in West Africa, we have repeatedly been asked for information on gender and security from other countries in the region, such as examples of good practices or gaps that need to be addressed. Equally often, however, that information was not available. Data on gender and security sector institutions (SSIs) in West Africa are both hard to come by and dispersed. This survey represents an attempt to systematically document the status of gender integration within the security sectors in member countries of the Economic Community of West African States (ECOWAS). Much of the information in this survey report has never before been published or compared with data from other countries in the region.

This report is designed to be a resource for people working within, or with, SSIs; for those interested in governance and development issues in West Africa; and for those involved with gender-related issues. We hope that the information presented here will assist in future initiatives to build better, more equitable SSIs and to provide security and justice to women, men, girls and boys.

## CONTENT AND USAGE

This report contains 3 main sections: an introduction, a summary and analysis of the findings, and individual country profiles. The introduction provides background on the survey rationale, methodology, definitions and research challenges. The next section offers a cross-country and cross-institution analysis of the survey findings, and includes a list of key recommendations.

The country profiles are the core of this report, providing snapshots illustrating how gender has or has not been integrated into the security sectors of 14 ECOWAS countries.\*



\* There are 15 ECOWAS member States; however, The Gambia declined to participate in the survey.

Each country profile includes detailed information structured by indicators on:

- I. National governance
- II. Police services
- III. Armed forces and gendarmerie
- IV. Justice system
- V. Penal services

To ensure that the country profiles are rich in detail and easy to read, they each contain summary paragraphs and bulleted lists by indicator. This enables comparison across different institutions or countries. The indicators provide information on gender mainstreaming in 5 areas: policies and procedures, institutional structure, personnel, training, and internal/external oversight. For example, the country profiles indicate which police services have specific units/sections in place to serve victims of gender-based violence (GBV), which armed forces provide gender training to their staff, which justice systems grant paternity leave, and which country has the highest ratio of female personnel in its penal services.

This report is meant to serve multiple purposes. In particular:

- The good practices identified in the summary and analysis of findings can serve as guidance for policies and procedures.
- The key recommendations can be a useful starting point for discussing what gender initiatives are needed within a specific SSI.
- The country profiles provide useful snapshots of the state of gender mainstreaming in each country's security sector.
- Following one indicator across the different SSIs enables regional and institutional comparison.
- Information on the different indicators can also serve as baselines from which to assess change at the institutional, national and regional levels.

## BACKGROUND AND RATIONALE

The history of security sector transformation in West Africa is more complex than it may seem at first glance. While most countries in the region share the legacy of colonialism they have all experienced widely different circumstances since independence. Some have suffered the scourge of war for years while others have enjoyed relative stability. Most have undergone periods of authoritarian rule, though many are now building democratic institutions. Some have undertaken the task of transforming the security sector as an entirely domestic initiative; others have received

assistance in this regard from the United Nations or on a bilateral basis. Finally, the linguistic diversity – with English, French and Portuguese coexisting with a plethora of indigenous languages – has hampered the sharing of experiences across the whole region.

As part of, or parallel to, these processes of security sector transformation, initiatives are being taken to mainstream gender issues in SSIs and address different security and justice needs. These initiatives seek to tackle a broad range of current challenges: from the underlying social issues of youth unemployment, feminisation of poverty and lack of education and health care, to specific security threats such as domestic violence, sexual assault, female genital mutilation and small arms violence. These threats impact differently the lives of West African women, men, girls and boys. Women in West Africa – who have always played a crucial, if invisible, economic and social role – have of late assumed a more prominent voice in the political discourse, especially in the area of conflict prevention and resolution, peace and security, and development. This prominent voice has impacted the security sector, as women demand a part in security policy-making, join security institutions, and form civil society organisations to assist victims of GBV or advocate for reforms. Governments and security institutions, for their part, are becoming increasingly aware of the importance of listening to women, men, girls and boys alike and serving their needs. While much remains to be done, the progress in this area since UN Security Council Resolution 1325 was adopted is a reason for hope.

DCAF developed this survey as a first step in responding to the need to document the innovative initiatives currently being taken on gender issues within SSIs in West Africa. By collecting data from 14 ECOWAS countries and publishing the report in French and English, we hope to bridge the regional information and language gaps; point towards good practices and lessons learned; and provide all stakeholders with ideas for future initiatives.

### For more information on security sector transformation in West Africa, please see:

- Alan Bryden and Funmi Olonisakin (eds), *Security Sector Transformation in Africa* (Munster: Lit Verlag, 2010).
- Nicole Ball and Kayode Fayemi (eds), *Security Sector Governance in Africa: A Handbook* (Lagos: Centre for Democracy and Development, 2004).
- Alan Bryden and Boubacar N'Diaye (eds), *Security Sector Governance in Francophone West Africa: Realities and Opportunities* (Munster: Lit Verlag, 2011).
- Hans Born, Jean-Jacques Gacond and Boubacar N'Diaye (eds), *Parliamentary Oversight of the Security Sector: ECOWAS Parliament – DCAF Guide for West African Parliamentarians* (Abuja: Single Vision Limited, 2011).

## RESEARCH METHODOLOGY

This report is the fruit of the work of 14 country researchers, 2 DCAF consultants and several DCAF staff. The data included in the report are drawn from interviews, document analysis and desk research. Field research was conducted in 2010, and data verification was carried out in 2010 and 2011. The research was guided by a set of indicators in the form of a questionnaire. Researchers based in each of the 14 West African countries surveyed collected information in response to the English or French versions of the questionnaire (see questionnaire in Annex 1). With support from the research coordinator, the country researchers gathered data mainly through interviews with key informants in the security sector. DCAF staff and consultants then drafted the report based on the data submitted by each country researcher and additional document analysis and desk research.

## INDICATORS

After several rounds of revision and consultation, we selected 101 indicators to provide a snapshot of the current level of gender integration within each country's security sector (see Annex 1). 5 of the indicators relate to national security sector governance, 24 to police services, 23 to armed forces and gendarmeries, 20 to justice systems and 29 to penal services. For each institution, these indicators were divided into 5 key areas of gender mainstreaming: policies and procedures, institutional structure, personnel, training and internal/external oversight. In order to allow for inter-institutional analysis, each institution was asked the same core set of questions.

These indicators were selected to address 2 questions: Is the SSI internally equitable, representative and non-discriminatory? Does the SSI provide adequate services in response to the different security and justice needs of women, men, boys and girls? As this was a broad regional survey, rather than an in-depth institutional assessment, we focused on 4 SSIs and selected largely quantitative indicators. Thus the survey provides information on whether or not institutional measures exist as opposed to an evaluation of their actual impact. For instance, one indicator informs us that in West Africa 18 of the 56 SSIs surveyed have gender structures assigned to them, such as a gender focal point, but does not tell us what impact, if any, such structures have had. We very much hope that more in-depth, qualitative and quantitative analysis will be undertaken so that questions on impact can be answered.

## RESEARCHERS

The research coordinator helped identify in-country researchers, who in turn gathered the information for the survey. The researchers come from a variety of backgrounds, including academia, non-governmental organisations, government and SSIs. In most cases, the researchers involved had past experience working on either security or gender issues, rarely both.

We are most grateful to all the researchers for the perseverance and resilience they showed in collecting primary data on this sensitive subject. More specifically, we would like to thank the following:<sup>†</sup>

Benin	Innocentia Apovo (Benin National Police)
	Dodzi K. Kokoroko (University of Lomé)
Burkina Faso	Jean-Pierre Bayala (Burkinabé Red Cross)
Cape Verde	Edwige Bienvenu (consultant)
Côte d'Ivoire	Michèle Olga Pépé (journalist, West African Action Network on Small Arms)
Ghana	Kwesi Aning (Kofi Annan International Peacekeeping Training Centre)
Guinea	Raymond-Marie Augustin Gnimassou (consultant, Catholic University of West Africa)
Liberia	Cecil Griffiths (Liberia National Law Enforcement Association)
Mali	Fatimata Dicko-Zouboye (Public Notary)
Niger	Diallo Boubacar (Abdou Moumouni University)
Nigeria	Dayil Plangsat Bitrus (University of Jos)
	CLEEN Foundation
Senegal	Alliance for Migration, Leadership and Development
Sierra Leone	Memunatu Pratt (University of Sierra Leone)
Togo	Irène Ashira Assih (Universities of Lomé and Kara)

We deeply regret the passing away of Fernanda Pinto Cardoso (journalist, WANEP) on 8 September 2011 and remain indebted to her research work in Guinea-Bissau for this report.

<sup>†</sup> Their institutional affiliation was communicated by the researchers at the time of their engagement for this project, and may have subsequently changed. Their research is their individual work, and does not necessarily reflect the views or opinions of the institutions with which they are affiliated.

## INTERVIEWS

In each country, the researchers conducted interviews with personnel from security sector institutions, government ministries and civil society organisations in order to gather information for the questionnaire. There was a large variety in the number of interviews reported for each country, ranging from 12 to 74. Due to the difficulty of securing interviews with SSI personnel, especially armed forces, country researchers often had to rely on their own contacts to open up doors for interviews. Many interviewees requested not to be quoted by name, and therefore a full list of interviewees has not been included in this report. When possible, the country profiles include information from, and specifically cite, numerous interviews.

## DOCUMENT COLLECTION AND ANALYSIS

In addition to conducting interviews to gather information, country researchers were also asked to collect copies of relevant national and institutional policies and procedures. As much of this information was not available online, gaining access to these documents brought a wealth of additional information. The authors were then able to analyse these documents and include relevant information in each country profile.

## DESK RESEARCH

In order to supplement and cross-check the data collected by the country researchers, the authors conducted desk research through a focused review of relevant documents and websites accessible online and in libraries. SSI websites, NGO reports and the online United Nations Secretary-General's database on violence against women<sup>1</sup> proved to be useful sources of information. However, the desk research also demonstrated that existing documentation on gender and the security sector in West Africa is scarce and scattered.

Though efforts have been made to cross-check the data provided in this report, errors may have occurred. If you come across any incorrect information please contact us at [gender@dcaf.ch](mailto:gender@dcaf.ch).

## DEFINITIONS

There are many terms and acronyms used throughout this report which deserve a short explanation.

**Security sector** = All state and non-state bodies that play a role in ensuring the security of the state and its people. This includes state security actors (e.g., the armed forces, police, border guards and security services); security management and oversight actors (e.g., parliament, government ministries, customary authorities, human rights commissions and civil society); justice and rule of law actors (e.g., courts, prisons and customary authorities); non-state security actors (e.g., liberation armies, private security companies and militias); and non-state civil society groups (e.g., non-governmental organisations, the media, research organisations, religious organisations and community groups).<sup>2</sup>

**Security sector institution (SSI)** = Formal state institutions that are part of the security sector, such as the police, the gendarmerie, the armed forces, the justice system, the penal services, etc.

**Security sector reform (SSR)** = “[D]escribes a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.”<sup>3</sup>

**Security sector transformation (SST)** = In contrast to SSR, SST “is taken to mean a complete change in the system that governs the security establishment rather than a more gradual reform process, which presumably still leaves the form and function of the sector largely intact.”<sup>4</sup> In this report, SSR and SST have both been used according to the literature cited.

**Gender** = “The socially constructed roles and relationships between men and women. Rather than being determined by biology, gender is learned. In other words, men and women are taught certain roles and appropriate behaviours according to their sex.”<sup>5</sup>

**Gender mainstreaming + integrating gender** = A strategy of assessing the implications for women, men, girls and boys and making their different concerns and experiences an integral dimension of all planned actions so that “women and men benefit equally and inequality is not perpetuated.”<sup>6</sup> In this publication, “gender mainstreaming” and “integrating gender” are used interchangeably. Both are taken to mean integrating men’s, women’s, girls’ and boys’ different security and justice needs and experiences as well as promoting the equal participation of men and women in the security sector.

**Gender-based violence (GBV)** = “... [A]n umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences between males and females,”<sup>7</sup> which includes harmful acts based on sexual orientation or gender identity.

## RESEARCH CHALLENGES

This research project has been a learning experience. Below are a few of the primary challenges and lessons identified, which may be of interest to anyone planning to conduct similar research in the future.

- **Obtaining safe access to information:** It can be extremely difficult to obtain data on SSIs, particularly in countries experiencing political conflict or with weak rights on access to information. SSIs are often reluctant to share information, or may require authorisation from the highest levels of government to do so. Difficulties in obtaining information hampered the research process for this survey. For example, The Gambia and the Ghana Armed Forces declined to participate in the survey. In certain countries, interviewees were hesitant to provide information without specific authorisation from their hierarchies, and sometimes even with such authorisation. In order to ensure safe access to information, it is important to be transparent about the nature and goals of the research, to use the correct terminology, to gain prior authorisation and to work with researchers with connections to the security sector. Retaining the services of former security officials as researchers proved useful in several countries, while securing senior-level support within SSIs facilitated setting up interviews.
- **Keeping survey indicators simple:** The research process was greatly facilitated by the efforts made both to keep the indicators as straightforward as possible and to formulate them as questions. However, the indicators could have been simplified even further. For instance, instead of combining armed forces and gendarmerie indicators in the same section of the questionnaire, they could have been separated – or the gendarmerie indicators could have been excluded. As it is, although the survey now includes interesting data on gendarmeries, the data are scattered, making cross-country analysis more difficult.
- **Clarifying research methodology and providing ongoing research support:** In a few cases, we did not adequately communicate the research methodology to country researchers, leading to confusion regarding the topic, quality and format of the data required. More comprehensive research support from the research and project coordinators, along with an initial workshop on research methodology for the country researchers, would have been helpful.

- **Establishing realistic deadlines:** This research project took much longer than expected. Additional time should have been allocated to implement the various steps involved, which included identifying country researchers, providing support to in-country research processes, conducting additional desk research, translating materials and research data from French to English, and drafting the final country profiles and analysis sections. Alternatively, the scope of the research project could have been reduced.

## ENDNOTES

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2. United Nations Development Programme (UNDP), *United Nations Development Report 2002* (New York: UNDP, 2002), 87; Heiner Hänggi "Making Sense of Security Sector Governance" in Heiner Hänggi and Theodor H. Winkler (ed.), *Challenges of Security Sector Governance* (Geneva: DCAF, 2003).
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5. Kristin Valasek, "Security Sector Reform and Gender" in Megan Bastick and Kristin Valasek (ed.), *Gender and Security Sector Reform Toolkit* (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008), 3.
6. United Nations Economic and Social Council, "Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system: Mainstreaming the gender perspective into all policies and programmes of the United Nations system," Report of the Secretary-General, E/1997/66 (New York: 12 June 1997).
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# Summary and Analysis of Findings

Aiko Holvikivi  
Kristin Valasek

## INTRODUCTION\*

In the following section, the individual profiles of 14 West African countries reveal innovative good practices and common challenges faced by security and justice institutions in providing equitable security and justice services and creating representative and non-discriminatory institutions. Many of the police services, armed forces, gendarmeries, justice systems and penal services surveyed have begun to integrate gender issues into their institutional policies and procedures. They have also made advances in recruiting female personnel and delivering security and justice services to victims of gender-based violence (GBV). However, less attention has been devoted to improving the conduct of personnel or to developing effective internal and external oversight mechanisms. Moreover, at the national level, while policies on women and gender exist in most countries surveyed, gender issues are generally defined as women's issues and as separate from national security priorities.

This section provides a summary of general trends, good practices and the key challenges facing security sector institutions (SSIs) in West African countries. The introduction includes an overview of SSIs in 14 countries at the levels of gender mainstreaming, service delivery, personnel and oversight. This is followed by a comparative regional analysis structured by institution and indicator, covering national governance, police services, armed forces and gendarmerie, justice systems and penal services. Finally, this section presents recommendations to SSIs and security sector oversight bodies on steps still needed to comprehensively address gender issues.

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\* All information that is not separately referenced in this section is drawn from the country profiles contained in report.

## APPROACH TO GENDER MAINSTREAMING

The key indicators employed in this survey to evaluate the extent of gender mainstreaming at national and institutional levels include the development of national and institutional gender policies, the integration of gender into security and defence policies and the establishment of specific internal gender structures, such as a gender focal point. The survey indicates that gender mainstreaming in West African security sectors is on the rise, but remains subject to a piecemeal approach rather than a comprehensive strategy.

Currently all 14 countries surveyed either have a national gender policy/strategy or were in the process of developing one at the time of research. In addition, 9 of them have specific national action plans to address GBV issues or to implement United Nations Security Council Resolution 1325 on Women, Peace and Security (2000). However, significant gaps remain in their respective legal frameworks. For example, according to recent data published by UN Women, only 4 West African countries specifically criminalise domestic violence (see Table 2). A review of national defence and security policies reveals that the extent to which gender has been mainstreamed is still limited: GBV and access to justice are treated as separate from national security and defence issues. Only Liberia, Nigeria and Sierra Leone mention the issue of the equal participation of women and men or gender mainstreaming in their respective national security and defence policies. None refer to GBV as a key national security threat.

At the institutional level, gender mainstreaming is often only undertaken on an *ad hoc* basis and institutional gender policies or structures are rare. Out of the 56 SSIs surveyed, 6 have institutional gender policies and a further 3 reported that they were developing one. Formal internal gender structures are more common: 18 SSIs have gender focal points, desk officers or gender units assigned to them. The vast majority of these are located in the supervising ministry. However, the available information suggests that these structures are under-resourced and over-stretched. For example, the Ghanaian Ministry of Interior's gender desk reportedly has no dedicated budget for its activities. It is interesting to note that the existence of gender policies and structures are not always linked: not all institutions that have gender policies have formal gender structures. Furthermore, the level of integration of gender in the SSIs of any one country varies across sectors: in Sierra Leone, for example, the police and armed forces have institutional gender policies, but no such policies exist in their respective justice systems or penal services. Conversely, Mali is the only country in which an institutional gender policy exists in the justice system and penal services but not in the police and armed forces.

The SSIs surveyed prioritise different activities in pursuit of gender mainstreaming. On the whole, the police services are developing the most comprehensive approaches – 3 of those services surveyed have institutional gender policies, initiatives to increase female personnel and gender training, and all have some form of specialised services for responding to GBV crimes. The armed forces' approach to gender mainstreaming centres on the integration of women – 7 have formal recruitment targets for female personnel whereas only 1 has an institutional gender policy in place. Justice systems generally lack gender-related policies or female recruitment targets, but all have specialised services for GBV victims and other marginalised groups. In the penal services, the predominant approach to gender mainstreaming is limited to a strict separation of prisoners from guards and prisoners of the other sex. Notably, this separation is not observed in Guinea, Guinea-Bissau or Togo.

In general, it is rare that approaches to gender mainstreaming explicitly refer to men or sexual minorities. Among the countries surveyed, 11 have ministries with a mandate for the promotion of women, whereas only 3 have ministries with a broader, more inclusive mandate on gender issues. The human resources policies of many SSIs discriminate against men in the realm of parental leave: while maternity leave is universal, Burkina Faso and Togo are the only countries in which all the SSIs surveyed provide paternity leave. 7 of the countries surveyed criminalise homosexuality<sup>1</sup> and some have personnel policies that discriminate based on sexual orientation, such as the "Don't Ask, Don't Tell, Don't Harass" homosexual conduct policy of the Armed Forces of Liberia. However, some countries have begun to take a more inclusive approach to gender mainstreaming. For example, Ghana's Domestic Violence Act (2007) uses gender-neutral language, referring to victims as "persons" rather than women, and the Domestic Violence Victim Support Units of the Ghana Police Service extended their services to male victims in 2004.

## SERVICE DELIVERY

The integration of gender in security and justice service delivery is measured by the indicators on specialised procedures and service structures for victims of GBV and by the competence and integrity of the personnel delivering these services. The survey reveals several different types of formal and informal procedures and structures, such as special courts or police units/offices for victims of domestic violence, but indicates that less focus is directed at ensuring that staff is appropriately selected and trained to ensure quality service provision.

Ghana, Liberia, Nigeria and Sierra Leone have formal standard operating procedures (SOPs) for police response to GBV and Guinea has informal response procedures. Only Liberia and Sierra Leone have SOPs for GBV in general, whereas Ghana and Nigeria have SOPs for specific crimes such as domestic violence, rape and human trafficking. Specific procedures for prosecuting GBV crimes are also rare: 2 countries have comprehensive procedures and 5 others have partial or informal procedures. Liberia and Sierra Leone have detailed SOPs that apply to legal and justice actors which are clearly documented as, for example, in the Sexual Assault and Abuse Prosecution Handbook of the Liberian Ministry of Justice.

Although relatively few countries have specific procedures for handling cases of GBV, many more have specialised institutional structures to address this type of crime. In 8 countries, the police have specific units/offices/brigades/sections that have a mandate to respond to cases of GBV, often fulfilling different functions such as offering protection and assistance to victims and carrying out investigations (see Table 6). However, only 4 of these specialised structures provide services outside the capital. The existence of specialised structures to facilitate access to justice for women and victims of GBV follows a similar trend: 7 of the countries surveyed have them in place (Table 20). Specialised judges or courts to hear cases of GBV exist in 3 countries. The specialised internal structures of penal services relate to the physical conditions of detention. All countries surveyed should have separate prisons or wings for detaining men and women, although this separation is sometimes compromised in practice. The separation of juveniles from adults, however, is far less common.

A notable feature of service delivery structures across the different sectors is the engagement of civil society organisations (CSOs). CSOs provide legal and psychosocial support to victims of GBV and prisoners, gender training for SSIs and facilitate access to justice for underprivileged women and men, often in collaboration with specialised service structures. In countries where no formal service structures exist, CSOs partially compensate for this gap. Female jurists' associations are particularly involved, operating in 10 of the countries surveyed and contributing with an impressive list of activities (see Table 23).

Ensuring the integrity of personnel is necessary for professional service delivery, as this seeks to lower the rates of human rights violations. Security sector personnel should be both thoroughly vetted to determine whether they have committed GBV offences and bound by a gender-sensitive code of conduct. Among the SSIs surveyed, most rely on a review of criminal records to vet candidates during the recruitment process. Only the Armed Forces of Liberia were found to have a



vetting procedure that specifically controls for GBV offences – in addition to a criminal background check, photographs of applicants are displayed in newspapers and public places to help determine whether they have been implicated in human rights violations. Gender-sensitive codes of conduct are also rare: the code of conduct for the police and armed forces in Mali and the justice system codes in Nigeria and Sierra Leone are reportedly the only ones with a gender-sensitive component.

Gender-responsive security and justice service delivery also requires competent personnel well trained in relevant gender topics, ranging from basic gender-awareness to the technicalities of investigating or prosecuting GBV cases. Among the police and armed forces surveyed, only the Liberia National Police has institutionalised gender training as part of its mandatory curriculum. Regular gender training is available to the personnel of 9 police services, the armed forces of 1 country (Niger), 6 justice systems and 3 penal services. In addition, some personnel in 19 SSIs have been able to attend at least 1 *ad hoc* gender-related training session. External actors are involved in the provision of training in at least 23 of the 38 SSIs offering regular or *ad hoc* gender training. Examples of gender mainstreaming in other training sessions are less common: gender issues are reportedly addressed in human rights or humanitarian law training of 15 of the institutions surveyed. In addition to proper training, the presence of female personnel may be necessary to ensure appropriate service delivery to women and girls. For example, female prisoners should only be supervised by female guards. This being the case, the lack of female prison guards in Guinea-Bissau and Togo means that these countries are unable to provide gender-responsive penal services.

## PERSONNEL

Historically, West African SSIs have predominantly employed men while women continue to be underrepresented in all of the 56 SSIs surveyed. The personnel indicators used in the survey relate to current numbers, positions and ranks of male and female staff. They also chart what specific measures are in place to increase female recruitment, retention and advancement and take into account current human resources policies, physical infrastructure and equipment. The survey indicates that female representation in SSIs is low: on overall average, women represent approximately 12% of the personnel of police services, armed forces, justice systems and penal services (see Chart 1). However, female participation varies considerably across countries and sectors, with particularly low levels observed in the armed forces, and a relatively higher representation in justice systems and penal services. Strategies for the recruitment, retention and advancement of women also vary by sector, but a shared challenge is the development of policies and procedures to address sexual harassment and thus contribute to a healthy work environment.

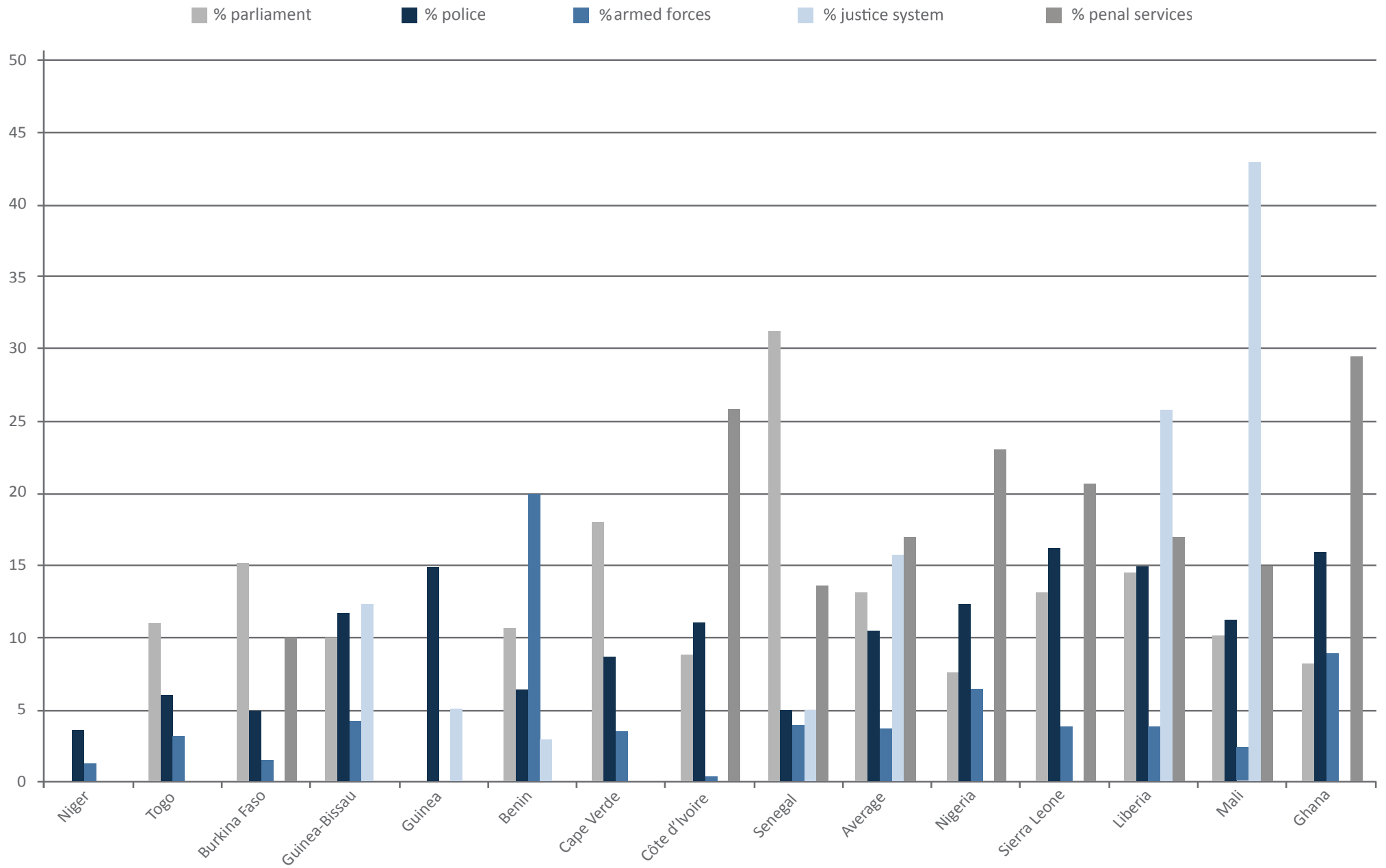
In West Africa, female representation is lowest in the armed forces and highest in the penal services, averaging 3.76% and 17.01%, respectively. The regional averages for female personnel in the police services and justice systems are 10.46% and 15.72%, respectively (see Chart 1).<sup>2</sup> While almost no positions are off-limits to women in the police services and justice systems, the armed forces of at least 3 countries do not allow women to serve in certain branches, such as the infantry,

and there are no women in the Ivorian gendarmerie. In the penal services, where men and women can work is usually determined by regulations stipulating that guards can only supervise prisoners of the same sex. Guinea-Bissau and Togo, where there are no female prison guards, are notable exceptions. As regards the rank and level of female personnel, the data are mixed. However, the general trend appears to be that in the police, armed forces and penal services the proportion of women in high-ranking positions is lower than the overall ratio number of female staff and that women rarely advance to the highest ranks. The justice systems are an exception to this trend, as there are proportionally more female judges than female lawyers, and women serve in some of the highest positions, as judges on the Supreme Court and as ministers of justice. When comparing across countries, it is interesting to note the lack of clear trends regarding the rates of female representation within SSIs. For example, while the Malian justice system has the highest percentage of female participation of all the SSIs in the region (43%), the rates of women's participation in the Malian police, armed forces and penal services are all similar to or slightly lower than the regional average (see Chart 1). Information on rates of attrition was difficult to come by. Among the police, armed forces and penal services, 9 of the 42 institutions surveyed provided data on how many women had left the service. However, it should be noted that attrition rates for these countries appear to be low and that few female personnel leave their jobs.

The SSIs surveyed apply various approaches to female recruitment, ranging from passively allowing women to apply to actively encouraging them to do so. Female recruitment targets/quotas are most common in the 2 sectors where the level of female representation is the lowest, namely the police and armed forces. Among the police services, 9 have overall female recruitment targets, while the armed forces in 7 countries have overall targets and 3 have partial ones. By comparison, 4 penal services have overall targets while none of the justice systems examined have any female recruitment targets. Data on quotas were rarely accompanied by information as to whether targets were for a minimum or maximum number of female recruits. Special measures to encourage female recruitment, retention and advancement, such as recruitment campaigns aimed at women or mentoring programmes for female personnel are present in 7 armed forces and 6 police services compared to 3 penal services and 1 justice system. Not all institutions that have female recruitment targets have additional measures and *vice versa*.

Equitable human resources policies and policies to ensure a respectful work environment are both crucial to supporting female recruitment, retention and advancement. Maternity leave is universal and most often comprises 14 weeks, while 19 institutions grant 3 days of paternity leave. 18 institutions allow special arrangements for pregnancy and/or breastfeeding, such as giving pregnant staff less physically demanding tasks and allowing mothers an hour off per day for nursing. However, especially in the armed forces, restrictions on marriage and pregnancy are common: all of the 8 countries for which data were available place restrictions on when staff are allowed to marry and become pregnant. Sexual harassment policies can also help codify an institutional culture of professionalism and mutual respect, but rarely exist: among the 56 SSIs surveyed, only 2 – the Sierra Leone Police and the Armed Forces of Liberia – currently have such policies.

CHART 1: PERCENTAGE OF FEMALE SECURITY SECTOR PERSONNEL



Regarding physical infrastructure and equipment for women, more or less the same number (7-8) of police services, armed forces and prison services reported consistently providing separate infrastructure and equipment such as lodgings, bathrooms and uniforms for female and male personnel.<sup>3</sup> However, in the case of the Togolese police and the armed forces of Cape Verde and Côte d'Ivoire, the lack of separate infrastructure reportedly poses problems for female personnel, while in the Senegalese armed forces it has effectively discouraged female recruitment.

Finally, female staff associations are a crucial source of support to female personnel in SSIs and can be agents of change within their own institutions. These associations are most common in justice systems: research identified active associations of female lawyers and/or judges in 10 countries. There are also female staff associations for the police in 9 of the countries surveyed (2 such associations were being established at the time of research), for armed forces in 3 countries and for penal services in 5 countries. Bans on forming staff associations in the police and armed forces have prevented their establishment in numerous West African countries.

## OVERSIGHT

The indicators on oversight assess the extent to which gender issues are considered in internal and external oversight bodies, such as internal disciplinary units, national human rights commissions and CSOs. Though most internal and external oversight bodies have a generic mandate to cover human rights violations, very few seem to have investigated cases of discrimination, sexual harassment or GBV perpetrated by SSI personnel. Official data on these rights violations were scarce to non-existent. In most cases, civil society oversight constituted an additional function related to service delivery. Mention of the involvement of civil society in formal oversight mechanisms or bodies was less common.

The internal oversight mechanisms of the SSIs surveyed cover disciplinary infractions, but whether or not these mechanisms effectively address cases of discrimination, sexual harassment or GBV is, in most countries, not clear. Of the 56 institutions surveyed, only the Liberian and Sierra Leonean police have designated specific points of contact for reporting internal cases of sexual harassment or other forms of GBV. Additionally, the Disciplinary Committee of the Sierra Leone Prisons Service plans to include a focus on sexual harassment and GBV in its work.

In external oversight, gender issues are considered to fall under the oversight mandate covering human rights abuses, but the extent to which such mechanisms take women's rights into account is largely unknown. Only 3 external oversight mechanisms that actively do so were identified. In Côte d'Ivoire the Ministry of Family, Women and Social Affairs exercises oversight of the justice system and in Ghana the Ministry of Women and Children's Affairs has oversight of the penal services. In Nigeria the Ministry of Women Affairs and Social Development has established an Inter-Ministerial Committee on Gender and Peace. Its members include SSIs, oversight bodies and CSOs.

The crucial role civil society plays in service delivery, particularly in penal services and justice systems, but also with the police, makes it well placed to exercise an oversight function. This is illustrated in the penal services: in 6 countries, CSOs are guaranteed regular access to prisons and in a further 6 they have non-systematic access. The CSOs that frequent prisons to provide services often report on conditions of detention. Overall, 15 institutions have formalised oversight mechanisms that include the participation of CSOs, such as local security committees working with the police, or national human rights commissions. Civil society oversight is weakest in the armed forces, where a formal mechanism was only identified in Liberia's "three-man Joint Personnel Board," which includes one civil society representative.

Given the gaps in the integration of gender in security sector oversight, it is not surprising that information on cases of discrimination, sexual harassment and GBV committed by security sector personnel is scarce. Only 7 of the 56 SSIs were able to provide some data on such cases (3 police services, 2 armed forces and 2 penal services). However, even in these institutions, violations are underreported with data ranging from 0 to 4 officially documented cases per year, although anecdotal evidence suggests that the actual number of such cases may be in the hundreds. The availability of data on abuses is related to whether or not a specific gender mandate/point of contact within the internal or external oversight body exists: with the exception of Nigerian SSIs and the Ghana Prisons Service, all institutions with gender-sensitive oversight bodies provided data on cases of discrimination, sexual harassment or GBV committed by SSI personnel.

The next part of this section undertakes a systematic comparison of the different West African security sectors, analysed by institution and indicator. In order to support regional information-sharing, this analysis seeks to highlight common trends as well as specific examples of good practice. More detailed information regarding the examples given in this section can be found in the individual country profiles included in the following section of this report.

## I. NATIONAL GOVERNANCE INDICATORS



At the national level, the indicators selected focus on how security policies address gender issues and how gender policies address security issues. They also gather information on oversight bodies, including the participation of female parliamentarians in security-related committees and that of the ministry of gender/women's affairs<sup>4</sup> in security and justice oversight. Together, these serve as key indicators of the current state of national governance and oversight of the security sector with regards to gender issues. For instance, national security and defence-related policies establish a framework to hold security and justice institutions to account. If these policies are gender-sensitive, e.g. developed in a participatory manner with gender-sensitive language and including content on GBV issues, this not only builds public legitimacy and ownership, but can serve as a platform to hold security sector institutions (SSIs) accountable for meeting the diverse security and justice needs of women, men,

boys and girls.<sup>5</sup> Overall, the survey found that national security/defence policies mentioned equal participation but not GBV; nearly all countries have gender policies, almost half of which address security and justice issues; women constitute an average of 13.1% of parliamentarians but rarely sit on security/defence committees; and ministries of women's affairs only participate in formal security sector oversight in 4 of the 14 countries surveyed.

Table 1: National governance indicators	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Existence of national security-related policies	✓	✓	✓	✓	✗	-	✓	✓	✓	✗	✓	✗	✓	✓
Existence of a national gender policy	✓	✓	✓	✓	✓	~	✓	✓	✓	✓	✓	✓	✓	✓
Ministry of gender participates in security sector oversight	~	✗	-	✗	~	✗	✗	✓	✗	✗	✓	-	✗	✗

### Table key

✓	Yes/formal and established
~	Informal, partial and/or being established
✗	None
-	No information

Researchers could only access the national security/defence policies in 3 of the countries surveyed. Those of Liberia, Nigeria and Sierra Leone mention the issue of equal participation of women and men in SSIs and governance, but make no reference to the different security and justice threats faced by men and women, such as various forms of GBV. For instance, the 2006 Nigerian National Defence Policy recognises the role of both men and women in promoting national defence but does not mention GBV. The 2008 Liberian National Security Strategy goes a bit farther by including a call for gender mainstreaming, but also refrains from mentioning GBV. The extent to which Sierra Leone's policies integrate gender varies. Its 2002 National Security and Intelligence Act lacks gender-sensitive wording, referring to the president as "he" and national security actors as "men and officers," but the country's 2002 Defence White Paper includes a short equal opportunities policy. The Burkinabé and Malian security policies are said to take gender into account, but no further information was available (see National #1 of the relevant country profiles).

While access to security/defence policies remained difficult, researchers were able to review the national gender policies or strategies of all countries surveyed except Guinea, which is in the process of developing one. Almost half of the national gender policies identified specifically address security issues. The policies of Liberia, Sierra Leone and Togo specifically address female representation in the security sector, and those of Liberia, Niger, Nigeria, Sierra Leone and Togo cover the topic of GBV. In addition, the gender policies of Benin, Burkina Faso and Ghana call for improved access by women to decision-making structures and that of Burkina Faso also promotes the elimination of violence. Furthermore, 7 of the countries surveyed have additional action plans to combat various forms of GBV and 3 have separate action plans for implementing UN Security Council resolution 1325 on women, peace and security (see National #2 of the relevant country profiles).

In addition to national security and gender policies, all 14 countries surveyed are party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality. Key international and regional legal instruments are outlined in Box 1 below.

### Box 1: International and regional laws and instruments<sup>6</sup>

In order to comply with international, regional and national laws and instruments, security policies and laws must be gender-sensitive and both women and men should be involved in decision-making processes. Key instruments include the following:

- *UN Convention on the Elimination of All Forms of Discrimination against Women (1979)*
- *ECOWAS Revised Treaty, Article 63 on "Women and Development" (1993)*
- *The Beijing Declaration and Platform for Action (1995)*
- *UN Security Council Resolutions 1325, 1820, 1888, 1889, 1960 on Women, Peace and Security (2000, 2008, 2009, 2010)*
- *African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003)*
- *African Union Solemn Declaration of Gender Equality in Africa (2004)*
- *ECOWAS Gender Policy (2004)*
- *ECOWAS Conflict Prevention Framework (2008)*

Though a comprehensive review of gender legislation in these countries is beyond the scope of this survey report, research uncovered both good legislative practices and shortcomings in legal frameworks. Equality of the sexes is enshrined in the constitutions of most countries. Furthermore, the 2010 Constitution of Niger includes a commitment to eradicate violence against women while the 1999 Constitution of Nigeria mandates equal pay for equal work. On the other hand, homosexuality is considered a criminal offence in half (7) of the countries surveyed.<sup>7</sup> Legislation on GBV issues remains inadequate in many countries, though efforts are underway in some among them to reform the legal framework in this regard (see National #2 of the relevant country profiles).

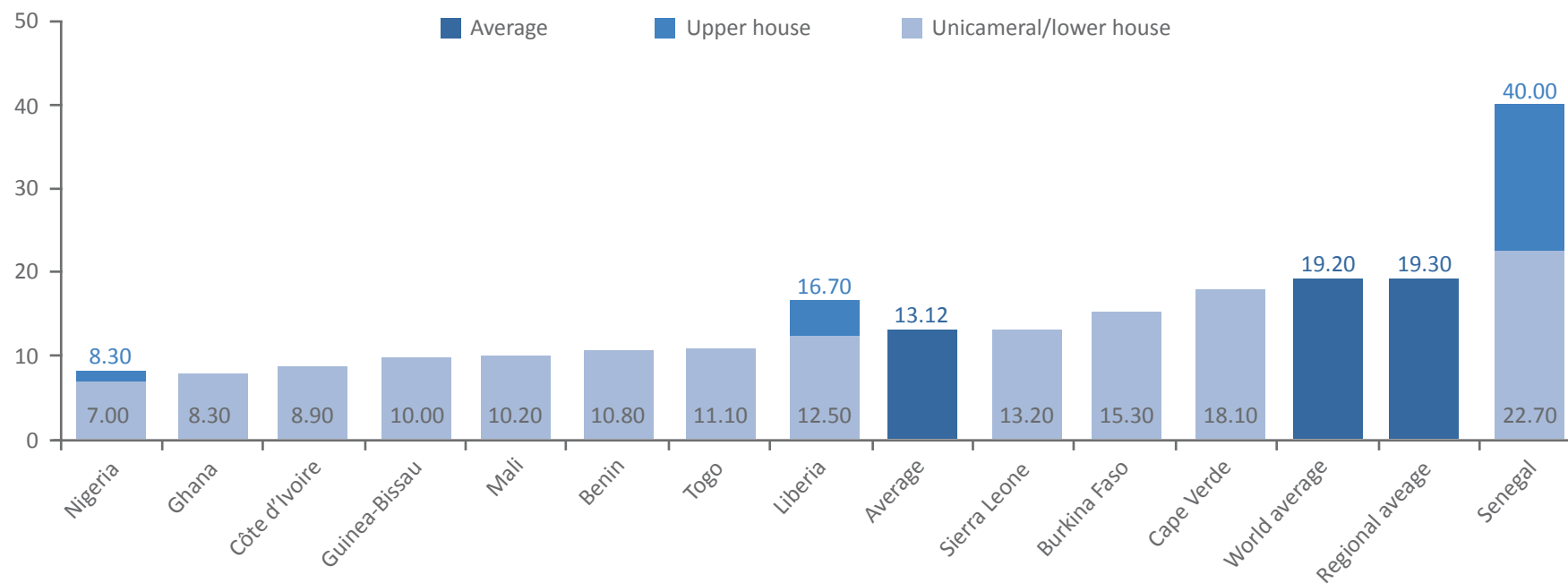
Many countries have adopted specific legislation on human trafficking and forced/early marriage, though it should be noted that girls in Guinea-Bissau are allowed to marry when they reach 14 years of age, which is below international norms.<sup>8</sup> There is also a trend towards prohibiting or discouraging female genital mutilation (FGM), though many related laws are not actively enforced. Specific legislation on domestic violence exists in only a handful of countries, while others rely on outdated penal codes that may not expressly prohibit such abuse. Finally, whereas rape is for

the most part penalised, many of the countries surveyed still do not recognise spousal rape as a crime (see Table 2). Exceptionally, the Liberian Rape Amendment Act of 2005 states that rape victims may be male or female, and offenders face severe penalties ranging from 10 years to life imprisonment (see National #2 of the relevant country profiles).

Table 2:  
UN Women Summary of  
Laws on GBV<sup>9</sup>

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Domestic violence	×	×	✓	×	✓	×	×	×	×	×	×	✓	✓	×
Sexual harassment	✓	✓	✓	✓	×	×	×	×	×	✓	×	✓	×	×
Marital rape	×	×	✓	×	×	×	-	-	×	×	×	×	×	×

CHART 2: PERCENTAGE OF WOMEN IN PARLIAMENT IN 2011



Women participate in the parliaments of all countries in West Africa (see Chart 2). However, the percentage of female parliamentarians in the countries surveyed averages 13.1%, which is below the sub-Saharan African average (19.3%) and the world average (19.2%). Senegal is a notable exception with women constituting 22.7% of its lower house of Parliament and 40% of its upper house.<sup>11</sup> Research identified women's parliamentary caucuses or networks in Ghana, Guinea-Bissau, Liberia, Niger, Senegal and Sierra Leone as well as a parliamentary network to address GBV in Mali. However, female parliamentarians' participation in security and defence matters is limited. Although available data are not comprehensive, the general trend indicates that parliamentary defence and security committees typically have 1 or 0 female members, whereas committees on justice and human rights usually have 1-2 or more female members (see National #3 of the relevant country profiles).

In a similar vein, while all the countries surveyed, with the exception of Cape Verde, have a government ministry dedicated to gender or women's affairs, the involvement of these bodies in security sector oversight is limited. In Benin, informal cooperation has taken place between the Ministry of Social Welfare and the Status of Women, the police and the gendarmerie in order to take joint action on child trafficking issues. The ministry has also intervened on rare occasions in cases of sexual harassment or other forms of GBV committed by the police. In Ghana, Liberia and Nigeria, the ministries of gender/women's affairs do not participate in national security councils, but they do partake in other oversight structures such as the Human Trafficking Management Board in Ghana, the Peace and Security Pillar of the Liberia Reconstruction and Development Committee and the Committee on Gender and Peace in Nigeria.

## II. POLICE SERVICE INDICATORS



The police is the civil force of the state, responsible for the prevention and detection of crime and the maintenance of public order. As such, the police service plays a crucial role in establishing internal security and upholding the rule of law. A responsive police service seeks to prevent and respond to the specific security needs of all people, regardless of gender, ethnicity, religion or social background. A representative and non-discriminatory police service seeks to create a legitimate and trustworthy service by having its members mirror the population it seeks to serve and by building a healthy work environment for all personnel. To effectively do so, the police need to incorporate gender issues at multiple levels of the institution.<sup>12</sup> Accordingly, the indicators designed for this survey seek to assess the extent to which the police have the necessary policies and procedures, institutional structures, personnel, training and oversight mechanisms to mainstream gender.

The survey indicated growing attention to gender issues within the police services of the West African countries surveyed. At least 7 countries now have in place a dedicated unit or office providing specific services to victims of GBV, and progress has been made towards creating more

representative police services. Research identified a number of good practices and innovative solutions to address these issues. However, in several countries response to victims of GBV remains *ad hoc* and women's participation in the police is perhaps best characterised as being allowed rather than encouraged. Furthermore, the lack of institutional policies and procedures to regulate police conduct is often coupled with weak external and civil society oversight.

## POLICIES AND PROCEDURES

The policy and procedural frameworks of the police services in the 14 West African countries surveyed indicate that institutional gender policies, gender-sensitive codes of conduct<sup>13</sup>, sexual harassment policies and standard operating procedures to deal with cases of GBV are scarce. Yet many police services have some form of informal procedures to address cases of sexual harassment or GBV perpetrated by the police. Nonetheless, the current lack of formal policies and procedures compromises the quality of service delivery, as does the lack of reporting requirements, which enables police officers to ignore or dismiss complaints of domestic violence. Of these indicators, human resources policies are the most formalised and comprehensive. For instance, all countries for which data were available have formal provisions for maternity leave.

Table 3:  
Police gender policies  
and procedures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Institutional gender policy	×	×	✓	×	-	×	×	✓	×	-	~	×	✓	×
Gender-sensitive code of conduct	-	×	×	-	-	×	×	-	✓	-	-	×	-	-
GBV standard operating procedures	-	~	~	×	✓	~	×	✓	×	-	✓	×	✓	×
Sexual harassment policy	×	×	×	~	-	×	×	×	×	-	-	×	✓	-
Procedures for responding to sexual harassment/GBV by police	~	×	✓	✓	✓	×	×	~	×	-	✓	✓	✓	✓

An institutional gender policy can help ensure that gender issues are addressed throughout the police service by providing an overarching framework for this purpose. In addition, a gender-sensitive code of conduct is needed to formally codify norms and standards of police behaviour. Among the police services surveyed, only those of Cape Verde, Liberia and Sierra Leone have institutional gender policies, though that of Cape Verde could not be accessed by researchers. The

Gender Policy of the Liberia National Police covers a range of topics, including the recruitment, retention and advancement of female personnel, gender mainstreaming in training and gender-responsive policing. Its provisions are similar to those of the Sierra Leone Police gender mainstreaming policy detailed below (see Box 2). At the time of research, the Nigerian police were in the process of drafting a gender policy with UN support (see Police #1 of the relevant country profiles).

### Box 2: Gender Mainstreaming Policy of the Sierra Leone Police (2008)

- **Purpose:** Promoting equality of opportunity for women and men in the Sierra Leone Police [SLP], and eliminating unlawful gender[-]based discrimination, harassment and abuse within the SLP force.
- **Scope of application:** All SLP departments and personnel.
- **Definition of gender mainstreaming:** “Gender mainstreaming” is the process of assessing the implications for women and men of any planned action in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences [an] integral dimension of the design, implementation, monitoring and evaluation of policies and programmes so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.
- **Issues covered:**
  - » Recruitment
  - » Training
  - » Deployment and transfers
  - » Welfare (maternity leave and healthcare)
  - » Representation and leadership
- **Implementation and enforcement:** The executive management board and the Assistant Inspector [General] of Professional Standards shall ensure the implementation of the policy.

It is notable that no police service that has an institutional gender policy was found to have a gender-sensitive code of conduct. Cape Verde’s police code of conduct reportedly does not make reference to gender equity, while research was unable to ascertain whether other codes of conduct include such a reference. The Malian police service is the only one surveyed that was found to have a gender-sensitive code of conduct: the Malian Code of Conduct for the Armed and Security Forces makes staff accountable for ensuring non-discriminatory behaviour towards women (see Police #4 of the relevant country profiles).

In the realm of service delivery, standard operating procedures (SOPs) in response to GBV are necessary to ensure that police address these crimes in a systematic and rigorous manner. SOPs should obligate police officers to actively investigate such crimes, to arrest and detain offenders and encourage prosecution, and to provide adequate support and referral mechanisms to victims. One example of an SOP is illustrated in Box 3 below which details the Ghana police response approach to domestic violence. Such SOPs exist in only 4 of the countries surveyed, either for

specific crimes such as human trafficking (Ghana and Nigeria), domestic violence (Ghana, Nigeria and Sierra Leone) and rape (Nigeria) or for GBV in general (Liberia and Sierra Leone). Some legal procedures are outlined in Cape Verde and Guinea, though their scope of application remains unclear. In addition, the Burkinabé police were reported to have informal operating procedures for dealing with cases of GBV such as providing victims with interview conditions designed to minimise trauma (see Police #5 of the relevant country profiles).

### Box 3: Domestic Violence Act (2007) of Ghana

A police officer shall respond to a request by a person for assistance from domestic violence and shall offer the protection that the circumstances of the case or the person who made the report requires, even when the person reporting is not the victim of the domestic violence ... When a police officer receives a complaint ... the officer shall

- a. interview the parties and witnesses to the domestic violence, including children,
- b. record the complaint in detail and provide the victim with an extract of the occurrence upon request in a language the victim understands,
- c. assist the victim to obtain medical treatment [free of charge] where necessary,
- d. assist the victim to a place of safety as the circumstances of the case or as the victim requires where the victim expresses concern about safety,
- e. protect the victim to enable the victim [to] retrieve personal belongings where applicable,
- f. assist and advise the victim to preserve evidence, and
- g. inform the victim of his or her rights and any services which may be available.

In 5 countries, research revealed reluctance of the police and justice system to take cases of GBV seriously. In Guinea, legal proceedings and hence police procedures are limited to cases that result in observable physical injury. In Nigeria, reports indicate that SOPs in response to domestic violence are not always followed. In Côte d’Ivoire, Guinea-Bissau and Togo, a number of instances have been reported in which police were reluctant to intervene in cases of domestic violence and, in the absence of procedures such as reporting requirements, did not pursue investigations of the complaints made (see Police #5 of the relevant country profiles).

As regards equal participation, human resources policies that effectively take into account the different needs of male and female personnel can help create a non-discriminatory, healthy and productive working environment. For example, provisions for maternity and paternity leave and flexible working conditions for parents enable a shift from the assumption that participation in the workforce is limited to persons without families or men who can rely on their wives to take care of the household and children.<sup>14</sup>

Table 4:  
Police human resources policies

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Men and women are free to marry without restriction	×	×	-	×	-	-	-	✓	-	-	×	-	-	×
Staff may become pregnant without restriction	×	×	-	-	-	-	-	-	-	-	×	-	-	×
Maternity leave	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓
Paternity leave	✓	✓	-	✓	×	-	×	×	✓	-	×	-	✓	✓
Arrangements available for breastfeeding	✓	✓	✓	~	-	-	-	-	✓	-	✓	✓	-	✓

Provisions for maternity leave are universal among the countries surveyed. The length of maternity leave varies from 8 to 14 weeks, with 14 weeks being the most common (7 countries). In contrast, just under half of the police services surveyed (6 countries) provide for paternity leave, which is 3 days in all 6 cases. Research identified restrictions on when staff are allowed to marry and become pregnant in 5 countries. Recruitment is often limited to unmarried men and women, who are only allowed to marry after an initial period of service of 2-3 years, subject to authorisation and in some cases “morality investigations,” and in the case of female staff to become pregnant after marriage. For example, the Nigerian police policies discriminate against women, with restrictions on marriage only applicable to female staff and maternity leave only allowed for married personnel. Though flexible work hours are rare, in 7 countries mothers have the right to time off from work – generally one hour per day – to breastfeed (see Table 4 and Police #2 of the relevant country profiles).

Finally, regarding policies and procedures regulating police conduct, a gender-sensitive code of conduct and a sexual harassment policy coupled with clear procedures for responding to cases of sexual harassment/GBV perpetrated by police are necessary to guide interaction with service recipients and colleagues. The police services of 8 of the countries surveyed do not have an institutional sexual harassment policy, but rather rely on general provisions in the penal code, while relevant data were unavailable for 4 other countries (see Table 3). The Sierra Leone Police (SLP) is the only exception in this regard, having adopted a policy on Sexual Exploitation, Sexual Abuse and Sexual Harassment in April 2008. This policy prohibits all personnel (including contractors, consultants and volunteers) from committing or condoning sexual exploitation, abuse or harassment against colleagues and the general public, both on and off duty. It also establishes responsibility for internal oversight, defines procedures for handling complaints and outlines

disciplinary measures for infractions. The police of Côte d'Ivoire are reportedly in the process of developing a sexual harassment policy (see Police #3 of the relevant country profiles).

Over half of the police services surveyed (8) have some form of internal procedures for responding to cases of police perpetration of discrimination, harassment or other forms of GBV – beyond generic procedures outlined in the penal code. The clarity and responsiveness of these different procedures varies considerably. In Liberia, while no written procedures exist, specific bodies are in place where victims can register their complaints: the Gender Affairs section, which principally deals with cases of sexual harassment, and the Women and Children Protection Section, which responds to cases of sexual or domestic violence (see Police #6 of the relevant country profiles).

## INSTITUTIONAL STRUCTURE

In order to support and monitor implementation of gender policies and procedures, it is important to have designated institutional structures in place such as gender focal points, family violence units or joint taskforces on GBV. While only 1 of the 14 West African countries surveyed has a gender unit within the police, 4 other police services have an informal gender focal point, and another 4 countries have gender focal points located in government ministries with responsibility for police oversight. Specialised police structures for GBV prevention and response are much more common; all countries for which information was available have a formal or informal service structure, although the reach and scope of their activities vary from country to country. These service structures are often part of formal or informal collaboration mechanisms on GBV linking the police with CSOs and government ministries, including the ministry of women/gender affairs.

Table 5:  
Police gender structures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Internal gender structures	~	~	~	~	~	×	~	✓	~	-	~	~	-	-
Specialised structures for service recipients	✓	✓	✓	~	✓	✓	~	✓	~	-	✓	~	✓	-
Collaboration with ministry of gender	✓	~	✓	~	-	~	✓	✓	-	-	✓	-	✓	-
Collaboration with CSOs	✓	~	✓	~	✓	~	-	✓	✓	-	✓	~	✓	-

The Liberia National Police (LNP) is the only police organisation surveyed that has a formal internal gender structure. The LNP established a Gender Affairs Section in March 2008, with a mandate to support, monitor, advise and report on implementation of the police Gender Policy. It has carried



out activities such as promoting the recruitment of women, supporting capacity building for female staff and the incorporation of gender training in the police academy, and raising awareness both within the police and among the general public on the gender policy and GBV issues. It has 7 staff members, 5 of whom are women (see Liberia Police #7).

A number of countries do, however, have informal or external gender structures. In Cape Verde, Côte d'Ivoire, Nigeria and Senegal either female officers or certain service structures serve as *de facto* gender focal points. In Benin, Burkina Faso, Ghana and Mali, the gender focal points or gender units of the supervising ministries serve as gender structures for the police (see Police #7 of the relevant country profiles).

Specialised service structures, such as domestic violence victim support units, can increase accessibility to and the professionalism of police services to victims of GBV. For example, specific police offices or units may have specially trained staff, a room for confidential interviews, and referral mechanisms in place to link victims with women's organisations, shelters and legal and psychosocial counselling. The police services of 8 countries have a structure in place, though

they vary greatly in comprehensiveness and scope (see Tables 5 and 6). The police of 4 other countries have unclear or informal structures in place. Research did not reveal whether or not the Malian and Senegalese "Brigades for Moral Affairs" promote gender equality or provide support to victims. In Côte d'Ivoire there is an initiative to assign at least 1 female officer to each police station to receive victims of GBV, whereas in Guinea-Bissau there are *de facto* gender focal points which should receive reports from GBV victims, although they reportedly lack resources and training to perform this task (see Police # 8 of the relevant country profiles).

The information available on these specialised service structures differs across countries, yet available data point to considerable differences in the resources for and scope of their activities (see Table 6). Among these police services, the Domestic Violence Victim Support Unit in Ghana is the only one to specifically mention service delivery both to male and female victims of GBV, though the fact that the Sierra Leonean Family Support Units are not explicitly focused on women (as many others are) may also suggest that they have a more inclusive approach to gender issues.

Table 6: Specialised Service structures

Country	Structure	Services	# offices	Staff
Benin	Central Office for the Protection of Minors, the Family and the Prevention of Trafficking in Human Beings	Responds to cases of domestic violence and violence against women and girls	1 in Cotonou	11 police officers (36.36% female) and 6 civilians (including social workers and psychologists)
Burkina Faso	Brigade for Moral and Juvenile Affairs	Deals with criminal cases involving women or children, whether as perpetrators or victims of violence	-	-
Cape Verde	Offices for Victims of GBV (est. 2008)	Receives victims of GBV	2 in Praia and Mindelo	-
	Care networks (est. 2000)	Police assistance and psychological, legal, medical and social services for victims of GBV	5 municipalities	40 specialists from 34 institutions
Ghana	Domestic Violence Victim Support Unit (est. 1998)	Assistance to victims of domestic violence (including male victims since 2004)	11 regional offices and 63 district offices	170 police officers and clinical psychologists, counsellors and social workers
Guinea	Office for the Protection of Gender, Children and Morality (est. 2009)	Prevents and responds to all forms of violence against women and children	1 in Conakry	4 divisions, staff numbers unknown
Liberia	Women and Children Protection Section (est. 2005)	Investigates and handles all cases of violence against women and children	Headquarters in Monrovia and deployments to all 15 counties	240 police officers (31.67% female)
Nigeria	Anti-Human Trafficking Unit (est. 2004)	Deals with cases of trafficking, sexual harassment, child abuse and domestic violence	-	Unknown staff number (37.50% female)
Sierra Leone	Family Support Units (est. 2001)	Responds to and investigates all forms of domestic violence and works together with NGOs providing free legal assistance	43	317 police officers (43.85% female) and social workers

Incidentally, much of the collaboration between police services and CSOs on GBV takes place under the auspices of these specialised service structures. Among the countries surveyed, 7 have formal collaboration mechanisms with civil society groups. CSOs such as women's groups and lawyers' associations provide advice and support to victims and in some cases, such as in Guinea, may also lodge complaints with the police on behalf of victims of GBV. As these organisations collaborate with the police, they are also well placed to exercise an oversight and advisory function (see section on Internal and External Oversight). Specialised service structures also provide space for collaboration with other government bodies. For example, the police services for GBV in Benin, Ghana and Sierra Leone involve government social workers (see Police #8 and #9 of the relevant country profiles). In Guinea-Bissau, Liberia, Nigeria and Sierra Leone the police have formal collaboration with the ministry of gender/women's affairs through joint action plans and taskforces on UN Security Council resolution 1325 and/or GBV (see Police #9 of the relevant country profiles).

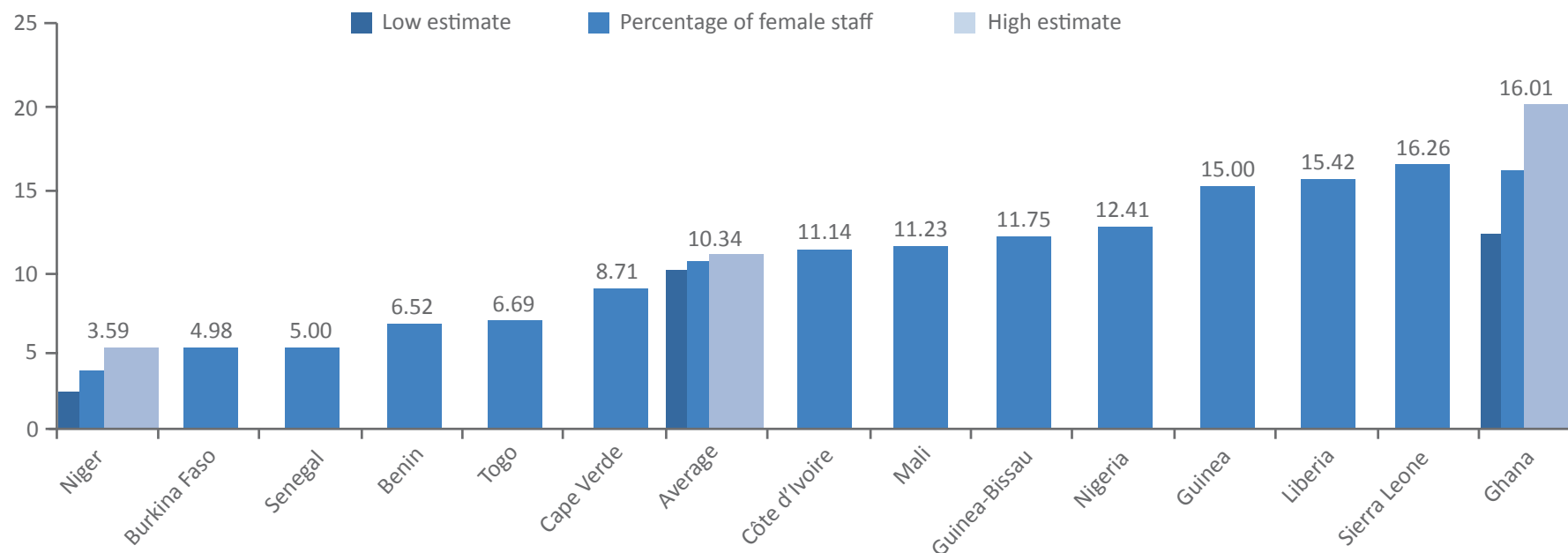
## PERSONNEL

A police service that is representative of the population it seeks to serve is best able to protect it. As male personnel are traditionally over-represented in police services, correcting this imbalance

involves promoting the recruitment, retention and advancement of female police officers. Though the police services of all 14 countries surveyed include women among their personnel, their approaches to creating an equitable service vary. The average percentage of women in West African police services is approximately 10.34% and they mostly occupy low-ranking positions. Only 3 countries have formal recruitment targets for women, though 6 others have informal targets or measures to increase female recruitment. None of the police services carry out specific vetting to control whether candidates have been implicated in GBV abuses beyond the review of criminal records. The majority of these police services have the basic institutional policies and physical infrastructure to accommodate female and male officers. Furthermore, there are virtually no restrictions on what positions/units male and female personnel can serve in, and most police services have separate bathrooms, lodging and uniforms. Finally, female police are becoming more active in promoting women's participation and the number of policewomen's associations is growing, although their primary vocation would appear to be to fulfil social welfare functions.

All 14 countries surveyed provided at least an estimate of the number of female and male personnel in their respective police services (see Chart 3), but the accuracy of these estimates varied. The lowest estimate given was 2.18% female representation in Niger and the highest was 20% in Ghana, though Sierra Leone's 16.26% was viewed as a more reliable top percentage. On average, the staff of police services in the West African countries surveyed comprise approximately

CHART 3: PERCENTAGE OF FEMALE POLICE PERSONNEL



10% women and 90% men, with the median level slightly higher at 11.23% (see Police #10 of the relevant country profiles). Regarding the rank of female and male police, the type of data provided varies from country to country. However, a general trend appears to be that in most cases (8 countries) there are proportionally fewer women in high-ranking positions than in low-ranking ones. For example, in Nigeria, 97.41% of female police and 93.02% of male police occupy low ranks. In Côte d'Ivoire at the time of research, female representation in high-ranking positions was commensurate with their representation across the service. In Burkina Faso, Senegal and Togo there is a higher percentage of female personnel in high-ranking positions than in lower ones (see Police #11 of the relevant country profiles).

The rates of retention of female personnel cannot be assessed, as very little information was available – the police of 12 countries provided no information. For Burkina Faso, data were only available on attrition rates in high-ranking positions, where the proportion of women leaving the police is slightly lower than their overall representation in the police service. The Liberian police reported that the overall percentage of women who had left the service since 2005 was 11.03% – lower than the overall female staff representation of 15.42% (see Police #12 of the relevant country profiles).

population,” whereas the police in Ghana and Liberia are subject to national targets of, 40% and 30% female representation respectively. In the 3 countries with formal overall targets, the target percentage or number varies from year to year. The overall targets in Nigeria and Senegal are currently 20% and 17% respectively. In Burkina Faso, the target for 2010 was specified according to police rank - 33.33% of commissioners, 23.81% of officers and 6.67% of assistants. The female recruitment target for Mali varies and the percentage was not accessible to researchers. Targets in Benin and Guinea-Bissau only apply to certain ranks or police stations. While in Côte d'Ivoire a cap or maximum quota for female recruitment was abandoned in 2003, in most cases it is not clear whether these targets or quotas refer to a minimum or maximum number. It is also unclear whether or not these recruitment targets have been met (see Police #13 of the relevant country profiles).

Among the countries surveyed, 4 have both formal targets and specific measures in place to increase female recruitment, retention and advancement. In Burkina Faso, for example, the police have also launched recruitment campaigns and advertisements prominently displaying female police officers to encourage women to apply. In addition, female officers are included in recruitment panels and physical criteria such as height requirements are adjusted for female candidates. Other examples of specific measures include an accelerated high school diploma training programme for Liberian women in order to qualify them to join the police academy, and leadership training for female police officers in Sierra Leone to assist their professional advancement (see Police #16 of the relevant country profiles).

None of the police services surveyed were found to have a recruitment vetting process that specifically checks whether a candidate has perpetrated GBV. The police services of 9 countries implement a vetting procedure that involves some form of background check or review of criminal records for human rights abuses. However, this procedure appears to be limited to offences that resulted in convictions and therefore fails to flag offences with low report or conviction rates. Furthermore, in all cases, information on the independence, composition and functioning of the body responsible for the vetting procedure was limited or non-existent (see Police #14 of the relevant country profiles).

There are almost no restrictions on what positions or units female police personnel can serve in. Nigeria is the only country that has formal restrictions in police regulations, and these are reportedly not observed in practice. Conversely, though there are no formal restrictions in these countries, no female personnel have been recruited into the specialised RAID unit in Benin or have been able to qualify for positions in certain specialised operation units in Cape Verde that require a very high level of physical performance (see Police #15 of the relevant country profiles).

Regarding infrastructure and facilities, most national police services surveyed provide separate bathrooms, lodging and uniforms for male and female personnel. The police in Guinea-Bissau, Liberia, Senegal and Sierra Leone provide separate bathrooms in some cases and in Sierra Leone separate accommodation quarters are sometimes available. Togo is the only country surveyed where no such separate infrastructure exists, an issue that has been raised as a problem by female staff (see Police #18 of the relevant country profiles).

Table 7:  
Police personnel

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Recruitment targets for female personnel	✓	✓	-	✗	✓	-	✓	✓	✓	-	✓	✓	✓	✗
Specific measures for female recruitment, retention and advancement	~	✓	✓	✗	✗	✗	~	✓	✗	✗	~	✓	✓	✓
Vetting procedure for GBV	✗	✗	~	~	~	~	~	~	~	-	~	~	~	-
Women/men can serve in all units/positions	✓	-	✓	✓	✓	-	✓	✓	✓	✓	~	✓	✓	✓
Infrastructure for male/female personnel	✓	✓	✓	✓	✓	-	~	~	✓	-	~	~	~	✗
Female staff associations	~	~	✗	✗	✓	-	~	✓	✓	-	~	✓	~	✗

There is a wide variety of recruitment targets for female police personnel in the countries surveyed. The Sierra Leone Police Gender Mainstreaming Policy calls for a consistent increase in the number of women recruited “so that the number of female officers adequately reflects the

Table 8: Police female staff associations

Country	Association	Members	Mandate
Benin	Association of Female Police Officers (being established)	-	<ul style="list-style-type: none"> <li>Professional support to members</li> <li>Promote female participation in police</li> <li>Protect children, women and their property</li> </ul>
Burkina Faso	(Being established)		
Ghana	The Police Ladies Association (est. 1989)	Active and retired female police officers	<ul style="list-style-type: none"> <li>Social welfare support to members</li> <li>Advocacy</li> </ul>
Guinea-Bissau	Committee of Bissau-Guinean Female Police (est. 2007)	Unclear whether currently active	<ul style="list-style-type: none"> <li>Professional support to members</li> </ul>
Liberia	Association of Women Police Officers of Liberia (est. 1994); Liberia Female Law Enforcement Association (est. 2000)	500 female police officers	<ul style="list-style-type: none"> <li>Promote female participation in police</li> </ul>
Mali	Policewomen's association	-	-
Nigeria	Police Officers Wives Association (est. 1964)	Police officers' wives and female staff members	<ul style="list-style-type: none"> <li>Humanitarian and charitable work</li> </ul>
Senegal	Association of Policewomen in Senegal (est. 2002)	-	-
Sierra Leone	Police Wives Association (est. 2006); Women in Security Sector – Sierra Leone (est. 2008)	Female police personnel	<ul style="list-style-type: none"> <li>Professional support to members</li> </ul>

Female police associations, a crucial source of support for policewomen, exist in 5 countries and are being established in 2 others. In addition to these, in 2 countries female police officers may participate in police officers' wives' associations (see Tables 7 and 8). The Ghanaian police service has had a female staff association for over 20 years, and the Liberian police for over 15 years. Guinea-Bissau and Senegal have established female staff associations during the past decade. In Nigeria and Sierra Leone, female staff may participate in police officers' wives' associations. Côte d'Ivoire and Nigeria do not allow for any form of police staff associations. The associations surveyed tend to provide professional and personal support to their members, often with a heavy focus on social welfare issues such as monetary support for weddings and funerals (see Police #17 of the relevant country profiles).

## TRAINING

Specific gender training as well as mainstreaming gender within different training areas is crucial both for developing policing skills to handle GBV and other relevant complaints and creating a non-discriminatory institutional culture.<sup>15</sup> While some form of gender training appears to be available in all of the 14 police services studied, the availability, regularity and reach of such training remains unclear for the most part. Gender training is most often carried out on an *ad hoc* basis and delivered by ministries of gender/women's affairs, CSOs or international organisations. The Liberia National Police is the only police service that reported that gender training has been institutionalised in the National Police Academy: research indicates that all new recruits systematically receive gender training (see Box 4). In other cases, gender training appears to target staff of GBV units or senior staff (see Police #19 of the relevant country profiles). Information on the extent to which gender has been mainstreamed in general police training is scarce. Côte d'Ivoire, Liberia and Togo reportedly include gender issues in training courses on human rights and other topics (see Police #20 of the relevant country profiles).

Table 9: Police gender training

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Gender training	~	✓	✓	✓	✓	~	✓	✓	~	-	✓	✓	✓	~
Gender mainstreamed in training	-	-	-	~	-	-	-	~	-	-	-	-	-	~

#### Box 4: Gender training – examples from Liberia

All recruits receive 6 hours of training on gender awareness and prevention and investigation of GBV and sexual exploitation and abuse. In addition, over 350 officers who serve either as gender focal points or in the Women and Children Protection Section (WACPS) have received additional training. The 4-week WACPS course includes the following gender topics.

- the concept of gender, including gender analysis in Liberia National Police work (3 hours)
- gender issues (6 hours)
- introduction to human rights (7 hours)
- overview of investigative techniques (15 hours)
- introduction to criminal investigation (5 hours)
- forensic awareness (3 hours)
- case file (10 hours)
- responding to domestic violence (3 hours)
- crime scene management (10 hours)
- domestic violence awareness (3 hours)
- report writing (5 hours)
- testifying in court (3 hours)
- court visitation (5 hours)

## INTERNAL AND EXTERNAL OVERSIGHT

Effective oversight mechanisms, both internal and external, help monitor police conduct and build public trust.<sup>16</sup> A general overview of these 14 West African countries suggests that while all police services have internal oversight mechanisms, external oversight is somewhat weaker. Very little information was available on the extent to which internal and external oversight bodies monitor gender issues such as GBV or implementation of gender policies and procedures. The extent to which civil society exercises an oversight function varies, and is often associated with civil society participation in service delivery. The lack of specific oversight on GBV is apparent in the lack of data on cases of police abuses.

Table 10:  
External oversight of the police

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Civil society oversight	~	✓	~	~	~	-	~	✓	✓	~	✓	-	✓	-
Data on police abuses	-	✗	-	✓	-	~	-	✓	-	-	~	~	✓	-

All police services studied have internal oversight mechanisms or bodies. However, a specific mandate or procedures to address gender issues were only identified in Liberia and Sierra Leone. In Liberia, the Gender Affairs Section and the Women and Children Protection Section (see Institutional Structure) provide internal oversight on sexual harassment and GBV. In Sierra Leone, the Police Disciplinary Regulations (2001) mandate the Complaints, Discipline and Internal Investigations Department to investigate discrimination, sexual harassment and GBV within the police (see Police #21 of the relevant country profiles).

External oversight is generally weak. Research identified no specific mandate for external oversight regarding gender issues, which are seen to fall within the general area of human rights abuses. Among the countries surveyed, 8 confirmed the existence of a national human rights commission. Other external oversight mechanisms include ombuds offices, parliament and different types of state inspectorates. In the cases of Guinea, Guinea-Bissau, Niger and Togo, ministries of security, interior and justice were identified as having external oversight mechanisms, though these ministries can also fulfil an internal oversight function (see Police #22 of the relevant country profiles).

Some form of civil society oversight of the police was identified in all of the countries surveyed that provided data on this indicator. As noted earlier, CSOs that participate in service delivery, such as referral systems for victims of GBV, are well placed to provide oversight of police services. In Burkina Faso, Liberia, Nigeria and Sierra Leone the police services collaborate with civil society representatives through local security committees, providing the latter with an opportunity to exercise an oversight function (see Police #8 and 23 of the relevant country profiles).

Given the dearth of attention afforded to gender issues in oversight, it is not surprising that very little data were available on cases of discrimination, sexual harassment, or GBV perpetrated by police. In Côte d'Ivoire, Liberia and Sierra Leone, 1-3 cases were reported annually between 2007 and 2009. In Guinea, Nigeria and Senegal, anecdotal evidence was cited regarding the number of abuses, with some leading to prosecution and conviction. Notably, in Nigeria, the number of abuses occurring annually was estimated to be in the hundreds, but not all are reported. For the other countries, no information was available (see Police #24 of the relevant country profiles).

### III. ARMED FORCES AND GENDARMERIE INDICATORS



The armed forces, comprised of services such as the army, navy and air force, are responsible for the territorial integrity of the state and defending it from external aggression. The gendarmerie is a military force charged with policing duties, typically present in rural areas of francophone countries. Just over half of the countries surveyed – Benin, Burkina Faso, Côte d'Ivoire, Guinea, Mali, Niger, Senegal and Togo – have a gendarmerie.<sup>17</sup> Taking into account gender issues enables these institutions to respond both to different security needs within society and to the changing requirements of the defence sector. Gender mainstreaming in the defence sector enhances operational effectiveness, helps create representative and non-discriminatory institutions, and strengthens democratic, civil oversight.<sup>18</sup> The indicators are selected in order to assess whether the armed forces and gendarmerie of the countries surveyed have the policies, procedures, institutional structures, personnel, training and oversight mechanisms in place to mainstream gender. Most of the data relate to the armed forces, with data on the gendarmeries included where available.

The survey results indicate that gender issues are primarily addressed through initiatives to increase female recruitment. While the average rate of women's participation in the armed forces and gendarmerie of the countries surveyed is 2.73%, many countries are setting female recruitment targets and instituting specific measures to recruit and retain female personnel. However, all the countries for which information was available place restrictions on when personnel can marry and have children. Sierra Leone was the only country surveyed that has an institutional gender policy. At the time of research, however, some countries were creating the infrastructure required to accommodate female recruits, establishing gender structures and developing sexual harassment policies. Yet the positions in which women can serve and opportunities for their career advancement remain very limited. In addition, the incorporation of gender issues in defence oversight is rare. Only 1 country surveyed has a gender-sensitive code of conduct for the armed forces. Moreover, armed forces' and gendarmeries' collaboration with ministries of gender/women's affairs or civil society is practically non-existent.

#### POLICIES AND PROCEDURES

Gender policies and procedures are rare in the armed forces and gendarmeries of these 14 West African countries. Of the countries that provided clear data on these indicators, only the Sierra Leone Armed Forces have an institutional gender policy and only those of Mali have a gender-sensitive code of conduct. However, more attention is being paid to establishing equitable human resources policies. Provisions for maternity leave are universal, and a growing number of countries are developing policies and procedures for responding to cases of sexual harassment.

Table 11:  
Armed forces gender  
policies and procedures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Institutional gender policy	×	×	×	×	-	-	×	×	×	×	×	~	✓	-
Gender-sensitive code of conduct	-	×	×	×	-	-	×	×	✓	×	-	-	-	-
Sexual harassment policy	×	×	×	×	-	-	×	✓	×	×	×	~	~	~
Procedures for responding to sexual harassment/GBV by armed forces	~	~	~	~	-	-	~	✓	×	~	✓	~	~	-

The Gender (Equal Opportunities) Policy of the Republic of Sierra Leone Armed Forces (RSLAF) was developed through a consultative process in 2009 and aims to “incorporate gender mainstreaming across MoD/RSLAF operations ... [and] identify gender specific needs and institute appropriate action” in order to obtain operational effectiveness and ensure that the composition of RSLAF personnel is representative. The policy includes guidance on incorporating gender issues in leadership, budgeting, monitoring and implementation, and policy review. Among its specific provisions are the establishment of institutional gender structures, the inclusion of the gender policy in the revised Sierra Leone Defence White Paper and a target of 10% female participation in RSLAF peacekeeping missions (see Sierra Leone Armed Forces #1). Senegal is currently in the process of developing a gender policy for the armed forces (see Senegal Armed Forces #1). As was the case with police services, only the Mali Armed Forces were found to have a gender-sensitive code of conduct. The Malian Code of Conduct for the Armed and Security Forces, which applies to both police and the armed forces, makes staff accountable for ensuring non-discriminatory behaviour towards women (see Mali Police #4).

Regarding human resources policies (see Table 12), all the countries which provided information on these indicators place discriminatory restrictions on when staff can marry and/or become pregnant. Armed forces personnel can often only be recruited if they are unmarried and must remain so prior to completion of the first 2 to 5 years of service. In addition, the armed forces of Benin, Côte d'Ivoire, Nigeria and Sierra Leone require staff to seek authorisation before being allowed to marry. The policies regulating pregnancy in the Liberian and Nigerian armed forces discriminate against unmarried women. In both countries, unmarried personnel who become pregnant are liable to be dismissed, although in Liberia they are given the option of getting married within 30 days to avoid dismissal.<sup>19</sup> Maternity leave appears to be universal, and 5 of the countries surveyed grant 3 days of paternity leave to armed forces personnel. In addition, Benin and Burkina Faso make provisions for breastfeeding (see Armed Forces #2 of the relevant country profiles).

Table 12:  
Armed forces human resources policies

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Men and women are free to marry without restriction	×	-	-	×	-	-	-	-	-	×	×	×	×	×
Staff may become pregnant without restriction	×	-	-	×	-	-	-	×	-	-	×	×	×	×
Maternity leave	✓	✓	-	✓	-	-	✓	-	-	✓	✓	✓	✓	✓
Paternity leave	✓	✓	-	✓	-	-	✓	-	-	×	×	×	×	✓
Arrangements available for breastfeeding	✓	✓	-	~	-	-	-	-	-	~	×	✓	×	~

Regarding policies and procedures focused on armed forces conduct and institutional culture, only the Armed Forces of Liberia have a sexual harassment policy, which is included in their Initial Early Training Soldiers Handbook (2007). The policy states that “sexual harassment is inappropriate and unacceptable conduct. Sexual harassment destroys teamwork and is detrimental to combat readiness.” It defines sexual harassment and categorises it as verbal (telling sexual jokes), non-verbal (blowing kisses) and physical contact (touching or blocking a doorway). The handbook also has a section on “Rape and Sexual Assault Prevention.” It defines sexual assault as “any behaviour of a sexual nature performed against another person against his or her will” and rape as “sexual intercourse by force and without consent.” It also states that these crimes are punishable under the Uniform Code of Military Justice and local civilian laws – carrying a maximum penalty in addition to confinement, a dishonourable discharge and forfeiture of all pay and allowances. The armed forces of Sierra Leone and Togo explicitly ban sexual harassment in, respectively, their institutional gender policy and general disciplinary rules. The Senegalese armed forces were developing a sexual harassment policy in 2011 (see Armed Forces #3 of relevant country profiles).

While the Armed Forces of Liberia are notable for being the only institution in which research identified a sexual harassment policy, it is also the only one found to have a policy on homosexual conduct. Its “Don’t Ask, Don’t Tell, Don’t Harass” policy is modelled on what until recently was US military policy. This policy states that sexual orientation alone is not a barrier to enlistment or continued service, and prohibits harassment based on sexual orientation. Paradoxically, it also institutionalises discrimination based on sexual orientation insofar as it states: “Homosexual conduct is incompatible with military service.” It also stipulates that disclosing homosexual orientation may be grounds for dismissal (see Liberia Armed Forces #1).

In all but 2 of the countries for which data were available, cases of sexual harassment or GBV perpetrated by armed forces personnel are supposedly dealt with through standard internal disciplinary procedures. Specific procedures for responding to sexual harassment or GBV were found in 2 of the countries surveyed. The provisions for dealing with this type of offence in Liberia are detailed in the Soldiers Handbook (see above), and in Nigeria sanctions and procedures for prosecuting rape are detailed in Military Law. The penalty for rape under Nigerian Military Law is 14 years’ imprisonment. In Nigeria, such cases are adjudicated by a court martial comprised of senior officers, the defendant and the prosecutor (see Armed Forces #5 of the relevant country profiles).

## INSTITUTIONAL STRUCTURE

The lack of institutional gender policies has not prevented 5 of the armed forces and/or gendarmeries surveyed from establishing formal or informal gender structures such as gender units or focal points. It is not surprising that the one country with a gender policy, Sierra Leone, is also one of the 2 armed forces with a formal gender structure in place as well as ongoing collaboration with the Ministry of Social Welfare, Gender and Children’s Affairs and women’s CSOs. Though information is scarce, 2 other countries have formal or informal collaboration with their ministry of gender/women’s affairs and 4 others collaborate with CSOs.

Table 13:  
Armed forces gender structures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Internal gender structures	~	~	×	×	-	-	×	✓	×	~	×	×	✓	-
Collaboration with ministry of gender	-	×	×	-	-	-	-	~	×	✓	-	×	✓	-
Collaboration with CSOs	✓	×	×	~	-	-	-	-	×	~	✓	×	✓	-

Of the countries surveyed, 2 have formal internal gender structures. The Armed Forces of Liberia have a gender focal point and the Republic of Sierra Leone Armed Forces have a Gender and Equal Opportunities Office under the authority of the assistant chief of defence staff. In addition, the Niger Armed Forces have a social action service that reportedly addresses gender issues and Benin’s Ministry of Defence has a gender focal point. At the time of research, the Armed Forces of Burkina Faso were reportedly planning to establish a gender focal point (see Armed Forces #6 of the relevant country profiles).

Collaboration with ministries of gender/women's affairs or CSOs is relatively rare. The gendarmerie of Niger and the Sierra Leone Armed Forces formally collaborate with their respective ministries of gender/women's affairs and discussion is underway regarding joint activities between the Armed Forces of Liberia and the Ministry of Gender and Development. Collaboration with CSOs is somewhat more common and takes on a variety of forms. In Sierra Leone, the armed forces work together with women's organisations to implement their gender policy and in Benin NGOs help ensure that reports of sexual violence are investigated. In Côte d'Ivoire and Nigeria, collaborative activities are aimed at building civil-military relations. In the former this happens through *ad hoc* meetings with civil society and in the latter through the Civil-Military Unit. NGOs in Côte d'Ivoire reportedly also undertake training activities on human rights issues with the armed forces (see Armed Forces #7 of the relevant country profiles).

## PERSONNEL

The survey indicators on armed forces and gendarmerie personnel seek to assess the number and rank of male and female personnel, as well as what additional measures are in place to recruit, retain and advance women. The average percentage for female representation is quite low at 3.76%. However, in most countries efforts are underway to increase female recruitment. Relatively less attention has been given to creating an equitable and professional work environment, and certain positions remain off-limits to servicewomen; very few women occupy high-ranking positions; vetting procedures for past GBV offences are rare (with the notable exception of the Liberian armed forces); the lack of infrastructure for male and female staff poses problems; and there are few female staff associations to support women and gender mainstreaming efforts.

CHART 4: PERCENTAGE OF FEMALE DEFENCE SECTOR PERSONNEL

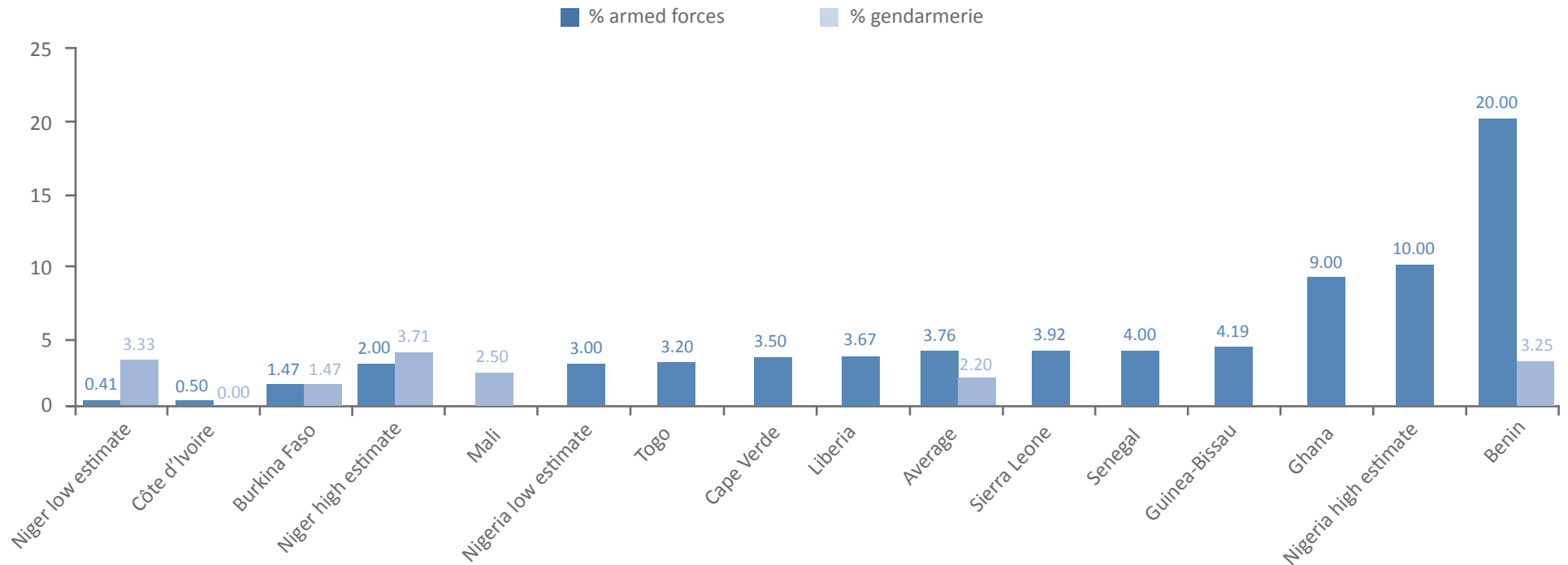
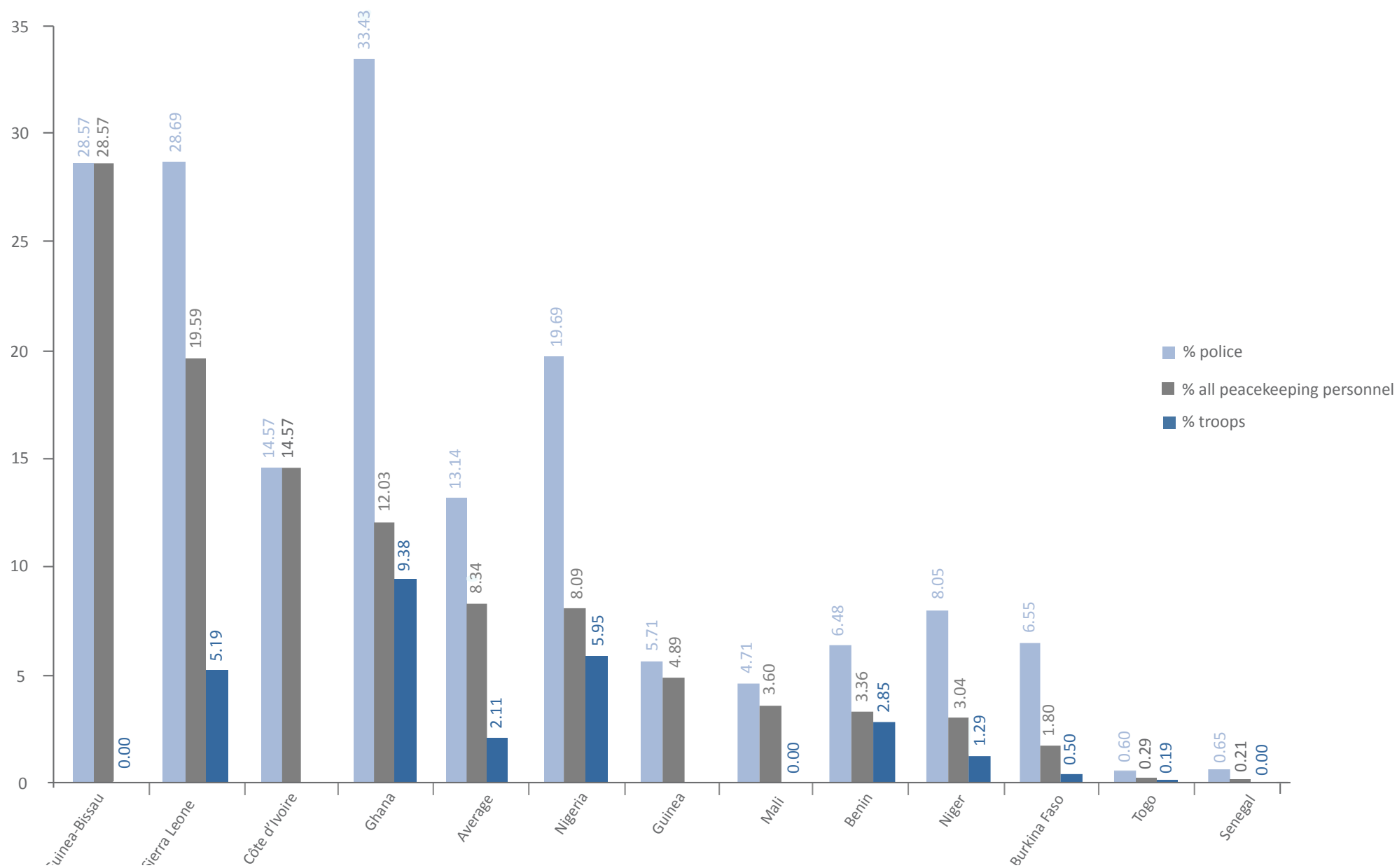




CHART 5: PERCENTAGE OF FEMALE PEACEKEEPING PERSONNEL



Women participate in some capacity in the armed forces of all the countries surveyed (see Chart 4). Women have participated in the health and administrative sectors of the armed forces of many countries for decades, and more recently have also been recruited for other positions. As was the case with police services, the reliability of estimates of female representation in the armed forces varies. For example, 20% female participation in the Benin Armed Forces appears to be a high estimate, given the fact that the average rate of female participation for the countries surveyed (not counting this estimate from Benin) is 3.76%. Other estimates ranged from a low of 0.41% in the Niger Armed Forces to a high of 10% in Nigeria (see Armed Forces #8 of the relevant country profiles)<sup>20</sup>. There is no clear pattern for female participation in the gendarmerie. In Burkina Faso and Niger there are more women in the gendarmerie than in the armed forces. On the other hand, in Côte d'Ivoire there are no women in the gendarmerie (see Armed Forces #8 of the relevant country profiles).

According to United Nations data from February 2011, of the countries which currently participate in United Nations peacekeeping missions, all include female personnel in their peacekeeping contingents (see Chart 5).<sup>21</sup> The average rate of female participation in peacekeeping missions is 8.34%, ranging from 0.21% of Senegal's contribution of 2,336 staff to 28.57% of Guinea-Bissau's 7 staff. However, it should be noted that female participation rates for Côte d'Ivoire, Guinea, Guinea-Bissau, Mali and Senegal only involve policewomen and no female armed forces personnel.<sup>22</sup>

Regarding placement and rank of female personnel, the data are varied but some general trends are apparent. There are female officers in all countries, but women do not typically hold the highest ranks. Women often have a comparatively strong representation in the military health sector in terms of both number and rank, as is the case in Côte d'Ivoire, Nigeria and Senegal. For example, in Senegal in 2010, all senior female officers were medical officers. In the armed forces of Niger, women primarily occupy administrative positions (see Armed Forces #8 and 9 of the relevant country profiles).

Sex-disaggregated information on attrition rates in the armed forces and gendarmerie is sparse: this data are only available for the armed forces or gendarmerie of 3 countries. In the Liberian armed forces, of the personnel that left the military, 3.65% were women, which is slightly lower than the overall female representation of 3.86%. In Senegal, reportedly no women resigned from training or deserted the armed forces between 2008 and 2010. This was attributed to a particularly high level of motivation among female personnel (see Armed Forces #11 of the relevant country profiles).

Table 14:  
Armed forces personnel

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Recruitment targets for female personnel	✓	✓	-	✓	~	-	~	✓	✗	✓	✓	✓	✗	~
Specific measures for female recruitment, retention and advancement	~	✓	✓	✓	-	-	~	~	✗	✓	~	✓	✓	✓
Vetting procedure for GBV	-	~	✗	~	-	-	✗	✓	~	~	~	~	-	✗
Women/men can serve in all units/positions	✓	-	-	✓	-	-	✗	✗	~	✗	-	✓	✓	-
Infrastructure for male/female personnel	✓	✓	✗	✗	-	-	-	✓	~	✓	✓	✓	✓	✓
Female staff associations	✗	✗	✗	✗	-	-	✓	✓	✗	✗	✗	✗	✓	✗

Among the countries surveyed, 10 have formal or informal recruitment targets for female personnel. The size and nature of these targets vary. In Benin and Côte d'Ivoire formal targets are specified annually. In Burkina Faso, the target at the time of research was to achieve 5% female personnel in the armed forces by 2015. The highest target is stipulated in the Liberian Poverty Reduction Strategy: 20% female representation. As with the police, information on whether quotas were minimum or maximum figures was for the most part unclear, as was information on whether or not targets had been met. A notable exception was Senegal, for which data indicated that in 2007 the female recruitment target was exceeded: the quota was 300, but the actual number of women recruited was 520 (see Armed Forces #12 of the relevant country profiles). Whereas Benin and Guinea-Bissau rely on their formal recruitment targets and have no other specific measures for the recruitment, retention or advancement of female personnel, 7 of the countries surveyed have adopted further measures (see Armed Forces #15 of the relevant country profiles and Box 5).

### Box 5: Specific measures for the recruitment, retention and advancement of female personnel

#### Recruitment

- Media campaigns that target women (gendarmerie and armed forces of Burkina Faso, gendarmerie of Senegal)
- Gender-sensitive recruitment materials (armed forces of Côte d'Ivoire)
- Physical requirements adjusted by sex (armed forces of Côte d'Ivoire, gendarmerie of Niger)

#### Retention

- Day-care and nursery facilities (gendarmerie of Niger)
- Slightly higher salaries for female personnel (armed forces of Senegal)
- Adjustment of physical tests by sex (armed forces of Senegal)

#### Advancement

- Promotion based on written tests (gendarmerie of Niger)
- Mentoring/coaching for female recruits (Sierra Leone, provided by female staff association)
- Fast-track promotion (armed forces of Togo)

In half of the countries surveyed, research indicated that armed forces and/or gendarmerie recruits undergo a morality screening process and/or their criminal records are inspected. However, as mentioned in the police indicators, criminal records alone are not necessarily a reliable indicator of past GBV offences. Only the Liberian armed forces have a vetting process that makes it possible to identify non-convicted perpetrators of GBV. In addition to background checks for a criminal record, photographs of applicants are displayed in newspapers and public places to solicit more information from the public on whether they have been implicated in human rights violations, including GBV (see Armed Forces #13 of the relevant country profiles).

The survey revealed that in the 8 countries where data were accessible, 6 countries place some form of restriction on what positions female personnel can serve in. Women cannot serve in the naval infantry in Guinea-Bissau, or in the infantry in Liberia, and in Niger no women serve in combat units, but it is unclear whether this is a matter of policy or practice. In the 3 other countries, though there are no formal restrictions, physical aptitude and other recruitment practices have led to the *de facto* exclusion of women from some units or positions, such as unspecified units in Côte d'Ivoire, parachute commands in Mali or combat units in Senegal. However, in Benin and Sierra Leone, reportedly women can serve in all positions in the armed forces (see Armed Forces #14 of the relevant country profiles).

Among the countries surveyed, 8 have separate infrastructure for female and male personnel, including lodgings and bathrooms, as well as different uniforms (see Table 14). The issue of separate infrastructure has been and continues to be a demonstrable problem for the integration of women in the armed forces. In Cape Verde and Côte d'Ivoire, the lack of separate infrastructure is reported to be an impediment to female recruitment. Similarly, in Senegal, female recruitment quotas were lowered in previous years due to the need to build additional infrastructure to accommodate new female recruits (see Armed Forces #17 of the relevant country profiles).

Staff associations in the armed forces or gendarmerie are prohibited in many countries; only 3 female staff associations were identified in the countries surveyed. In Burkina Faso, Côte d'Ivoire, Mali, Niger and Nigeria staff associations are not permitted, and they are discouraged in Benin and Senegal. In Liberia, while there is no specific female staff association for the armed forces, servicewomen may participate in the sector-wide Liberia Female Law Enforcement Association. The Bissau-Guinean armed forces have 2 staff associations – the Committee of Military Women established in 2007 and the Association of Military Women established in 2008, but no further information was available on their functions. Finally, 3 different women's associations relate to the Republic of Sierra Leone Armed Forces (RSLAF): the RSLAF Wives Co-operative Society (established in 1986), the RSLAF Servicewomen's Association and the sector-wide staff association Women in the Security Sector – Sierra Leone (WISS-SL). Membership in the wives' association is limited to spouses of RSLAF staff; the association carries out social welfare functions for its members. WISS-SL, on the other hand, promotes the common interests of female staff by, *inter alia*, raising awareness on gender issues and carrying out capacity-building for female staff (see Armed Forces #16 of the relevant country profiles).

## TRAINING

Including gender issues in military training can help create an institutional culture that recognises the benefits of gender equity and the sanctions for perpetration of sexual exploitation and abuse.<sup>23</sup> In 7 of the countries surveyed, gender-related training is occasionally offered, organised mainly by external actors such as NGOs or, in the case of Burkina Faso, by the Ministry for the Promotion of Women, on an *ad hoc* basis. Gender training is reportedly regularly organised by Niger's armed forces but not by its gendarmerie (see Armed Forces #18 of the relevant country profiles). In 5 countries gender issues are included in other training topics. In Benin and Guinea-Bissau, armed forces personnel have participated in training offered by NGOs on human rights and peacekeeping respectively, that includes gender issues. The Malian military training centres offer courses on human rights and international humanitarian law, though it is unclear whether they include a gender component. In Côte d'Ivoire, the armed forces offer human rights modules that include gender issues, while mandatory training for recruits in Liberia covers issues of sexual harassment and sexual violence (see Armed Forces #19 of the relevant country profiles).

Table 15:  
Armed forces gender training

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Gender training	~	~	×	×	~	-	~	×	~	✓	×	-	~	-
Gender mainstreamed in training	~	×	×	✓	-	-	-	✓	-	-	×	-	-	-

## INTERNAL AND EXTERNAL OVERSIGHT

Internal and external oversight bodies seem to rarely consider gender issues such as GBV or equitable participation. No specific mandates or practical instances of oversight on gender issues were identified in any of the internal or external mechanisms surveyed. Engagement with civil society is limited – it is sporadic in 2 countries and institutionalised in 1 – and does not seem to specifically address gender issues. Instances of sexual harassment or GBV perpetrated by armed forces are rarely reported and/or official figures on these cases were not made available.

Table 16:  
External oversight of the armed forces

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Civil society oversight	×	-	-	-	~	-	×	✓	~	×	~	×	-	×
Data on abuses perpetrated by armed forces available	-	-	-	✓	-	-	-	-	-	-	~	~	✓	-

The armed forces of the countries surveyed exercise internal oversight through inspection units and/or military courts. External oversight roles are assumed by a number of institutions, such as national commissions on human rights (in 5 countries), ombuds institutions (in 3 countries), state inspectorates (in 3 countries), parliament and the judiciary. As with the police, in 6 countries the supervising ministries – of armed forces, security or defence – exercise an external oversight role, though they can also be considered internal oversight providers. While oversight bodies are mandated to investigate criminal offences and/or human rights abuses, no specific mention or procedure regarding sexual harassment or GBV was identified in either the internal or external oversight mechanisms of any of the countries surveyed (see Armed Forces #20 and 21 of the relevant country profiles).

Civil society oversight of the armed forces is weak among the countries surveyed. In a number of cases, such as in Ghana and Senegal, the relationship between civil society and the military was described as “conflictual” and civil society involvement as “unwelcome.” In Mali, *ad hoc* oversight takes place as CSOs are occasionally invited to discussions at military seminars and workshops. In Nigeria, oversight could be exercised through the collaboration structure of a Civil-Military Unit. Liberia was the only country surveyed in which an institutionalised civil society oversight mechanism was identified for the armed forces: civil society is represented in the “three-man Joint Personnel Board,” which makes decisions on recruitment and dismissal of personnel (see Armed Forces #22 of the relevant country profiles).<sup>24</sup>

Official information on instances of sexual harassment or GBV perpetrated by armed forces in the countries surveyed is almost non-existent; anecdotal accounts of such instances are more common. In Nigeria and Senegal, anecdotal evidence indicates the prevalence of GBV, but no official records were made available. In a similar manner, in Sierra Leone, research found that no official reports were made despite documented cases of domestic violence. In Côte d’Ivoire, a single case of a military officer accused of raping a civilian was before the military tribunal at the time of research, with no cases of harassment or GBV reported within the armed forces or the gendarmerie (see Armed Forces #23 of the relevant country profiles).

## IV. JUSTICE SYSTEM INDICATORS



The justice system indicators focus on the formal civilian court system and the ministries of justice, which, together with police and penal services, serve to uphold legal rights and punish violations in a fair and transparent manner. In addition to the formal court system, disputes are often adjudicated through customary law. However, due to limited time and resources, the research for this survey focuses on the formal justice system. Integrating gender considerations in the justice system is necessary in order to ensure equal access to justice, end impunity for GBV, as well as to create a representative and legitimate justice system.<sup>25</sup> The justice indicators of this survey gather information on a variety of justice sector actors at the levels of policies and protocols, institutional structure, personnel, training and internal and external oversight.

Among the West African countries surveyed, increasing efforts are being made to provide gender-responsive justice delivery. Many countries have procedures for prosecuting cases of GBV and specialised services in place for victims of GBV and marginalised groups. There is a strong tradition of female staff associations that actively provide justice services, advocate for legislative reform and provide professional support to female personnel. Rates of female personnel in the justice system are higher than among the police and armed forces. Women constitute an average of 15.72% of total judicial personnel, and represent 21.12% of judges and 13.11% of lawyers. These high rates do not seem to be due to institutional support for women’s participation, as there are currently no strategic targets for female recruitment. Only Mali was identified as supporting

women's participation through a mentoring programme, and the Malian Ministry of Justice was alone in having a gender policy in place. No sexual harassment policies or targeted vetting processes were found. Nonetheless, research indicates increasing gender mainstreaming in education and training. Civil society oversight is more developed than with the armed forces and the gendarmerie, but this does not translate into transparent oversight of justice personnel conduct. No official data on abuses by justice system personnel were made available.

## POLICIES AND PROCEDURES

The policies and procedures of the justice systems in the countries surveyed indicate that the focus is more on establishing gender-sensitive procedures relating to justice delivery, and less on internal gender mainstreaming in the justice system. Only the Malian justice system has an institutional gender policy, while those in Nigeria and Sierra Leone have gender-sensitive codes of conduct. No country surveyed has a sexual harassment policy specifically for justice system personnel. Many countries do, however, have some specific procedures for prosecuting cases of GBV that range from providing special interview conditions for victims of GBV to allowing NGOs to seek compensation on behalf of victims. While many different types of measures are in place, these constitute a piecemeal approach – they are often only used in special courts or apply in relation to some types of GBV but not others.

Table 17:  
Justice system gender  
policies and procedures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Institutional gender policy	×	×	-	×	-	×	×	~	✓	-	-	×	×	-
Gender-sensitive code of conduct	×	×	×	×	-	×	×	×	×	-	✓	×	✓	-
Procedures for prosecuting cases of GBV	×	~	-	×	-	~	×	✓	~	-	-	~	✓	~
Sexual harassment policy	×	×	×	×	-	×	×	×	×	-	-	×	×	-

Mali is the only country surveyed that has an institutional gender policy for the justice system. Its Policy for Equality between Women and Men in the Ministry of Justice was finalised in December 2008, following the establishment of a gender committee within the ministry. The policy notes that mainstreaming gender in the justice system promotes the enjoyment of rights by all citizens and their access to justice, the credibility of the justice system and sustained development.

It includes an analysis of justice needs, the quality of services, and the representation of women and men in the justice system. It also outlines specific actions and timelines for the establishment of 4 principle goals, namely: (1) to revise existing laws to address the specific justice needs of men and women, (2) to improve the quality of service delivery by taking into account the needs of both women and men, (3) to raise awareness on legal rights and access to justice as well as new justice services and procedures, and (4) to achieve a balanced representation of men and women in the justice system (see Mali Justice #1).

The majority of the countries surveyed either do not have a code of conduct for justice system personnel (5 countries) or their code of conduct is not gender-sensitive (5 countries). The Nigerian and Sierra Leonean justice systems have codes of conduct that take into account gender issues. In Nigeria, the Code of Conduct for Judicial Officers bans membership in “any society or organization that practices invidious discrimination on the basis of race, sex, religion or ethnic origin” and sexual harassment. The 2005 Code of Conduct for Judicial Officers of Sierra Leone provides guidelines on equality, impartiality and propriety, emphasising the equality of all persons before the law (see Justice #4 of the relevant country profiles).

As for service delivery, it is good practice to have procedures and policies in place to facilitate the prosecution of cases of GBV, including procedures for interviewing victims, restraining orders for abusive partners and custody arrangements to protect children.<sup>26</sup> Among the countries surveyed, 5 have informal or limited provisions for prosecuting cases of GBV. In Guinea, Mali and Togo, specific provisions for prosecuting certain types of GBV, such as domestic violence, are included in the code of criminal procedure, the penal code and specific laws respectively. In Burkina Faso, research indicated that though no formal procedures exist, some special provisions can be applied if deemed necessary. In Senegal, special provisions are limited: since May 2010, NGOs may seek civil compensation on behalf of victims in criminal cases of GBV prosecuted by the state. In Sierra Leone, special procedures for investigations, interviews and victim protection exist for the Special Court of Sierra Leone, and the Domestic Violence Act institutes a court procedure for obtaining protection orders. Liberia's National Standard Operating Procedures for Prevention and Response to Sexual Gender-Based Violence (2009) set out general procedures that apply to legal and justice actors. In addition, the Ministry of Justice has developed a Sexual Assault and Abuse Prosecution Handbook (see Justice #5 of the relevant country profiles).

No specific sexual harassment policy was identified in the justice services of the countries surveyed. Instead, the countries rely on national legal provisions against sexual harassment or their professional codes of conduct. Nigeria's justice system code of conduct, as described above, bans sexual harassment, and the Togolese code of ethics, which was under review at the time of research, reportedly has provisions on sexual harassment (see Justice #3 of the relevant country profiles).

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Men and women are free to marry without restriction	-	-	-	×	-	-	-	-	-	-	-	-	-	-
Maternity leave	✓	✓	-	✓	✓	✓	✓	✓	✓	-	✓	✓	-	✓
Paternity leave	-	✓	-	✓	-	-	×	-	✓	-	-	-	-	✓
Arrangements available for breastfeeding	-	✓	-	-	-	-	-	-	✓	-	-	-	-	✓

Compared to the human resources policies of the police, armed forces and gendarmerie, relatively few restrictions on marriage and pregnancy for justice system staff were identified (see Table 18). Magistrates in Côte d'Ivoire must seek authorisation to marry, and this is subject to an investigation of the proposed partner's character. Provisions for maternity leave are universal; the length of maternity leave varies from 9 to 14 weeks, with 14 being the most common. Nigerian regulations for civil servants, however, discriminate against unmarried women by restricting maternity leave to married staff only. A 3-day paternity leave is available in 4 countries, and in 3 countries research indicated arrangements for mothers to breastfeed their infants for up to 15 months following delivery (see Justice #2 of the relevant country profiles).

## INSTITUTIONAL STRUCTURES

Although few of the countries surveyed have institutional gender policies and procedures, at the operational level justice systems are forerunners in gender mainstreaming. Over half (8) of 14 countries studied have formal or informal gender structures such as gender focal points, nearly all have specialised services for victims of GBV, and systematic collaboration with ministries of gender/women's affairs and civil society is widespread. This collaboration focuses on service delivery, with CSOs playing an active and important role in ensuring equal and gender-responsive access to justice.

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Internal gender structures	✓	×	-	✓	-	-	×	✓	✓	-	✓	✓	×	-
Specialised structures for service recipients	~	~	✓	~	✓	✓	~	✓	~	-	~	✓	✓	~
Collaboration with ministry of gender	✓	-	✓	✓	✓	✓	-	✓	✓	-	-	✓	✓	-
Collaboration with CSOs	✓	~	✓	~	✓	~	-	-	~	-	~	✓	~	~

The justice systems of 6 of the countries surveyed have internal gender structures. Such structures are mandated in Ghana and Togo, but research was unable to verify if the gender focal points were functional. In Benin, Liberia and Nigeria, the ministries of justice have established gender focal points. The ministries of justice of Côte d'Ivoire, Liberia, Mali and Senegal have designated gender units. For example, the gender unit of the Ivorian Ministry of Justice has 5 staff whose mission is to monitor gender mainstreaming in the ministry. Its activities include awareness-raising and training of justice and penal sector actors on the prevention of and response to GBV. In Mali, the gender advisory unit of the Ministry of Justice was established in 2008 and has drafted the ministry's gender policy. Its purpose is to attain equality for female and male employees and to improve justice services both for men and women (see Justice #6 of the relevant country profiles).

Access to justice, especially for poor women and victims of GBV, remains a fundamental challenge. Therefore, specific structures, such as specialised courts, and assistance programmes, including legal aid for marginalised groups, are crucial. Among the countries surveyed, 6 have formal structures or programmes focusing on access to justice for women and/or victims of GBV. In the 7 countries where there are no specific services in the justice system, their absence is partially compensated for by civil society activity. A large number of CSOs provide free legal aid as well as other counselling, particularly to female victims of GBV, but also sometimes to male victims of GBV and to women and men who cannot afford legal counsel. Women's lawyer associations are particularly active in this regard. Collaboration to develop or implement policies or protocols on gender issues is less common: such mechanisms were only identified in Liberia and Senegal, where interagency taskforces/committees work on response mechanisms to GBV (see Table 20 and Justice #7 and 8 of the relevant country profiles).

Table 20: Improving access to justice – specialised services for GBV victims and marginalised groups

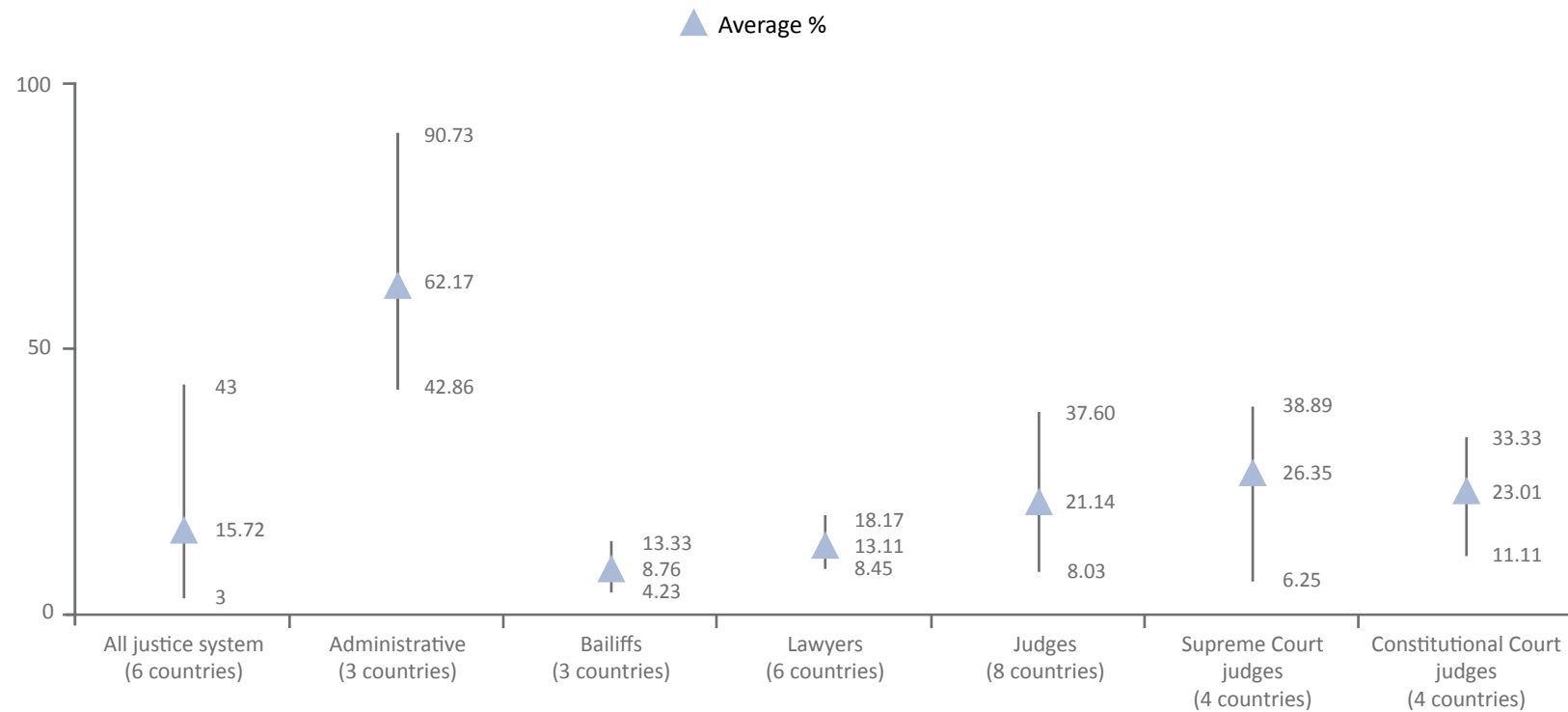
Country	Justice system	Ministry of Gender	Civil society
Benin	Special interview arrangements for victims of GBV possible (informal, <i>ad hoc</i> )	Ministry of Social Welfare and the Status of Women collaborates with the justice system	Collaboration with justice system to combat violence against women through advocacy and education
Burkina Faso	Special interview arrangements for victims of GBV possible (informal, <i>ad hoc</i> )	-	Collaboration with the justice system on an <i>ad hoc</i> basis
Cape Verde	Programmes to facilitate women's access to justice and to assist female victims of GBV in collaboration with CSOs	Institute for Gender Equality and Equity provides financial support for justice system programmes	Association of Women Jurists implements justice system programmes
Côte d'Ivoire	Specialised judges act as informal gender focal points	Ministry of Family, Women and Social Affairs collaborates with Ministry of Justice gender unit	Legal support to women and victims of GBV
Ghana	Collaborates with Legal Aid Scheme, Department of Social Welfare, police Domestic Violence Victim Support Unit and CSOs	Ministry of Women and Children Affairs collaborates with justice system in the prosecution of GBV cases	Free legal aid services to women and men
Guinea	Collaborates with Ministry for National Solidarity and Promotion of Women and Children	Ministry for National Solidarity and Promotion of Women and Children has specialised structures for receiving victims of GBV	Refer female victims to specialised service structures
Guinea-Bissau	-	-	Legal aid to men and women
Liberia	Criminal Court "E" adjudicates sexual violence cases and the Sexual and Gender-Based Violent Crimes Unit of the Ministry of Justice prosecutes GBV	GBV unit at the Ministry of Gender and Development provides legal counselling and referrals	Free legal aid services to female victims of GBV
	GBV Inter-Agency Taskforce	GBV Inter-Agency Taskforce	
Mali	Project to improve women's access to justice	Ministry for the Promotion of Women, Children and Families collaborates with justice system	Free legal aid to women and minors
Nigeria	Informal collaboration with CSOs	-	Legal aid to men and women
Senegal	Office for Juvenile Offender Rehabilitation and Social Protection	National Committee of Reflection on Violence against Women and Children in partnership with the Ministry of Justice	Collaboration with the Ministry of Justice
Sierra Leone	Special Court for Sierra Leone adjudicates cases of war-time crimes, including GBV	-	Legal aid, medical evaluations and psychosocial counselling to victims of GBV
Togo	Juvenile courts, informal collaboration with CSOs	-	Legal aid

## PERSONNEL

Compared to the police and armed forces, the justice systems surveyed have a much higher rate of female participation, averaging 15.72% of total justice system personnel, 21.14% of judges and 13.11% of lawyers. It is interesting to note that women are highly represented among administrative staff and relatively well represented among judges, yet the proportion of female lawyers is much lower. These higher rates may be due to the prevalent social perception that

- working in the justice sector is more acceptable for women than working in the police or armed forces. These higher rates are particularly notable as they exist despite a lack of institutional support for women's participation: none of the justice bodies have institutional policies for female recruitment and retention, and only Mali was identified as having a specific initiative in place that promotes women's participation in the justice system. Nonetheless, female lawyers' associations and high-ranking women judges are setting a precedent of female involvement and advocating for legislation and service provision that effectively uphold the rights of women.

CHART 6: PERCENTAGE FEMALE JUSTICE SYSTEM PERSONNEL





	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	SENEGAL	SIERRA LEONE	TOGO	AVERAGE
Overall justice system	3	-	-	-	5	12.44	25.85	43	5	-	-	15.72
Administrative	-	-	-	52.91	-	-	-	90.73	-	-	42.86	62.17
Bailiffs	-	13.33	-	-	-	-	-	4.23	-	-	8.73	8.76
Lawyers	14.38	18.18	-	-	-	15*	-	8.45	12	-	10.64	13.11
Judges	-	24.26	37.60	23.4	-	16.46	-	11.00	15	33.33	8.03	21.14
Supreme Court judges	-	26.92	-	-	-	-	33.33	38.89	-	-	6.25	26.35
Constitutional Court judges	14.28	33.33	-	-	-	-	-	33.33	-	-	11.11	23.01

\* Includes only prosecutors

The availability of data on women's representation among justice system personnel varied considerably across countries. Many countries provided a detailed breakdown of the percentage of women working as lawyers, judges, registrars, bailiffs, notaries, judicial auctioneers, etc. However, the varied nature of the data and the structure of the different justice systems limit the ability to draw comprehensive cross-country comparisons (see Chart 6 and Table 21). Interestingly, women are better represented at the higher levels of the justice system than they are among lawyers. The proportion ranged from 8.03% female judges in Togo to 37.60% in Cape Verde. In Benin, Liberia, Mali, Senegal and Togo, women are represented in the high courts such as the court of cassation, the supreme court and the constitutional court. Moreover, Ghana had a female minister of justice and attorney-general until January 2011.

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Recruitment targets for female personnel	×	×	-	~	-	×	~	×	×	-	-	-	-	×
Specific measures for female recruitment, retention & advancement	×	×	-	×	-	×	×	×	✓	-	-	×	-	-
Vetting procedure for GBV	×	~	-	~	-	×	×	-	-	-	-	×	~	×
Female staff associations	✓	✓	✓	✓	✓	✓	~	✓	✓	-	✓	✓	×	~

Currently none of the countries surveyed have recruitment targets for female personnel in the justice system. In the Bissau-Guinean justice sector, a 40% recruitment target is reportedly planned in the future. The Ivorian human rights commission is the only related oversight institution that has a female quota: at least 9 of the 46 general assembly members (19.57%) must be women (see Justice #11 of the relevant country profiles). Only the Malian justice system has a specific programme in place to support the recruitment, retention and advancement of female staff. The Association of Female Jurists in Mali collaborates with the Malian law school to implement a mentorship programme for law students during their studies. The programme aims to help students succeed in their studies and facilitate their access to the legal profession. In 2009, 45 female and 5 male students followed the programme. Measures for facilitating the promotion of women through professional training are also planned (see Mali Justice #13).

Few instances of vetting were identified. In Burkina Faso, Côte d'Ivoire and Sierra Leone some form of background checks are carried out, but these are either not systematic or do not include screening for GBV violations (see Justice #12 of the relevant country profiles).

Although few efforts are being made on the institutional level to further equal representation, the countries surveyed have a strong tradition of female staff associations in the justice system. Nearly all of them have female lawyers' associations and some also have female judges' associations (see Tables 22 and 23). Sierra Leone is the only country in which no active female staff association was identified. The association of female judges and lawyers of Togo was being established at the time of research and that of Guinea-Bissau appeared to be inactive. In the other countries for which information was available, female staff associations are active in the fields of service delivery, advocacy and awareness-raising (see Table 23 and Justice #14 of the relevant country profiles).

Table 23: Justice system female staff associations

Country	Association	Est.	Members	Activities
Benin	Female Lawyers' Association	1990	Female lawyers	<ul style="list-style-type: none"> <li>• Legal aid for men and women</li> </ul>
Burkina Faso	Association of Women Jurists	-	Lawyers and judges	-
Cape Verde	Association of Women Jurists	2000	150 lawyers and judges	<ul style="list-style-type: none"> <li>• Projects to counter GBV</li> <li>• Legal aid for victims of GBV</li> <li>• Assistance for female prisoners</li> <li>• Gender training for police and justice personnel</li> </ul>
Côte d'Ivoire	Association of Women Jurists	1984	185 lawyers, judges and registrars	<ul style="list-style-type: none"> <li>• Legal aid for victims of GBV</li> <li>• Awareness-raising on justice services for victims of GBV</li> </ul>
Ghana	Federation of Women Lawyers	1985	Female lawyers	<ul style="list-style-type: none"> <li>• Legal aid service</li> <li>• Legal literacy programme</li> <li>• Advocacy and lobbying, research, networking and awareness-raising for gender-sensitive legislation</li> </ul>
	Ghana International Association of Women Judges	2010	Female judges	-
Guinea	Association of Female Lawyers	circa 1995	Female lawyers	<ul style="list-style-type: none"> <li>• Training on gender, GBV and HIV/AIDS issues</li> </ul>
Liberia	Association of Female Lawyers	1994	36 female lawyers	<ul style="list-style-type: none"> <li>• Mediation and legal services</li> <li>• Assists prosecution of GBV cases</li> <li>• Advocacy (esp. for 2006 rape law)</li> <li>• Awareness-raising and training on GBV</li> </ul>
Mali	Association of Female Malian Jurists	1988	Female jurists	<ul style="list-style-type: none"> <li>• Awareness-raising on citizens' rights and duties</li> <li>• Legal aid</li> <li>• Research for making the legal framework gender-sensitive</li> <li>• Mentoring for law students</li> <li>• Training legal practitioners on women's rights</li> </ul>
Nigeria	International Federation of Female Lawyers	1986	Practising female lawyers	<ul style="list-style-type: none"> <li>• Interpret government policies for the benefit of women</li> <li>• Promote the rights of women and children</li> </ul>
	Association of Women in the National Judicial Institute	-	Female lawyers	<ul style="list-style-type: none"> <li>• Promotion of gender equality</li> <li>• Tracking the government's commitment to international conventions</li> </ul>
	Association of Female Judges	-	Female judges	<ul style="list-style-type: none"> <li>• Promotion of gender equality and professional ethics</li> <li>• Mentoring young female lawyers</li> </ul>
Senegal	Association of Female Jurists	1974	Female judges, attorneys, inspectors, legal councillors and law students	<ul style="list-style-type: none"> <li>• Advocacy for legal reform</li> <li>• Legal counselling for men and women</li> <li>• Consulting the presidency</li> </ul>

## TRAINING

Justice personnel in 8 of the countries surveyed benefit from gender training. *Ad hoc* gender training is offered by external actors in Mali and Sierra Leone. Justice system personnel in a further 6 countries receive institutionalised gender training, focused on women's rights and the prosecution of GBV. This training is offered to a wide range of justice system actors. For instance, in Senegal, the gendarmerie, the police and the faculties of law and medicine at the university receive training on gender and justice issues (see Justice #15 of the relevant country profiles). The survey found less information on gender mainstreaming into training and education, which was identified in 5 countries. In Cape Verde, legal training and basic university education reportedly include a gender element. In Côte d'Ivoire and Senegal, gender issues are incorporated in training on international humanitarian law. In Niger, training sessions on human rights include gender issues and in Nigeria, the judicial ethics training manual makes several references to gender in relation to prohibited discriminatory practices (see Justice #16 of the relevant country profiles).

Table 24:  
Justice system gender training

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Gender education or training	-	×	✓	✓	-	~	-	✓	~	-	-	✓	✓	✓
Mainstreaming gender into training or education	-	×	✓	✓	-	-	-	-	×	-	✓	✓	×	×

## INTERNAL AND EXTERNAL OVERSIGHT

While very few internal or external oversight mechanisms specifically address gender issues, civil society oversight is better established for the justice system than for the armed forces. Active female staff associations are well placed to exercise an informal oversight role in addition to formal oversight mechanisms that include civil society. Nonetheless, no official data were available on abuses committed by justice system personnel or on follow-up of related complaints, which risks undermining the credibility of existing commitments and efforts to mainstream gender.

Table 25:  
External oversight of the justice system

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Civil society oversight	×	×	-	✓	-	~	×	✓	~	-	-	✓	~	-
Data on abuses perpetrated by personnel	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Internal oversight of the justice system is exercised by bodies such as justice sector councils, high councils of the judiciary, inquiry commissions and general inspectorates of the judicial services. These bodies have mandates to investigate cases of misconduct by justice system staff, but have no specific authorisation to investigate issues such as gender-based discrimination, sexual harassment or other GBV cases. In Côte d'Ivoire the internal oversight body, the General Inspectorate of Judicial and Penal Services, has 16.67% female representation, and the Ghanaian Justice Sector Council has 14.29% female representation (see Justice #17 of the relevant country profiles).

External oversight functions are primarily exercised by national commissions on human rights (in 8 of the countries surveyed) and by ombuds institutions (in 5 of the countries surveyed). Other external oversight bodies include state inspectorate generals, parliamentary committees and the ministries of justice, though the latter may also exercise an internal oversight function. In most countries surveyed, no specific gender mandate was identified, as issues such as sexual harassment and abuse would fall under the general remit of human rights abuses. Côte d'Ivoire was the only country surveyed in which a specific mechanism for oversight on gender issues was identified. The Ivoirian National Commission against Violence against Women, which operates under the Ministry of Family, Women and Social Affairs, may reportedly take action relating to GBV abuses within the justice system (see Justice #18 of the relevant country profiles).

Although formal mechanisms for civil society oversight were only identified in Côte d'Ivoire, Liberia and Senegal, the active and engaged nature of female staff associations has positive implications for civil society oversight of the justice sector. In Côte d'Ivoire, civil society groups are represented in the National Commission on Human Rights. In Liberia, the grievances and ethics committee of the bar association handles cases of misconduct by its members and advises the president regarding the appointment of Supreme Court judges and justices. In Senegal, the Association of Female Jurists has had consultative status to the presidency since 2004. In Guinea, Mali, Senegal and Sierra Leone, civil society, especially female staff associations, were reported to exercise informal oversight (see Table 23 and Justice #19 of the relevant country profiles).

Despite the various oversight mechanisms identified, no country surveyed made official data available on cases of discrimination, sexual harassment or other forms of GBV perpetrated by justice sector personnel. While there is evidence to suggest that such abuses do occur, no information was available on the number of complaints or possible follow-up procedures (see Justice #20 of the relevant country profiles).

## V. PENAL SERVICES INDICATORS



The penal system comprises prisons and non-custodial arrangements. These indicators focus on prisons, which primarily hold persons who have been convicted by judicial process to serve custodial sentences, but are also used for pre-trial detention. Penal systems of different countries may also include alternatives to custody, such as systems for bail, community service orders, parole boards, probationary services and inspectorates, and traditional and informal systems of sanctions. The penal system is a vital part of the security sector, and has wide-reaching impacts on policing, prosecution services, courts and the judiciary. In order to be effective and just, penal services need to meet a comprehensive range of international and regional human rights standards concerning the treatment and rehabilitation of female and male prisoners. The human rights of prison staff must also be upheld and promoted. By integrating gender, penal services are better equipped to provide humane and healthy conditions; prevent and adequately respond to discrimination, harassment and other forms of GBV; aid prisoners' rehabilitation; and create an equitable work environment for male and female staff.<sup>27</sup> The penal services indicators in the study focus on how prisons have mainstreamed gender into policies and procedures, institutional structure, personnel, training, and internal and external oversight.

With a few exceptions, the majority of penal services in the countries surveyed have clear procedures in place to separate female and male prisoners and prison staff. The countries with female staff also have a relatively high representation of women with an average of 18.78%, although Guinea-Bissau and Togo reportedly have no female prison guards. Half of the countries surveyed (7) have implemented targets for female recruitment and/or other measures such as accelerated learning programmes and female representation on recruitment committees. These positive developments exist despite a lack of institutional policies related to gender issues. Only 2 such policies were identified: the Gender Policy of the Malian Ministry of Justice and the gender policy currently under development for the Sierra Leone penal system. Though information is scant, certain forms of discrimination exist in human resources policies, including restrictions on marriage and maternity leave. Also, researchers only identified 5 countries where paternity leave—of 3 days—is granted, though data were unavailable for the other countries. Conjugal visits are rare, whereas procedures for prisoner pregnancy, nursing and children are common. Service delivery within prisons is largely subject to resource constraints, yet efforts are sometimes made to accommodate the needs of women and men. Civil society is particularly important to these efforts, and NGOs deliver many vital services both to prisoners and in the form of training

for personnel. Research indicated that one of the most prominent challenges is to ensure gender-sensitive regulation and oversight of the conduct of personnel. Such regulatory frameworks are rare in the countries surveyed, while oversight mechanisms are on the whole poorly attuned to gender considerations. Moreover, records of abuses are not publicly disclosed.

## POLICIES AND PROCEDURES

The penal services of the countries surveyed have few overarching institutional policies related to gender. In Mali the Policy for Gender Equality of the Ministry of Justice covers prisons, and no other penal services have gender-sensitive codes of conduct or sexual harassment policies. Procedures for responding to cases of discrimination, sexual harassment or other forms of GBV by prison personnel were reported for only 7 countries. However, procedures are in place in almost all countries, albeit with some notable exceptions, to separate male and female prisoners and to ensure that inmates have prison guards of the same sex. The majority of penal services surveyed also allow family visits and provide specialised healthcare for pregnant prisoners. Human resources policies are gender-sensitive to a certain extent – many countries surveyed have provisions for parental leave, although some discriminate against men and unmarried women.

Table 26:  
Penal services gender  
policies and procedures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Institutional gender policy	x	x	x	x	-	x	x	x	✓	-	x	x	~	x
Gender-sensitive code of conduct	x	x	x	-	-	x	x	x	-	-	-	x	x	x
Sexual harassment policy	x	x	x	x	-	x	x	x	x	x	-	-	x	x
Procedures for responding to abuses by prison personnel	x	-	✓	~	✓	~	x	~	~	~	-	~	x	-

Very few institutional gender policies exist. The Malian penal service is the only institution with an applicable gender policy. The Ministry of Justice Policy for Gender Equality has a specific section focused on improving security for female prisoners (see Box 6). In addition, a gender policy for the Sierra Leonean prison service was being developed at the time of research. None of the countries surveyed were found to have a gender-sensitive code of conduct or a sexual harassment policy. Instead, for cases of sexual harassment institutions refer to the penal code. Nonetheless, 8 countries reported having complaints mechanisms or internal disciplinary procedures to respond to harassment or GBV perpetrated by prison personnel and/or prisoners, though information on them was scarce (see Penal #1 and 8 of the relevant country profiles).

### Box 6: Policy for Gender Equality of the Ministry of Justice of Mali (2008)

**Objective:** Provide security in women's prison quarters

**Activities:**

- Conduct a needs assessment for reform
- Appoint female guards to women's prison quarters
- Conduct awareness-raising on prisoners' rights among personnel and prisoners
- Restructure the internal oversight body
- Carry out evaluation and monitoring and publish annual reports with sex-disaggregated data

**Outcome:** Violations of the rights and physical integrity of female and male prisoners decrease

Table 27:  
Penal services  
human resources policies

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Men and women are free to marry without restriction	-	-	-	×	-	-	-	-	-	-	×	-	-	-
Staff may become pregnant without restriction	-	-	-	-	-	-	-	-	-	-	×	-	-	-
Maternity leave	✓	✓	-	✓	✓	-	-	✓	✓	✓	✓	✓	-	✓
Paternity leave	✓	✓	-	✓	-	-	-	-	✓	-	-	-	-	✓
Arrangements available for breastfeeding	-	✓	-	~	✓	-	-	-	✓	-	~	✓	-	✓

Information on the human resources policies of the penal services surveyed is scant. Regarding marriage and pregnancy, a majority of countries did not report information regarding restrictions. However, in Nigeria marriage is only allowed after the completion of a certain length of service, and in Côte d'Ivoire and Nigeria it is subject to authorisation. The Nigerian penal services additionally discriminate by limiting recruitment to unmarried women and potentially dismissing women who become pregnant during the first 6 years of employment. Similarly, in Togo only married women benefit from arrangements for breastfeeding. As regards parental leave, maternity leave is universal and usually 14 weeks. Paternity leave was identified in 5 countries, and is 3 days in all cases (see Penal #2 of the relevant country profiles).

Table 28:  
Procedures for prisoners

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Procedures limiting interaction between male and female prisoners	✓	✓	✓	-	✓	✓	~	✓	✓	~	✓	✓	✓	-
Procedures regulating interaction between male and female prisoners and prison guards	✓	✓	✓	✓	✓	×	×	✓	✓	~	✓	✓	✓	×
Procedures for family visits	✓	✓	✓	✓	✓	✓	-	✓	-	✓	✓	✓	✓	✓
Procedures for conjugal visits	-	-	✓	-	×	×	-	×	-	-	~	-	×	-
Procedures for prisoner pregnancy, nursing and children	✓	-	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	~	×

All prisons for which information was found have policies or procedures to limit interaction between male and female prisoners and all but 3 regulate the interaction of prison guards with prisoners of the opposite sex. In 7 countries, male and female prisoners are either housed in separate prisons or in separate prison blocks. In 10 countries guards may only supervise prisoners of the same sex, and in 8 countries searches may only be carried out by a guard of the same sex as the prisoner.<sup>28</sup> The penal services of some countries have stricter regulations – e.g. in Benin, Liberia and Nigeria, male guards may only access women's prison quarters when accompanied by a female guard, and in Cape Verde and Ghana guards may not access the quarters of prisoners of the opposite sex at all. However, in Guinea no formal restrictions exist, and in Guinea-Bissau and Togo, such procedures are not possible as all prison guards are men (see Penal #5 of the relevant country profiles).

Provisions for visits are universal among the penal services surveyed, and no mention of different procedures for female and male prisoners was found. In Niger and Senegal, it was specified that visits are subject to authorisation. In Côte d'Ivoire and Ghana, visits are allowed 1-2 times a month, whereas in Benin the number of visits is not limited. However, Benin requires visitors to purchase a photo ID at a price that may effectively prevent some family members from visiting. In contrast, procedures for conjugal visits are rare for both male and female prisoners. Conjugal visits are only allowed in Cape Verde and at the Kaduna prison in Nigeria (see Penal #6 of the relevant country profiles).

The existence of specific procedures for prisoner pregnancy, nursing and children are also near universal, though the nature and extent of these arrangements vary. In Côte d'Ivoire, Guinea and Sierra Leone, the only provisions relate to specialised healthcare for pregnant prisoners, who are often referred to clinics outside the hospital. Other arrangements include accommodating pregnant or nursing prisoners in special cells, as in Cape Verde, Ghana, Niger, Nigeria and Senegal. In 9 countries, female prisoners are allowed to keep young children with them in prison. Liberia is the one country that specifically does not allow this practice. The upper age limit for children staying with their imprisoned mothers ranges from 18 months in Nigeria (and only if the child is still breastfeeding) to 7 years of age in Niger. Among the countries surveyed, only Cape Verde makes special provisions for fathers. If both parents are imprisoned in Cape Verde, the father may spend one day every week with the mother and child (see Penal #7 of the relevant country profiles).

## INSTITUTIONAL STRUCTURES

While no prison services in the countries surveyed have internal gender structures, 5 are subject to the supervising ministry's gender structures. Separate prisons or prison blocks for men and women exist in all countries except Guinea-Bissau; however, segregation of juveniles and adults is less common. As regards the provision of specialised education, training, rehabilitation, and health and drug treatment, most penal services strive to provide these services. Given the limited resources, however, their availability and regularity varies. CSOs often step in to fill the gap and collaborate with prisons in order to provide some of these services.

Table 29:  
Penal services gender  
structures

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Internal gender structures	✗	✗	✗	?	?	✗	✗	?	?	-	✗	✗	?	?
Separate prisons for males/females	✓	✓	✓	?	✓	✓	✗	✓	✓	?	✓	✓	✓	✓
Separate prisons for juveniles/adults	-	✓	?	?	✓	✓	✗	✓	?	?	?	?	?	?
Specialised education, training & rehabilitation	✓	✓	✓	?	✓	?	✓	✓	✓	?	✓	?	✓	✓
Specialised health & drug treatment	-	✗	✓	?	?	?	✗	✗	-	-	?	?	✗	-
Collaboration with civil society	✓	✓	?	✓	?	?	✓	✓	?	✓	?	✓	?	?

None of the countries surveyed had an internal gender structure specifically for the penal services. However, the penal services of Côte d'Ivoire, Ghana, Liberia, Mali and Togo are included in the mandate of the supervising ministry's gender unit or gender focal point. In Sierra Leone, the most senior female prison official reportedly acts as a *de facto* gender focal point (see Penal #9 of the relevant country profiles).

With the exception of Guinea-Bissau, all penal services have provisions, at least in theory, for the segregation of male/female and juvenile/adult prisoners. The separation of prisoners by sex tends to be strict, although anecdotal evidence suggests that it is not always respected in practice in Côte d'Ivoire and Niger. On the other hand, in 9 of the countries surveyed, juveniles are reportedly often held with adults, despite the increased risk of abuse this may expose juvenile prisoners to (see Penal #10 of the relevant country profiles).

All of the penal services surveyed also have some provisions for specialised education, training and rehabilitation programmes. However, such programmes often suffer from a lack of resources and are therefore limited to certain groups, such as juveniles in Niger, or to certain prisons (37.8% of Senegalese prisons). These programmes are often dependent on NGOs or international donors for implementation and funding, as is the case in Guinea, Niger and Togo (see Penal #11 of the relevant country profiles).

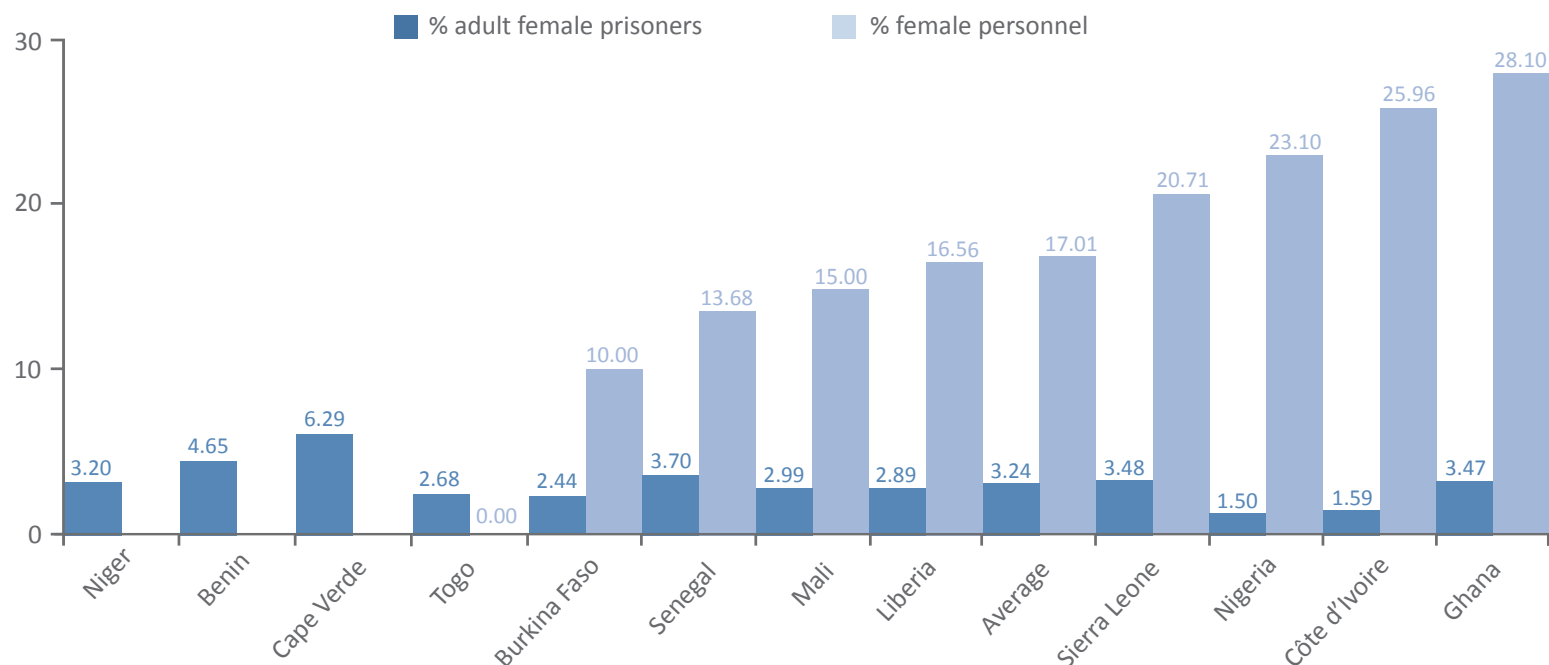
The availability of specialised healthcare services in prisons is rare among the countries surveyed. Prisons in Cape Verde and Nigeria offer reproductive healthcare and drug treatment on the premises. Furthermore, female prisoners may be referred outside the prison for gynaecological examinations. In Guinea, specialised medical services are offered by programmes run by CSOs such as the International Committee of the Red Cross and ASWAR Guinée. In another 4 countries, healthcare services are offered in prisons, but these are largely seen as inadequate (see Penal #12 of the relevant country profiles).

Collaboration between penal services and civil society is very common, as CSOs provide a number of vital services in prisons, such as legal aid, healthcare, food and education. In Cape Verde, Ghana, Guinea, Sierra Leone and Togo, such collaboration is informal and/or takes place on an *ad hoc* basis. Additionally, in Cape Verde, sporadic collaboration takes place between the Cape Verde Institute for Gender Equality and Equity and penal services. In Niger, formal collaboration in penal services centres on areas such as juvenile delinquency, and involves NGOs, traditional leaders, a specialised judge for juvenile justice and the Ministry for the Promotion of Women and Child Protection (see Penal #13 of the relevant country profiles).

## PERSONNEL

The indicators for personnel in the penal services seek to assess the representation and distribution of male and female staff, as well as the measures taken to promote women's recruitment, retention and advancement. This is particularly important in the context of prisons, where women

CHART 7: PERCENTAGE OF FEMALE PRISONERS AND PRISON PERSONNEL



and girls should be guarded by female staff and men and boys by male staff. Indicators also look at vetting for GBV, which helps to reject applications from individuals whose past history suggests they may be prone to violent behaviour. Among the countries surveyed, women represent 18.78% of personnel in countries with female prison guards. Guinea-Bissau and Togo do not have female prison guards. On average, there is a much higher rate of female personnel than adult female prisoners (see Chart 7), although it should be noted that this rate includes administrative staff as well as prison guards. Few institutional measures exist to recruit and retain women, and only in Liberia the vetting process goes beyond the review of criminal records. Female staff associations exist in half the countries surveyed, and appear to have large memberships and to be active in supporting both staff members and female prisoners.

The percentage of women among the total prison population was available for all countries surveyed except Guinea and Guinea-Bissau; the average is 3.17%. The proportion of women among prisoners is small, ranging from 1.50% in Nigeria to 6.29% in Cape Verde. In general, there are proportionally more female personnel than female prisoners, though these figures also take into account administrative positions held by women. Of the countries for which data were available, female personnel account for an average of 18.78% of total staff (excluding those countries where

there are no female prison staff), ranging from 10.00% in Burkina Faso to 29.50% in Ghana. Data on female personnel were not available for Cape Verde, Guinea or Niger. In Guinea-Bissau the penal services do not employ women and in Togo there are no female guards. In Benin members of the gendarmerie work as prison officials; their number is not fixed, as it varies from day to day based on the prison population size (see Penal #14 and 15 of the relevant country profiles).

Researchers accessed different types of data on the rank of female personnel in the penal services; the ability to draw a systematic cross-country comparison is thus limited. There are no obvious trends in the data. In Ghana, Mali, Nigeria and Senegal there are proportionally fewer women in high-ranking positions than the overall female representation. For example, in Mali women comprise 10.33% of all personnel, but only 1.6% of high-ranking personnel. In contrast, in Liberia there are slightly more women in high-ranking positions – 20% compared to an overall female participation rate of 16.97%. In Togo, though there are no female prison guards, women account for 59.66% of the personnel of the Directorate of Prison Services and Reinsertion, and 31.03% of high-ranking personnel there (see Penal #16 of the relevant country profiles).

Table 30:  
Penal services  
personnel

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Recruitment targets for female personnel	-	✓	~	✓	-	✗	✗	✓	✗	-	✗	-	✗	✓
Specific measures for female recruitment, retention & advancement	✗	~	-	~	-	✗	✗	✓	✗	✗	-	✓	✓	~
Vetting procedure for GBV	-	~	✗	~	-	-	✗	~	~	✗	-	~	-	-
Positions/wards where women/men cannot serve	✓	-	✓	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✗
Attrition rates available	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✓	✓	✓
Infrastructure for male/female personnel	✓	✓	✓	~	✓	✓	✗	✗	~	✓	✓	~	✓	✗
Female staff associations	✗	✗	✓	✓	✓	✗	✗	~	-	✗	~	✓	✓	✗

Among the countries surveyed, 4 have formal targets and 1 has an informal target for the recruitment of female personnel. The formal targets are 25% in Burkina Faso (for 2009), 30% in Côte d'Ivoire, 20% in Liberia and 26% of prison guards in Togo. At the time of research, Cape Verde had an informal target to include 10 women among 33 new recruits (30.49%). Whether these constitute minimum or maximum numbers of women to be recruited is unclear (see Penal #18 of the relevant country profiles). The penal services of Liberia, Senegal and Sierra Leone have established specific measures to increase female recruitment such as recruitment campaigns targeting women (Liberia and Sierra Leone) and an accelerated learning programme to increase the number of educated potential applicants (Liberia). In Senegal women are always represented in recruitment committees (see Penal #21 of relevant country profiles).

Systematic vetting for past GBV abuses is rare among the penal services of the countries surveyed. In Burkina Faso, Côte d'Ivoire, Mali and Senegal, background checks are carried out on recruits, but these do not systematically control for GBV. In Liberia the vetting process includes both a review of the applicant's criminal record as well as interviews with community members or character referees (see Penal #19 of the relevant country profiles).

Because a majority of countries have procedures requiring prisoners to be supervised by guards of the same sex, there are a number of limitations on where female and male guards may serve. In 10 of the countries surveyed, guards may not work in prison blocks housing prisoners of the opposite

sex. However, given the limited resources, questions have been raised over how effectively these provisions are followed in countries such as Benin and Mali (see Penal #20 of the relevant country profiles).

Attrition rates for female staff in the penal services were available for 4 of the countries surveyed. In Sierra Leone, 21.95% of those who left the penal services were women. This is slightly higher than the overall percentage of women among personnel, which is 20.71% in Sierra Leone. In the other 3 countries for which data were available, however, the number of women leaving the service was lower than their overall representation. In Liberia, 14.63% of those leaving the penal services were women, while overall female representation is 16.97%. In Senegal, only 2 women have resigned over the past 10 years, whereas in Togo no female staff have left the Directorate of Prison Services and Reinsertion in recent years (see Penal #17 of the relevant country profiles).

Among the countries surveyed, 8 have separate infrastructure such as lodgings and bathrooms as well as different uniforms for female and male staff. In Mali, separate bathrooms and lodgings are available for female staff in the central prison, but not in all other prisons. In Côte d'Ivoire, separate accommodation is not always available for female personnel, while it was unclear whether or not it was available in Senegal. In Liberia, no separate infrastructure reportedly exists. Guinea-Bissau and Togo have no female prison personnel (see Penal #23 of the relevant country profiles).

Among the countries surveyed 5 have female staff associations in the penal services. In Côte d'Ivoire, Ghana and Sierra Leone the associations have been established within the past 10 years (respectively 2000, 2006 and 2001), have large memberships (respectively 80, 1,356 and 300), and carry out a variety of activities. While the Ghana Prison Ladies Association focuses on providing support to female prison officers, the associations in Côte d'Ivoire and Sierra Leone also provide support to female prisoners and carry out advocacy. For example, the Prison Women Association in Sierra Leone trains female inmates and offers them micro-credit loans to facilitate their reintegration into society upon release. In addition to institutional associations, prison officers may join sector-wide female staff associations in Liberia and Sierra Leone. Also, prison wives' associations are active in Ghana and Nigeria (see Penal #22 of the relevant country profiles).

## TRAINING

Penal services personnel in 10 of the countries surveyed benefit from some form of gender training. However, gender training is not often institutionalised and very little information is available on the content, participants and frequency of the training. Gender education/training has only been institutionalised in Côte d'Ivoire, Liberia and Senegal. In Côte d'Ivoire, gender training is offered by the Ministry of Justice, targeted at prison managers, and is not compulsory. In Liberia, gender training is offered both at the National Police Training Academy and at correctional facilities. In Senegal, gender training is only available to staff interacting with both male and female prisoners. In 5 other countries, some staff were able to receive gender training offered by external actors such as NGOs and international organisations (see Table 31 and Penal #24 of the relevant country profiles). In 5 of the countries surveyed, gender is mainstreamed in other training for penal



services staff, while in Ghana and Niger gender issues are included in human rights training. In Côte d'Ivoire, gender issues are reportedly discussed throughout the initial training and within courses on professional ethics and human rights. Additionally, the Malian Commission for the Control of Detention Conditions reportedly plans to integrate gender aspects in general training on prisoners' rights (see Penal #25 of the relevant country profiles).

Table 31:  
Penal services gender training

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Gender education or training	~	×	~	✓	~	~	~	✓	×	-	×	✓	~	~
Mainstreaming gender into training or education	×	×	-	✓	✓	×	×	-	~	✓	×	✓	×	×

## INTERNAL AND EXTERNAL OVERSIGHT

As with many other SSIs, the integration of gender issues in the oversight mechanisms of penal services is in its early phases. Examples of gender mainstreaming were found in Sierra Leone, where the internal oversight body plans to integrate sexual harassment and GBV into its work, and in Ghana, where the Ministry of Women and Children's Affairs exercises an external oversight function. Civil society oversight is relatively regular, given the wide range of services CSOs provide in prisons. However, while research revealed reports of abuses committed by prison personnel, very little official data were available on such reports and their follow-up.

Table 32:  
External oversight of penal services

	BENIN	BURKINA FASO	CAPE VERDE	CÔTE D'IVOIRE	GHANA	GUINEA	GUINEA-BISSAU	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Civil society oversight	~	~	-	✓	-	✓	~	✓	✓	~	✓	~	~	✓
Data on abuses perpetrated by penal services personnel	×	✓	~	✓	×	×	×	×	~	×	×	×	×	×

Internal oversight functions are carried out by a range of actors such as prison inspectorates, relevant commissions and councils, ministries of justice and judges. The only mention of a mandate to cover gender issues was made with reference to Sierra Leone, where the Disciplinary Committee plans to integrate consideration of sexual harassment and GBV into its work (see Sierra Leone Penal #26).

External oversight mechanisms mentioned in the research include human rights commissions (10 countries), the judiciary (4 countries), parliament (3 countries), ombuds institutions (3 countries) and a number of other actors, including the United States embassy in Cape Verde. A specific mandate or mission to monitor gender issues was only mentioned in Ghana, where cases of abuse within prisons may be referred to the Ministry of Women and Children's Affairs (see Penal #27 of the relevant country profiles).

As is the case with most other SSIs, civil society oversight is largely exercised as a result of collaboration on service delivery. Many NGOs provide crucial services to prisoners, such as legal aid, education, food and healthcare. Performing this function allows CSOs access to prisons and many also report on conditions of detention. In 6 of the countries surveyed, CSOs are guaranteed regular access to prisons, whereas in 6 others such access is non-systematic (see Penal #28 of the relevant country profiles).

Official data on the number of cases of discrimination, sexual harassment or other forms of GBV perpetrated by prison personnel or prisoners are rare. In Cape Verde and Mali cases of GBV committed by prison guards against prisoners have been reported by civil society, but official reports were not available. In Burkina Faso and Côte d'Ivoire, respectively 4 and 1 prison officers have been officially reported for committing GBV against prisoners in 2009 (see Penal #29 of the relevant country profiles).

## CONCLUSIONS

Overall, the comparative analysis reveals diversity in how different SSIs in West Africa have approached gender mainstreaming in the security sector. The police have taken the lead in developing comprehensive approaches to integrating gender in their service delivery and internal functioning. For example, the police services in Cape Verde, Liberia and Sierra Leone have developed institutional gender policies, offer gender training, have specialised units/sections providing services to victims of GBV and have additional measures in place to promote female recruitment, retention and advancement. Gender mainstreaming in the armed forces has focused on the recruitment of women, who remain severely underrepresented. The development of the necessary policies, institutional structures, training and physical infrastructure to create equitable institutions is gradually following suit in certain countries. In the justice system, efforts are dedicated to equitable service provision, such as legal support to victims of GBV and other

marginalised groups. There is less of a focus on increasing the recruitment and promotion of female staff. In the penal services, policies and practices to ensure that prisoners are segregated by sex and supervised by guards of the same sex are widespread, but other challenges in the treatment of prisoners persist. The different approaches to gender mainstreaming across institutions and countries reveals a rich potential for cross-learning. The individual country profiles in the next section describe in more detail the good practices identified in this section.

Nonetheless, the SSIs surveyed also share a number of common challenges. Though measures have been taken to strengthen access to security and justice for GBV victims and marginalised groups, these efforts are still lacking in coherence and resources. Female representation remains low in security sector institutions. Not only are few women recruited, but the professional environment of the SSIs (in terms of policies, institutional and physical infrastructure) rarely accommodates the needs of male and female staff. These shortcomings hinder women from advancing in their careers and contributing at the decision-making level. Finally, most mechanisms for oversight and internal discipline do not specifically address discrimination, sexual harassment and GBV. The final part of this section outlines specific recommendations to SSIs and to security sector oversight bodies on the way forward in addressing these challenges.

## RECOMMENDATIONS ON THE WAY FORWARD

The aim of this survey is not only to document previously inaccessible information, but to provide guidance for progress. By highlighting examples of good practice, the hope is that this information will inform new gender initiatives in West African security sector institutions (SSIs). The following recommendations on the way forward are based on an analysis of the survey results, and outline key actions to be taken by SSIs and security sector oversight bodies to address current gaps and needs. However, it is important to bear in mind the diversity of SSIs and the importance of context: not every recommendation will apply to all institutions or all countries. While the recommendations provide a starting point for discussion, a thorough, context-specific institutional gender needs assessment is necessary to identify entry-points for change.<sup>29</sup>

### TO SECURITY SECTOR INSTITUTIONS:

- 1. Strengthen access to security and justice for victims of gender-based violence.** In order to prevent and respond to GBV effectively, the police and justice systems need to take specific steps to improve their service delivery. For example, only 4 countries have formal standard operating procedures in place for police and/or justice response to victims of GBV. While half of the police services and nearly all the justice systems surveyed provide some form of specialised support to GBV victims, these support mechanisms suffer from a lack of

human and financial resources and rely heavily on civil society contributions. Furthermore, access to justice could be strengthened by instituting specialised judges or courts to hear cases of GBV – which is currently the practice in only 3 countries.

- 2. Establish clear policies and procedures for active internal oversight of discrimination, sexual harassment and GBV perpetrated by security sector personnel.** In order to create a healthy and productive work environment for male and female security sector personnel, as well as to proactively respond to human rights abuses, SSIs need to establish clear and responsive policies and procedures for reporting discrimination, sexual harassment and other forms of GBV perpetrated by their staff. Institutional disciplinary bodies should establish separate procedures for internal and external complaints, so as to make reporting accessible to both the staff and the general public. Reporting procedures, as well as penalties, should be common knowledge and strictly enforced. At the time of research, only 2 institutions had sexual harassment policies: the Sierra Leone Police and the Armed Forces of Liberia. Most institutions rely on the penal code and generic complaints procedures and do not document or share data on cases of abuse and their follow-up, enabling impunity and undermining public trust.
- 3. Adopt equitable human resources policies.** In order to ensure fair recruitment and advancement of personnel, as well as support for a healthy work-life balance, human resources policies need to be amended. For instance, SSIs should provide equal opportunities to married and unmarried people, and offer parental leave for all staff, including men and unmarried women. There is a particular need to introduce these reforms in the armed forces, where restrictions on marriage and pregnancy are the most common: such restrictions were found in all of the 8 armed forces for which data was available.
- 4. Increase the recruitment and advancement of female personnel.** In order to become more representative, SSIs need to strengthen their efforts to recruit and advance the careers of female personnel. Currently, women constitute an average of 3.76% of personnel in the armed forces, 10.46% in the police, 15.72% in the justice sector and 17.01% of prison staff. In senior positions, the averages are even lower. 23 institutions currently have strategic recruitment targets or quotas for women, but far fewer have introduced other initiatives such as career training or recruitment campaigns targeting women. SSIs should learn from each other's good practices and undertake additional initiatives to enhance the recruitment and advancement of women. They should also convert their maximum quotas for female recruitment into minimum quotas.
- 5. Establish and support internal gender structures.** In order to build the internal capacity necessary for gender mainstreaming, SSIs at the very least need to have a full-time and well-resourced gender focal point or preferably a gender unit or office. These internal gender structures are absolutely essential to support and provide internal expertise for activities such as amending human resources policies, increasing female recruitment and developing gender

training curricula. Of the 56 SSIs surveyed, 18 have gender focal points/desk officers or gender units/committees assigned to them. A vast majority of these gender structures are located in the governing ministry, and tend to be under-resourced. Gender mainstreaming can only be realised by increasing the prevalence, capacity and funding of these internal gender structures.

6. **Institutionalise gender training and mainstream gender in other training sessions.** In order to build the knowledge and skills needed for security sector personnel to provide adequate security and justice services, training on gender-related issues must become mandatory and institutionalised within police and defence academies, as well as in law schools and induction training for correction officers. Currently, most gender training is delivered by external organisations such as NGOs, ministries of gender or international organisations. In addition, half of gender training is offered on an *ad hoc* basis. Of all the police services and armed forces surveyed, the Liberia National Police is the only institution that includes mandatory gender training in its standard curriculum. Regarding gender mainstreaming, gender issues are reportedly included in training sessions on human rights or humanitarian law in 15 of the 56 institutions surveyed, indicating that large numbers of security sector personnel do not have access to adequate gender training.
7. **Establish new and strengthen existing formal mechanisms for collaboration with civil society, ministries of gender and customary service providers.** In order to improve the delivery of security and justice, SSIs need to establish formal mechanisms for collaboration with other service providers – including civil society organisations (CSOs), ministries of gender and customary authorities. Currently, many institutions report *ad hoc* collaboration and 15 institutions have formalised referral systems, taskforces or local-level security committees in place. The development of collaborative mechanisms is especially important for the armed forces, which currently have fewer links with civil society than the other institutions surveyed.
8. **Strengthen inter-agency cooperation mechanisms.** In order to better address the different security and justice needs of women, men, boys and girls, collaboration between SSIs needs to be enhanced. Useful collaborative mechanisms include inter-agency taskforces, regular meetings or other forums. For instance, Ghana, Liberia and Nigeria have taskforces mandated to share information and design strategies to prevent and respond to GBV that include a broad range of SSIs, government ministries and CSOs. In particular, increased cooperation between police, justice and penal services (the criminal justice system) allows better victim protection and improves the chances of successfully prosecuting offenders.
9. **Support the establishment and internal capacity of female security sector staff associations.** In order to provide a space for female SSI personnel to network, mentor and support each other – as well as to provide a platform to advocate for gender mainstreaming – female security sector staff associations need to be permitted and encouraged. Currently, nearly all countries surveyed have women lawyers' associations and there are female staff associations in the armed forces of 3 countries, the penal services of 5 and the police services

of 9 (7 active associations and 2 being established). In several countries surveyed, female police and armed forces personnel are prohibited from creating such associations. While women lawyers' associations play a very active role in women's rights, associations in other SSIs could nonetheless benefit from support to build their capacity to engage with SSIs on gender issues.

10. **Collect sex-disaggregated data.** In order to assess the current level of female/male representation, and to monitor and evaluate the quality of service delivery and the conduct of security sector personnel, data need to be systematically collected and made accessible to the public. While most SSIs are able to estimate the total number of male and female personnel, information on their rank and rates of attrition is much sparser. Little, if any, information was available on cases of discrimination, sexual harassment and other forms of GBV perpetrated by security sector personnel. Efforts to institutionalise data collection and increase public access to information, especially in the armed forces, are crucial.

## TO SECURITY SECTOR OVERSIGHT BODIES

1. **Reform laws to adequately address gender-based violence and discrimination.** In order for SSIs to effectively prevent and respond to gender-based discrimination and violence, within society at large as well as within their own institutions, a comprehensive legal framework is necessary. GBV-related laws and policies should provide clear mandates for security sector actors. While many of the countries surveyed have adopted legislation on issues such as domestic violence, rape, trafficking in human beings and female genital mutilation, it is nonetheless important to recognise that there are some gaps in their respective existing legal frameworks. Only Cape Verde has laws against all 3 crimes of domestic violence, sexual harassment and marital rape, and 7 countries continue to criminalise homosexuality.
2. **Amend national security and defence-related policies to integrate gender.** In order to legitimate the equal right of women and men to participate in security and defence provision and decision-making, as well as to recognise the different security needs of men, women, girls and boys, national security and defence-related policies need to be gender-sensitive. Currently, only the national security or defence policies in Liberia, Nigeria and Sierra Leone mention equal participation or gender mainstreaming. However, they still fail to identify GBV as a pervasive threat to national security. Security and defence policies must align with national gender policies, including national action plans on United Nations Security Council Resolution 1325 on Women, Peace and Security. Inclusive policy development processes, as well as gender-sensitive content and language are essential in order to ensure that national security/defence policies promote rather than deter gender equality.

- 3. Establish clear mechanisms for active external oversight of discrimination, sexual harassment and GBV perpetrated by security sector personnel.** In order to strengthen oversight of SSIs, parliamentary committees, national human rights commissions and other external oversight bodies need to take an active role in monitoring rights violations and the implementation of gender-related policies and protocols. Despite their mandate to investigate human rights abuses, no indication was found in this survey of any gender-related oversight of the security sector by national human rights commissions. By strengthening the internal gender capacity and establishing clear reporting mechanisms and data collection processes for discrimination, sexual harassment and GBV cases, external oversight bodies can help promote an equitable work environment respectful of human rights and the maintenance of professional standards in SSIs.
  
- 4. Include women, civil society, ministries of gender and gender experts in security-related policy making and oversight.** In order to ensure participatory and gender-informed processes of policy making and oversight, security sector oversight bodies need to involve and consult with ministries of gender as well as with civil society, especially women's organisations and gender experts. In addition, it is crucial to strengthen women's participation in the governance of SSIs, for instance through increased representation of female parliamentarians on security and defence-related committees. CSOs engaged in service delivery, especially in the justice sector and penal services, are well positioned to play a stronger oversight role regarding gender issues— yet often lack the access, mandate or capacity to do so. Ministries of gender affairs also seem hesitant to engage in security issues, although these ministries in Côte d'Ivoire, Ghana and Nigeria all report taking an active role in the oversight of certain SSIs. Involving women and gender actors in security sector governance is a key step towards gender-sensitive policy making and oversight of the security sector.

## ENDNOTES

1. Daniel Ottoson, *State-sponsored Homophobia: A world survey of laws prohibiting same-sex activity between consenting adults* (Brussels: The International Lesbian, Gay, Bisexual, Trans and Intersex Association, 2010).
2. Please note that average personnel figures refer to arithmetic averages rather than weighted means – they denote the average percentage of female personnel across the countries for which data were available rather than female personnel across total combined personnel numbers. In other words, the average personnel figures do not account for the fact that the total personnel numbers vary considerably across countries.
3. No data were collected on infrastructure for justice system personnel.
4. Among the countries surveyed, 11 have ministries with a mandate for the promotion of women or women's affairs, whereas 2 have ministries with a mandate for gender issues. Cape Verde does not have a dedicated ministry, but the Cape Verde Institute for Gender Equality and Equity is the governmental body charged with gender issues. As gender is a broad term that includes but is not limited to women's affairs, reference to ministries of gender in this chapter denotes both ministries of gender and ministries of women's affairs.
5. Peter Albrecht and Karen Barnes, "National Security Policy-Making and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008), 4-7.
6. For more information, see Ana Dangova Hug, Megan Bastick and Mugiho Takeshita, "Annex: International and Regional Laws and Instruments Related Security Sector Reform and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008).
7. As of 2010, homosexual acts of both men and women are illegal in Guinea, Liberia, parts of Nigeria, Senegal and Togo, and homosexual acts are illegal for men only in Ghana, parts of Nigeria and Sierra Leone. Ottoson, *State-sponsored Homophobia*.
8. The UN General Assembly, in a 1965 resolution, recommended 15 years as a minimum age for marriage. UN General Assembly, *Recommendation on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages*, General Assembly resolution 2018 (XX) of 1 November 1965, <http://www2.ohchr.org/english/law/recommendation.htm>.
9. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *Progress of the World's Women 2011-2012: In Pursuit of Justice* (New York: UN Women, 2011), 136-137.
10. These data from the recent UN Women report are not consistent with the findings of this survey. According to information available to researchers, Sierra Leone's 2007 Domestic Violence Act criminalises sexual abuse by intimate partners, regardless of marital status.
11. Inter-Parliamentary Union (IPU), "Women in national parliaments: Situation as of 31 January 2011," IPU, <http://www.ipu.org/wmn-e/classif.htm>.
12. Tara Denham, "Police Reform and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008).
13. A code of conduct that is gender sensitive includes, for example, an explicit principle of equality or non-discrimination or prohibition of sexual harassment and abuse.
14. Denham, "Police Reform and Gender," 12.
15. Ibid, 15.
16. Ibid, 15.
17. The gendarmeries of these countries are responsible for security in rural areas and highways, which often means they carry out extensive policing functions. For example, in Benin, the gendarmerie exercises jurisdiction over 81% of the national territory.
18. Cheryl Hendricks and Lauren Hutton, "Defence Reform and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008), 3-5.
19. However, these provisions for the Liberian army were suspended at the time of writing, pending review by the Committee on Policy Review. As per Major Emanuel Savice (Assistant Chief of Staff, Plans and Policy, Human Rights, Child Rights/Protection Coordinator, Armed Forces of Liberia) in Abraham Mitchell, *Validation Workshop Report: Mapping Study on Gender and Security Sector Reform Actors and Activities in Liberia*, ed. Aiko Holvikivi and Anike Doherty (Geneva: DCAF, 2011), 12.
20. The figure for Cape Verde, which has compulsory military service, refers to female representation among permanent military staff.
21. Note that percentages for each country represent weighted averages, e.g. percentage of policewomen of all police officers in all missions that the country contributes to. The regional average, in contrast, is a straight average, or average of averages, which gives equal weight to each country, regardless of the size of their total troop and police contribution.
22. In addition to military and police personnel, data on total peacekeeping personnel include experts on mission. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations. [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
23. Hendricks and Hutton, "Defence Reform and Gender," 17.
24. Information on whether or not all members of this board are, in fact, men was not available.
25. Shelby Quast, "Justice Reform and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008).
26. Ibid., 11.
27. International Centre for Prison Studies, "Penal Reform and Gender," in *Gender and Security Sector Reform Toolkit*, ed. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODHIR, UN-INSTRAW, 2008).
28. In the case of Burkina Faso, research identified regulations that stipulate that prisoners may only be searched by a guard of the same sex, but did not identify any provisions on whether guards may supervise prisoners of the opposite sex.
29. Megan Bastick, *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector* (Geneva: DCAF, 2011).

# Benin



Innocentia Apovo  
Miranda Gaanderse

## QUICK FACTS<sup>1</sup>

- Population: 6,769,914; 48.51% male, 51.49% female (2002)
- Population below the poverty line: 47.3% living on less than 1 USD/day (2003)
- Lifespan: 60.1 men, 62.3 women (life expectancy at birth, 2005–2010)
- Literacy rate: 47.9% men, 23.3% women (2002)
- Fertility rate: 5.5 children per woman (2007)
- Human Development Index rank: 134 out of 169 (2010)
- Percentage GDP spent on defence: 1% (2008)
- Perception of corruption rank: 110 out of 180 (2010)



## INTRODUCTION\*

Benin was the first country in Africa to transition peacefully from military rule to multiparty democracy, with the adoption of the Constitution of the Republic of Benin by popular referendum on 11 December 1990. This transition prompted a series of institutional reforms, including government audits and administrative decentralisation. In the security sector, this meant a gradual separation of the military from the political sphere.<sup>2</sup> The Benin armed forces<sup>†</sup> have reportedly maintained an apolitical role in government affairs, and there is a “strong commitment by both civilian and military leaders toward sustaining democratic civil-military relations.”<sup>3</sup> This has left space for more active civil society engagement in politics and governance, and prompted a shift in focus towards public and human security. This shift bestowed upon the armed forces, national police and the judiciary new responsibilities towards the general population, as outlined in the National Public Security Policy, implementation of which is the responsibility of the Ministry of Interior and Public Security.<sup>4</sup> Despite “solid progress toward democratic civil-security relations,”<sup>5</sup> including significant improvements in relations between civilians and security sector institutions

(SSIs) over the past two decades, implementation of changes in the internal organisation and governance of the security sector has been slow.<sup>6</sup> Furthermore, information about SSIs and their reform in Benin is not easily accessible, and no efforts have been made to make such information readily available in the public domain.<sup>7</sup>

The security sector in Benin has encountered difficulties in curbing insecurity in the country. This is in part due to “a shortage of human, material and financial resources” coupled with lingering “corruption, misbehaviour and indiscipline.”<sup>8</sup> Criminal activity such as armed robbery, hold-ups on highways and other forms of theft has been described as “endemic,” particularly outside urban areas where there is a low presence of security officials.<sup>9</sup> Organised criminal activity is also a problem, with transnational organised crime networks responsible for large-scale armed robberies and trafficking in children, drugs, arms and foreign currency.<sup>10</sup> These high crime rates have prompted the emergence of numerous private security firms, usually staffed by demobilised personnel from the Benin Armed Forces. However, unlike in other countries in the region, these security companies tend to cooperate closely with state defence and security institutions.<sup>11</sup> Approximately 50 such companies have been granted operating licences by the Ministry of Interior and Public Security.<sup>12</sup>

\* Dodzi K. Kokoroko also provided initial research for this country profile. All information that is not separately referenced in this country profile is the responsibility of the researchers.

<sup>†</sup> The author has translated institution names into English. These are not official translations.

Weak public security in Benin has also meant that laws prohibiting sexual harassment, rape, female genital mutilation and other forms of violence against women are not regularly enforced. A 2010 study conducted as part of the Action Plan to Combat Violence against Women found that 69% of women had experienced violence at least once in their lives, and 51.5% had suffered physical or emotional trauma as a result of this violence. Among these victims, 28.5% were cases of sexual violence and 1.4% were cases of rape of girls between the ages of 2 and 14 years. The study also revealed differences in victimisation rates across various geographic regions and levels of education – a significant majority (89%) of female victims were illiterate or had received little education. Social stigma and the threat of divorce (with no right to land or inheritance) mean that few cases of violence against women are formally reported to the police, and perpetrators often go unpunished.<sup>13</sup> In addition to their lack of access to security and justice, women face barriers in obtaining public service employment and decision-making posts at national level. This is in part attributable to their lower levels of literacy and schooling, but also because of social expectations and stigma towards women who work outside the home. Statistics from 2007 indicate that 73.23% of public service employees at that time were men, and only 26.77% women, the majority of whom occupied low-ranking positions in ministries dealing with “social” issues (as opposed to duties in defence or finance ministries), and that these women frequently left their posts after marriage or childbirth.<sup>14</sup>

Female representation is also low in SSIs. Women are estimated to account for 20% of Benin Armed Forces’ personnel, but only 3.25% of the National Gendarmerie, which also staffs the prisons and jails; 6.52% of the National Police; and about 3% of the justice system. There were no female staff associations in the security sector at the time the research was conducted, although the establishment of the Association of Female Police Officers was in the planning stages as of March 2010. None of the SSIs surveyed had institutional gender policies, sexual harassment policies or gender-sensitive codes of conduct, even though gender focal points existed in the Ministries of Defence, Interior and Public Safety and Justice, Legislation and Human Rights. National police and armed forces personnel have benefited from some gender training, offered by non-governmental organisations (NGOs) and international actors on an *ad hoc* basis. However, this has not been formally integrated into their regular training programmes. In terms of service provision, the police service has the Central Office for the Protection of Minors, the Family and the Prevention of Trafficking in Human Beings, which specialises in responding to cases of domestic violence and violence against women and girls. In the penal service, where male and female prisoners are kept separate from one another, pregnant prisoners are entitled to regular medical check-ups, and may be transferred to specialised health facilities or hospitals if necessary. They are also permitted to keep their children with them until they reach the age of 4. In all SSIs surveyed, both internal and oversight mechanisms existed, including the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General. However, civil society oversight and engagement with the security sector were minimal in all cases – though slightly stronger with regards to the police – and generally limited to providing staff training.

## BENIN SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### *Police Nationale*

- *Direction Générale de la Police Nationale*
- *Office Centrale de la Protection des Mineurs, de la Famille et de la Répression de la Traite des Etres Humains*
- *Conseil de Discipline*
- *Ecole Nationale de Police*
- *Ecole Nationale Supérieure de Police*
- *Inspection Générale des services de Police*

#### *Forces Armées*

- *Garnison*

#### *Gendarmerie Nationale*

- *Inspection technique*

#### *Comité Traite et Exploitation*

#### *SYNAPOLICE*

#### *Système judiciaire*

- *Conseil National Suprême de la Magistrature*
- *Ordre des Avocats*
- Administration Pénitentiaire*
- Organisations de la société civile*
  - *Association des Femmes Juristes du Bénin*

### Oversight

#### *Ministère de l’Intérieur et de la Sécurité Publique*

#### *Ministère d’Etat Chargé de la Défense Nationale*

#### *Ministère de la Justice, de la Législation et des droits de l’Homme*

#### *Ministère de la Protection Sociale et de la Condition Féminine*

#### *Ministère de la Famille et de la Solidarité*

#### *Médiateur de la République*

#### *Commission Nationale des Droits de l’Homme*

#### *Inspection Générale d’Etat*

#### *Cour Suprême*

#### *Cour Constitutionnelle*

#### *Assemblée Nationale*

- *La commission des lois, de l’administration et des droits d’homme*
- *La commission des relations extérieures, de la coopération au développement, de la défense et de la sécurité*

#### *Organisations de la société civile*

- *Association des Femmes Juristes du Bénin*

\*Only those included in this country profile, not a comprehensive list.

## I. NATIONAL GOVERNANCE INDICATORS



The Constitution of Benin remains the central text governing the security sector, and outlines the principles of organisation, engagement and supervision of the armed forces. These principles are upheld through checks and sanctions imposed by the Supreme Court and the Constitutional Court, with the National Internal Security Council performing an advisory role. However, widespread illiteracy in the security sector has meant that these provisions are not well known or understood, and consequently cases brought before the courts are limited.<sup>15</sup> The National Assembly has in recent years become more active in its oversight of the security sector, particularly with respect to the military budget. It has not, however, initiated legislation on defence policy, although it has “reviewed, debated and amended those submitted to it by the executive branch.”<sup>16</sup> It also has authority to mobilise security forces such as the military and the gendarmerie to defend the national territory.<sup>17</sup>

Benin has a National Defence Policy and a National Security Policy. However, both policies are implemented at the individual institutional and ministerial levels and do not provide a comprehensive strategy for the security sector as a whole.<sup>18</sup> In terms of national gender policies, the National Policy for the Promotion of Gender in Benin was adopted in 2007, and the Action Plan to Combat Violence against Women was introduced in June 2010. There are also laws on early and forced marriage, child trafficking and sexual harassment. The parliamentary Committee on Legislation, Administration and Human Rights includes 13 male and 3 female members, while the Committee on External Relations, Development Cooperation, Defence and Security has exclusively male membership. Although the Ministry of Social Welfare and the Status of Women does not participate in security sector oversight, there has been some collaboration in this regard between the ministry and the police and gendarmerie.

Benin is also party to international and regional laws and instruments that call on security sector institutions to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** There is a National Defence Policy (implemented by the Ministry of Defence) and a National Public Security Policy (implemented by the Ministry of Interior and Public Security), as well as policies and white papers on security at the institutional level within the police and gendarmerie. The relevant documents were classified as confidential and could not be accessed.

## 2. National gender laws/policies:

● **Action Plan to Combat Violence against Women (June 2010):** Defined through a joint process by the Ministry of Family and National Solidarity, Parliament and civil society organisations, with the support of international donors, the United Nations and non-governmental organisation (NGO) partners, this action plan has 3 overall goals.

1. Develop a body of appropriate legal and administrative regulations favourable to combating violence against women and girls.
2. Contribute to a better understanding by the different actors across social classes and occupational groups of the phenomenon of violence against women and girls.
3. Contribute to improving the socio-economic status of women and providing better care for victims of violence against women and girls.

These objectives are based on 3 lines of intervention: legislation and administrative regulations; social mobilisation and communication; and care and rehabilitation of female victims of violence. The action plan comprises an extensive logical action framework, expected results, indicators, costs and points of contact.

● **National Policy for the Promotion of Gender in Benin (2007):** Developed with the support of the United Nations and international donors, the policy’s global objective is to achieve equality and equity between men and women in Benin by 2025, in order to attain sustainable human development. The policy sets out 5 strategic objectives.

1. Implement measures to ensure that men and women have equal opportunities to access education, literacy and decision-making structures in all spheres (individual, family, community, national and international).
2. Strengthen the institutionalisation of gender at all levels and the effective implementation of conventions and national laws favourable to equality and equity between men and women.
3. Strengthen civil society engagement in the gender reform process and awareness among women and men of the need to promote gender, while ensuring an appropriate involvement of men in the process.
4. Strengthen the empowerment of women and ensure greater consideration of gender in municipal development plans.
5. Reduce poverty among women and men and ensure their equitable access to and control over resources.

The policy includes an extensive logical framework of results and indicators, as well as an implementation plan (including a pilot project). It focuses largely on socio-economic issues such as marriage, education, employment, healthcare and land rights. It has no explicit mandates for the security sector. However, the goal of increasing female representation in government ministries will have an impact upon ministries that oversee SSIs.



- **Law No. 2006-19 of 5 September 2006:** Its provisions focus on the prevention of sexual harassment and the protection of victims.
- **Law No. 2006-04 of 10 April 2006:** Sets out the conditions that must be met to move minors, as part of measures to eradicate child trafficking in Benin.
- **“Family Code” Law 2002-07 (2002):** Articles 119–123 address early and forced marriage.
- **Constitution of Benin (1990):** Provides for equality between men and women, and prohibits discrimination based on sex. Article 26 states, “The state shall assure to everyone equality before the law without distinction of origin, race, sex, religion, political opinion or social position. Men and women are equal under the law. The state shall protect the family and particularly the mother and child. It shall take care of handicapped and aged persons.”

**3. Parliamentary security committees:** There are 2 parliamentary committees dealing with the security sector.

- Committee on Legislation, Administration and Human Rights: Composed of 16 members, including 3 women (18.75%); the president is a woman.
- Committee on External Relations, Development Cooperation, Defence and Security: All 16 members are male.

**4. Male and female representation in parliament:** Of the 83 members of Benin’s Parliament, 9 (10.8%) are women and 74 (89.2%) are men.<sup>19</sup>

**5. Ministry for gender/women’s affairs in security sector oversight:** The Ministry of Social Welfare and the Status of Women does not participate in security sector oversight. However, informal collaboration sometimes takes place between the ministry and the police or gendarmerie in the form of joint action in cases of child trafficking or the illegal removal of children from national territory. The ministry has also, in rare circumstances, intervened in cases of sexual harassment or gender-based violence (GBV) committed by police personnel against women, to advocate for legal redress for the victims.

## II. POLICE SERVICE INDICATORS



The National Police falls under the authority of the Ministry of Interior and Public Security. The General Directorate is responsible for the coordination of the activities of the National Police: technical departments (police administration, police security, criminal investigation, general intelligence and territorial surveillance, and the National Police Academy); external departments (regional/central/local police stations, special police units, border posts and stations); the *compagnies républicaines de sécurité*; the anti-crime squad; the research, action, intervention

and deterrence unit; and the coastline protection and anti-pollution brigade.<sup>20</sup> The National Police, which operates mainly in urban areas, has been accused of violence against civilians in town centres.<sup>21</sup> A growing number of civil society organisations (CSOs) have begun to take on an oversight role by denouncing police abuses, such as beating up suspects and the arbitrary arrest and detention of civilians.<sup>22</sup> The National Police has also been described as “poorly equipped and trained,” and subject to “widespread corruption.”<sup>23</sup> In response to these allegations, the government has recruited more officers, built more police stations and modernised equipment. In 2004 “several police officers accused of corruption were dismissed.”<sup>24</sup> Furthermore, decentralisation is a topic of growing discussion, with a view to establishing local police services, particularly in the new *communes* (counties).<sup>25</sup>

As of 11 March 2010, the National Police had a total of 2,360 personnel: 2,206 men (93.48%) and 154 women (6.52%). A female staff association is in the process of being established, and statutes for the association have already been drafted. The National Police has no gender policy or focal point. However, the Ministry of Internal Affairs and Public Safety has a gender focal point that addresses gender issues through government advocacy. While it has no sexual harassment policy or gender-sensitive code of conduct, the National Police has a disciplinary board that investigates and imposes sanctions for misconduct. Discriminatory human resources policies remain in place, such as restricting recruitment to unmarried men and women and dismissing women who become pregnant during the training and probation period. Gender training for National Police personnel is limited, *ad hoc* and usually offered by a non-governmental organisation (NGO) or the United Nations. Another key collaboration mechanism is the Working Group on Sexual Violence comprising 21 member institutions, including a number of NGOs, the United Nations, government ministries and security sector institutions, and the National Police. In terms of service delivery, there is notably the Central Office for the Protection of Minors, the Family and the Prevention of Trafficking in Human Beings (OCPMRTEH), which specialises in responding to reports of domestic violence and violence against women and girls. A number of oversight mechanisms are also in place. Internally, the Inspectorate General of Police Services is the control body and inspection service of the police. Externally, the Mediator of the Republic, the National Commission on Human Rights, the State Inspectorate General and the Inspectorate General of the Ministry of Internal Affairs and Public Safety fulfil this role. Detailed information on CSO oversight was not available.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:**

- Marriage: “Candidates in a competition for direct access to any body of the National Police are recruited unmarried and considered as such until their appointment and tenure” (Article 74 of Decree No. 97-622 of 30 December 1997 on specific articles of personnel of the National Police). “Police officers may marry only if they are in possession of written permission

from the ministry, or if there is no opposition two months after filing the application for authorization” (Article 18 of Law No. 93-010 of 4 August 1993 on the special status of personnel of the National Police).

- Pregnancy: “Pregnancy of female recruits occurring during the training or probation period will result in dismissal of the recruit” (Article 74 of Decree No. 97-622 of 30 December 1997 on specific articles of personnel of the National Police).
- Maternity/paternity leave and breastfeeding: Female police officers are entitled to 14 weeks of maternity leave – 6 prior to giving birth and 8 after delivery. Upon return to the workplace, the officer is entitled to 1 hour of rest per day. Male police officers are entitled to 3 days of paternity leave, as is standard across all state institutions (Article 85 of Law No. 93-010 of 4 August 1993 on the special status of personnel of the National Police).
- Healthcare: All police officers and their spouses and children are entitled to free healthcare.

**3. Sexual harassment policy:** None at the institutional level. However, national laws address issues of misconduct – which apply equally to the National Police. For instance, Law No. 2006-19 of 5 September 2006 addresses the prevention of sexual harassment and the protection of victims, while Article 7 para. 2 of Law No. 93-010 states: “Any misconduct by a police officer while carrying out or fulfilling functions, expose the officer to disciplinary action, without prejudice, and if applicable, punishment under criminal law. The assessment of fault is subject to the regime of administrative law.”

**4. Gender-sensitive code of conduct:** A code of ethics and a code of conduct exist (see Police #21). However, it could not be determined whether or not they are gender-sensitive.

**5. Standard operating procedures in response to GBV:** None could be identified.

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** In the majority of instances, the inspector general of police, who is a technical director of internal oversight of police, handles complaints against police officers. Evidence and testimony are recorded in accordance with the regulations of Article 7 (see Police #3). Decree 69-06 of 7 January 1969 pertaining to the disciplinary board defines the grounds for sending a police officer before the board:

- habitual misconduct
- serious in-service offences
- serious disciplinary offences
- offences against honour

Sanctions that may be imposed in such cases include behavioural reform through disciplinary measures and suspension from service. Though sexual harassment and GBV are generally considered to fall under these categories of misconduct, it is unclear if they are specifically identified and addressed in the Decree.<sup>26</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None. However, the National Police is under the jurisdiction of the Ministry of Internal Affairs and Public Safety, which has a gender focal point unit that deals with gender issues in the sector through advocacy directed towards government authorities. The unit is composed of 7 staff, 5 female and 2 male (71.43%).

**8. Specialised structures for service recipients:** The OCPMRTEH specialises in responding to complaints or reports about domestic violence and violence against women and girls. While the police handle the majority of such crimes, the more complex cases are referred to this specialised structure, which receives complaints from both women and men. At present, this office is centrally based in Cotonou, the economic capital, and comprises 11 police officers, 4 of whom are women (36.36%). The office also has 6 civilian staff, including social workers and psychologists. It is funded by the state, and receives technical, logistical, material and financial support from other partners, such as UNICEF and the Fondation Terre des Hommes.

**9. Collaboration mechanisms:** Formal collaboration exists through the Working Group on Sexual Violence, comprising 21 member institutions, including a number of NGOs and international organisations, such as Terre des Hommes, UNICEF Benin and the European Union Central Bureau for Technical Assistance, as well as the Ministries for Family and National Solidarity, Internal Affairs, National Defence and Labour. Within this working group, the National Police sits on the Committee for Trafficking and Exploitation, which meets once a month.

## PERSONNEL

**10. Number of female and male personnel:** As of 11 March 2010, the National Police had a total of 2,360 personnel: 2,206 men and 154 women (6.52%). Among these women, 24 were eligible for retirement in December 2010. To the total number of personnel can be added 1,339 recruits in training at the 2 national police academies, 1,267 of whom were men and 72 women (5.38%).

**11. Rank/level of male and female personnel:** Men hold the majority of high-ranking positions in the National Police. There are only 3 female second-class commissioners: 1 district commissioner for Wxlacodji, 1 brigade leader for the protection of minors and an interim deputy commissioner responsible for the district of Vodjè. In addition, 6 women are undergoing training at the National Police Academy to become commissioners.

**12. Rates of attrition:** Such data are not formally recorded.

**13. Recruitment targets for female personnel:** None for general recruitment. Female personnel are recruited through the same mechanisms as male personnel at all levels. At the commissioner level, however, 2006 marked the first year that a quota was set for the direct recruitment of women (1 commissioner post was reserved for a woman in that year). In 2008 2 such posts were reserved for women, and that number doubled in 2009. However, it could not be confirmed if these quotas were met.

**14. Vetting procedure for GBV:** None.

**15. Positions/units where female or male personnel cannot serve:** None. Male and female personnel may serve in all units of the National Police. Only the specialised RAID unit has never had a female member.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** Aside from the quota for recruitment of commissioners, no special measures exist.

**17. Female staff associations:** None. However, an initiative to form the Association of Female Police Officers (L'Amicale des femmes policières du Bénin) started in March 2010. The founding documents are still under development and are expected to be presented at the Female Police Officers' General Assembly on 8 March 2011. The objectives of this association are to:

1. Ensure the promotion of women's rights within the police service.
2. Support the career paths of female staff and identify any shortcomings in the management of their careers.
3. Represent the Directorate-General of the National Police in seminars and other national and international meetings dealing with issues of gender and equal opportunities for women in public positions.
4. Listen to and assist colleagues in need.
5. Motivate female secondary and post-secondary students to participate in recruitment competitions for the National Police.
6. Initiate preventive action to protect children, women and their property.
7. Promote cooperation between L'Amicale des femmes policières du Bénin and similar associations in the country, the sub region and the world.<sup>27</sup>

Furthermore, there is a police officers' union known as SYNAPOLICE, whose membership is open to both male and female personnel. Its mandate centres on representing and speaking on behalf of all National Police personnel. It does not have the right to strike (strikes are forbidden for all

military and paramilitary personnel in Benin, the police included).<sup>28</sup> SYNAPOLICE is directed by a secretariat of 11 members, including 1 woman (9.09%).

**18. Infrastructure/facilities for male and female personnel:** During the training period, female personnel of the National Police have access to separate bathroom facilities and lodging. It is only during dining-hall periods and group exercises that female and male personnel are together. Uniforms are different: male personnel wear trousers while female personnel wear skirts. However, the uniform worn for maintaining public order is the same for both men and women.

## TRAINING

**19. Gender training:** Gender training is offered on an *ad hoc* basis, usually through NGOs. In 2010, for example, Care International, through its Empower programme, organised 4 training sessions of 5 days each for female police officers, addressing issues of women's rights and violence against women and girls. Other NGOs have offered training, but research did not reveal details about these programmes.

**20. Mainstreaming gender into training:** None could be identified.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Inspectorate General of Police Services mission is clearly defined in Chapter II, Article 12 of Decree No. 2008-817 of 31 December 2008 on the duties, organisation and functioning of the Directorate-General of the National Police, stating: "The Inspectorate General of Police Services is the control body and inspection service of the Police." The Directorate-General of the National Police is responsible for:

- Control, inspection and audit of all National Police services.
- Criminal investigations into abuses committed by National Police personnel.
- Studies and administrative investigations aimed at improving the functioning of services.
- Monitoring of compliance with the code of ethics and code of conduct.
- Any other tasks related to the operation of services.

The Inspectorate General of Police Services is thus a control body that investigates any matter within its aforementioned mandate relating to both male and female personnel, and violations of criminal law. It has no specific mandate regarding gender issues. Among its staff, there is 1 female police officer.<sup>29</sup>

**22. External oversight mechanisms/bodies:** External institutions that may carry out control and oversight activities in all state institutions, including the National Police, are:

- The Mediator of the Republic, whose role is to ensure the rights of citizens *vis-à-vis* the state administration.
- The National Commission on Human Rights, whose mission is to ensure the promotion of human rights, including by organising seminars and symposia; it also contributes to protection by receiving cases of citizen rights violations, and seeks to reach amicable solutions in this regard through mediation between citizens and the state.<sup>30</sup>
- The State Inspectorate-General, which was set up to inspect all state institutions, and which often conducts inquiries and produces reports.
- The Inspectorate-General of the Ministry of Internal Affairs and Public Safety, which is the ministry responsible for oversight of the National Police.

It should be noted that these are non-judicial bodies that facilitate dispute resolution. If attempts at mediation or dispute resolution within these bodies fail, cases are referred to the courts. While these institutions have no specific mandates with regards to gender issues, they are nonetheless expected to investigate gender issues as part of their respective general mandates. The Ministry of Interior and Public Security also holds an oversight role.

**23. Civil society oversight:** A growing number of CSOs have begun to play an oversight role, reporting abuses committed by the National Police and holding the police increasingly accountable for unlawful behaviour.<sup>31</sup> No further information was available.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No information. Within the National Police, no reports of gender discrimination or GBV have been submitted.

### III. ARMED FORCES AND GENDARMERIE INDICATORS



The Armed Forces of Benin – which comprise the army, the navy and the air force – and the Gendarmerie are both under the oversight of the Ministry of National Defence and share many policies and laws. The ministry is in charge of implementing the National Defence Policy, under the authority of the president. Recent figures for the armed forces indicate that the army has between 8,000 and 9,000 personnel, and the air force between 500 and 800. Statistics were not available for the navy. The armed forces are under the general command of the chief of general staff, supported by the deputy chief of general staff, force commanders and heads of joint force units.<sup>32</sup> The gendarmerie, which was created in August 1961 and fields about 2,800 personnel, has jurisdiction over 90% of the national territory inhabited by 81% of Benin's population. Since 2006

it has been under the command of a brigadier-general, with a mandate that includes administrative policing, criminal investigations and military policing. Its responsibilities often overlap with those of the National Police. However, the gendarmerie is mainly responsible for security in the countryside and along national highways, while the National Police has jurisdiction in urban areas.<sup>33</sup>

Recent estimates place female representation at approximately 20% in the armed forces and 3.25% in the gendarmerie. Recruitment quotas for female personnel exist, but vary from year to year. The gendarmerie has a minimum quota of 1 woman per department. The armed forces and gendarmerie have no institutional gender or sexual harassment policies. However, the Ministry of Defence has a gender focal point. In the absence of a gender-sensitive code of conduct and procedures for responding to cases of sexual harassment or gender-based violence (GBV) perpetrated by military personnel, the armed forces rely on the criminal justice system and general internal oversight mechanisms, namely the Office of the Garrison for the armed forces and the Technical Inspection Unit for the gendarmerie. External oversight mechanisms are similar to those of the National Police, and include the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General. Gender training for armed forces and gendarmerie personnel has been minimal, and offered exclusively through NGOs.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** For both the Armed Forces and the Gendarmerie, human resources policies are regulated by Decree No. 79-287 of 30 October 1979 determining the required length of service of military personnel of the Armed Forces of Benin before marriage is authorised, and Law No. 2005-43 of 26 June 2006 on the General Statutes of Military Personnel in the Armed Forces of Benin. Their provisions are as follows.

- Marriage: With respect to new recruits and those fulfilling military service, Article 2, Decree No. 79-287 of 30 October 1979 states: “Young male and female recruits unmarried and without children, called up under Decree No. 78-370 of 30 December 1978 cannot, during legal service and during the subsequent period of continued service, enter into marriage.” However, for recruits wishing to pursue long-term careers in the armed forces, the right to marry is granted after three years of service. In this regard, Article 3, of the same decree states: “Young men and young women wishing to marry after the period of special service in Article 2, are required to submit through the hierarchy an application for permission to marry to the Chief of Staff Major-General of the Armed Forces.” Following marriage, military personnel are entitled to 3 days of vacation. In the case of the marriage of a child, military personnel are entitled to 2 days of vacation (Articles 4 and 53 of Law No. 2005-43 of 26 June 2006).

- **Pregnancy:** “Young men and women who do not fulfil the conditions laid down in Articles 2 and 3, may not have a child without first having completed 5 years of service in the Armed Forces of Benin” (Article 4, Decree No. 79-287 of 30 October 1979).
- **Maternity leave:** “Female personnel are entitled to maternity leave with pay. Maternity leave for a period of 14 weeks – 6 weeks before and 8 weeks after childbirth – is granted to female personnel based on a medical certificate” (Article 53, Law No. 2005-43 of 26 June 2006).
- **Paternity leave:** Male personnel are entitled to 3 days of paternity leave following the birth of a child.
- **Breastfeeding:** “Female personnel returning from their maternity leave entitlement, upon resumption of service, have the right to breaks for breastfeeding throughout the day, not exceeding 1 hour per work day until the child reaches the age of 15 months” (Article 53, Law No. 2005-43 of 26 June 2006).

**3. Sexual harassment policy:** None at the institutional level. However, national laws address issues of misconduct – which apply equally to the armed forces. For instance, Law No. 2006-19 of 5 September 2006 addresses the prevention of sexual harassment and the protection of victims.

**4. Gender-sensitive code of conduct:** No information. The armed forces’ code of conduct could not be accessed by researchers.

**5. Procedures for responding cases of sexual harassment/GBV perpetrated by armed forces:** No specific procedures. However, perpetrators of such acts are subject to the criminal justice system. This is reinforced by Article 33 of Law No. 2005-43 of 26 June 2006, which states: “Any misconduct by military personnel in the performance of or in connection to the performance of their duties, due to its severity, exposes them to a professional or statutory disciplinary sanction, without prejudice, if any, punishment under criminal law or other legislation. Disciplinary action is independent of criminal prosecution.” Research could not determine whether or not these provisions make any specific reference to sexual harassment or GBV.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** A gender focal point exists at the Ministry of Defence. No further information was available.

**7. Collaboration mechanisms:** Externally, there are NGOs and associations with expertise in handling cases of violence which engage with the brigades to ensure that justice is served. These include the NGO project Empower and the Female Lawyers’ Association of Benin.

## PERSONNEL

**8. Number of female and male personnel:** Though exact numbers are not available, personnel are estimated to be 80% male and 20% female.<sup>34</sup> In the gendarmerie, the percentage of male personnel is 96.75%, with female personnel accounting for 3.25%.<sup>35</sup>

**9. Rank of male and female personnel:** In the armed forces, senior-ranking personnel are estimated at 99.5% male and 0.5% female. In the gendarmerie there are 151 men (98.69%) and 2 women (1.31%) among senior-ranking personnel.

**10. Number of female and male personnel in peacekeeping missions:** As of February 2011, the number of personnel Benin contributed to peacekeeping operations was as follows:<sup>36</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	40	1 (2.44%)	41
	<b>Total MINUSTAH</b>	<b>40</b>	<b>1 (2.44%)</b>	<b>41</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	21	2 (8.70%)	23
	Experts on mission	13	0	13
	Contingent troop	445	4 (0.89%)	449
	<b>Total MONUSCO</b>	<b>479</b>	<b>6 (1.24%)</b>	<b>485</b>
UNMIL (Liberia)	Experts on mission	2	0	2
	Contingent troop	1	0	1
	<b>Total UNMIL</b>	<b>3</b>	<b>0</b>	<b>3</b>
UNMIS (Sudan)	Experts on mission	5	0	5
	<b>Total UNMIS</b>	<b>5</b>	<b>0</b>	<b>5</b>
UNOCI (Côte d’Ivoire)	Individual police	40	4 (9.10%)	44
	Experts on mission	6	2 (25%)	8
	Contingent troop	406	21 (4.92%)	427
	<b>Total UNOCI</b>	<b>452</b>	<b>27 (5.64%)</b>	<b>479</b>
<b>Total Benin troop and police contributions</b>		<b>979</b>	<b>34(3.36%)</b>	<b>1,013</b>

**11. Rates of attrition:** The overall rate of attrition in the armed forces is estimated at 10%, though sex-disaggregated data is not available.

**12. Recruitment targets for female personnel:** Recruitment quotas for female personnel exist in both the armed forces and the gendarmerie, but change during each recruitment cycle. Specific quotas for previous or future recruitment cycles could not be confirmed. In the gendarmerie, the quota since 2006 has been a minimum of 1 woman per department.

**13. Vetting procedure for GBV:** None could be identified.

**14. Positions/units where female or male personnel cannot serve:** In the past, female personnel generally occupied positions related to healthcare, communications and administration. Now, female personnel are assigned to all units, having received the same training as male personnel.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** Aside from the quotas (see Armed Forces #11), there are no initiatives actively to promote the participation of women in the armed forces or gendarmerie.

**16. Female staff associations:** None. Unions are not permitted in the armed forces and gendarmerie, and staff associations are discouraged.

**17. Infrastructure/facilities for male and female personnel:** During the training period, male and female personnel have access to separate bathroom facilities and lodgings, and are assigned different uniforms. In the past, women's uniforms included skirts, but this has been reformed so that both men's and women's uniforms include trousers. Women's and men's shoes are different, with women's shoes being offered in smaller sizes.

## TRAINING

**18. Gender training:** Training dealing specifically with gender issues is rare, and generally offered on an *ad hoc* basis by external organisations, such as NGOs or the United Nations. Since 2009, 9 women and 6 men have participated in a 3-week training course on violence against women and girls offered by USAID and Care International in partnership with the French government overseas cooperation programme.

**19. Mainstreaming gender into training:** Prior to 2009, some human rights training was offered by NGOs such as Dignité Féminine and Africa Obota that addressed the human rights of women. No information about recent training of this kind could be identified.<sup>37</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Office of the Garrison in the armed forces and the Technical Inspection Unit within the gendarmerie are the main points of internal control and oversight. Research could not identify details about these two structures.

**21. External oversight mechanisms/bodies:** External institutions that may carry out control and oversight activities in all state institutions, including the armed forces, are the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General (see Police #22).

**22. Civil society oversight:** None.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** None could be identified.

## IV. JUSTICE SYSTEM INDICATORS



The Ministry of Justice, Legislation and Human Rights is responsible for the court system in Benin, which is regulated by two fundamental texts: Law No. 2001-37 of 27 August 2002 on judicial organisation in the Republic of Benin, and Law No. 2001-35 of 21 February 2003 on the statute of the judiciary in the Republic of Benin. The Constitutional Court is “the main guardian of fundamental rights and freedoms.”<sup>38</sup> However, “delayed trials, lack of judicial staff and some perception of judicial corruption remain big challenges.”<sup>39</sup>

As of 30 December 2009, women represented 3% of justice system personnel, including 1 out of the 7 Constitutional Court judges. No recruitment quotas exist for female personnel in the justice system or in law schools. The Female Lawyers' Association of Benin (AFJB) was founded in 1990 to promote human rights, especially the rights of women. Although the Ministry of Justice, Legislation and Human Rights has a gender focal point, the justice system in Benin has no gender-specific policies or procedures. Internal oversight responsibility lies with the Supreme National Council of the Judiciary and the Bar Association of Benin. Externally, oversight mechanisms are similar to those of the National Police and the armed forces, and include the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General. Civil society has not taken an active role in oversight of the justice system.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** Justice sector personnel are subject to the general regulations contained in the General Statutes for Permanent Agents of the State, wherein human resources matters are governed by Articles 80, 83 and 85 (vacation and sick leave), 94 (maternity leave) and 161 (retirement). No additional information was available.<sup>40</sup>

**3. Sexual harassment policy:** None could be identified. However, national laws address issues of misconduct. For instance, Law No. 2006-19 of 5 September 2006 addresses the prevention of sexual harassment and the protection of victims.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for prosecuting cases of GBV:** None. Cases of human trafficking, domestic violence, sexual exploitation and sexual abuse are prosecuted and judged like all other infractions under the criminal justice system.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** The Ministry of Justice, Legislation and Human Rights has a gender focal point.

**7. Specialised structures for service recipients:** None. However, there are NGOs that run programmes providing legal assistance to women victims of violence and sexual assault.

**8. Collaboration mechanisms:** The judiciary collaborates with NGOs and associations that advocate and educate with a view to combating violence against women and discrimination based on sex. There is also collaboration between the Ministry of Justice, Legislation and Human Rights and the Ministry of Social Welfare and the Status of Women. No further information was available.

## PERSONNEL

**9. Number of female and male personnel:** As of 30 December 2009, women represented 3% of justice system personnel, and men 97%. Of the 27 judicial auditors who are in training, 2 are women (7.40%). There are an additional 43 trainees undergoing in-service training, 3 of whom are women (6.97%). The Bar Association of Benin has a total of 146 lawyers registered, including 21 women (14.38%).

**10. Number of male and female judges:** There are 7 Constitutional Court judges, including 1 woman (14.28%). Prior to 2008, the Constitutional Court was consistently presided over by a woman.

**11. Recruitment targets for female personnel:** None.

**12. Vetting procedure for GBV:** None.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None.

**14. Female staff associations:** Founded in 1990, the AFJB is an association for the promotion of human rights, especially the rights of women. AFJB has 3 legal aid centres in Benin that provide legal counselling for both men and women dealing with issues of succession, paternity, childcare and domestic disputes.<sup>41</sup>

## TRAINING

**15. Gender education or training:** No information.

**16. Mainstreaming gender into training or education:** No information.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** Complaints against lawyers or judges may be submitted to the Supreme National Council of the Judiciary, as well as to the Bar Association of Benin. Beyond that, cases of violence and abuse committed by justice sector personnel are addressed by the criminal court system.

**18. External oversight mechanisms:** External institutions that may carry out control and oversight activities in all state institutions are the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General (see Police #22). The Ministry of Justice, Legislation and Human Rights also holds an oversight role.

**19. Civil society oversight:** None. The justice system is not easily accessible by civil society.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No information was available.

## V. PENAL SERVICES INDICATORS



Penal services in Benin are regulated by Decree No. 73-293 of 15 September 1973 on the prison system, and the Ministry of Justice, Legislation and Human Rights is responsible for ensuring proper functioning of penal establishments.<sup>42</sup> As of 2008 there were 9 prisons in Benin.<sup>43</sup> The central prison in Cotonou comprises 8 buildings where sentences of more than 5 years are served, as well as 2 jails to hold pre-trial detainees and those undergoing trial (not yet sentenced). A jail is also located near each of the 7 trial courts. Overcrowding is an issue in prisons and jails, due to both space constraints<sup>44</sup> and delayed trials.<sup>45</sup> As of July 2007, 79.6% of the inmates were pre-trial detainees/remand prisoners. As of 2006, the occupancy level of prisons and jails was 307.1%, i.e. more than triple the official capacity.<sup>46</sup> Living conditions for prisoners in Benin have been described as inhumane by the World Organisation against Torture, and although the government has embarked on initiatives to renovate and modernise prisons, they remain below international standards.<sup>47</sup>

Although the penal service has no institutional gender policy or gender-sensitive code of conduct, it has a procedure that calls for the separation of male and female prisoners and prohibits male personnel from working in female prison blocks, and *vice versa*. However, the low number of female staff working in prisons raises uncertainty about whether or not this policy is strictly observed. Additionally, prison officers are members of the gendarmerie, and their numbers fluctuate from day to day, meaning that researchers could not determine the total number of prison officers, or male and female representation among them. There is no formal gender training for penal staff, and no female staff association. As for prisoners, the total of 7,008 held in August 2010 included 6,508 adult males (92.87%), 326 adult females (4.65%), 165 juvenile males (2.35%) and 9 juvenile females (0.12%). Prisoners have access to a prison infirmary, and imprisoned pregnant women are permitted to seek specialised treatment outside the prison if necessary. Male and female prisoners are both offered training and workshops, and there is collaboration with NGOs to provide legal assistance to pre-trial prisoners, mainly women and children. Internal oversight is limited to unannounced visits by the minister of justice and other penal service authorities to monitor the living and working conditions in the prisons. Externally, oversight mechanisms are similar to those of the National Police, armed forces and justice system, and include the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General. No information was available on civil society involvement in external oversight of prisons.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** Penal service personnel are subject to the general regulations contained in the General Statutes of Permanent Agents of the State,<sup>48</sup> wherein human resources matters are governed by Articles 80, 83 and 85 (vacation and sick leave), 94 (maternity/paternity leave) and 161 (retirement). No further information was made available.

**3. Sexual harassment policy:** None. No sexual harassment policies exist for penal service personnel. Perpetrators of such abuse in the penal service are nonetheless subject to the criminal justice system and could face disciplinary action, though standardised procedures in this regard are not in place. National laws address issues of misconduct. For instance, Law No. 2006-19 of 5 September 2006 addresses the prevention of sexual harassment and the protection of victims.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for interaction between males and females:** Although the Central Prison is mixed, it has separate blocks for men and women, with female personnel supervising female prisoners, and male personnel supervising male prisoners. Male personnel only have access to women's quarters if accompanied by a female prison officer.<sup>49</sup>

**6. Procedures for family and conjugal visits:** There is no formal limitation on the number of visitors or frequency of visits. However, the process of registering a visitor is complex and involves having photo identification taken at a price of 5,000 FCFA. This cost should in principle be assumed by the state, but in practice it is the prisoner or visitor who ends up paying, which often acts as a barrier to visits.<sup>50</sup> No information was available regarding conjugal visits.

**7. Procedures regarding prisoner pregnancy, nursing and children:** Each prison has a basic infirmary. Pregnant women undergo regular check-ups. If they suffer from ailments that are beyond the competence of infirmary nurses, they are referred to specialised centres outside the prison.<sup>51</sup> Female prisoners can keep their children with them until they reach the age of 4.<sup>52</sup>

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** No specific procedures. However, if inmates commit sexual harassment, 1 or all of the following 4 rights can be revoked: visits, smoking, private correspondence or receiving food from outside. These 4 penalties may not exceed 1 month. The prison warden may impose the above sanctions, as well as 8 days in a maximum security or solitary confinement cell. The Prosecutor of the Republic can additionally impose a penalty of 30 days in solitary confinement. The minister of justice may impose a sentence of 45 days of solitary confinement, which can be doubled in exceptional cases.<sup>53</sup>



## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.

**10. Separate prisons for males/females and juveniles/adults:** There are separate prison blocks for men and women, each supervised by officers of the same gender (see Penal #5).<sup>54</sup>

**11. Specialised education, training and rehabilitation:** Workshops exist to teach prisoners a trade and to avoid idleness, and offer training in skills such as tailoring, hairdressing, shoemaking, bag weaving and art. The workshops offered depend on the equipment available. Different workshops are offered for male and female prisoners. Further information on the types of workshops offered respectively to male and female prisoners was not available.

**12. Specialised health and drug treatment:** None could be identified.

**13. Collaboration mechanisms:** NGOs and associations provide legal assistance to inmates, usually impoverished women and children who cannot afford legal services.

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** Statistics on the total number of prisoners and detainees held in all prisons and jails are as follows.

	Adult males		Adult females		Juvenile males		Juvenile females		Total
	Count	%	Count	%	Count	%	Count	%	
June 2010	6,383	92.80%	317	4.61%	165	2.40%	13	0.19%	<b>6,878</b>
July 2010	6,241	93.30%	275	4.11%	164	2.45%	9	0.13%	<b>6,689</b>
August 2010	6,508	92.87%	326	4.65%	165	2.35%	9	0.12%	<b>7,008</b>

**15. Number of female and male personnel:** Prison officers are members of the gendarmerie, and their numbers in the prison system are not fixed, varying day to day as the prison population changes. However, it has been noted that there is an insufficient number of guards. In Cotonou, for example, there is an estimated guard to prisoner ratio of 1:128.<sup>55</sup>

**16. Rank/level of male and female personnel:** Researchers could not access the relevant documents.

**17. Rates of attrition:** Researchers could not access the relevant documents.

**18. Recruitment targets for female personnel:** None could be identified.

**19. Vetting procedure for GBV:** None could be identified.

**20. Positions/wards where female or male personnel cannot serve:** Female prison personnel are not permitted to work in male prison blocks, and *vice versa*. However, given the low number of available female personnel, it is unclear if this policy is strictly followed.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**22. Female staff associations:** None.

**23. Infrastructure/facilities for male and female personnel:** Male and female prison personnel have access to separate washrooms and lodging quarters, and wear different uniforms.

## TRAINING

**24. Gender training:** The Penitentiary Administration offers no training, but *ad hoc* training has been offered by NGOs in the past. No further details were available.

**25. Mainstreaming gender into training:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The minister of justice or certain penal system authorities may conduct unannounced visits to monitor the living and working conditions in prisons. No further information was available.

**27. External oversight mechanisms:** External institutions that may carry out control and oversight activities in all state institutions are the Mediator of the Republic, the National Commission on Human Rights and the State Inspectorate General (see Police #22).

**28. Civil society oversight:** Civil society organisations are involved in supporting the improvement of living conditions in prisons and jails. However, they do not have systematic access to detention facilities.<sup>56</sup>

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No information.

## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult-literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=human+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
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4. Loko, "Benin."
5. OECD DAC, *Security System Reform and Governance: A DAC Reference Document* (Paris: OECD Publishing, 2005), 83.
6. Ibid., 79.
7. Ibid., 81.
8. Loko, "Benin."
9. Ibid.
10. Ibid.
11. BICC, "Benin," 34.
12. Loko, "Benin."
13. Ministère de la Famille et de la solidarité nationale, *Plan d'actions de lutte contre les violences faites aux femmes* (June 2010), 18-19.
14. Ministère de la Famille et de la solidarité nationale, *Politique nationale de promotion du genre au Bénin* (2007), 29-30.
15. Loko, "Benin."
16. BICC, "Benin," 34.
17. Loko, "Benin."
18. Ibid.
19. Inter-Parliamentary Union, "Women in national parliaments: Situation as of 31 January 2011," Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.
20. Loko, "Benin."
21. Ibid.
22. BICC, "Benin," 33.
23. Ibid., 33.
24. Ibid., 33.
25. Loko, "Benin."
26. Relevant documents could not be accessed by researchers. Information based on interview with Joseph Gbessi (Chief Police Inspector, Administration and Human Resources Management, General Directorate of the Police), 5 November 2010.
27. Draft Statutes of *L'Amicale des femmes policières du Bénin*, Article 2.
28. Telephone Interview with Commissioner Waïdi (Secretary General, SYNAPOLICE), 8 November 2011.
29. Interview with Joseph Gbessi (Chief Police Inspector, Administration and Human Resources Management, General Directorate of the Police), 9 November 2010.
30. Centre d'Etudes et de recherches en Droit et Institutions Politiques (CERDIP), *Afrique Juridique et Politique*, Volume N°2 (July-December 2002), 56.
31. BICC, "Benin," 33.
32. Loko, "Benin."
33. Ibid.
34. This estimate is questionable, considering that precise numbers were not given and that the average rate of women in the armed forces in West Africa tends to be around 3%.
35. For reasons of security and confidentiality, the total numbers of personnel could not be disclosed to the researcher, however percentages were provided by the Ministry of Defence.
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40. Law N°2001-35, Article 1 applies these provisions to the judiciary.
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45. BICC, "Benin," 34.
46. King's College London, "Prison Brief for Benin."
47. Ahouansou, *Formation de personnel*, 9-10.
48. Law N°2001-35, Article 1 applies these provisions to the judiciary.
49. Decree 73293 of 15 September 1973 on the Penitentiary Regime of the Republic of Benin., Article 17, Chapter II.
50. Ahouansou, *Formation de personnel*, 11.
51. For example, such cases in the civilian prison of Cotonou are referred to the National University Hospital.
52. Ahouansou, *Formation de personnel*, 10.
53. Other measures include legal action and, in the case of abuses committed by permanent personnel, termination of employment.
54. Decree 73293 of 15 September 1973 on the Penitentiary Regime of the Republic of Benin., Article 17, Chapter II.
55. Ahouansou, *Formation de personnel*, 11.
56. Ibid., 12.

# Burkina Faso



Jean-Pierre Bayala  
Miranda Gaanderse

## QUICK FACTS<sup>1</sup>

- **Population: 14,196,259; 48.20% male, 51.80% female (2006)**
- **Population below the poverty line: 56.5% living on less than 1 USD/day (2003)**
- **Lifespan: 51.6 men, 54.2 women (life expectancy at birth, 2005-2010)**
- **Literacy rate: 31.4% men, 16.6% women (2005)**
- **Fertility rate: 6.0 children per woman (2007)**
- **Human Development Index rank: 161 out of 169 (2010)**
- **Percentage GDP spent on defence: 1.8% (2008)**
- **Perception of corruption rank: 98 out of 180 (2010)**



## INTRODUCTION\*

Burkina Faso gained independence from France on 5 August 1960. Since then the country has experienced 11 different regimes – 7 of which suspended the Constitution. The military has played a prominent role in the management of internal affairs, with a series of revolutions and coups from the late 1960s to the late 1980s resulting in strong politicisation of the security sector.<sup>2</sup> The Constitution of 2 June 1991 marked the return to a regime with separated powers of government. Under this reformed system, the organisation and management of the security sector are the responsibility of the executive branch, while security sector oversight lies with the legislative and judicial branches.<sup>3</sup> Despite the multiple changes of regime and the new Constitution, the security apparatus inherited from the French colonial authority has changed little over time in terms of doctrine and conduct. State security actors have been described as repressive, and corruption remains a problem, particularly in the customs service, gendarmerie, police and justice system.<sup>4</sup> Such misconduct has resulted in security sector institutions (SSIs) becoming isolated from the civilian population and struggling to gain the trust of the people they are intended to protect.<sup>5</sup>

In addition, Burkina Faso continues to face a number of security challenges. Since the 1990s, Burkina Faso has been directly or indirectly impacted by several internal armed conflicts in the subregion, such as in Côte d'Ivoire, Liberia and Sierra Leone. Its geographic location made the country a hub for trafficking in small arms and light weapons, drugs and precious stones in relation to these conflicts.<sup>6</sup> Furthermore, the government's general policy statement of 10 October 2002 highlighted its concern about increasing crime rates in urban areas – widely attributed to Burkina Faso's high levels of poverty – as well as the growing impact of organised crime, which has resulted in growing rates of armed robberies and organised thefts. The government has acknowledged a need for reforms in order to reduce organised crime and its impact on the population, particularly with respect to the mounting incidence of rape and other forms of violence, though a concrete remedial plan has yet to be established.<sup>7</sup>

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

Yet issues of violence – including sexual violence – are not limited to the sphere of organised crime. Domestic violence in the form of battering, rape and early or forced marriage is the most common form of violence against women. In fact, rape (domestic or otherwise) has been recorded as the primary form of violence for which women seek legal services.<sup>8</sup> However, cases of sexual or gender-based violence (GBV) are under-reported and rarely brought to court. According to a PROSAD/GTZ<sup>9</sup> study conducted in 2007, 33.5% of women interviewed declared having suffered violence during the previous 12 months and 30.6% of men surveyed acknowledged having exercised violence against their wives or daughters over the same period.<sup>10</sup> The 2008 study for the formulation of a national gender policy in Burkina Faso points out that although women and girls account for the majority of victims of sexual violence such as rape, harassment, aggression and abuse in the country, such acts are also committed against men and boys, who also have little legal recourse.<sup>11</sup> Female genital mutilation (FGM) is also widespread. Despite the adoption of a law in 1996 penalising FGM with prison sentences and high fines, a 2003 demographic and health survey indicated that 77% of Burkinabè girls are still being subjected to FGM (though percentages vary considerably depending on region and ethnic group).<sup>12</sup>

While the government has started to take steps to address these challenges, the various laws and policies adopted at national level to combat violations such as sexual violence, FGM and forced marriage are rarely enforced by the security sector. In addition to these laws, the National Gender Policy was adopted in July 2009, outlining strategic objectives aimed at promoting participatory and equitable development for men and women in Burkina Faso. However, this policy does not define specific responsibility for security sector actors.<sup>13</sup> Nonetheless, positive changes are taking place. Notably, collaboration mechanisms have been established between the newly created gender units at the Ministry of Security,<sup>†</sup> the Ministry for the Promotion of Women and the National Police. Furthermore, in 3 of the 4 SSIs studied, recruitment quotas for women have been set in order to promote a more gender-balanced security sector. Female applicants have also been encouraged to apply through media campaigns. Interestingly, the justice system, which does not have a female recruitment quota, has the highest percentage of female representation, at 25% in 2010.

However, this increase in female personnel in the security sector has not been accompanied by changes or additions to institutional policies that address sexual harassment and GBV. In most cases such issues are treated under pre-existing general policies, laws and disciplinary regulations (both internally and for service delivery), which do not adequately address the needs of victims. Even the armed forces, whose general statutes for personnel prohibit sexual harassment, do not have the procedures or mechanisms to respond effectively to such cases. This may change, however, as a result of an initiative under way since May 2010 to establish a female police staff association, with the creation of a female penal staff association expected to follow suit. Moreover, linkages between SSIs and civil society organisations (CSOs) are becoming stronger and more formalised, for instance through local security committees.

## I. NATIONAL GOVERNANCE INDICATORS



The most prominent advancement on gender issues at national level has been the establishment of the National Gender Policy, adopted in July 2009. This policy aims to promote participatory and equitable development for men and women by ensuring their shared access to and control over resources and spheres of decision-making.<sup>14</sup> It is also notable because it was developed through a participatory process that involved studies, workshops and focus groups both in different regions of the country and at national level. While the National Gender Policy has yet to be formally integrated into national security policies, it is widely expected that some of its core principles will be taken into account in such policies in the coming years. Currently, although various laws and policies have been adopted at national level addressing issues such as FGM, forced marriage, sexual violence and violence against women in general, they are not well known and are largely ignored in favour of traditional or customary practices, with minimal security sector enforcement. With regards to legislative and ministry oversight at national level, no women's parliamentary caucus could be identified. Moreover, the Ministry for the Promotion of Women does not participate in national security oversight bodies. Strikingly, however, the parliamentary committee on defence and security is chaired by a female parliamentarian – a rarity in West Africa and globally.

Burkina Faso is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women

### BURKINA FASO SECURITY SECTOR INSTITUTIONS\*

#### Service delivery

##### *Police Nationale*

- *Brigade des Mœurs et Mineurs*
- *Ecole Nationale de Police*
- *Comités Locaux de Sécurité*

##### *Forces Armées*

- *Gendarmerie*
- *Compagnies Militaires d'Appui à la Sécurité*

##### *Système judiciaire*

##### *Sécurité Pénitentiaire*

##### *Les organisations de la société civile*

- *Association des Femmes Juristes de Burkina Faso*

#### Oversight

##### *Ministère de la Sécurité*

##### *Ministère de la Défense*

##### *Ministère de la Justice*

##### *Ministère de la promotion de la femme*

##### *Ministère de la promotion des droits humains*

##### *Fond Commun Genre*

##### *Le Présidence*

##### *Système judiciaire*

##### *Assemblée Nationale*

##### *Les organisations de la société civile*

- *Association des Femmes Juristes de Burkina Faso*

\* Only those included in this country profile, not a comprehensive list.

<sup>†</sup> The author has translated institution names into English. These are not official translations.

(1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** A national defence policy was adopted in 2001 that focuses on defending the country against external aggression. However, this policy document could not be accessed for reasons of confidentiality.<sup>15</sup> In terms of national security, a law on internal security (No. 032-2003/AN) was passed on 14 May 2003, and a white paper on national defence and a national security strategy are in the final stages of development, and are said to have taken into consideration gender issues.<sup>16</sup> However, drafts of these documents were not available for review by researchers.

## 2. National gender laws/policies:

● **National Action Plan to Promote the Elimination of Female Genital Mutilation 2010–2015:** Developed with support from the UN system, it promotes the elimination of FGM based on a policy of zero tolerance.

● **National Gender Policy 2009–2019:** Adopted in July 2009, this is the result of a 4-year process that involved a national workshop to create a joint understanding of the concept of gender; establishing a technical committee of experts; workshops for data collection within different regions of the country as well as at national level; individual interviews/consultations with experts and resource persons; and regional and national validation workshops. The policy's main objective is to promote participatory and equitable development for men and women by ensuring their shared access to and control over resources and spheres of decision-making, in conformity with their fundamental rights.<sup>17</sup> The action plan to achieve this objective comprises 7 strategic steps.

1. Improving access to and control over basic social services for all Burkinabè men and women in an equal and fair manner.
2. Promoting equal rights and opportunities for women and men in terms of access to and control over resources and equitable revenue sharing.
3. Improving equal access of men and women to spheres of decision-making.
4. Promoting the institutionalisation of gender through its integration in systems of planning, budgeting and policy implementation at all levels.
5. Promoting respect for human rights and the elimination of violence.
6. Promoting gender issues in order to change behaviour in favour of equality between men and women in all spheres of socio-economic development.
7. Developing an active partnership to foster gender awareness and reform in Burkina Faso.

● **Joint Programme to Eliminate Violence against Women 2008–2010:** Developed with UN support to fight violence against women. This is a pilot project taking place in 3 regions: les Hauts Bassins, Plateau Central and Sahel.

● **Amendment to the Labour Code (Law No. 028-2008 AN of 13 May 2008):** Defines sexual harassment in the workplace in Article 47 as “obtaining from another person, through order, instruction, intimidation, act, gesture, threat or coercion, favours of a sexual nature.” Article 442 calls for sanctions of from 1 month to 3 years prison sentence and/or a fine of 50,000 to 300,000 CFA. Repeat offenders can receive fines of 300,000 to 600,000 CFA and/or a prison sentence of 2 months to 5 years.

● **Penal Code of 1996:** Addresses FGM, forced marriage, sexual violence and violence against women in general in the following articles.

- » **Article 376:** Applies a prison sentence of from 6 months to 2 years to anyone who forces another person into marriage. The penalty is increased to 3 years if the victim is a minor, with maximum sentences applied to marriages of minors below 13 years of age.
- » **Article 380:** Applies a prison sentence of from 6 months to 3 years and/or a fine of 150,000 to 900,000 CFA to anyone convicted of FGM, and from 5 to 10 years' imprisonment if the act results in death.
- » **Article 411:** Considers as indecent assault any sexual act contrary to morality and intentionally exercised directly on a person with or without violence, coercion or surprise.
- » **Article 417:** Defines rape as an act of sexual penetration of whatever nature, committed against another person by violence, coercion or surprise. Rape is punishable by a prison sentence of from 5 to 10 years. If the offender is in a position of power or authority, or if the rape is committed or attempted against a person who is particularly vulnerable due to pregnancy, illness, infirmity or physical or mental disability, or against a minor of 15 years or under, the penalty is a prison sentence of between 10 and 20 years.
- » **Article 421:** Applies a prison sentence of 1 to 5 years and/or a fine of 300,000 to 1.5 million CFA for the crime of incest. Incest is defined as having sex with one's older relatives or descendants to an unlimited degree or with a sibling or half-sibling.

● **Burkina Faso's Constitution of 2 June 1991** adopts language in its preamble reflecting the main principles of the Universal Declaration of Human Rights (1948), acknowledging the equality of all without discrimination.

**3. Parliamentary security committees:** Within the National Assembly, the Parliamentary Committee on Defence and Security has been presided over by a woman since April 2010. The annual vote on the national budget and rare oral questions posed by deputy ministers in charge of security, defence or justice are the only other occasions outside that committee that security and defence issues are discussed in the National Assembly.<sup>18</sup>

**4. Male and female representation in parliament:** Of the 111 members of Burkina Faso's Parliament, 17 (15.3%) are women and 94 (84.7%) are men.<sup>19</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** No formal oversight function currently exists at the Ministry for the Promotion of Women. However, it is expected that an oversight mechanism will be introduced there as the National Gender Policy adopted in 2009 is implemented.<sup>20</sup>



## II. POLICE SERVICE INDICATORS

The Burkina Faso National Police is responsible for enforcing regulatory measures related to security, health and safety, as well as for maintaining and restoring law and order, and for administrative and criminal investigation missions. Its units are divided and organised according to the country's administrative and judicial zones. Relations between the police and gendarmerie are good. While both have jurisdiction to conduct policing activities throughout the national territory, the National Police operates mainly in urban centres, while the gendarmerie functions primarily in rural areas and along major roads. The process of establishing local police forces began in 2005, but has not been fully implemented due to resource constraints both within the relevant government ministries, namely the Ministries of Defence and Security, and among local authorities.<sup>21</sup>

As of May 2010, the National Police had 6,226 personnel, comprising 5,916 men and 310 women (4.98%). Concerted efforts have been made to increase female personnel, including through recruitment quotas, advertising campaigns to attract more female applicants, the inclusion of women on recruitment panels and adjusted physical requirements and testing for female recruits. However, the National Police's ability to develop and implement stronger gender-responsive personnel policies is limited. This is because it is considered a public service institution, and as such police personnel are subject to many of the same regulations, policies and procedures as other public servants, which generally do not address gender issues in a formal manner. In terms of operational policy, collaboration mechanisms have been established between the newly created gender units at the Ministry of Security, the Ministry for the Promotion of Women and the National Police in the context of implementing the National Gender Policy within the police. However, up to now few policies, regulations or procedures have been developed that address sexual harassment and GBV in a specific or systematic manner. Internally, such issues are treated under general disciplinary regulations. In the case of service delivery, apart from the Brigade for Moral and Juvenile Affairs, police response is limited to general police procedures. In both cases, it is unclear whether these frameworks are addressing or can properly address these issues.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** These policies are regulated by Law No. 013/98 of 28 April 1998, applicable to public service employees and agents. The following are the general measures applicable to all public servants:

- Maternity leave: 14 weeks
- Paternity leave: 72 hours
- Breastfeeding: 1.5 hours per day for up to 15 months following return to the workplace

Further, a number of decrees and internal regulations apply specifically to police personnel.

- **Marriage:** All persons who desire to enter into marriage must obtain prior permission from within the police hierarchy (Decree No. 2006-376/PRES/PM/MFPRE/SECU/MFB of 4 August 2006 on the organisation of specific jobs of the National Police).
- **Pregnancy:** An internal regulation of the National Police Academy prohibits pregnancy during the 18-month training period, as well as during the 1-year practical in-service training period.<sup>22</sup>
- **Healthcare:** Every police officer is entitled to examinations, free care and hospitalisation in the civilian and military health facilities in case of injury or illness attributable to service (Decree No. 2006-376/PRES/PM/MFPRE/SECU/MFB of 4 August 2006).

**3. Sexual harassment policy:** None. However, Decree No. 2006-376/PRES/PM/MFPRE/SECU/MFB of 4 August 2006 gives specific rights to all police officers, without discrimination. Most notably, there is a right to protection against threats, insulting and defamatory acts, and physical and moral suffering in the course of, or in connection with, the performance of the job function.<sup>23</sup>

**4. Gender-sensitive code of conduct:** None. The National Police has general disciplinary regulations: Decree No. 2006-581/PRES/PM/SECU/MFPRE/MFB of 27 November 2006 on the general rules of discipline for National Police officers sets out the obligations of those in positions of authority and the rules of service, and outlines the specific penalties for misconduct.

**5. Standard operating procedures in response to GBV:** None. GBV falls under the Criminal Code (1996) and is subject to the same standard procedure, including with respect to the gathering of forensic evidence.<sup>24</sup>

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** None could be identified. However, crimes of this nature committed by police personnel are considered aggravated acts due to the perpetrator's position of authority. As such, these instances are severely punished and receive strict sentences.<sup>25</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** A gender unit is listed in the organigramme of the General Direction of the National Police; however, the unit has yet to be formalised and does not have an allocated budget.<sup>26</sup> There is also a gender unit in the Ministry of Security that works in direct collaboration with the Ministry for the Promotion of Women. Within this collaboration, a project for strengthening gender mainstreaming in the Ministry of Security was established to run from April 2010 to March 2011, with a contribution from the Common Gender Fund.<sup>27</sup>

**8. Specialised structures for service recipients:** There is a Brigade for Moral and Juvenile Affairs that deals specifically with criminal cases involving women or children, whether they are the perpetrators or victims of violence. Its personnel are warned about the sensitivity required in addressing these issues and are held to a standard of behaviour accordingly. Furthermore, in practice, when incidents of violence involving women or children occur, the police take measures to allow victims to speak confidentially and be interviewed in a secure environment in order to minimise their trauma.<sup>28</sup>

**9. Collaboration mechanisms:** Such mechanisms are at present informal initiatives undertaken by women's CSOs. However, some formal mechanisms are under development. A focal point in the Ministry for the Promotion of Women is being established to liaise with the Ministry of Security in the context of implementing the National Gender Policy within the National Police. This is expected to boost the promotion of formal collaboration mechanisms with women's organisations in the form of a referral system that would direct women to appropriate services or to one or more joint working groups on GBV. Additionally, in the context of efforts to establish local police forces, initiated in 2005, local security committees are being established, which include members of the local community.<sup>29</sup>

## PERSONNEL

**10. Number of female and male personnel:** The Burkina Faso National Police has been recruiting women since 1976. As of May 2010, staffing is as follows.<sup>30</sup>

	COMMISSIONER	OFFICER	ASSISTANT	AGENT	TOTAL
MALE	185 (91.13%)	555 (96.18%)	5,141 (95.01%)	35 (100%)	<b>5,916 (95.02%)</b>
FEMALE	18 (8.87%)	22 (3.82%)	270 (4.99%)	0	<b>310 (4.98%)</b>
<b>TOTAL</b>	<b>203</b>	<b>577</b>	<b>5,411</b>	<b>35</b>	<b>6,226</b>

### 11. Rank/level of male and female personnel:

Upper-ranking personnel (28% of total personnel)

- Male: 175 (91.2%) including 102 directors
- Female: 17 (8.8%) including 5 directors

Lower-ranking personnel (72% of total personnel)

- Male: 4,503 (94.3%)
- Female: 271 (5.7%)

**12. Rates of attrition:** As of 2010, records indicate that the attrition of high-ranking police personnel consisted of 1 woman (3.23%) and 30 men (96.77%).

**13. Recruitment targets for female personnel:** In 1999 a recruitment quota for police commissioners was set at 5 for women out of a total of 15 positions (33.33%). Since 2003 a recruitment quota for police assistants has been set at 50 women out of 700 available positions (7.14%).<sup>31</sup> Recruitment in 2010 anticipated the following:

- Commissioners: 15 with a quota of 5 women (33.33%)
- Officers: 210 with a quota of 50 women (23.81%)
- Assistants: 750 with a quota of 50 women (6.67%)

**14. Vetting procedure for GBV:** None.

**15. Positions/units where female or male personnel cannot serve:** No information.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** In addition to the aforementioned quotas, women are included on the recruitment panel and participate in screening candidates, supervising tests and deliberating results. Furthermore, certain recruitment criteria have been adjusted to increase the eligibility of female candidates. For example, men must be at least 1.70 metres in height, while the minimum for women is 1.68 metres, and in physical testing the speed test is 100 metres for men and 80 metres for women. During recruitment campaigns, advertising spots are used to encourage women to apply. For example, a recent television advertisement included a male gendarme and a female police officer in their uniforms shaking hands as a symbol of collaboration. Additionally, both male and female police trainees benefit from professional training in aspects related to their area of work (e.g. administration, justice, migration and border control, etc.). Women and men are both eligible to participate in specialised peacekeeping training.<sup>32</sup>

**17. Female staff associations:** None at present, although a project to establish a female police staff association was in progress as of May 2010.<sup>33</sup>

**18. Infrastructure/facilities for male and female personnel:** In training centres, most notably in the National Police Academy, there is a strict policy of separate facilities for men and women, including separate dormitories, showers and toilets. In terms of uniform, female and male officers have different footwear, haircut standards and ceremonial dress (skirts for women).<sup>34</sup> Furthermore, the different needs of men and women have been taken into consideration in certain instances through grants and some specialised services.<sup>35</sup>

## TRAINING

**19. Gender training:** In collaboration with the Ministry for the Promotion of Human Rights and women's CSOs, awareness-raising activities have taken place with regards to gender issues. Actual training sessions are foreseen and will be piloted, financed by the Common Gender Fund.<sup>36</sup>

**20. Mainstreaming gender into training:** Other training sessions on topics such as human rights, national law and codes of conduct or ethics do not include information about gender.<sup>37</sup> However, during various training courses, National Police staff and Police Academy students receive 40 hours of instruction on ethical standards, focused on the conduct expected of police personnel in their public service role among the population at large.<sup>38</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** None exists that has formal oversight mandates pertaining to gender-related issues. Such issues are addressed through the usual legal inquiries and disciplinary procedures. In certain instances, *ad hoc* commissions may be formed to address specific topics or issues, or cases may be brought to the attention of the inspector-general of the National Police.<sup>39</sup>

**22. External oversight mechanisms/bodies:** In principle, the National Assembly exerts an oversight role, through its constitutional responsibility to oversee the executive branch of government. However, in practice such control mechanisms have never been utilised.<sup>40</sup>

**23. Civil society oversight:** Within the scope of establishing local police forces, local security committees constitute a formal civil society oversight mechanism, as they include civil society representatives.<sup>41</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No reports exist.

## III. ARMED FORCES AND GENDARMERIE INDICATORS



The Burkina Faso National Armed Forces, formed on 1 November 1961, comprise the army, air force and gendarmerie. In addition to defending national territory, the armed forces conduct rescue missions, undertake operations to maintain or restore law and order, and participate in international peacekeeping missions. They also support the police service in combating organised crime through military security support units known as CMAS (*Compagnies militaires d'appui*

*à la sécurité*). In addition to the responsibilities outlined above, the gendarmerie performs a similar support role for the National Police in maintaining law and order and conducting criminal investigations, primarily in rural areas and along major road arteries.<sup>42</sup>

As of May 2010, female personnel accounted for only 1.47% of the National Armed Forces, numbering 313 and located mainly in the gendarmerie and infantry. This percentage could increase in the coming years as new recruitment targets aim to increase the proportion of female representation to 5% by 2015. To help reach this target, media advertisements have been used to attract female candidates. The armed forces offer separate lodging and sanitation facilities for men and women, and an awareness-raising campaign on gender issues took place in all barracks in 2008. However, few services or policies within the armed forces and gendarmerie address gender issues in a specific or systematic manner. Although sexual harassment is prohibited in the general statutes for personnel in the armed forces and gendarmerie, this regulation is severely compromised by the lack of gender training, weak oversight mechanisms and the absence of specific procedures for responding to sexual harassment and GBV.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>43</sup>

**2. Human resources policies:** Human resources policies are regulated by the General Statute on Personnel of the Armed Forces and Gendarmerie, notably in Articles 8 to 11, and 120 to 126.

- Maternity leave: 14 weeks
- Paternity leave: 72 hours
- Breastfeeding: 1.5 hours per day for up to 15 months upon return to the workplace<sup>44</sup>

**3. Sexual harassment policy:** None. However, according to Article 108 of the General Statute on Personnel of the Armed Forces and Gendarmerie, "in barracks, schools and training centres, sexual harassment is prohibited and the offender(s) shall be subject to disciplinary action, without prejudice to criminal sanctions."<sup>45</sup>

**4. Gender-sensitive code of conduct:** None. Conduct and discipline in the Armed Forces is regulated by the General Rules of Discipline of the Armed Forces. Also, the national Penal Code acts as an extension of these disciplinary regulations, stating "the military is subject to the Penal Code of Civil Law, as well as the provisions of the Law on Military Justice Code."

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** None. Specific procedures do not exist; the same general procedures are applied in these instances as other disciplinary or criminal infractions. Military commanders are required to take the necessary steps to locate and punish those who have committed offences of



this nature. As outlined above, Article 108 of the General Statute on Personnel of the Armed Forces and Gendarmerie, “in barracks, schools and training centres, sexual harassment is prohibited and exposes the perpetrator(s) to disciplinary action, without prejudice to criminal sanctions.”<sup>46</sup> As such, offenders may be subject to the boards of investigation or disciplinary measures through the police, gendarmerie or through military courts.<sup>47</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None. However, there are plans to establish a gender focal point within the human resources system of the Armed Forces and gendarmerie.

**7. Collaboration mechanisms:** None.

## PERSONNEL

**8. Number of female and male personnel:** There are currently 313 female personnel in the armed forces and gendarmerie (1.47%).

**9. Rank of male and female personnel:**<sup>48</sup>

Female personnel by specialisation as of 16 March 2010

Military justice	Gendarmerie	Infantry	Administration	Engineering	Health	Fire fighter	Social work	Total
1	150	136	10	1	8	1	6	313

Female personnel by rank as of 16 March 2010

Officers	Student officers	Non-commissioned officers (NCOs)	Student NCOs	Student gendarmes	Non-commissioned members	Class of 2009 recruits	Total
4	1	78	20	100	55	55	313

**10. Number of female and male personnel in peacekeeping missions:** As of February 2011, the number of personnel Burkina Faso contributed to peacekeeping operations was as follows:<sup>49</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	37	9 (19.57%)	46
	<b>Total MINUSTAH</b>	<b>37</b>	<b>9 (19.57%)</b>	<b>46</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	23	4 (14.81%)	27
	Experts on mission	8	0	8
	<b>Total MONUSCO</b>	<b>31</b>	<b>4 (11.43%)</b>	<b>35</b>
UNAMID (Darfur)	Individual police	15	2 (11.76%)	17
	Formed police units	139	0	139
	Experts on mission	10	0	10
	Contingent troop	798	4 (0.5%)	802
	<b>Total UNAMID</b>	<b>962</b>	<b>6 (0.62%)</b>	<b>968</b>
UNMIS (Sudan)	Experts on mission	2	0	2
	<b>Total UNMIS</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Total Burkina Faso troop and police contributions</b>		<b>1,032</b>	<b>19 (1.8%)</b>	<b>1,051</b>

**11. Rates of attrition:** No information was available.

**12. Recruitment targets for female personnel:** The Ministry of Defence has a goal of increasing female representation in the armed forces to 5% by the year 2015. This would increase the number of female personnel from 313 at present to 1,105.<sup>50</sup>

**13. Vetting procedure for GBV:** All new recruits are subject to “morality screening” before they are officially integrated into the armed forces. To this end, the gendarmerie is responsible for conducting background checks to determine any misconduct, including violations against the human rights of women and acts of violence against women. Paragraph 2, Article 31 of the General Statutes for Personnel of the Armed Forces and Gendarmerie refers to the process of background checks as follows: “The [engagement in the armed forces] is subject to conditions essential to physical and intellectual morality, and requires all applicants to enjoy their civil rights and to have had no criminal conviction, with or without parole.”<sup>51</sup>

**14. Positions/units where female or male personnel cannot serve:** No information.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** Recruitment campaigns for female gendarmerie cadets and officer cadets are strongly promoted in the audiovisual and print media. For example, television commercials show images of a male gendarme and a female police officer shaking hands as a symbol of breaking down barriers of inequality and to encourage women to choose a career in the armed forces and police.<sup>52</sup>

**16. Female staff associations:** None. Staff associations are not permitted in the armed forces and gendarmerie, in accordance with Article 21 of the General Statutes for Personnel, which stipulates that the right to strike is incompatible with the functions of the armed forces. As such, professional associations, particularly those that organise themselves as staff unions, are considered to be against the principles of discipline in the armed forces and gendarmerie.<sup>53</sup>

**17. Infrastructure/facilities for male and female personnel:** There is a separation/distinction between male and female personnel concerning:

- lodging in barracks
- bathrooms and toilets at schools and training centres
- uniforms<sup>54</sup>

## TRAINING

**18. Gender training:** In 2008 an awareness-raising campaign was conducted by the Ministry for the Promotion of Women in all armed forces barracks, within the framework of developing the National Gender Policy.<sup>55</sup>

**19. Mainstreaming gender into training:** None.<sup>56</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Military Tribunal of Burkina Faso has been operational since 1997, though it has no specific mandates to deal with gender issues.<sup>57</sup>

**21. External oversight mechanisms/bodies:** None. Oversight mechanisms in relation to gender issues were not formally established prior to the study undertaken for the National Gender Policy in 2008. It is expected that such mechanisms may be developed in the future.<sup>58</sup>

**22. Civil society oversight:** No information.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No information.

## IV. JUSTICE SYSTEM INDICATORS



A reorganisation of the justice system in Burkina Faso began following the introduction of the new constitution in 1991. Courts were established in every province, and the former Supreme Court was divided into four bodies: the Constitutional Court, the Supreme Court, the Court of Audit and the State Council.<sup>59</sup> Additionally, the criminal code was revised and judiciary staff were recruited and trained, thereby enabling the newly established provincial courts to begin operating. Despite these reforms, the judicial system has been affected by corruption and politicisation, and consequently struggles to gain the trust of the population.<sup>60</sup>

Furthermore, these reforms have not resulted in the development or implementation of gender-responsive policies in the judiciary. The main concerns are the absence of specific procedures or guidelines for prosecuting cases of GBV, and the lack of oversight mechanisms with mandates or guidelines on gender issues. In terms of personnel, although there are no quotas or targets for the recruitment and advancement of female justice sector personnel, the number of women in the justice system has grown over the past years, currently accounting for approximately 25% of total personnel. This may be a result of the strongly hierarchical justice system's strict policy of recruitment and advancement based on merit, without distinction based on sex. It could also be a result of the general tendency of the justice system, especially family courts, to have relatively high numbers of female judges and personnel. Nevertheless, more specific and targeted efforts may be necessary in order to increase further the number of female judges and lawyers.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. In principle, however, personnel in the justice system are treated equally without discrimination based on sex.<sup>61</sup>

**2. Human resources policies:** Human resources issues are regulated through Law No. 013/98/AN of 28 April 1998 and its amendment, Law No. 019-2005/AN, which is applicable to all public service employees including administrators and security and justice sector personnel. Article 92 and subsequent articles address issues such as marriage, maternity and paternity leave, and breastfeeding.

- Maternity leave: 14 weeks
- Paternity leave: 72 hours
- Breastfeeding: 1.5 hours per day for up to 15 months following return to the workplace<sup>62</sup>

**3. Sexual harassment policy:** None. However, the study on gender policy initiated in 2009 by the Directorate General for Economy and Planning of the Ministry of Economy and Finance could constitute the beginning of a formal approach to addressing gender issues and the reduction of sexual harassment within the justice system.<sup>63</sup>

**4. Gender-sensitive code of conduct:** None.<sup>64</sup>

**5. Procedures for prosecuting cases of GBV:** None, although some special provisions may be made for the treatment and protection of victims depending on the nature of the crime committed. To this end, the Penal Code and the Code of Criminal Procedure are said to govern these cases without discrimination.<sup>65</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Specialised structures for service recipients:** None. However, in certain circumstances special arrangements are made to conduct confidential interviews with female victims.

**8. Collaboration mechanisms:** No formal mechanisms exist. However, *ad hoc* collaboration initiatives take place from time to time with the Association of Women Jurists of Burkina Faso.<sup>66</sup>

## PERSONNEL

**9. Number of female and male personnel:**<sup>67</sup>

	2007			2008		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
JUDGES	257 (75.15%)	84 (24.85%)	341	281 (75.74%)	90 (24.26%)	371
CHIEF CLERKS, CLERKS AND SECRETARIES OF CLERKS	190 (68.10%)	89 (31.90%)	279	219 (70.42%)	92 (29.58%)	311
BAILIFFS	26 (86.67%)	4 (13.33%)	30	26 (86.67%)	4 (13.33%)	30
	2008/2009			2010		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
LAWYERS	109 (81.34%)	25 (18.66%)	134	126 (81.82%)	28 (18.18%)	154

**10. Number of male and female judges:**<sup>68</sup>

COURT	TOTAL JUDGES	FEMALE JUDGES
Constitutional Court	9	3 (33.33%)
Supreme Court	26	7 (26.92%)
Court of Audit	18	3 (16.67%)
State Council	17	5, including council president (29.41%)
<b>Total</b>	<b>70</b>	<b>18 (25.71%)</b>

**11. Recruitment targets for female personnel:** None, although the general statutes of the public service stipulate that access to the different bodies of the public service of Burkina Faso is open to all without distinction.<sup>69</sup>

**12. Vetting procedure for GBV:** Investigations of morality and background checks are carried out by the gendarmerie and police during the recruitment of justice sector personnel; however, violations of women's human rights and GBV are not addressed in a systematic way. Rather, they fall under the broader scope of human rights violations and assault.<sup>70</sup>

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None. The justice system is strongly hierarchical and promotions are obtained based on merit and seniority, without distinction based on sex.<sup>71</sup>

**14. Female staff associations:** The Association of Women Jurists of Burkina Faso exists, comprising both lawyers and judges. It is chaired by a female judge.<sup>72</sup>

## TRAINING

**15. Gender education or training:** Since the National Gender Policy was only recently adopted (July 2009), gender issues have yet to be addressed through training or educational programmes.<sup>73</sup>

**16. Mainstreaming gender into training or education:** None.<sup>74</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The High Council of Judges and boards of inquiry serve as internal oversight mechanisms for the judicial system. However, no specific oversight mechanisms exist with regards to gender issues, which are treated generally along with all other issues.<sup>75</sup>

**18. External oversight mechanisms:** External oversight mechanisms exist for the justice system, but none is mandated to deal specifically with gender issues.

**19. Civil society oversight:** Although no formal mechanisms currently exist, the National Gender Policy may assist in the establishment and implementation of such mechanisms.<sup>76</sup>

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** Reports of this nature could not be identified.<sup>77</sup>

## V. PENAL SERVICES INDICATORS



The penal services are under the authority of the Ministry of Justice. As of 2002, Burkina Faso operated 11 prisons.<sup>78</sup> As with many other SSIs, the penal services face a shortage of resources, and rely on the support of CSOs and family members of prisoners in order to provide food and other necessities to the prison population. Another key challenge has been prisoners under military jurisdiction being held in the same facilities as those sentenced under civilian law. This has led to calls for the construction of a military prison, to prevent any problems arising between these different categories of prisoners.<sup>79</sup>

Among those sentenced under civilian law, there is a strict separation of male and female prisoners, as well as of adults and juveniles. As is common around the world, male prisoners in Burkina Faso greatly outnumber female and juvenile prisoners. In 2008 the numbers stood at 4,479 males, 112 females (2.44%) and 124 juveniles. Consequently, there are substantially more male prison personnel (90%) in order to comply with policies that ensure that prisoners are supervised and searched by guards of the same sex. Nevertheless, it was deemed necessary to increase female prison guard personnel in Burkina Faso to accommodate the growing number of female prisoners (a female recruitment quota was set at 25% for the year 2009). The growing number of female prisoners also brings to the fore the issue of the lack of adequate healthcare facilities in Burkinabé prisons: these are limited to a prison infirmary and offer no reproductive healthcare. This puts pregnant women and their children at risk, as prisoners are only transferred to hospitals in extreme circumstances, when specialised treatment may come too late.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. However, gender-sensitive elements exist in KITI No. AN VI-103 of 1 September 1988 governing the organisational planning and regulation of prisons in Burkina Faso.

**2. Human resources policies:** Human resources policies are defined by Law No. 013/98/AN of 28 April 1998 and its amendment, Law No. 019-2005/AN of 18 May 2005 on the legal structure applicable to public service jobs and agents. These policies are applicable to all public service employees, both civil servants and military and justice sector personnel.

- Maternity leave: 14 weeks
- Paternity leave: 72 hours
- Breastfeeding: 1.5 hours per day for up to 15 months following return to the workplace<sup>80</sup>

**3. Sexual harassment policy:** None. However, should sexual harassment perpetrated by prison staff occur, it would be subject to Decree No. 2004-327/PRES/PM/MFPRE/MJ/MFB on the organisation of specific jobs at the Ministry of Justice, which establishes independent disciplinary sanctions for misconduct. Furthermore, Law 013/98/AN of 28 April 1998 establishes a legal regime for public service employees and officials, and defines specific sanctions for abuses committed by prison security guards introduced in view of the particular nature of their jobs. These sanctions are upheld in the general disciplinary rules now being developed and drafted. Additional information on the content of these general rules, for example whether or not they address sexual harassment, was not available.

**4. Gender-sensitive code of conduct:** No formal code of conduct exists.<sup>81</sup> The development of general disciplinary rules for the prison service is in progress. Otherwise, conduct is governed by the aforementioned decree and law (see Penal #3).

**5. Procedures for interaction between males and females:** KITI 103 and Order 2003-004 of 13 February 2003 on prison regulations in Burkina Faso clearly outline acceptable norms of interaction and behaviour that must prevail in all circumstances between male and female prisoners and prison staff. Article 77 stipulates that prisoners may only be searched or frisked by persons of the same sex. Article 10 stipulates that prisoners must be separated according to the following categories:

- women from men
- minors under 18 years from adults
- defendants from convicted felons when the same premises serve as both a jail and a correctional facility

**6. Procedures for family and conjugal visits:** Articles 122–125 of Order 2003-004 of 13 February 2003 on the internal rules of prisons in Burkina Faso establish the procedures for family visits to prisoners, particularly with regard to visiting permits and time schedules. Family visits are supported as a means of facilitating or easing the eventual release of prisoners by paying particular attention to maintaining and improving their relationships with their families, provided there is a mutual interest in doing so. Except in special circumstances, male and female prisoners have the right to receive visits from their parents and guardians. Visits are closely supervised by prison guards to prevent the exchange of money, letters or other items. The supervising guards may terminate a visit at any time if it appears suspicious, and must immediately report such cases to their superiors.<sup>82</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** No information.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** No information.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None. However, the implementation of the National Gender Policy in the coming months and years may allow for the creation of such structures at the institutional level.<sup>83</sup>

**10. Separate prisons for males/females and juveniles/adults:** All jails and correctional facilities in Burkina Faso have separate detention wards for different categories of prisoners. These categories are:

- men
- women
- juveniles
- public servants and non-violent criminals

**11. Specialised education, training and rehabilitation:** Specialised training courses exist for both juvenile and adult prisoners of both sexes. For juvenile prisoners there is training in literacy and sewing, and for male adults there is training in welding, carpentry, gardening and mechanics. Specific training is also offered to women,<sup>84</sup> but additional information about it was not available.

**12. Specialised health and drug treatment:** None. Health services are limited to the prison infirmary, which offers no access to drug treatment programmes, reproductive healthcare or

mental health treatment. If such health services are required, prisoners are referred to specialised centres outside the prison.<sup>85</sup>

**13. Collaboration mechanisms:** There are a number of collaboration initiatives between the penal services and humanitarian and religious non-governmental organisations (NGOs).

- Remar, an NGO aiming to assist people on the margins of society, provides food for prisoners.
- Catholic missionaries and Protestant congregations are involved in the management of hospitalised prisoners in need.
- The religious congregation of the Sisters of the Immaculate Conception train female prisoners in weaving and sewing trades.

These NGOs are involved in a long-term partnership with the prison administration. Other NGOs are involved on an *ad hoc* basis, mainly through donations of food, clothing and other effects.<sup>86</sup>

## PERSONNEL

### 14. Number of juvenile/adult male and female prisoners:<sup>87</sup>

	2007	2008
<b>Total (adults)</b>	4,065	4,591
Total male	3,991	4,479
Total female	74 (1.82%)	112 (2.44%)
<b>Total juveniles<sup>88</sup></b>	109	124
<b>Charged (adults)</b>	1,131	1,240
Male	1,106	1,201
Female	25 (2.21%)	39 (3.15%)
<b>Juveniles (under 18 years)</b>	25	23
<b>Remanded (adults)</b>	674	563
Male	655	558
Female	19 (2.82%)	5 (0.89%)
<b>Juveniles</b>	47	43
<b>Condemned (adults)</b>	2,260	2,788
Male	2,230	2,720
Female	30 (1.33%)	68 (2.44%)
<b>Juveniles</b>	37	58

**15. Number of female and male personnel:** In 2009 there were 1,360 prison staff, of whom 1,224 were male (90%) and 136 female (10%).<sup>89</sup>

**16. Rank/level of male and female personnel:**

	Inspectors	Controllers	Assistants	Agents	Total
Male	36	87	137	410	<b>670</b>
Female	4 (10.00%)	4 (4.40%)	10 (6.80%)	56 (12.02%)	<b>74 (9.95%)</b>
Total	<b>40</b>	<b>91</b>	<b>147</b>	<b>466</b>	<b>744</b>

**17. Rates of attrition:** No data were available.

**18. Recruitment targets for female personnel:** Recruitment is regulated by the standard public service procedures, whereby overall recruitment targets are established based on the available budget and the needs of each institution. It was realised in 2008 that the ratio of female prison guards to female prisoners was 74 to 122, or 1.5 prisoners for every female prison guard. It should be noted that a 25% female recruitment quota for 100 recruits was set for 2009.<sup>90</sup>

**19. Vetting procedure for GBV:** Investigations of morality and background checks are carried out by the gendarmerie and police during the recruitment of prison personnel. However, violations of women's human rights and GBV are not addressed in a systematic way. Rather, they fall under the broader scope of human rights violations and assault.<sup>91</sup>

**20. Positions/wards where female or male personnel cannot serve:** No information, except that Article 38 of KITI 103 states that the staff of each prison shall consist of a prison director, a chief supervisor, male and female supervisors, and a male or female steward when the facility has a capacity of more than 100 inmates.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None aside from the 2009 recruitment quota (see #18 above). Generally speaking, the same opportunities are granted to all citizens, without discrimination.<sup>92</sup>

**22. Female staff associations:** None. However, prison guards and other personnel, as public servants, are entitled to create or join associations. The police female staff association has set an example and discussions have begun on establishing a similar association within the prison service.<sup>93</sup>

**23. Infrastructure/facilities for male and female personnel:** Training centres for prison guards are equipped with separate dormitories and bathroom facilities for men and women. There are also different uniforms, and the ceremonial dress for female personnel features skirts instead of trousers. Standards for shoes and haircuts are also different for men and women.<sup>94</sup>

## TRAINING

**24. Gender training:** None.

**25. Mainstreaming gender into training:** Various training courses offered to prison guard cadets at the police school address the topic of ethics, which indirectly broaches some gender issues. Courses on human rights and the behaviour of prison guards do not explicitly address gender-related issues.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** Penal services may be subject to monitoring and evaluation by the director of the prison guards and the director-general of criminal affairs and rehabilitation, or through the General Inspectorate of Judicial Affairs.

**27. External oversight mechanisms:** While formal mechanisms for external oversight exist, none has a specific mandate related to gender issues.

**28. Civil society oversight:** Though no formal mechanisms exist, CSOs may seek authorisation to visit prisons to assess the condition of the facilities.<sup>95</sup>

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** Such records are not officially kept.<sup>96</sup> Nevertheless, research revealed that in 2009 4 prison officers were indicted for sexual abuse of prisoners, and are currently awaiting trial.<sup>97</sup>

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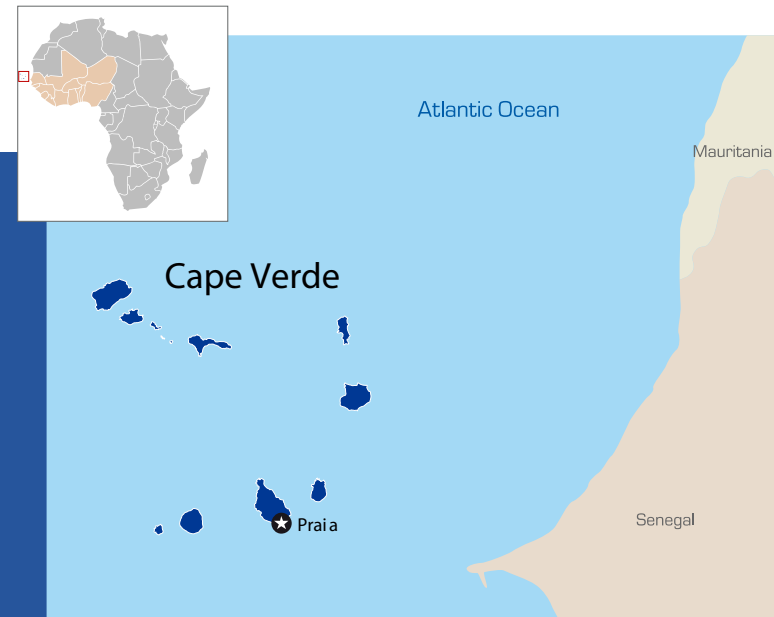
# Cape Verde



Edwige Bienvenu  
Anki Sjöberg

## QUICK FACTS<sup>1</sup>

- **Population: 491,575; 49.5% male, 50.5% female (2010)**
- **Population below the poverty line: 20.6% living on less than 1 USD/day (2001)**
- **Lifespan: 68.3 men, 73.6 women (life expectancy at birth, 2005–2010)**
- **Literacy rate: 87.8% men, 75.5% women (2004)**
- **Fertility rate: 2.8 children per woman (2007)**
- **Human Development Index rank: 118 out of 169 (2010)**
- **Percentage GDP spent on defence: 0.5% (2008)**
- **Perception of corruption rank: 45 out of 180 (2010)**



## INTRODUCTION\*

Cape Verde gained independence from Portugal in 1975. Its post-independence period began with a one-party regime under the African Party for the Independence of Cape Verde.<sup>2</sup> However, increasing internal and external pressure led to multiparty democratic elections in 1991, which the ruling party lost; but it was voted back into power in 2001.<sup>3</sup> Throughout these changes in government leadership, Cape Verde has remained a stable democracy and, unlike several of its West African neighbours, has not suffered civil war or military coups.<sup>4</sup> Despite this political stability, violence and crime are on the rise, leading to “a growing feeling of insecurity” among the population.<sup>5</sup> Security concerns include drugs and arms trafficking, smuggling and other forms of organised crime,<sup>6</sup> including human trafficking.<sup>7</sup> These developments have led the government to recognise the need to collaborate with non-state actors such as civil society and the private sector in the provision of security.<sup>8</sup>

The Constitution of Cape Verde prohibits discrimination based on social origin or social or economic status, race, sex, religion, political convictions or ideology. While the government has made significant efforts to counter discrimination against women and girls, there remain gaps and inequalities between men and women, particularly when it comes to protection under the law.<sup>9</sup> Domestic violence against women (including wife beating) is common and, like rape, is largely unreported, although reporting of such cases to the police is increasing. In addition, both government- and opposition-controlled media continue to report on the occurrence of violence against women. However, no statistics on rates of gender-based violence (GBV) are accessible. In order to strengthen mechanisms dealing with these issues – notably domestic violence – women’s organisations have campaigned for the establishment of a special family court.<sup>10</sup> Though female genital mutilation is not known to be a problem, child abuse and mistreatment, sexual violence against children and juvenile prostitution are important security concerns – a situation made worse by the “inefficiencies of the judicial system.”<sup>11</sup> Finally, human trafficking is a growing problem,<sup>12</sup> but no data could be found on the extent to which this phenomenon affects women and girls, men and boys.

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

Generally speaking, Cape Verde presents a good example in many areas of progress in integrating gender into security sector institutions (SSIs). Advances have been made at the national level, a prominent example being that Cape Verde has one of the highest percentages of female cabinet ministers (53.33%) – including female ministers of justice and defence – of any country worldwide. Consequently, female participation in several of its bodies working on the development and implementation of national security and defence policies has increased. Other important advances have been the creation of national action plans, alongside advocacy campaigns, to counter violence against women, and most notably the efforts to set up specialised structures for service recipients within the justice sector and the police service.

Despite the many advances, more remains to be done at the level of individual SSIs. Even the justice system, despite having attained a significant degree of high-level female representation among judges (nearly 40%), including in the Supreme Court,<sup>†</sup> largely lacks internal policies, rules and procedures specific to gender, GBV and sexual harassment. The police service has received specialised training, set up specific police support offices for victims of GBV and is involved in the multi-agency Care Networks initiative for victims of GBV. Yet it lacks internal policies and the means to prevent and respond to GBV, sexual harassment and discrimination, and to integrate female police officers further into the service. Women constitute a clear minority (8.71%) within the police service. The rate of female participation within the armed forces is even lower, currently standing at only 3.5% of permanent personnel. The government has recognised this as a problem and is taking steps to address it, for example by providing specialised infrastructure for female recruits. However, strategic targets for female recruitment and other measures are still lacking. Finally, information on the percentage of female staff within the penal services is limited.

Male, female and juvenile prisoners are detained separately and there are clear divisions of responsibility for male and female prison guards. For example, the role of searching and supervising female prisoners is strictly limited to female guards. Specific rules apply for female prisoners, especially if they are pregnant or with young children, in which case they are housed separately. Collaboration exists between the penal services and women's organisations, as well as between the former and the government gender institution. Gender training is being planned, and is much needed since there have been allegations of sexual abuse by prison guards against female prisoners.

## I. NATIONAL GOVERNANCE INDICATORS



The key ministries responsible for security sector oversight are the Ministries of Defence, Interior and Justice.<sup>13</sup> The president is the commander-in-chief of the armed forces,<sup>14</sup> and both the government (led by the prime minister) and the National Assembly are mandated with security governance.<sup>15</sup> Nevertheless, efforts have been made to improve parliamentary control of the

<sup>†</sup> The author has translated institution names into English. These are not official translations.

government in general and of the security sector in particular, though oversight of the latter remains weak.<sup>16</sup> For instance, the National Assembly does not have the power to amend the defence budget.<sup>17</sup> Additional national oversight bodies include the National Security Council, led by the prime minister,<sup>18</sup> and the Higher Council on National Defence, which is chaired by the president. The latter is an advisory body concerned with defence issues and the armed forces.<sup>19</sup> Finally, the Council of the Republic is an advisory body that addresses major issues, including security. It brings together the National Assembly president, the prime minister, the president of the Constitutional Court and the attorney-general, among others.<sup>20</sup> Women participate in several of these bodies in their capacity as ministers.

Although women have been under-represented in the government and the legislature in the past, the 2005–2009 National Plan for Equality and Equity has reportedly triggered an increase in representation in recent years.<sup>21</sup> Currently 8 of the 15 ministerial posts are held by women (53.33%), including the Ministries of Justice, Defence and Economy.<sup>22</sup> Consequently, this has increased female participation in several bodies working on national security and defence issues. National gender policies have focused primarily on promoting equality and countering GBV – notably through the National Plan to Combat Gender-Based Violence. In spite of these efforts and the progress made, there is a continued need to improve and enforce legislation on rape and sexual abuse of children and adolescents.<sup>23</sup>

## CAPE VERDE SECURITY SECTOR INSTITUTIONS\*

### Service delivery

*Polícia Nacional*  
*Forças Armadas*  
*Tribunal Militar*  
*Sistema de justiça*  
*Serviços Penitenciários*  
*Associação Cabo-verdiana de Mulheres Juristas*

### Oversight

*Ministério da Administração Pública*  
*Ministério da Administração Interna*  
*Ministério da Defesa Nacional*  
*Ministério da Justiça*  
*Conselho Nacional de Segurança*  
*Conselho Superior de Defesa Nacional*  
*Comissão Nacional para os Direitos Humanos e a Cidadania*  
*Conselho da República*  
*Presidenta da República*  
*Instituto Cabo-verdiano para Igualdade e Equidade de Género*  
*Sistema de justiça*  
*Assembleia Nacional*

- *Comissão Especializada da Reforma do Estado e Segurança*
- *Comissão Especializada de Assuntos Jurídicos, Direitos Humanos e Comunicação Social Regulamento*

*Associação Cabo-verdiana de Mulheres Juristas*

\* Only those included in this country profile, not a comprehensive list.

Cape Verde is also party to international and regional instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** The constitution is the main instrument for the division of responsibility for security-related functions.<sup>24</sup> Key security policy documents are the Major Options of the National Defence and Security Strategy Concept (2005) and the National Defence and Security Strategy Concept (2009), which further develops the former. In November 2007 Cape Verde and the European Union concluded the Cotonou Agreements and adopted a joint plan of action to promote “good governance, security and stability, regional integration, transformation and modernisation, poverty reduction and development.”<sup>25</sup> No information was available regarding whether or how these laws and policies integrate gender issues.

## 2. National gender laws/policies:

- **National Plan to Combat Gender-Based Violence (2007–2009):** This strategic plan was formulated by the governmental Cape Verde Institute for Gender Equality and Equity (ICIEG), and aimed at reducing GBV, especially domestic violence. The plan had a framework for action and a dedicated budget (reportedly 800,000 USD in 2008). No evaluation of its impact has been conducted.<sup>26</sup>
- **National Plan for Equality and Equity (2005–2009):** Researchers were not able to access the document defining this plan, but reportedly it has boosted women’s representation in the National Assembly by up to 40%.<sup>27</sup>
- **Penal Code (2004):** In the amended penal code, Article 134 introduced a new crime referred to as “ill-treatment of a spouse or partner.”<sup>28</sup> It also prohibits sexual abuse within all sectors of society. An earlier revision of the code (1998) had already widened the definition of sexual abuse and strengthened the penalties for perpetrators (although not the rights of the victims to compensation).<sup>29</sup> Likewise, the Code of Criminal Procedure was reformed in February 2005, serving as a tool for the implementation of the Penal Code,<sup>30</sup> especially with respect to efforts to combat GBV (notably domestic violence).<sup>31</sup>
- **Constitution of Cape Verde (1999):** Article 1 prohibits discrimination on the basis of sex. Moreover, women’s rights and entitlements to protection are expressed in a number of articles,<sup>32</sup> as are the rights and protection needs of children, including girls.<sup>33</sup> Finally, Article 81 of the constitution prohibits domestic violence against family members.
- **Prohibition of rape (1979)**<sup>34</sup>

**3. Parliamentary security committees:** 2 of the 7 parliamentary committees work on defence and security issues. The Specialised Commission for the Reform of the State and for Security is composed of men only, while the 7-member Specialised Commission for Legal Affairs, Human Rights and the Media includes 1 woman (14.29%).<sup>35</sup>

**4. Male and female representation in parliament:** Of the 72 members of Cape Verde’s Parliament, 13 (18.1%) are women and 59 (81.9%) are men.<sup>36</sup>

**5. Ministry for gender/women’s affairs in security sector oversight:** No data were made available.

## II. POLICE SERVICE INDICATORS



Until 1994 the Public Order Police was controlled by the military.<sup>37</sup> The police service is now under the authority of the Interior Ministry. Its main functions, according to the constitution, are “defending the rule of law, preventing crime and safeguarding internal security as well as public order and the enjoyment of citizens’ rights.”<sup>38</sup> Given the rising crime rate, the police service is expected to increase its recruitment.<sup>39</sup> The service is organised into four subdivisions: public order, judiciary, maritime and economic and fiscal police.<sup>40</sup> Some reports have emerged of human rights abuses committed by police officers, notably violence perpetrated with impunity against persons in custody and detention.<sup>41</sup>

The Cape Verde police service has established a specific structure to assist victims of GBV, namely the police support offices for victims of GBV. It also participates in the multi-agency Care Networks initiative, which aims to provide integrated support to these victims. Additionally, police personnel have received specific training on gender issues, which is expected to increase in frequency in the years ahead. Nevertheless, there are some indications that service provision could be further improved, especially with regards to preventing GBV and providing protection to potential or past victims. In terms of personnel, women continue to form a minority (8.71%) of the police service. Furthermore, structures dealing with internal sexual harassment and discrimination are non-existent, and mechanisms for oversight of gender issues are weak.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** There is a specific gender policy for the police service, under the heading “Inclusion of Gender Dimensions within the National Police, 2004–2015.” Additional information was not available.

**2. Human resources policies:** Police service human resources policies are governed by the Decree of 3 March 2010 establishing the regulations for public service leave and absences. Under these regulations, women are entitled to absences linked to pregnancy, childbirth and breastfeeding. More specific information could not be obtained by researchers. However, there is no reference to any provisions that specifically relate to female police officers in the Statute of the Police (under reform in 2010).

**3. Sexual harassment policy:** None aside from the provisions of the 2004 Penal Code (see National Governance #2).<sup>42</sup>

**4. Gender-sensitive code of conduct:** Although a Code of Honour, Code of Ethics and Disciplinary Rules exist, no reference to gender aspects could be identified in their provisions.

**5. Standard operating procedures in response to GBV:** These procedures are in accordance with national law (Penal Code of 2004 and the Code of Criminal Procedure of 2005). The Cape Verde Institute for Gender Equality and Equity (ICIEG) prepared a Procedural Handbook for Victim Support Technicians (2008). However, it is unclear if the handbook contains specific police procedures regarding GBV.<sup>43</sup>

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** In such cases 2 parallel procedures – one disciplinary and one criminal – are initiated. Additional information was not available.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** The police support offices for victims of GBV (see Police #8) function as *de facto* gender focal points, although this role has not been formalised.

**8. Specialised structures for service recipients:** Since 2008 the police service has established specialised structures to receive victims of GBV in the police support offices, notably victims of domestic violence. Such offices exist in the area of the capital, Praia, and in Mindelo. In addition, since 2000 care networks have existed for victims of GBV involving 34 institutions and more than 40 specialists in 5 municipalities or districts. Funded by the government and the UN system, and comprising various NGOs and institutions, they provide free, customised and specialised care to victims of GBV (e.g. police assistance and psychological, legal, medical and social services).<sup>44</sup> Still, some have argued that “in some instances of violence against women, the police did not protect the victims effectively,”<sup>45</sup> which highlights the continued need for protection and prevention mechanisms to counter GBV.

**9. Collaboration mechanisms:** Formal collaboration exists between the police service and the governmental ICIEG, as well as with the Association of Women Jurists (AMJ). The ICIEG has implemented a series of awareness-raising activities, including the 2004 Breaking the Silence campaign, which aimed to increase reporting of domestic violence and encourage victims to seek help.<sup>46</sup> The police support offices for victims of GBV also have extensive contacts with other institutions and organisations that work on the issue. Furthermore, collaboration exists among participants in the Care Networks initiative, including the police service.

## PERSONNEL

**10. Number of female and male personnel:** Of the total 1,676 members of the Cape Verdean police service, 146 are women (8.71%).

**11. Rank/level of male and female personnel:**<sup>47</sup>

RANK	MALE	FEMALE
Inspector	23	1 (4.17%)
Deputy inspector	-	3
Deputy head	-	5
Agent	1,414	137 (8.83%)
Non-commissioned officer	93	-

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** No specific recruitment targets could be identified.

**14. Vetting procedure for GBV:** Candidates for recruitment into the police service are required to show an extract from their judiciary file. No further information was available.

**15. Positions/units where female or male personnel cannot serve:** None could be identified. Certain tasks may only be performed by women, such as body searches on other women. Women have so far been unable to qualify for positions in certain special operations units that require very high physical performance.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None could be identified. However, it was mentioned that some exceptions are made for women during recruitment physical tests.

**17. Female staff associations:** None could be identified. Women participate in the general police officers' association.

**18. Infrastructure/facilities for male and female personnel:** Female police officers may wear a skirt instead of trousers, especially during pregnancy. There are separate bathroom facilities for men and women and separate barracks accommodation.

## TRAINING

**19. Gender training:** Since 2006 groups of judicial police experts and judges have received gender training organised by the ICIEG and the AMJ. The principal training areas were “forensic psychology, awareness-raising on gender equality, [and] techniques for supporting victims of gender-based violence.” Plans to increase the frequency of these capacity-building opportunities are stated in the National Plan to Combat Gender-Based Violence (2009).<sup>48</sup>

**20. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** There is an internal inspection service that provides general oversight. Additional information was not available.

**22. External oversight mechanisms/bodies:** The inspector-general of the police under the Ministry of Internal Administration oversees the police service and acts as a mediator. The National Assembly and its commissions also oversee the police service (see National Governance #3). Better oversight mechanisms would enhance control over the activities of police personnel, notably in preventing and sanctioning cases of improper use of force and of corruption.<sup>49</sup> The need for additional oversight is based on the observation that “[w]hile mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms neither ensure the punishment of those responsible nor prevent future violations.”<sup>50</sup>

**23. Civil society oversight:** The police service cooperates mostly informally with civil society and other institutional actors, notably municipalities. No further information was available.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No data were made available.

## III. ARMED FORCES INDICATORS



According to the constitution, the People's Revolutionary Armed Forces (FARP) of Cape Verde is subordinate to democratic institutions and is the only institution in charge of the military component of the national defence system.<sup>51</sup> Under the authority of the Ministry of Defence, FARP comprises the army and navy and is also responsible for the maritime police.<sup>52</sup>

Women first joined the Cape Verdean armed forces in 2000. The lack of facilities and infrastructure and the current military law have been singled out as key obstacles blocking a larger participation of women within the armed forces, which currently stands at 3.5% of the 600 FARP permanent staff. The minister of defence is currently a woman. No specialised gender policies or procedures dealing with sexual discrimination/GBV were identified. Information on human resources policies and oversight mechanisms – other than parliamentary – was not available.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** No data were made available.

**3. Sexual harassment policy:** None in addition to the 2004 Penal Code<sup>53</sup> (see National Governance #2).

**4. Gender-sensitive code of conduct:** No code of conduct exists.

**5. Procedures for responding to cases of of sexual harassment/GBV perpetrated by armed forces:** No specific procedures exist. In general the constitution foresees that crimes committed by armed forces staff will be adjudicated by the Military Tribunal.<sup>54</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Collaboration mechanisms:** None.

## PERSONNEL

**8. Number of female and male personnel:** Military service is compulsory for men and voluntary for women. According to the National Development Plan 2002–2005, the number of staff within the armed forces was about 1,000 at the time, corresponding to 0.28% of the population.<sup>55</sup> More recent estimations (2010) have indicated the number to be around 1,200, including only 21 women (1.75%). However, of the 600 permanent military personnel,<sup>56</sup> women constitute about 3.5%.

**9. Rank of male and female personnel:** Among the 21 female armed forces personnel, there are 2 captains, 2 first lieutenants, 5 lieutenants, 5 sergeants, 1 sergeant-major, 2 second sergeants and 4 first non-commissioned officers.<sup>57</sup>

**10. Number of female and male personnel in peacekeeping missions:** Cape Verde does not currently participate in peacekeeping operations.

**11. Rates of attrition:** No information.

**12. Recruitment targets for female personnel:** No data were made available.

**13. Vetting procedure for GBV:** None.

**14. Positions/units where female or male personnel cannot serve:** No information.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** There has reportedly been “positive discrimination” towards women since 2000.<sup>58</sup>

**16. Female staff associations:** None.

**17. Infrastructure/facilities for female and male personnel:** 1 barrack is reserved for female personnel on the island of Sal, although no female personnel were stationed there when the research was conducted. Similar infrastructure is to be constructed in Praia and Mindelo, where female personnel are currently located. The lack of such infrastructure and facilities is reportedly a major factor limiting the participation of women in the armed forces.<sup>59</sup>

## TRAINING

**18. Gender training:** None.

**19. Mainstreaming gender into training:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** No data were made available.

**21. External oversight mechanisms/bodies:** FARP is under parliamentary oversight (see National Governance #3). Additional information was not available.

**22. Civil society oversight:** No data were made available.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No data were made available.

## IV. JUSTICE SYSTEM INDICATORS



The Cape Verdean courts are independent bodies,<sup>60</sup> as provided for in the constitution. Under the authority of the Ministry of Justice, the court system consists of the Supreme Court,<sup>61</sup> the Courts of First Instance, the Courts of Accounts, Tax and Customs Courts and the Military Tribunal.<sup>62</sup> Public prosecutors are appointed by the Ministry of Justice. Judges are appointed by the Supreme Court on the basis of nominations by the Supreme Council of Magistrates. The national Human Rights Commission defends the human and civil rights of the population.<sup>63</sup>

Female representation in Cape Verde’s justice sector is relatively high. Of a total of 117 judges, 44 are women (37.60%). The same level of representation (37.93%) can be found among the Supreme Court judges. Moreover, the current minister of justice is a woman. There have also been advances in terms of both gender training and services to victims, notably with the provision of legal aid to victims of GBV in specialised centres. Nevertheless, there are few specialised internal policies, rules and procedures, and no data were available on oversight and response to sexual harassment and GBV.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** No data were made available.

**2. Human resources policies:** No data were made available.

**3. Sexual harassment policy:** None in addition to the 2004 Penal Code (see National Governance #2).<sup>64</sup>

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for prosecuting cases of GBV:** No information.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** No data were made available.

**7. Specialised structures for service recipients:** Programmes such as the Care Networks initiative facilitate women's access to justice, implemented by the Cape Verde Association of Women Jurists (AMJ) in collaboration with the Ministry of Justice among other organisations (see Police #8). This takes place within the framework of the different courts of law that are available to victims throughout the country.<sup>65</sup> Moreover, the Institute for Gender Equality and Equity (ICIEG), with the support of the UN Population Fund, has implemented activities to strengthen the legal actors that assist women victims of violence (notably the AMJ and the Organisation of Cape Verdean Women).<sup>66</sup>

**8. Collaboration mechanisms:** See Justice #7.

## PERSONNEL

**9. Number of female and male personnel:** Of the 117 judges in the justice system and in ministries, 44 are women (37.6%).

**10. Number of male and female judges:**

- Supreme Court
  - » 22 of the 58 court judges are women (37.93%)
  - » 5 of the 12 out-of-court judges are women (41.67%)
  - » 2 of the 7 senior advisory judges are women (28.57%)
- Regional courts
  - » 15 of the 40 judges are women (37.5%)

**11. Recruitment targets for female personnel:** No data were made available.

**12. Vetting procedure for GBV:** No information was available.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** No data were made available.

**14. Female staff associations:** Created in 2000, the Association of Women Jurists (AMJ) brings together jurists, lawyers and judges and has about 150 members. It works extensively on projects to counter domestic violence and other types of GBV, and to assist female prisoners.

## TRAINING

**15. Gender education or training:** The ICIEG and the AMJ have been organising gender training for certain personnel within the police service and justice system since 2006 (see Police #19). Within the justice sector this training has been largely aimed at judges working on criminal law.<sup>67</sup>

**16. Mainstreaming gender into training or education:** The training that takes place within the framework of the House of Law includes gender issues in discussions on fundamental human rights. It is not clear, however, who benefits from this training. Basic university training for law students reportedly includes a gender element.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** No data were made available.

**18. External oversight mechanisms:** No data were made available.

**19. Civil society oversight:** No data were made available.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



The Cape Verdean penal services fall under the responsibility of the Ministry of Justice and are led by the Directorate General of the Penal Services. As of 2003 there were 11 prisons in Cape Verde.<sup>68</sup> Prisons are overcrowded and conditions are poor. Other issues of concern include long periods of pre-trial detention and excessive delays in legal processes. However, recent prison extensions and the construction of new prison facilities have improved this situation.<sup>69</sup>

There are no institutional gender policies, structures or specific rules or procedures dealing with sexual harassment and GBV within the prison services. Prisons house both male and female inmates, but female and juvenile detainees are separated from male prisoners. However, it would appear that juveniles of both sexes are sometimes held together with women, and in other cases female juveniles are held with women and male juveniles with men. Female detainees are guarded only by women. Such separations appear to be mostly enforced for women, and not always for juveniles. Special procedures and facilities exist for pregnant and nursing prisoners and for female prisoners with young children. A collaborative relationship is upheld between the penal services and women's organisations, as well as the government gender institution (Institute for Gender Equality and Equity, ICIEG). Among the total of 699 prisoners there were 44 women (6.29%) when the research was conducted. Although female prison staff exist, no data could be found on how many of the 152 prison guards are women. Gender training is in the planning stages, and is much needed since there have been allegations of sexual abuse by prison guards against female prisoners.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>70</sup>

**2. Human resources policies:** No data were made available.

**3. Sexual harassment policy:** None in addition to the 2004 Penal Code (see National Governance #2).<sup>71</sup>

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for interaction between males and females:** Women and men are placed in separate quarters of shared prisons. Joint activities of female and male prisoners occur very rarely, for security reasons. Body searches are conducted by female prison staff for female prisoners and visitors, and by male staff for men.

**6. Procedures for family and conjugal visits:** Male and female prisoners receive visits in different prison areas. Minors and young women and men (16–21) receive visits in yet another separate area. Conjugal visits are allowed.<sup>72</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** Special cells are reserved for pregnant and breastfeeding prisoners. Pregnant and nursing women are entitled to receive support from the prisons regarding medical visits, medicine and nutrition.<sup>73</sup> Children have to leave prison upon reaching the age of 3. If the father is also a prisoner, he is allowed to spend 1 day a week with the child and the mother, subject to authorisation from prison management. Otherwise, the father can seek permission from the prison administration to visit the child.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** If such a case is reported, a complaint is sent to the prison administration, which may trigger an internal and possible criminal investigation procedure. In serious circumstances, the case may be forwarded to the Prosecutor of the Republic. If the alleged perpetrator is a civil servant or prison guard he or she will also face disciplinary sanctions.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.

**10. Separate prisons for males/females and juveniles/adults:** There are no separate prisons, but there is segregation based on sex within shared prison facilities. The newly established prison in Praia also separates prisoners according to the type of crime they committed and their age (those aged between 16 and 21 are held with female prisoners). Other prisons have reportedly respected the separation of sexes, but held juveniles with adults of the same sex.<sup>74</sup>

**11. Specialised education, training and rehabilitation:** Different types of training exist for prisoners according to their sex, although certain training is universal.

- Hairdressing: women
- Sewing: women and men
- Carpentry and computers: juveniles and adults of both sexes
- Arts: juveniles of both sexes

There are also some health-related courses directed at both sexes, notably on drugs and HIV/AIDS prevention, and on human rights and citizenship. Moreover, the Association of Women Jurists (AMJ) recently initiated training for female prisoners to prepare them for reintegration into society.

**12. Specialised health and drug treatment:** All prisoners are entitled to healthcare, and prisons are equipped with service clinics that all have a doctor and a nurse. In case of emergency, prisoners are taken to specialised hospitals for treatment. Prisoners with drug dependencies are cared for by the prison psychological service. Access to reproductive healthcare is generally provided by the prison clinics, while gynaecological examinations are performed by private or public services outside the hospital (for medical treatment during pregnancy see Penal #7). Nevertheless, prison health services have been described as "poor."<sup>75</sup>



**13. Collaboration mechanisms:** Support from women's organisations and the ICIEG to different prisons is *ad hoc* and there are no formalised collaboration mechanisms or specific programmes. The Cape Verdean authorities have become increasingly aware of the need to share responsibility for reintegrating prisoners into civil society with the private sector.<sup>76</sup> Hence, for example, the AMJ trains female prisoners to help ease their reinsertion into society after release (see Penal #11).

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** Of the total 699 prisoners, an estimated 44 are women (6.29%).<sup>77</sup>

**15. Number of female and male personnel:** The penal service has an estimated 152 staff (sex-disaggregated data not available).

**16. Rank/level of male and female personnel:** No data were made available.

**17. Rates of attrition:** No data were made available.

**18. Recruitment targets for female personnel:** No information was found on specific recruitment targets. Nevertheless, at the time of research 10 women were foreseen to be recruited among a total of 33 new recruits foreseen (30.49%).

**19. Vetting procedure for GBV:** None.

**20. Positions/wards where female or male personnel cannot serve:** Although prisons are mixed, prisoners are held in separate quarters according to their sex. Male prison guards are not allowed to work in or even enter the cells of female prisoners, or search them, and vice versa. Nonetheless, there have been allegations of sexual abuse of female prisoners by prison guards – an indication that the separation might not be fully respected.<sup>78</sup>

**21. Specific measures for the recruitment, retention and advancement of female personnel:** No data were made available.

**22. Female staff associations:** A female staff association exists. In addition, there is a newly created prison guards' association for both male and female personnel (it does not have a female section). This new body has reportedly organised some events and activities with a focus on women, for example on International Women's Day.

**23. Infrastructure/facilities for male and female personnel:** Some infrastructure, such as bathrooms and dormitories, is separate. Uniforms, however, are the same for men and women. If a female prison guard becomes pregnant she may wear maternity clothes that are the same colour as the standard guard uniform.

## TRAINING

**24. Gender training:** None has been conducted, although training with a focus on sexual and physical attacks is being planned.

**25. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** No data were made available.

**27. External oversight mechanisms:** The attorney-general, judges and parliamentarians participate in oversight of prison conditions. The national Human Rights Commission could also have a role, though it has reportedly never intervened in this domain. On the other hand, external actors such as the United States embassy have been involved in oversight of the penal services, including prisons.<sup>79</sup>

**28. Civil society oversight:** No data were made available.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No statistics were available, although there have been reports of prison guards abusing female prisoners.<sup>80</sup>

## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=human+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. Formerly the African Party for the Independence of Guinea-Bissau and Cape Verde.
3. Adelino Handem, "Cape Verde" in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin (Geneva: DCAF, 2008), 61-63.
4. This has been attributed in part to the fact that the archipelago was uninhabited until the arrival of the Portuguese, and the population of Cape Verde is unusually homogeneous in terms of ethnicity, religion and language. *Ibid.*, 61, 73.
5. *Ibid.*, 69, 73.
6. *Ibid.*, 67. Cape Verde is used as a transit point (notably between Latin America and Western Europe). Carlos Nunes Fernandes dos Reis, "Republic of Cape Verde," in *Parliamentary Oversight of the Security Sector in West Africa: Opportunities and Challenges*, ed. Adedeji Ebo and Boubacar N'Diaye (Geneva: DCAF, 2008), 105-106.
7. Trafficking of drugs, arms and people, as well as organised crime are listed among the major threats in *Grandes Opções do Conceito Estratégico de Defesa e Segurança Nacional* (Praia, 2005), 3; *Conceito Estratégico de Defesa e Segurança Nacional* (Praia: Ministry of Justice, 2009), 16.
8. Handem, "Cape Verde," 67.
9. aforl News, "AFROL Gender Profiles: Cape Verde," aforl News, [http://www.aforl.com/Categories/Women/profiles/capeverde\\_women.htm](http://www.aforl.com/Categories/Women/profiles/capeverde_women.htm); *Constitution of the Republic of Cape Verde* (Presidency of the Republic of Cape Verde, Constitutional Law 1/V/99 of 23 November 1999), Article 1.
10. Dr Robert Winslow, "Cape Verde," *Crime and Society: a Comparative Criminology Tour of the World*, San Diego State University, [http://www-rohan.sdsu.edu/faculty/rwinslow/africa/cape\\_verde.html](http://www-rohan.sdsu.edu/faculty/rwinslow/africa/cape_verde.html).
11. aforl News, "Cape Verde."
12. Winslow, "Cape Verde."
13. As noted in Handem, "Cape Verde," 64.
14. Handem, "Cape Verde," 64; *Constitution*, Article 124. The constitution was approved in 1992 and has so far been revised twice: in 1995 and 1999.
15. Among others, both have a role in approving decisions to go to war, making peace, declaring a state of emergency and granting amnesty/pardon (decisions then submitted to the president). Handem, "Cape Verde," 64; *Constitution*, Article 174, 175. Moreover, Articles 175 and 176 of the Constitution clarify the legislative role of the national assembly in matters of the organization of national defence, the armed and security forces, tribunals and the public service.
16. Nunes Fernandes dos Reis, "Republic of Cape Verde," 115.
17. *Ibid.*, 113. See also Handem, "Cape Verde," 64 and *Constitution*, Articles 176-177.
18. Integrated, among others, by the ministers for national defence, internal security, external affairs, transport and fisheries and police representatives. Nunes Fernandes dos Reis, "Republic of Cape Verde," 108.
19. Handem, "Cape Verde," 64, 67-68; *Constitution*, Articles 134, 248.
20. *Constitution*, Article 248-250.
21. As described in aforl News, "Cape Verde."
22. Virtual Cape Verde, "New Government of the Republic of Cape Verde," Embassy of Cape Verde in Washington, D.C. [http://virtualcapeverde.net/news2/modules/Downloads/docs/CV\\_NewGovernement24FEB2010.pdf](http://virtualcapeverde.net/news2/modules/Downloads/docs/CV_NewGovernement24FEB2010.pdf)
23. Handem, "Cape Verde," 72.
24. See *Constitution*.
25. Nunes Fernandes dos Reis, "Republic of Cape Verde," 106.
26. The five main areas of the plan were: legal and institutional aspects; prevention; protection of victims and social and psychological reintegration of victims; punishment and rehabilitation of perpetrators; and education, information and communication for behavioural change. United Nations Division for the Advancement of Women, "The UN Secretary-General's Database on Violence against Women: Cape Verde," United Nations Division for the Advancement of Women, <http://webapps01.un.org/vawdatabase/countryInd.action?countryId=318>.
27. United Nations Population Fund, "Cape Verde," UNFPA, [http://www.unfpa.org/webdav/site/global/shared/CO\\_Overviews/Cape%20Verde\\_b1\\_9.18.doc](http://www.unfpa.org/webdav/site/global/shared/CO_Overviews/Cape%20Verde_b1_9.18.doc). The percentage of female members of the National Assembly of Cape Verde rose from 11% to 18.1% between 2001 and 2006. Inter-Parliamentary Union, "Women in national parliaments: Situation as of 31 December 2005," Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/arc/classif311205.htm>; Inter-Parliamentary Union, "Women in national parliaments: Situation as of 31 January 2011," Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.
28. *Penal Code of Cape Verde* (Ministry of Justice, Legislative Decree n.º4/2003 of 18 November, amended 1 July 2004), Article 134. See also United Nations Division for the Advancement of Women, "Cape Verde."
29. Winslow, "Cape Verde." Handem has also argued that reforms in both the penal/criminal code and the code of criminal procedure were initiated in order to update them to the standards of modern human rights law and following the modernisation processes that the islands was undergoing. Handem, "Cape Verde," 65.
30. *Code of Criminal Procedure* (Ministry of Justice, Legislative Decree n.º2/2005 of 7 February).
31. As argued by the UN, one of the measures that can be imposed under the provisions of this new procedural instrument is "a prohibition on continuing to reside in the family home, when the defendant is the subject of prosecution for the ill-treatment of a spouse or partner." United Nations Division for the Advancement of Women, "Cape Verde."
32. Article 23 (principle of equality before the law), Article 47 (freedom of expression and information, but without allowing for the defence of violence, racism, xenophobia or discrimination against women), Article 54 (political participation: the state should encourage equal political participation of women and men) Articles 61-62 (labour rights: women and men should receive equal salary for equal work; entitlement to special protection for women during pregnancy and post-delivery and; guarantees for working conditions that facilitate the exercise of maternal and family functions), Article 87 (state obligations: the need for the state to eliminate the conditions that lead to the discrimination of women and assure the protection of their rights, as well as the rights of children). *Constitution*.
33. For example, Article 73 outlines special protection for children against discrimination, authority abuse, child labour, sexual exploitation and trafficking. *Constitution*.
34. *Decree Law 78/79 of 25 August concerning the Crime of Rape* (1979). United Nations Division for the Advancement of Women, "Cape Verde."
35. Data collected by researchers. Previously there were 2 women in these bodies – compare Nunes Fernandes dos Reis, "Republic of Cape Verde," 111, 113.
36. Inter-Parliamentary Union, "Women in national parliaments: Situation as of 31 January 2011," Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.
37. As discussed in Winslow, "Cape Verde."
38. Handem, "Cape Verde," 67. (Translation of Article 240 of the *Constitution*.)
39. Handem, "Cape Verde," 67.
40. Nunes Fernandes dos Reis, "Republic of Cape Verde," 110.
41. Winslow, "Cape Verde." Abuse of persons in detention and the "impunity" of the police were also mentioned in Government of Cape Verde, "Governo acolhe resultados do Relatório sobre Direitos Humanos com satisfação," Government of Cape Verde Press Release, [http://www.governo.cv/index.php?option=com\\_content&task=view&id=2326](http://www.governo.cv/index.php?option=com_content&task=view&id=2326).
42. *Penal Code*.
43. Previously the Institute of Female Status (created by Decree Law 1/94).
44. United Nations Division for the Advancement of Women, "Cape Verde."
45. Winslow, "Cape Verde."
46. "Statement of the Minister Responsible for Gender Issues, Chairperson of ICIEG on 25 November 2008," abstract available at United Nations Division for the Advancement of Women, "Cape Verde."
47. Data provided showed some inconsistencies and should be considered as approximate.
48. "Training of Police and the Judiciary (2006)," see United Nations Division for the Advancement of Women, "Cape Verde."
49. Handem, "Cape Verde," 71.
50. Winslow, "Cape Verde."

51. *Constitution*, Articles 243-244.
52. Handem, "Cape Verde," 67.
53. *Penal Code*.
54. *Constitution*, Article 217.
55. Nunes Fernandes dos Reis, "Republic of Cape Verde," 109. According to Handem it was slightly more: 0.3%. Handem, "Cape Verde," 66-67.
56. Expresso das Ilhas, "Cabo Verde: Falta de condições nos quartéis inviabiliza presença de mais mulheres nas Forças Armadas, admite Exército / Nacional / Detalhe de Notícia," Expresso das Ilhas, 11 January 2010, <http://www.expressodasilhas.sapo.cv/index.php/pt/noticias/go/cabo-verde-falta-de-condicoes-nos-quarteis-inviabiliza-presenca-de-mais-mulheres-nas-forcas-armadas--admite-exercito>.
57. *Ibid.*
58. As explained in *Ibid.*
59. *Ibid.*
60. Handem, "Cape Verde," 63. One observer has argued that there has been an improvement in the perception of independence of the courts and that currently even influential persons (such as a former prime minister) are being investigated on corruption charges. Winslow, "Cape Verde."
61. Also known as the 'Supreme Tribunal of Justice' from the Portuguese Supremo Tribunal de Justiça.
62. Handem, "Cape Verde," 65 and *Constitution*, Article 213.
63. Handem, "Cape Verde," 65, 69.
64. *Penal Code*.
65. A Semana, "São Miguel House of Law unveiled today," A Semana, 27 January 2007, <http://www.asemana.publ.cv/spip.php?article22284>.
66. "Statement of the Minister Responsible for Gender Issues, Chairperson of ICIEG on 25 November 2008," United Nations Division for the Advancement of Women, "Cape Verde."
67. "Training of Police and the Judiciary (2006)," see United Nations Division for the Advancement of Women, "Cape Verde."
68. Kings's College London, "Prison Brief for Cape Verde," *World Prison Brief*, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=8](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=8).
69. Government of Cape Verde, "Governo acolhe resultados."
70. See for example Article 3 of "Regulamento interno da cadeia Central da Praia," in *Boletim Oficial: 3º Suplemento*. Series 1: Number 49 (Ministry of Justice: December 2009).
71. *Penal Code*.
72. "Regulamento interno da cadeia Central da Praia," Article 27.
73. *Ibid.*, Article 16.
74. Winslow, "Cape Verde."
75. *Ibid.*
76. Handem, "Cape Verde" 68.
77. Data as of December 2009. Winslow has slightly lower figures: around 600. Winslow, "Cape Verde."
78. Winslow, "Cape Verde."
79. Government of Cape Verde, "Governo acolhe resultados."
80. Winslow, "Cape Verde."

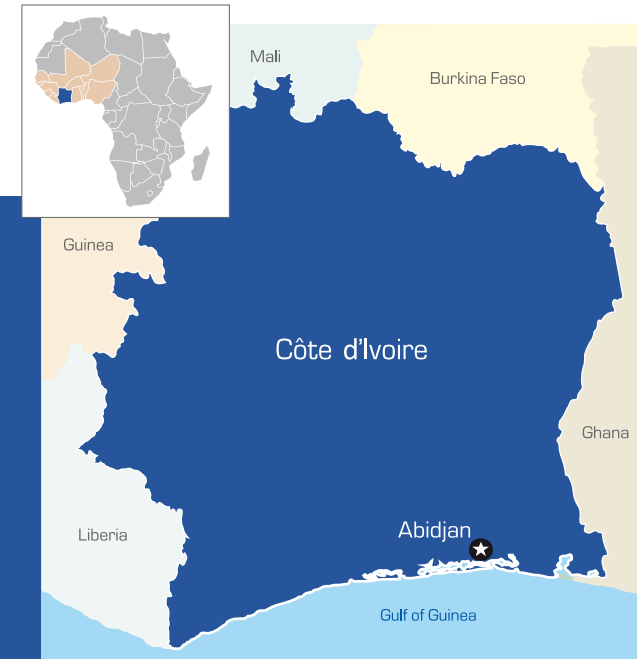
# Côte d'Ivoire



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## QUICK FACTS<sup>1</sup>

- Population: 15,366,672; 51.05% male, 48.95% female (1998)
- Population below the poverty line: 23.3% living on less than 1 USD/day (2003)
- Lifespan: 56.6 men, 58.6 women (life expectancy at birth, 2005–2010)
- Literacy rate: 60.8% men, 38.6% women (2000)
- Fertility rate: 4.6 children per woman (2007)
- Human Development Index rank: 149 out of 169 (2010)
- Percentage GDP spent on defence: 1.5% (2008)
- Perception of corruption rank: 146 out of 180 (2010)



**Editor's note:** The research for this country profile was conducted prior to the 2010 national elections and is accurate as of April 2010, unless otherwise stated. Given the social and political upheaval of late 2010 and early 2011, the information presented below may have changed, though it still provides a useful baseline against which improvement or deterioration of gender mainstreaming in the security sector can be measured.

## INTRODUCTION\*

In its post-colonial years, Côte d'Ivoire, a former French colony, was singled out as one of Africa's most stable and best-developing countries. In the past decade, however, a failing economy and political instability have been more characteristic of the country. A first military coup took place in December 1999, and was followed by increased popular discontent, instability and violence during the 2000 elections.<sup>2</sup> This led to the fall of the military regime and brought Laurent Gbagbo to power on 26 October 2000. Yet the violent means through which this "Second Republic" was created triggered more violence,<sup>3</sup> and civil war erupted between the new government and the armed group Forces Nouvelles following a politico-military crisis in September 2002.<sup>4</sup> In 2003 a stalemate was reached, leading to a *de facto* division of the country between the rebel-controlled north and the government-controlled south,<sup>5</sup> under the supervision of UN peacekeeping troops. More recently, national elections held in late November to early December 2010 were contested by 2 presidential candidates, the incumbent Laurent Gbagbo and challenger Alassane Ouattara,

with both claiming victory. Political unrest and violence followed, and no resolution had been reached at the time of writing.

The key ministries involved in security sector provision and oversight in Côte d'Ivoire are interior, defence and justice. Formal state security sector institutions (SSIs) can be divided into "forces in charge of protecting and defending territorial integrity and those in charge of internal security," the former being the armed forces and the latter notably the police service and the gendarmerie.<sup>6</sup> The years of tension and violence within the country have favoured a militarisation of the police and gendarmerie (i.e. they possess weapons generally not commensurate with their mandate of maintaining public order)<sup>7</sup> and a situation of limited civilian and parliamentary control over the military. In fact, control of the military is mainly in the hands of the president.<sup>8</sup> In spite of multiple signed peace and cooperation agreements,<sup>9</sup> few advances have been made in the disarmament,

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

demobilisation and reintegration process and the integration of the rebel forces into the National Armed Forces<sup>†</sup>. Hence, these 2 issues remain challenges to security sector reform (SSR).<sup>10</sup> Yet, even without the integration of rebel forces, the armed forces reportedly suffer from divisions, ethnic tensions and personal rivalries, resulting in “a multiplicity of centres of command.”<sup>11</sup> Another SSR issue is the lack of accountability of the National Armed Forces for crimes committed. It has been argued that “even in well-documented cases of violence, rape and murder, the perpetrators enjoy a level of impunity that has led to a clear deterioration of the image of the military and its relations with the population.”<sup>12</sup> Moreover, uncontrolled flows of weapons from neighbouring post-conflict countries (Liberia, Sierra Leone) have contributed to high levels of insecurity, which in turn have to some extent triggered the “uncontrolled proliferation of paramilitary groups.”<sup>13</sup> Finally, the lack of independence of the judiciary<sup>14</sup> hinders access to justice for victims of abuse such as gender-based violence (GBV).

The Ivorian Constitution prohibits discrimination on the basis of sex,<sup>15</sup> and national legislation increasingly reflects recognition that the rights of women and girls must be protected.<sup>16</sup> Nonetheless, GBV against women and girls remains prevalent, especially in rural areas, and the civil war contributed to worsen this already difficult situation in terms of sexual violence perpetrated with impunity by both pro-government and rebel forces.<sup>17</sup> In spite of some legislation and the work of Ivorian women’s rights organisations, the laws protecting the physical integrity of women and girls in Côte d’Ivoire are allegedly weak and insufficiently implemented. As argued by the Organisation for Economic Co-operation and Development:

Violence against women, including spousal abuse (usually wife beating) occurs frequently and is not specifically penalised. Domestic violence is regarded as a family problem with severe social stigmas attached: women are often shamed for their presumed ‘bad behaviour and need of correction’. A study undertaken by the Ivorian Association for the Defense of Women (AIDF) reported that 90 per cent of the interviewees had experienced violence in the home.<sup>18</sup>

Sources state that female victims of domestic violence and rape are frequently “ignored when they attempt to bring the violence to the attention of the police.”<sup>19</sup> Although outlawed in Côte d’Ivoire,<sup>20</sup> female genital mutilation (FGM) is frequently practised (figures vary from 34%<sup>21</sup> to 45%<sup>22</sup> to 60%<sup>23</sup>), but with great geographic and cultural variations.<sup>24</sup> The same can be said about early and forced marriage: according to a 2004 United Nations report, about 25% of girls between the age of 15 and 19 were either married, divorced or widowed.<sup>25</sup> While rape is prohibited and can lead to 5–20 years’ imprisonment,<sup>26</sup> spousal rape is not outlawed,<sup>27</sup> and rape and other forms of sexual violence are endemic.<sup>28</sup> Other security issues affecting women and girls in Côte d’Ivoire are the vulnerable situation of female domestic workers; HIV/AIDS;<sup>29</sup> sexual abuse by teachers leading to high secondary school drop-out rates among girls;<sup>30</sup> and the trafficking of women and children for forced labour and commercial sexual exploitation.

## CÔTE D’IVOIRE SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### *Police Nationale*

- *Ecole Nationale de Police*
- *Compagnie Républicaine de Sécurité*
- *Brigade Anti-émeute*
- *Police Judiciaire*
- *Inspection Générale des Services de Police*

#### *Gendarmerie Nationale*

#### *Forces Armées Nationales*

- *Inspection Générale des Forces Armées Nationales*

#### *Système judiciaire*

- *Tribunal Militaire*
- *Inspection Générale des Services Judiciaires et Pénitentiaires*
- *Institut National de la Formation Judiciaire*

#### *Administration Pénitentiaire*

#### *Organisations de la société civile*

- *Association des Femmes Juristes de Côte d’Ivoire*

### Oversight

#### *Ministère de l’Intérieur*

#### *Ministère de la Défense*

#### *Ministère de la Justice et des Droits de l’Homme*

#### *Ministère de la Famille, de la Femme et des Affaires sociales*

- *Commission de Lutte Contre les Violences Faites aux Femmes*

#### *Président de la République*

#### *Conseil supérieur de la Défense*

#### *Commission Nationale des Droits de l’Homme de Côte d’Ivoire*

#### *Médiateur de la République*

#### *Système judiciaire*

#### *Assemblée Nationale*

- *Commission permanente parlementaire « Défense et Sécurité »*
  - *Commission permanente parlementaire « Affaires Générales et Institutionnelles »*
- Organisations de la société civile*

\* Only those included in this country profile, not a comprehensive list.

<sup>†</sup> The author has translated institution names into English. These are not official translations.

Côte d'Ivoire's SSIs have accomplished different levels of gender mainstreaming. On the positive side, there is a relatively large presence of women within the justice sector and the penal services; notably, women constitute 23.40% of judges and 25.96% of total prison staff. These are also the SSIs that have been most involved in gender training and are under the responsibility of the gender unit within the Ministry of Justice and Human Rights. The active oversight of these institutions, especially the penal services, by the National Human Rights Commission of Côte d'Ivoire might also have had an impact. Moreover, the human resources policies of all institutions studied are overall fairly equitable for women and men, without formal discrimination and with maternity benefits. However, many gaps and challenges remain within the police service, and especially within the armed forces and gendarmerie. These institutions have about 11.14%, 0.50% and 0% female personnel, respectively, and exhibit little sensitivity or responsiveness to gender issues. More worryingly, there have been reports that personnel from these institutions have perpetrated violent crimes, including GBV, against civilians, largely with impunity. Incidents of serious sexual harassment by trainers at the National Police School are also a concern. Measures have been taken to combat this abuse, notably through the recruitment of female trainers. At a broader level, in spite of mostly non-discriminatory legislation and gender action plans, women in Côte d'Ivoire remain poorly represented in the political arena. Finally, few specialised structures exist for service recipients, which is a serious problem in a country with such a high rate of GBV as Côte d'Ivoire.

## I. NATIONAL GOVERNANCE INDICATORS



Côte d'Ivoire's security policy is largely in the hands of the president. It is neither developed in a public manner nor openly accessible to the public. Available documents relating to the security sector mainly address the resolution of the 2002–2003 civil war and the management of the post-conflict situation, including the restructuring of the National Armed Forces. In terms of national gender policies, however, Côte d'Ivoire boasts both a National Gender Action Plan and an Action Plan for the Implementation of UN Security Council Resolution 1325. Its legislation increasingly protects the rights of women and girls, although enforcement by the security sector remains a key challenge. Côte d'Ivoire has a Ministry of Family, Women and Social Affairs, as well as 14 gender focal points and units in various government ministries.<sup>31</sup> Yet women are generally poorly represented on a political level in the country, representing only 8.90% of members of parliament<sup>32</sup> and 14.13% of ambassadors (2004).<sup>33</sup> The National Assembly lacks resources and power, and is generally not in a good position to exercise parliamentary oversight of SSIs. Moreover, although parliament approves the general state budget, “the real budget allocated to the defence forces is considered a defence secret,” as is other strategic and financial information.<sup>34</sup>

Côte d'Ivoire is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa

(2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** The national security policy could not be accessed by the researchers. Other key security documents include the laws establishing the National Armed Forces<sup>35</sup> and the various ceasefire and peace agreements linked to the 2002–2003 internal conflict. These agreements, notably the Ouagadougou Accord, outline the process for restructuring the National Armed Forces,<sup>36</sup> but most of them have not been implemented. Other crucial security-related documents are the multiple security and defence agreements that the government has concluded with France.<sup>37</sup> Furthermore, the constitution states: “The President of the Republic is the Commander-in-Chief of the National Armed Forces. He leads the High Defence Council.”<sup>38</sup>

### 2. National gender laws/policies:

- **National Policy on Equal Opportunities, Equity and Gender (2009):** Outlines the broader national policies of equal opportunities and gender equality, beyond the UN Security Council Resolution 1325 focus on conflict and post-conflict contexts.
- **Poverty Reduction Strategy Document (2009–2013)**
- **National Action Plan for the Implementation of UN Security Council Resolution 1325 (2008):** This action plan, covering the period 2008–2012, includes logical and results frameworks, and has a dedicated budget. Its first priority is the protection of women and girls against sexual violence and FGM.
- **Solemn Declaration of Côte d'Ivoire on Equality of Opportunities and Gender Equality (2007)**
- **National Women's Action Plan (2003)**
- **Constitution of the Second Republic of Côte d'Ivoire (2000):** Prohibits discrimination on the basis of sex, including as it relates to the law and work opportunities. Concerning the latter, Article 17 proclaims: “There is equal access to public and private employment for everyone. Any discrimination on the basis of sex, political, religious or philosophical opinions relating to the access or exercise of an employment is prohibited.”<sup>39</sup>
- **Prohibition of FGM:** Established in 1998 through Law 98-757, which provides for both a prison sentence (1–5 years) and fines for perpetrators of FGM.
- **Penal Code (1981):** Includes a number of prohibitions that aim to protect women and girls, notably Articles 345 (physical violence), 354 (rape) and 356 (sexual harassment).<sup>40</sup>

**3. Parliamentary security committees:** The Parliamentary Defence and Security Committee is in charge of security issues, as well as oversight of SSIs. It is composed of 34 members, none of whom is a woman.<sup>41</sup> The Parliamentary Committee on General and Institutional Affairs also has oversight of the justice sector and the penal services. It has 35 members, including 4 women (11.43%).<sup>42</sup>

**4. Male and female representation in parliament:** As of March 2011, of the 203 members of Côte d'Ivoire's Parliament, 18 (8.9%) are women and 185 (91.1%) are men.<sup>43</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** The Ministry of Family, Women and Social Affairs (led by a woman) has a Gender Equity and Promotion Directorate. The ministry does not participate in security sector oversight.<sup>44</sup> There are reportedly gender focal points and gender units within different technical ministries (14 gender units currently exist).<sup>45</sup>

## II. POLICE SERVICE INDICATORS



The Côte d'Ivoire National Police is the main provider of internal security, aided in this role by the National Gendarmerie (see Armed Forces). Although it is not directly linked to the armed forces, the National Police enjoys some military privileges, including more advanced weaponry (such as automatic weapons) and a "specific status within the public service, a special military provident fund, free accommodation, etc."<sup>46</sup> The status of the National Police is outlined in Decree 2004-577. It is under the authority of the Ministry of Internal Security (also Ministry of Interior and Public Security, hereafter Ministry of Interior). In 2010 the police force comprised about 16,939 personnel.

The first female police officers in Côte d'Ivoire graduated in the late 1980s. Since then that number has grown to about 1,887 (11.14%). No formal discrimination exists against women and human resources policies are comprehensive and equitable for women and men. No specific gender policies or structures exist, but there is an evolving informal structure of gender focal points and an internal committee of female police officers that reflects on gender problems within the police. Police officers do not receive appropriate training on GBV and have been described as unhelpful towards victims. Nevertheless, gender training is gaining importance, both in separate modules and in mainstream basic training. No formal specialised structures exist for service recipients, but informally some efforts are made to ensure that only female officers receive female victims of GBV. Sexual harassment of female students at the National Police School has been reported. Although the school has refuted these reports, measures have been taken to counter such abuse, notably through the recruitment of female trainers.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** The National Police human resources policy<sup>47</sup> stipulates the same rights for male and female staff. Overall, the benefits are the same for staff of both sexes (in their capacity as public servants<sup>48</sup>); for example, basic training, work and living conditions, as well

as conditions for retirement are the same for female and male officers.

- **Marriage:** Both women and men must request authorisation to marry and the proposed partner's "morality" is examined before the request is approved or rejected.
- **Maternity leave:** 14 weeks (6 weeks before and 8 weeks after delivery)
- **Paternity leave:** 3 days
- **Breastfeeding:** There is no specific policy, though special time arrangements are usually made for women returning from maternity leave who are still breastfeeding. However, these arrangements are subject to the approval of the individual's supervisor.

**3. Sexual harassment policy:** None currently exists, though a draft text that addresses such issues was reportedly developed in 2010. Moreover, in order to reduce the risk of sexual harassment during basic training, the National Police School has adopted an informal policy of recruiting female trainers. In 2010 there were 25 female trainers.

**4. Gender-sensitive code of conduct:** A draft code of conduct exists, but researchers were not able to access the relevant document.

**5. Standard operating procedures in response to GBV:** None could be identified. The procedures appear to be the same as for other crimes. Yet it has been claimed that female victims of domestic violence and rape who try to bring their cases to the police are often "ignored."<sup>49</sup> The government itself has argued that the police service is insufficiently trained to deal with victims of sexual violence, which "hampers the smooth development of inquiries, as the victims, feeling that they are called into question, do not cooperate."<sup>50</sup>

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** If a case of sexual harassment or GBV implicates a police officer the inspector general of the National Police is responsible for dealing with the matter. The inspector general initiates an administrative procedure, which culminates in a report to the minister of interior, who can then decide to convene a board of inquiry. The latter, in turn, can propose administrative sanctions (e.g. temporary suspension, demotion, admonition or expulsion). For senior officer perpetrators, the final decision may be taken by the president or the interior minister, depending on the gravity of the offence.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** An informal gender focal point – a female police commissioner – exists but has no specific budget. The focal point executes "nearly individual"<sup>51</sup> work, without any formal collaboration with the Ministry of Family, Women and Social Affairs.

**8. Specialised structures for service recipients:** None exists at the official level. However, there is an unofficial effort on the part of the human resources division to assign at least 1 woman at each police station so that she is available to receive female victims of GBV. As previously mentioned, the National Police has limited training and sensitivity regarding questions linked to GBV. Moreover, there are no specialised anti-GBV campaigns at the level of the National Police, although such campaigns have been conducted by non-governmental organisations (NGOs) in partnership with international organisations.

**9. Collaboration mechanisms:** Collaboration mechanisms with civil society are informal. The National Police has also participated in certain activities organised by the Ministry of Family, Women and Social Affairs, and cooperates with international organisations and agencies such as the UN Mission in Côte d'Ivoire (UNOCI), the International Committee of the Red Cross (ICRC) and the International Catholic Child Bureau (BICE), particularly on gender issues.

## PERSONNEL

**10. Number of female and male personnel:** According to data from March 2010, there are 1,887 women within the National Police (11.14% of total personnel of 16,939).<sup>52</sup> This has not changed much from 2009, when an estimated 1,700 of the total 15,000 personnel were women (11.33%).<sup>53</sup>

### 11. Rank/level of male and female personnel:

March 2010 data:<sup>54</sup>

- female commissioners: 33 (6%)
- female inspectors: 207 (11.61%)
- female non-commissioned officers: 1,647 (11.27%)

2009 data:<sup>55</sup>

- female commissioners: 22
- female inspectors: 200
- female non-commissioned officers: over 1,400

Reportedly, 242 women graduated from the National Police School between 2008 and 2010.

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** A maximum quota capped the 3 first classes

of female police officers, who graduated at the end of the 1980s. 30 women graduated in the first class, followed by 300 and 500 women in the two following classes, respectively. The “cap” system was then abandoned in order “not to penalize the women,”<sup>56</sup> and to ensure that recruitment and advancement are based on test results for both women and men evenly.<sup>57</sup>

**14. Vetting procedure for GBV:** Before a police student is accepted at the National Police School there is an investigation of his or her “morality,” conducted by the Contest Bureau. If this process reveals aspects perceived as “grave and incompatible with the police function” the case is referred to the judiciary police. If the facts are proven, the person is denied admission.<sup>58</sup> No information was available as to whether the screening specifically addresses GBV.

**15. Positions/units where female or male personnel cannot serve:** None. When women first began joining the police service they were assigned to secretariat positions. Now, however, all positions are open to them. Yet women are reportedly reluctant to join special intervention forces such as the Republican Security Company I and II, the Anti-Riot Brigade or the judiciary police (where women in any case do not have very operational roles). No positions or units are reserved for women, although in early 2010 the traffic police created a mobile unit composed of women only, reportedly in order to find appropriate postings for a large number of female graduates from the National Police School.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None. Efforts have been made to ensure that staff rules are non-discriminatory. For example, the rules specify that candidates of both sexes may apply for a job with the police service.<sup>59</sup>

**17. Female staff associations:** None. Unions are prohibited within the National Police, although some social associations for mutual assistance may be allowed. An internal committee reflects on gender problems within the police in the framework of its 3 subcommittees that focus respectively on work, professional ethics and social issues. Created in 2010, this committee is led by a female police commissioner and composed of 33 female commissioners and other women police officers of different ranks. Its goal, among others, is to obtain authorisation to create a female staff association and to address gender problems within the police.

**18. Infrastructure/facilities for male and female personnel:** Women and men wear the same uniform, although women are also allowed to wear skirts. Generally there is no specific infrastructure such as locker rooms, showers and toilets. Still, at least at the National Police School, the showers and dormitories are separate. Within the police barracks, police staff live with their families.



## TRAINING

**19. Gender training:** A gender training session was organised in Abidjan in February 2009. Co-organised by the Ministry of Interior, UNOCI and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – formerly GTZ), a German international cooperation organisation, the training was aimed at participants in positions of responsibility within the National Police and the Ministry of Interior. The training, called “The Appreciation of Women and Optimised Gender Consideration within the National Police,” lasted 3 days with about 25 participants, including 9 women (36%). Although not compulsory, attendance was perceived as an instruction from the General Directorate of the National Police.<sup>60</sup> The content is outlined below.

### CONTENT

- National and international legal framework
- Introduction to gender issues within the security sector
- Understanding the gender concept within the security sector
- Gender, human rights and security
- Analysis of gender issues within the security sector
- Gender dimensions of security research and documentation
- Gender dimensions of consultative roles
- Gender dimensions of security programmes and projects
- Gender dimensions of security training
- Forms of discrimination and practice within the police
- Forms of gender-based violence and the situation in Côte d'Ivoire
- Measures to prevent and combat gender-based violence within the security sector<sup>61</sup>

**20. Mainstreaming gender into training:** At the National Police School, the ICRC holds training sessions focused mainly on preparing female police officers who will be receiving female victims of GBV at police stations. The training is based on a module on the protection of persons in situations of vulnerability, which has existed since 2007. It includes topics such as how to receive women victims of domestic violence.<sup>62</sup> Furthermore, since 2008 the BICE holds training sessions on child protection, which include aspects of GBV. There is also an ongoing project to create a general gender module for the National Police School, to be given by UNOCI.<sup>63</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** No specific oversight mechanisms linked to GBV issues exist. However, the General Inspectorate of Police Services is mandated to deal with different disciplinary measures in order to promote the normal functioning of the police service.<sup>64</sup> Its staff include 9 women (2 high ranking and 7 at subordinate level). All of its 17 inspectors are men, since female police officers have not yet reached the rank and experience to serve as inspectors.<sup>65</sup> There are no formal barriers preventing women from becoming inspectors. Finally, the Ministry of Interior also exercises some internal supervision and control. Further details were not available.

**22. External oversight mechanisms/bodies:** The National Human Rights Commission of Côte d'Ivoire (CNDHCI, see Justice) acts as external controller, but mostly on issues linked to its mandate of promoting, protecting and defending human rights.<sup>66</sup> The constitution also established a mediation body/ombudsoffice:<sup>67</sup> an independent administrative authority mandated to investigate the work of the public services (including the police service, but also the armed forces, the justice sector and the penal services), usually on the basis of complaints made by citizens. Complaints could include incidents of GBV committed by security sector personnel, although this has not yet occurred. It should be noted that this body has a mediation mandate – not a judicial or penal one – aimed at reaching agreements. The chief mediator and all other senior staff (mediators and heads of cabinet) are men, except for 1 of the 3 heads of cabinet (33.33%).<sup>68</sup>

**23. Civil society oversight:** Civil society plays an informal role in oversight of the National Police, mostly through the media, where human rights organisations denounce abuses committed by the police or the armed forces. Some NGOs, such as the Mouvement des Droits Humains, Action pour la Défense des Droits de l'Homme, and the Ligue Ivoirienne des Droits de l'Homme also help to bring forward the legal cases of victims. Nevertheless, in general “civil society organisations only show interest in the security sector occasionally, and this limits their impact on security sector management.”<sup>69</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** Few cases of sexual harassment or GBV committed by members of the police against civilians have been reported. In 2007, for example, 1 police officer was accused of rape and 3 others of sexual harassment,<sup>70</sup> and in 2009 only 1 complaint of rape of a civilian was lodged with the General Inspectorate of Police Services. A 2009 CNDHCI document detailed instances of sexual harassment – such as forced nudity – of female police students by their trainers at the National Police School. The school denied the abuses and no measures were taken by the CNDHCI after the investigation.<sup>71</sup> Nevertheless, the school has recently made efforts to recruit female trainers.

### III. ARMED FORCES AND GENDARMERIE INDICATORS



The National Armed Forces of Côte d'Ivoire include the air force, the navy and the army, of which the latter is the largest. Since the military coup in 1999, the armed forces have had a reputation for being "politicised."<sup>72</sup> Although they are theoretically placed under the Ministry of Defence, many units are still under the direct control of the president.<sup>73</sup> There might currently be up to 17,000 armed forces personnel, excluding auxiliaries.<sup>74</sup> "Disobedience and insubordination" have been highlighted as important internal problems.<sup>75</sup> The armed forces are supported by the National Gendarmerie when necessary. In contrast to the armed forces, the gendarmerie is considered a well-equipped and well-trained elite unit.<sup>76</sup> Like the National Police, the gendarmerie has acquired heavier weaponry (i.e. tanks, cannons and automatic weapons) seemingly not commensurate with its principal mission of maintaining internal law and order. It was granted military status in the 1980s, and described as a "paramilitary police who are regarded as intensely loyal to President Gbagbo."<sup>77</sup> Estimations place the number of gendarmerie personnel at between 2,000<sup>78</sup> and 6,000. Finally, there is also the scarcely documented Republican Guard, which serves as the presidential security force. About 1,000 strong, it is reportedly loyal directly to President Gbagbo and operates mainly in Abidjan; it is excluded from this profile due to lack of data.<sup>79</sup>

Women are largely under-represented within the armed forces, accounting for only 0.5% of personnel and mostly serving in low-ranking positions. In spite of some minor advances, for example in terms of promotions, the role of women within the armed forces is quite limited and basic infrastructure for them is lacking. Yet human resources policies are equal for women and men within the armed forces, albeit discriminatory towards both men and women who are married and/or with children. There is no gender structure or specific gender policy within the armed forces, or any standard procedures for dealing with sexual harassment or GBV. The situation within the gendarmerie is worse: it has no female personnel and no gender-sensitive policies or activities.<sup>80</sup> It has been suggested in some quarters that conservative attitudes and a sense of a need to "preserve" the strength of the armed forces and gendarmerie act as a hindrance to making them more gender-sensitive and inclusive. Moreover, there have been serious accusations against armed forces and gendarmerie personnel of grave acts of GBV. Some gender training has been integrated as part of external human rights training for both institutions, but there is a lack of an institutionally sustainable approach to gender mainstreaming, and existing internal and external oversight mechanisms appear to be fundamentally ineffective.

#### POLICIES AND PROCEDURES

**1. Institutional gender policy:** No formal gender policy exists within either the armed forces or the gendarmerie.

**2. Human resources policies:** Human resource policies within the armed forces are generally equal for women and men, with some exceptions.

- **Pregnancy:** Pregnant women cannot be recruited into the armed forces. Likewise, during the 2–3 years of basic training pregnancy is grounds for dismissal. When applying for a higher-ranking position both women and men have to be single and without children.<sup>81</sup>
- **Marriage:** Permitted for both men and women, subject to authorisation.<sup>82</sup>
- **Maternity leave:** 14 weeks (6 before and 8 after delivery).
- **Paternity leave:** 3 days.
- **Breastfeeding:** Informal arrangements are reportedly possible after a nursing mother returns from maternity leave.
- **Retirement and departure:** Retirement age and benefits are granted equally to men and women.<sup>83</sup> However, retiring female personnel are exempt from serving in the reserve force, unless they choose to do so.<sup>84</sup>
- **Family subsidies:** Female members of the armed forces are entitled to subsidies for their children so long as they are "legitimate, lawful, adopted or born outside marriage and whose affiliation has been legally established."<sup>85</sup>
- **Health services:** Reduced healthcare fees are applied for military staff and their partners and children.<sup>86</sup> Such healthcare includes pre-natal visits and follow-up care for pregnant women, both female military staff and the wives of male military staff.

Since the gendarmerie has no female personnel its human resources policy is not gender-sensitive.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** No specific procedures for sexual harassment/GBV exist. These issues are addressed within the framework of general disciplinary measures.<sup>87</sup> The Board of Inquiry is a body responsible for investigating cases of "regular misbehaviour, grave service offences, grave disciplinary offences" and "honorary offences."<sup>88</sup> After investigation, the board issues a judgment concerning what it considers to be appropriate sanctions. In some cases, the final decision may rest with the president or the minister of defence.<sup>89</sup> Cases of sexual harassment/GBV perpetrated by members of the armed forces can also be tried in a military tribunal, where the sanctions are penal rather than disciplinary, based on the Penal Code,<sup>90</sup> which foresees dismissal or demotion for a member of the armed forces found guilty of serious criminal charges.<sup>91</sup>

If a member of the gendarmerie is implicated in a case of sexual harassment/GBV against a civilian, a civilian judicial process is initiated and a board of inquiry set up to pronounce its opinion on appropriate sanctions, following the civilian court judgment.

Interviewed gendarmerie staff members stated that they have unwritten operating procedures regulating their contact with the population. These unwritten procedures require gendarmes to “show good sense” when dealing with civilian women, for example by ensuring that body searches on women are only conducted by civilian women (as there are no female gendarmes).<sup>92</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None. There are, however, focal points for HIV/AIDS within the armed forces.

**7. Collaboration mechanisms:** No formal collaboration exists. The armed forces participate in some training exercises and information exchange meetings with civil society on issues such as human rights and freedom of the press. The gendarmerie has no formal or regular informal collaboration with women’s organisations or the Ministry of Family, Women and Social Affairs. It participates in an organisation of African gendarmeries, a mechanism for cooperation and the exchange of information. This organisation reportedly has initiated a reflection process on gender in relation to the gendarmerie.

## PERSONNEL

**8. Number of female and male personnel:** The Ivorian Armed Forces include “a few hundred women.”<sup>93</sup> According to the minister of defence women represent 0.5% of the total number of armed forces personnel and include high-ranking officers.<sup>94</sup> Women are especially under-represented in combat units such as the infantry, cavalry and special commandos, occupying mainly non-operational administrative positions.

The gendarmerie has no female personnel. There are differing opinions on the possibility of women joining the gendarmerie. While one high-ranking officer interviewed was open to female recruitment through a non-discriminatory integration plan, another opposed it, stating that “the integration of women would weaken the corps and hurt the gendarmerie.”

**9. Rank/level of male and female personnel:** No women occupy the most senior ranks in the armed forces; the health sector is where they have moved furthest up the promotion ladder (5 colonels). Overall, approximately 10% of women are high-ranking officers, 20% are officers, 45% are non-commissioned officers and 25% are cadets.

Female armed forces personnel are spread out over the different services; 50% serve in the army, 10% in the air force, 2% in the navy and 38% in the health corps.<sup>95</sup>

**10. Number of female and male personnel in peacekeeping missions:** As of February 2011, Côte d'Ivoire contributed 151 police officers but no armed forces personnel to peacekeeping missions. The number of police officers, disaggregated by sex and mission, are as follows.<sup>96</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	89	16 (15.24%)	105
	<b>Total MINUSTAH</b>	<b>89</b>	<b>16 (15.24%)</b>	<b>105</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	35	5 (12.50%)	40
	<b>Total MONUSCO</b>	<b>35</b>	<b>5 (12.50%)</b>	<b>40</b>
UNAMID (Darfur)	Individual police	5	1 (16.67%)	6
	<b>Total UNAMID</b>	<b>5</b>	<b>1 (16.67%)</b>	<b>6</b>
<b>Total Côte d'Ivoire troop and police contributions</b>		<b>129</b>	<b>22 (14.57%)</b>	<b>151</b>

**11. Rates of attrition:** No data were made available.

**12. Recruitment targets for female personnel:** Every year a committee within the Ministry of Defence meets to set a recruitment goal for women within the armed forces. This number is not very high: for example, the target is 25 recruits at officer level. The reluctance of some high-ranking military officers to integrate more women reportedly contributes to keeping these goals low. Yet there has been increased dialogue on affirmative action measures to increase female recruitment. For instance the former minister of defence stated that “[m]easures are about to be taken with a view to increasing the number of [female] personnel.”<sup>97</sup>

**13. Vetting procedure for GBV:** The armed forces have no procedure for background checks before recruiting a person into their ranks, reportedly due to the lack of human and financial resources. Conversely, the gendarmerie conducts a lengthy “moral inquiry,” which can last up to 1 or 2 years, and includes reviewing criminal records for acts of violence, including against women and girls.<sup>98</sup>

**14. Positions/units where female or male personnel cannot serve:** Formally there are no posts or units in the armed forces where women cannot serve. Yet the physical requirements for some posts have led to a *de facto* exclusion of women.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** In addition to the *ad hoc* recruitment goals for women (see Armed Forces #12), physical requirements for female candidates are reportedly adjusted accordingly. Nevertheless, very few women apply to take the recruitment examination for officers (about 4 to 5 per session). Furthermore, an overall limit on the recruitment of all high-ranking officers (both male and

female) has been applied since 2002. For the moment, there are no openings for female non-commissioned officers due to the insufficient infrastructure to receive them. Finally, some limited efforts have been made to make recruitment materials and documents gender-sensitive, for example by referring to recruits and cadets as both young men and women.<sup>99</sup>

**16. Female staff associations:** None exists because staff associations are prohibited.<sup>100</sup>

**17. Infrastructure/facilities for male and female personnel:** None could be identified. Reportedly, the lack of separate infrastructure and facilities hinders the increased recruitment and promotion of female armed forces personnel (see Armed Forces #15).

## TRAINING

**18. Gender training:** None for the armed forces or the gendarmerie. The government has argued that the gendarmerie is “not trained to deal with the victims of sexual violence.”<sup>101</sup>

**19. Mainstreaming gender into training:** Members of the armed forces participate in human rights training that also broaches gender issues. Basic training generally includes civic education courses, which stress the need to protect the population without discrimination. Basic training in the gendarmerie includes a module called “Rights and Duties of the Gendarme,” which covers human rights. No information was found to indicate whether the module includes gender issues. The gendarmerie also participates on an *ad hoc* basis in external human rights training that integrates gender modules. These training sessions – organised by NGOs, the ICRC and UNOCI – normally last about 1 week.<sup>102</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** Internally, there are no institutions specifically mandated to investigate GBV. Such issues fall to the Military Tribunal, to which civilians also have recourse in cases involving armed forces personnel. The Military Prosecutor is led by the Government Commissioner, whose mandate covers the armed forces, the gendarmerie and the police force. The work of the Military Prosecutor is based on the Penal Code and the regulatory texts of these respective bodies.<sup>103</sup> As of 3 June 2010, the Military Tribunal was composed of 11 women (3 police officers and 8 in secretarial posts) and 50 men (22% women). Furthermore, a police board of inquiry can investigate charges against members of the armed forces and apply sanctions. Finally, the Armed Forces Inspectorate may also exercise internal oversight, though this institution is currently not active.

In principle, the Inspectorate of the Gendarmerie, which is currently not active, has authority to investigate cases of GBV, although in the past it has not given priority to this issue. Moreover, an *ad hoc* board of inquiry can be set up within the gendarmerie, if needed.

**21. External oversight mechanisms/bodies:** External oversight bodies for the armed forces and the gendarmerie are the same as for the police service: the National Human Rights Commission of Côte d'Ivoire (CNDHCI) and the Ombudsoffice of the Republic (see Police #22).

**22. Civil society oversight:** None could be identified.

**23. Number of cases of sexual harassment/GBV perpetrated by armed forces:** GBV perpetrated by National Armed Forces personnel has reportedly been widespread, but under-reported and usually unpunished. Security forces have “been accused of many transgressions and acts of violence, for example a nocturnal intervention by commandos in a university hostel in Abidjan in 1990, during which young female students were raped ... Nevertheless, no sanctions were ever imposed.”<sup>104</sup> At the time of research, only 1 case of an army officer accused of raping a civilian was before the Military Tribunal.<sup>105</sup> Civilian victims reportedly fear stigmatisation and distrust the way internal armed forces and judicial mechanisms deal with cases of GBV.

No cases of sexual harassment or GBV within the armed forces themselves have been officially brought forward, according to interviewees. Fear of marginalisation and stigmatisation has reportedly dissuaded claims of known incidents. Data provided by the CNDHCI indicated that no cases of sexual harassment or GBV involving gendarmerie personnel were reported in 2009.<sup>106</sup>

## IV. JUSTICE SYSTEM INDICATORS



The formal justice system in Côte d'Ivoire falls under the Ministry of Justice and Human Rights. It consists of ordinary courts of law and specialised courts, such as the Military Tribunal. The main courts are the Courts of First Instance, the Courts of Appeal, the Supreme Court and the Constitutional Council.<sup>107</sup> The independence of the justice system is disputed,<sup>108</sup> especially in its relation to the executive, notably the president. Created in 2005, the National Human Rights Commission of Côte d'Ivoire (CNDHCI) is a consultative body that is perceived to be independent, with a mandate to promote, protect and defend human rights in the country through inquiries and recommendations to the government.<sup>109</sup>

In contrast to the police service, the armed forces and the gendarmerie, the Ivorian justice system has undergone some gender mainstreaming. Notably, it has a gender unit and its personnel have, at various levels, been through comprehensive gender training. It also has significant female representation: 23.40% of judges, 17.60% of registrars, 52.91% of other staff and 19.57% of the CNDHCI, which is headed by a woman. Its human resources policies are equivalent to those of

the police service and the armed forces with regard to non-discrimination against women and maternity leave benefits. Nonetheless, it has yet to develop a gender policy and comprehensive approaches to combating sexual harassment and GBV, both within and outside the judiciary. Procedures for internal and external oversight are not particularly strong.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** These are covered by the Statute of the Magistracy,<sup>110</sup> complemented by the Public Service Statute (see Police #2).<sup>111</sup> Human resources policies are generally the same for personnel of both sexes (in their capacity as public servants<sup>112</sup>), though there are varying provisions for pregnancy and maternity/paternity leave.

- Marriage: Both women and men must request authorisation to marry, and the proposed partner's "morality" is examined before the request is approved.
- Maternity leave: 14 weeks (6 weeks before and 8 weeks after delivery)
- Paternity leave: 3 days

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** The existing Code of Professional Ethics does not specifically cover gender issues.

**5. Procedures for prosecuting cases of GBV:** None. The Statute of the Magistracy contains disciplinary measures applicable in the case of lack of honour, sensitivity or dignity in the execution of the work. These measures, however, do not specifically relate to GBV.<sup>113</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** In 2007 the Ministry of Justice established its own gender unit,<sup>114</sup> comprising a technical secretariat (2 men and 3 women) and a pilot committee that brings together the different decision-making bodies. The gender unit has its own budget – 10% contributed by the ministry and 90% by the UN system.<sup>115</sup> Its main mission is to monitor the integration of gender aspects within the Ministry of Justice.<sup>116</sup> Its activities include awareness raising and training of justice and penal sector actors on GBV.<sup>117</sup>

**7. Specialised structures for service recipients:** Some judges focus on gender issues and act as informal gender focal points, in addition to their regular tasks. Various associations and NGOs offer legal support to women and victims of GBV, including the Association of Women Jurists of Côte d'Ivoire (AFCJI, see Justice #14). No further information was found on specialised structures.

**8. Collaboration mechanisms:** A formal collaboration mechanism through regular meetings exists between the gender unit and the Ministry of Family, Women and Social Affairs, notably its Gender Equity and Promotion Directorate, which coordinates the activities of the different ministerial gender units. Formal collaboration also exists with the UN system, while collaboration with NGOs is informal (e.g. victims are referred to specialised NGOs).

## PERSONNEL

**9. Number of female and male personnel:**

- Judges: 113 out of 483 are women (23.40%)
- Registrars: 120 out of 682 are women (17.60%)
- Other interdepartmental staff (social assistants, administrative staff, secretaries, etc.): 281 out of 531 are women (52.91%)<sup>118</sup>
- CNDHCI: Headed by a woman, the commission must have at least 9 women among its 46 general assembly members (19.57%)<sup>119</sup>

**10. Number of male and female judges:**

- Supreme Court: Presided over by a man, with a female attorney general
- Courts of Appeal: 2 of the 3 presidents are men and 1 is a woman (33.33%),<sup>120</sup> the 3 attorneys general are men
- Courts of First Instance: All 9 presidents<sup>121</sup> are men, as are the 9 attorneys general

**11. Recruitment targets for female personnel:** None apart from those prescribed for the CNDHCI (see Justice #9).

**12. Vetting procedure for GBV:** According to the Statute of the Magistracy, judges must undergo a "moral inquiry" similar to that of the police service and the gendarmerie. However, this procedure is not always implemented.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None.

**14. Female staff associations:** The AFCJI was created in 1984. It is composed of legal professionals: lawyers, judges, registrars, etc. With its 185 members, it works to promote human rights and, in particular, the rights of women, families and children. For this purpose, it conducts awareness-raising activities and provides legal advice concerning justice for victims of GBV. There is also the Association of Women Judges, but it is inactive.

## TRAINING

**15. Gender education or training:** Gender training is organised for justice system personnel. Since 2007, 6 such training sessions have taken place. These training sessions, which can bring together up to 50 people and last 3 days, are offered to staff within the different components of the judicial system, and aim to cover persons from all units, services and professional groups. For example, training on gender equality, GBV and UN Security Council Resolution 1325 has been held for judicial personnel in the Appeal Courts in Abidjan, Bouaké, Daloa and Man. About 20 judges have also been trained as gender instructors.

**16. Mainstreaming gender into training or education:** As part of their basic education, judges are offered courses on international humanitarian law which to some extent cover gender issues, although they primarily focus on protecting women and children in conflict situations. The law faculty, however, does not offer gender courses.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** No specific internal oversight mechanisms for acts of GBV exist. General procedures and disciplinary sanctions in this regard are outlined in the Statute of the Magistracy.<sup>122</sup> The General Inspectorate of the judicial and penal services, with 6 members, including 1 woman (16.67%), is in charge of conducting inquiries and investigations regarding the general functioning of these services, making suggestions for improvements and proposing sanctions.<sup>123</sup> Generally, however, it has not mobilised on issues of GBV. In a case of sexual harassment or GBV that implicates a staff member of the justice system or penal services, the perpetrator's superior can submit a report to the minister, who can request an inquiry by the General Inspectorate.<sup>124</sup>

**18. External oversight mechanisms:** There are no specific external oversight mechanisms for acts of GBV. As with the police service and the armed forces, the main bodies involved in external oversight are the CNDHCI and the Ombudsoffice of the Republic (see Police #22). Moreover, in terms of GBV-specific abuses within the justice system, the National Commission against Violence against Women (under the Ministry of Family, Women and Social Affairs) may also take action. The commission provides advice and psychosocial support to victims, but it cannot assume legal representation of a victim. Finally, the Parliamentary Committee on General and Institutional Affairs supervises both the judicial and penal systems.

**19. Civil society oversight:** No formal civil society oversight of the justice system exists. Civil society nonetheless collaborates with the CNDHCI. In fact, some human rights NGOs and political parties have representation within the CNDHCI.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice personnel:** None could be identified.

## V. PENAL SERVICES INDICATORS



The penal services in Côte d'Ivoire are under the Ministry of Justice. The ministry's Directorate for Prison Services is responsible for management and control of prison facilities, and has 3 subdirectorates that are respectively responsible for prison policy, reintegration and social and sanitary affairs.<sup>125</sup> In 2007 there were 33 prisons countrywide.<sup>126</sup> As of 31 January 2010, there were 11,970 detainees. Until 1978 prison staff were exclusively male, usually former military personnel.

As in the justice sector, the penal services do not have a specific institutional gender policy. Nevertheless, prisons fall under the responsibility of the gender unit of the Ministry of Justice, which has been active in organising gender training. Rules exist for the separation of female and juvenile detainees from males. In addition, only female personnel can guard female detainees. However, these policies do not appear to be enforced outside the capital, Abidjan. Female prison staff constitute 25.96% of total personnel, and enjoy the same rights and have the same duty responsibilities as their male colleagues. This high level of female staff is largely the result of a 30% quota for female recruitment. Specific gender training has been offered to penal service personnel, and gender issues have been mainstreamed into their general training programmes. Mechanisms for oversight appear to be stronger than in the other security sector institutions studied, notably through the work of the National Human Rights Commission of Côte d'Ivoire (CNDHCI).

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** Human resources policies are generally the same for personnel of both sexes in their capacity as public servants,<sup>127</sup> though there are varying provisions for pregnancy and maternity/paternity leave.

- Marriage: Both women and men must request authorisation to marry and the proposed partner's "morality" is examined before the request is approved.

- Maternity leave: 14 weeks (6 before and 8 after delivery)
- Paternity leave: 3 days
- Breastfeeding: There is no specific policy, though special time arrangements are usually made for nursing mothers returning from maternity leave, subject to the approval of the individual's supervisor.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** Every prison has its own internal rules. No information was made available as to whether the rules are gender-sensitive.

**5. Procedures for interaction between males and females:** Female guards are in charge of female prisoners, while male guards are responsible for male prisoners. Body searches must be conducted by personnel of the same sex as the detainee.<sup>128</sup> This policy is not always implemented (see Penal #10). Under the procedures, interaction between prison staff and prisoners, as well as their families, friends and visitors, is minimised.<sup>129</sup>

**6. Procedures for family and conjugal visits:** Visits are covered extensively in the regulations, without any distinctions made on the basis of sex.<sup>130</sup> Prisoners can receive visits from their family or partners on a fortnightly or monthly basis subject to authorisation from the penal administration.<sup>131</sup> No information was found on conjugal visits, but prisoners are entitled to receive family visits in an open room without separation partitions.<sup>132</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** Prisons must have doctors and/or nurses available at least on a part-time basis, and female medical staff must be accessible for pregnant women. Female prisoners may be transferred to local hospitals for gynaecological examinations, and those who are pregnant are transferred to give birth at a hospital or specialised clinic. After birth, the child is allowed to stay with the mother in prison until the age of 2.<sup>133</sup> Yet La Maison d'Arrêt et de Correction d'Abidjan (MACA), the country's biggest prison, is the only one that hosts children of detainees.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** None. The General Rules allow for prisoners to have individual meetings with the prison director or any authority in charge of overseeing the prison. The prison director informs the central prison administration of any allegations by prisoners, and the central administration then consults the minister of public service, who may convene a disciplinary council. Among the general sanctions foreseen are admonition and expulsion. Economic sanctions such as salary deductions can also be imposed. Furthermore, prisoners are permitted to write confidentially to the judicial authorities as a means of reporting misconduct and abuses on the part of prison personnel.<sup>134</sup> However, cases of GBV committed by prison staff against prisoners are usually settled through mediation and administrative processes rather than through the justice and court systems.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None. However, the penal services fall under the responsibility of the gender unit of the Ministry of Justice (see Justice #6).

**10. Separate prisons for males/females and juveniles/adults:** The regulations of the penal service stipulate the separation of prisoners based on sex, as well as between juveniles and adults.<sup>135</sup> At MACA, however, men and boys often share the same facilities. Women and girls are often placed in the same prison block, but have separate cells and are kept apart from male inmates. The CNDHCI has denounced that outside MACA there is no separation between adults and juveniles, putting the latter in danger. The same is said about the separation of women from men; the fact that women sometimes become pregnant while in prison indicates that the separation of women and men is not always respected.<sup>136</sup>

The prison administration acknowledges that ensuring separation is a challenging task, especially in rural areas where there is a lack of separate infrastructure and no budget to develop it.<sup>137</sup> In many cases, juvenile offenders need to be transferred to the observation centre of Dabou (southeast) or to MACA in Abidjan in order to be housed separately from adults.

**11. Specialised education, training and rehabilitation:** The penal service offers a socio-educational service which aims to humanise life in prison. It is responsible for the psychological, educational, health and social welfare of prisoners through re-education, resocialisation and reintegration.<sup>138</sup> This service has not been allocated a specific budget. Consequently, only 5 prisons actively offer reintegration activities, and their work relies on resources from NGOs, individuals, private companies and external donors. For example, literacy courses are provided in the prisons of Abidjan, Agboville and Bassam; some professional training (e.g. carpentry, sewing and mechanics) is also offered in Abidjan; the prison in Dabou provides training for juveniles; and the prison in Dimbokro teaches farming techniques. At MACA, the reintegration needs of female and male prisoners are identified through discussions with the socio-educational service. Literacy and sewing courses target women, but men are permitted to attend. Some courses, such as embroidery and dyeing, are reserved for women, while others (computer skills, painting and hairdressing) are only for men. Both male and female former MACA prisoners may benefit from an economic contribution for starting small businesses linked to the training they received during their time in prison, such as the donation of a food cart or assistance in setting up a sewing studio.<sup>139</sup>

**12. Specialised health and drug treatment:** MACA has a health centre where doctors and nurses are available to treat prisoners. However, the health centres of smaller rural prisons are less well equipped and medical staff are not available on a full-time basis.<sup>140</sup> The CNDHCI has noted that, with the exception of MACA, none of the prisons has qualified medical staff and they also lack supplies and drugs. Moreover, "the special facilities necessary for the treatment of pregnant women, for giving birth or for convalescence, are furthermore totally inexistent."<sup>141</sup> Still, MACA reportedly offers some health services for newborns and treats the children of female prisoners until the age of 2. A psychiatric nurse circulates between different prisons. Drug addicts do not

receive specific treatment and contraception is not offered to detainees, though there have been HIV/AIDS awareness-raising campaigns within the prisons.

**13. Collaboration mechanisms:** Formal collaboration exists between the prison administration and NGOs. The latter may request authorisation to work within the prisons, and provide various forms of social assistance to detainees, including clothes, food, health and spiritual services, as well as help in re-establishing family contacts. There are also NGOs that aim to raise awareness of human rights among detainees, such as the Association of Women Jurists (AFCJI).

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** As of 31 January 2010:

- 3,000 pre-trial detainees, 123 of whom were women (4.10%) and 133 juveniles (4.43%)
- 8,970 convicts, 67 of whom were women (0.75%) and 3 juveniles (0.03%)<sup>142</sup>

**15. Number of female and male personnel:** The total prison staff as of April 2010 was 890, including 231 women (25.96%).<sup>143</sup>

**16. Rank/level of male and female personnel:** As of 2010, the breakdown by post of the 231 female personnel was 4 deputy prison directors, 14 prison managers, 36 prison guards (higher rank) and 177 prison guards (lower rank).<sup>144</sup>

**17. Rates of attrition:** No information.

**18. Recruitment targets for female personnel:** A 30% quota exists for the recruitment of female personnel through the official competitive exam of the penal services administration. The introduction of this quota was reportedly based on the Solemn Declaration of Côte d'Ivoire on Equal Opportunities and Gender Equality, which stressed the need to increase the number of female staff to monitor female prisoners. As a result, given the significantly higher proportion of male prisoners, there are now more female prison guards than female prisoners.

**19. Vetting procedure for GBV:** Candidates must provide a copy of their judicial file. No further information was available.

**20. Positions/wards where female or male personnel cannot serve:** Under the General Regulations of Penal Establishments,<sup>145</sup> female prisoners must be guarded by female prison guards and male prisoners by male guards. Moreover, the regulations stipulate that prisoner body searches can only be conducted by a person of the same sex as the person undergoing the process. At watch posts and within administrative settings the personnel are mixed.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** Quotas are applied for recruitment only (see Penal #18). No additional information could be identified.

**22. Female staff associations:** A female staff association exists at MACA. Created in 2000, it has about 80 members who give each other professional and personal support and organise social events. In December 2009 the association created a cooperative for female prisoners. Although currently limited to a project to prepare and sell food within the prison, other projects are foreseen, such as a hairdressing salon and a sewing studio. The lack of resources reportedly poses a problem for such activities. There are also small associations of female prison staff in other areas of the country outside Abidjan.<sup>146</sup>

**23. Infrastructure/facilities for male and female personnel:**

	Separate toilets	Separate locker rooms	Separate showers	Separate housing	Differentiated uniforms
<b>Staff at central administration</b>	Yes	No locker rooms	No showers	No	No information
<b>Prison staff</b>	Yes	No, they are mixed	No showers	No	No
<b>Detainees<sup>147</sup></b>	Yes	No locker rooms	Yes	Yes	No information

## TRAINING

**24. Gender training:** Some gender training has been organised by the gender unit of the Ministry of Justice, among others (see Penal #25). For example, in December 2009 a training session lasting 2.5 days was held on GBV prevention in the workplace, attended by 4 of the 33 prison managers. These training sessions have not been compulsory and generally target prison managers.

**25. Mainstreaming gender into training:** The National Institute for Judiciary Training is responsible for training penal services administrative staff, sometimes with the aid of experts from UNOCI and France. There is no specific course on gender, but the topic is discussed throughout the initial training. In 2009 a gender course on "The Management of Women in Detention" was held, and scheduled for inclusion again in the 2010 curriculum. Gender is also reportedly discussed within the framework of courses on professional ethics and human rights.<sup>148</sup>



## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The General Inspectorate of the judicial and penal services, composed of 6 members, including 1 woman (16.67%), is in charge of conducting inquiries and investigations regarding the general functioning of these services, and making suggestions for improvements and proposing sanctions.<sup>149</sup> Generally, however, it has not mobilised on issues of GBV. In the case of sexual harassment or GBV involving a penal services staff member, the perpetrator's superior may transmit a report to the minister, who in turn can request an inquiry by the General Inspectorate.<sup>150</sup>

**27. External oversight mechanisms:** According to the law, judges and some other justice sector officers are allowed to visit the prisons of their respective districts and have access to all detainees.<sup>151</sup> In fact, some justice sector actors, including the attorney general and juvenile court judges, have the duty to do so. Additionally, the CNDHCI has an explicit mandate that allows it to visit prisons and prepare reports to the authorities.<sup>152</sup> For example, a report on the conditions of detention initiated in 2009 was being finalised at the time of research. The Parliamentary Committee on General and Institutional Affairs supervises both the judicial and penal systems, including the prisons (see Justice #18). Finally, the Parliamentary Committee on Defence and Security (see National #3) also supervises the penal services.<sup>153</sup>

**28. Civil society oversight:** Civil society organisations and NGOs, as well as the ICRC and the UN Children's Fund, may visit prisons and inspect the conditions of detention with the prior authorisation of the director of the Penal Services Administration. In addition to its social and legal assistance work, the AFCJI shares its concerns about prison conditions with the prison directors.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** There are no registered cases of such acts committed against female prison staff, and no statistical data exist on such violence between detainees. However, in 2009 1 case of GBV perpetrated by a prison guard against a prisoner was confirmed. Reportedly, the perpetrator was handed a prison sentence. The General Inspectorate of the judicial and penal services has never been requested to take up a case of GBV involving prison staff.<sup>154</sup>

## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=huma n+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. afrol News, "AFROL Gender Profiles: Côte d'Ivoire," afrol News, [http://www.afrol.com/Categories/Women/profiles/civ\\_women.htm](http://www.afrol.com/Categories/Women/profiles/civ_women.htm).
3. Raphaël Ouattara, "Côte d'Ivoire" in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and Funmi Olonisakin (Geneva: DCAF, 2008), 77-78.
4. The exact nature of the initiation of the crisis is debated, as argued by Ouattara: "The tragic confrontations of 19 September 2002, which have been qualified by some as an armed insurrection, by others as a military-civilian crisis and by yet others as a civil war or aggression, certainly complicated the situation considerably." Ouattara, "Côte d'Ivoire" in *Perspectives on Security Sector Governance in Francophone West Africa*, ed. Alan Bryden and Boubacar N'Diaye (Geneva: DCAF, 2011) Forthcoming).
5. Ouattara, "Côte d'Ivoire" (2011).
6. Ibid.
7. Ouattara, "Côte d'Ivoire" (2008), 82.
8. Ouattara, "Côte d'Ivoire" (2011).
9. *The Accord of Linas-Marcoussis* (24 January 2003); *The Accord of Pretoria* (6 April 2005); *The Political Accord of Ouagadougou* (4 March 2007) and its four complementary agreements.
10. The DDR challenge is not limited to the Forces Nouvelles, but also concerns different pro-government and pro-Forces Nouvelles militias. Ouattara, "Côte d'Ivoire" (2011).
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
15. *Constitution of the Second Republic of Côte d'Ivoire* (1 August 2000).
16. For example, in terms of family matters the payment and the acceptance of a bride-price is prohibited and so is marriage before 18 (20 for men). Organisation for Economic Co-operation and Development (OECD) Development Centre, "Gender Equality and Social Institutions in Côte d'Ivoire," Social Institutions and Gender Index, <http://genderindex.org/country/cote-d039ivoire>
17. OECD Development Centre, "Gender Equality." See also *National Action Plan for the Implementation of Resolution 1325 of the Security Council (2008-2012)* (Abidjan: Ministry of the Family, Women and Social Affairs, Gender Equity and Promotion Directorate), 12 and a 2009 Security Council resolution stressing its concern over the magnitude of sexual violence: UN Security Council, *Resolution 1865 (2009) du Conseil de Sécurité de l'ONU sur la Côte d'Ivoire*, 27 January 2009, S/RES/1865 (2009).
18. OECD Development Centre, "Gender Equality." Other research (by the same organisation) has shown slightly lower figures: about 70%. National Human Rights Commission of Côte d'Ivoire (CNDHCI), *Rapport Annuel 2009: L'état des Droits de l'homme en Côte d'Ivoire* (Abidjan: CNDHCI, 2010), 65.
19. Up to 44%, but possibly as a decreasing tendency (a study showed that 44% of women then between 25 and 29 years had been married before the age of 18). afrol News, "AFROL Gender Profiles: Côte d'Ivoire."
20. Since 1998. Ibid.
21. CNDHCI, *Rapport Annuel 2009*, 133.
22. According to UNICEF (of women aged 15 to 49). OECD Development Centre, "Gender Equality."
23. According to the World Health Organisation and the AIDF. afrol News, "AFROL Gender Profiles: Côte d'Ivoire;" OECD Development Centre, "Gender Equality."
24. For example, according to Organisation Nationale pour l'Enfant, la Femme et la Famille in 2008 more than 78% of the women and girls in Bondoukou department and 88% in Séguéla department had undergone FGM. CNDHCI, *Rapport Annuel 2009*, 133.
25. OECD Development Centre, "Gender Equality." The real figures may be higher: a UNICEF study covering the period between 1998 and 2007 found that this is a problem that affects 35% of the young girls, with a higher prevalence in the rural areas (43% as compared to 27% in the urban areas). Girls as young as 8 have reportedly been forced into marriage. CNDHCI, *Rapport Annuel 2009*, 143.
26. *Penal Code of Côte d'Ivoire* (31 August 1981), Article 354.
27. OECD Development Centre, "Gender Equality."
28. For 2009 the National Police of Côte d'Ivoire registered 792 rapes; clearly only the tip of the iceberg, since most rape cases are never brought forward. CNDHCI, *Rapport Annuel 2009*, 65.
29. CNDHCI, *L'état des Droits de l'Homme en Côte d'Ivoire: Rapport annuel 2008* (Abidjan: CNDHCI, 2009), 33. HIV/AIDS is more prevalent among women and girls than men and boys: 6.4% as compared to 2.9%. See *National Action Plan for the Implementation of Resolution 1325*, 12.
30. afrol News, "AFROL Gender Profiles: Côte d'Ivoire."
31. As summarised in Ministry of Interior, UN Mission in Côte d'Ivoire (UNOCI) and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), *Rapport de la formation des responsables de la Police Nationale et du Ministère de l'Intérieur en genre, 24-26 février 2009, Centre de Formation à la lutte contre la drogue Bassam* (Ministry of Interior, UNOCI and GTZ, undated), 2.
32. Inter-Parliamentary Union (IPU), "Women in national parliaments: Situation as of 31 January 2011," IPU, <http://www.ipu.org/wmm-e/classif.htm>.
33. *Document de politique nationale sur l'égalité des chances, l'équité et le genre* (Abidjan: Ministry of the Family, Women and Social Affairs, Gender Equity and Promotion Directorate, April 2009), 20.
34. Ouattara, "Côte d'Ivoire" (2011).
35. *Law 60-209 constituting the National Armed Forces* (1960) and *Law 61-209 constituting the Organisation of the Defence and the National Armed Forces* (1961).
36. Including the mentioned integration of the Forces Nouvelles into the armed forces, the elaboration of a defence and security policy, etc. *The Political Accord of Ouagadougou* (4 March 2007), 6-7. Of the four complementary agreements the first and second (of 27 March and 28 November 2007) address more political issues, while the third and fourth (28 November 2007 and 22 December 2008, respectively) deal with DDR and issues of reconstruction of the armed forces.
37. Notably the *Defence Accords between Côte d'Ivoire and France* (24 April 1961), as well as the different cooperation agreements (24 April 1961).
38. Unofficial translation of *Constitution of the Second Republic of Côte d'Ivoire*, Article 47.
39. *Constitution of the Second Republic of Côte d'Ivoire*, Articles 2, 17, 30. The above is an unofficial translation of Article 17.
40. *Penal Code of Côte d'Ivoire*.
41. A female member of the Commission was named, but passed away. Information provided by the Commission on Defence and Security.
42. Correspondence with the National Assembly, 9 September 2010.
43. IPU, "Women in national parliaments: Situation as of 31 January 2011."
44. Correspondence with the Ministry of the Family, Women and Social Affairs.
45. As summarised in Ministry of Interior et al., *Rapport de la formation*, 2.
46. Ouattara, "Côte d'Ivoire" (2011).
47. *Statut des personnels de la Police nationale* (Abidjan: Centre National de Documentation Juridique, 2001).
48. According to the general *Statute of the Public Service*.
49. afrol News, "AFROL Gender Profiles: Côte d'Ivoire."
50. *National Action Plan for the Implementation of Resolution 1325*, 13.
51. Interview with Commissioner Viviane Atsin (Director of training and focal point within the police service, National Police School), 22 April 2010.
52. The total number of male staff or the total numbers was not directly communicated to the researchers. Nevertheless, when putting together information, this gives a total of 16,939 police women and men, of which 15,052 are men (88.86%).
53. Controller General Brindou M'bia (Director General, National Police of Côte d'Ivoire) quoted in Ministry of Interior et al., *Rapport de la formation*, 5.
54. Correspondence with the Directorate General of the National Police, Personnel Directorate, copy dated 4 March 2010.
55. Controller General Brindou M'bia (Director General, National Police of Côte d'Ivoire) quoted in Ministry of Interior et al., *Rapport de la formation*, 5.

56. Interview with Controller General Brindou M'bia (Director General, National Police of Côte d'Ivoire), 3 March 2010.
57. Ministry of Interior et al., *Rapport de la formation*, 5.
58. Interview with Commissioner Viviane Atsin (Director of training and focal point within the police service, National Police School), 22 April 2010.
59. *Statut des personnels de la Police nationale*, Article 4.
60. Ministry of Interior et al., *Rapport de la formation*, 3-5.
61. Ibid., 5.
62. These trainings are for the moment not an integral part of the curriculum, but a complement introduced at the end of the training in the shape of conferences in 3 or 4 modules. Still, as they form part of the compulsory human rights training, the conferences are in principle addressed to all students. Interview with Commissioner Viviane Atsin (Director of training and focal point within the police service, National Police School), 7 September 2010.
63. However, there might also be an intervention of the Ministry for the Family, Women and Social Affairs in this module.
64. For details, see *Decree 2004-577 constituting the organisation of the Ministry of Internal Security*, Article 4.
65. "The inspectors are in general high-ranking police officers who have accumulated experience." Interview with Chief Superintendent Niamien Effohi Jean (Chief of Cabinet, General Police Inspection), 11 May 2010.
66. *Decision 2005-08/PR of July 15, 2005 constituting the National Human Rights Commission of Côte d'Ivoire*, Article 3.
67. *Constitution of the Second Republic of Côte d'Ivoire*, Article 115.
68. Interview with Henri Goba (Special Advisor, Ombudsoffice of the Republic), 7 September 2010.
69. Ouattara, "Côte d'Ivoire" (2011).
70. Interview with Chief Superintendent Niamien Effohi Jean (Chief of Cabinet, General Police Inspection), 11 May 2010. These numbers were confirmed in "Prevalance des fautes reprochees aux fonctionnaires de police par corps pour l'annee 2007," data provided by the General Police Inspection, copy dated 27 March 2008.
71. Document on CNDHCI treatment of GBV cases committed by security sector actors in 2009. The data refers to both internal (colleagues) and external (civilians) abuses.
72. Ouattara, "Côte d'Ivoire" (2011).
73. Allegedly through the means of primarily South African mercenaries in a line of command that bypasses the formal structure. Safer Access, "A Summary of Armed Groups and Political Parties in Cote d'Ivoire," *Human Security Gateway*, 17 January 2007, 2, [http://www.humansecuritygateway.com/documents/SAFERACCESS\\_armedgroupspolpartiesCoteDivoire.pdf](http://www.humansecuritygateway.com/documents/SAFERACCESS_armedgroupspolpartiesCoteDivoire.pdf).
74. Ouattara, "Côte d'Ivoire" (2011).
75. For example, that subordinates refuse to accept the authority of superior officers who are not of the "correct" ethnic group." Ouattara, "Côte d'Ivoire" (2008), 89.
76. Even judged as "probably over-equipped." Ouattara, "Côte d'Ivoire" (2011).
77. Safer Access, "A Summary of Armed Groups," 3.
78. Ouattara, "Côte d'Ivoire" (2011).
79. Safer Access, "A Summary of Armed Groups," 3. See also Ouattara, "Côte d'Ivoire" (2011).
80. Reportedly there is a resistance within the gendarmerie against integrating women, despite an explicit request by the president that it should follow the evolution of the Ivorian society.
81. Interview with the Health Service Direction, Armed Forces, 10 September 2010.
82. *Code de la fonction militaire* (Abidjan: Centre National de Documentation Juridique, 2006), Article 46.
83. Ibid., Articles 70, 71, 72 and *Livre Second*.
84. Ibid., Article 104.
85. Ibid., Article 118.
86. Ibid., Article 30.
87. Ibid., Articles 16, 17, 19 and 108; *Decree 96-658 of 25 July determining the Composition and the Rules of Functioning of the Board of Inquiry*, Articles 8-9.
88. *Composition and the Rules of Functioning of the Board of Inquiry*, Article 3.
89. Ibid., Article 34.
90. Interview with Ange Kessi (Government Commissioner), 3 June 2010.
91. *Penal Code of Côte d'Ivoire*, Articles 71, 74.
92. Interview with General Tiapé Edouard Kassarate (Senior Commander, National Gendarmerie of Côte d'Ivoire), 23 September 2010.
93. Interview with Colonel Major Alla Kassi (Deputy Head of Division Organisation and Human Resources, High Command of the Armed Forces), 11 May 2010.
94. Correspondence with Mr Michel Amani (then Minister of Defence), dated 17 June 2010.
95. Interview with Colonel Major Alla Kassi (Deputy Head of Division Organisation and Human Resources, High Command of the Armed Forces), 11 May 2010.
96. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations, [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
97. Correspondence with Mr Michel Amani (then Minister of Defence), dated 17 June 2010.
98. Interview with General Tiapé Edouard Kassarate (Senior Commander, National Gendarmerie of Côte d'Ivoire), 23 September 2010.
99. *Code de la fonction militaire*, see for example Articles 86-88 and 90-91.
100. Ibid., Articles 39, 41.
101. *National Action Plan for the Implementation of Resolution 1325*, 13.
102. Interview with General Tiapé Edouard Kassarate (Senior Commander, National Gendarmerie of Côte d'Ivoire), 23 September 2010.
103. Interview with Ange Kessi (Government Commissioner), 3 June 2010.
104. Ouattara, "Côte d'Ivoire" (2011).
105. Document on CNDHCI treatment of GBV cases committed by security sector actors in 2009. The data refer to both internal (colleagues) and external (civilians) abuses.
106. Ibid.
107. Ouattara, "Côte d'Ivoire" (2008), 85.
108. Ouattara, "Côte d'Ivoire" (2011).
109. *Decision 2005-08/PR*, Article 3.
110. *Law 78-662 of Fourth August 1978 constituting the Statute of the Magistracy* (1978).
111. Codified in *Decree 2008-15* of 11 February 2008.
112. According to the general *Statute of the Public Service*.
113. *Statute of the Magistracy*, Chapter V.
114. *Decision 068/MJDH constituting the Creation, Attribution, Organisation and Functioning of the Gender Cell of the Ministry of Justice and Human Rights* (October 2007).
115. For example, in 2009, the United Nations Development Fund for Women provided the cell with 3 million CFA.
116. For the specific mandate, *Decision 068/MJDH*, Article 2.
117. Interview with Elise Ouattara (Head of Gender Cell, Ministry of Justice and Human Rights), 4 March 2010.
118. Statistics until 25 May 2010. Interview with Elisabeth Koutou (Deputy Director of Human Resources, Ministry of Justice and Human Rights), 25 May 2010.
119. According to *Decision 068/MJDH*, Article 6 and CNDHCI, *Rapport Annuel 2008*, 3.
120. There are 3 working ones: Abidjan, Bouaké and Daloa.
121. The 9 courts are Abengourou, Abidjan-Plateau, Abidjan-Yopougon, Bouaflé, Bouaké, Daloa, Gagnoa, Korhogo and Man.
122. *Statute of the Magistracy*, Chapter V, Articles 35-57.
123. *Decree 2003-193 of 3 July constituting the Organisation of the Ministry of State, Ministry of Justice* (2003), Article 4.
124. *Decree 85-516 of 12 July 1985 constituting the Organisation, Attribution and Functioning of the General Inspection of the Judicial and Penal Services*, Article 2.
125. *Decree 2003-193*, Article 12.
126. King's College London, "Prison Brief for Côte d'Ivoire," World Prison Brief, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=14](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=14).
127. According to the general *Statute of the Public Service*.
128. *Regulation of the Penal Establishments*, Article 44.
129. Ibid., Article 67.
130. Ibid., Articles 118-121.
131. Ibid., Article 120.
132. Ibid., Article 58.
133. Ibid., Articles 161-162.
134. Ibid., Articles 40-41.
135. Ibid., Article 7. Articles 33-36 also deal with the treatment of minors within the penal services more generally.
136. CNDHCI, *Rapport Annuel 2009*, 22.
137. Interview with the Deputy Director of MACA, 23 April 2010.
138. The legal basis for the reintegration work can be found in Articles 34 and 68, among others, of the *Regulation of the Penal Establishments*.
139. Interviews with Korotoumou Ouattara (Head, Socio-Educational Service), 20 September 2010; Lanciné Traore (Inspector of Specialised Education, Socio-Educational Service), 20 April 2010.
140. Data provided by the Ministry of Justice and Human Rights, Direction of Judicial Services and Human Resources.
141. CNDHCI, *Rapport Annuel 2009*, 22.
142. The number of female prisoners who are convicted has actually gone down significantly as compared to 164 in late 2009. Data provided by the Direction for Prison Services, statistics as of 31 December 2009.

143. Data provided by the Ministry of Justice and Human Rights, Direction of Judicial Services and Human Resources, statistics as of 14 April 2010.
144. Data provided by the Ministry of Justice and Human Rights, Direction of Judicial Services and Human Resources.
145. *Decree 69-189 of 14 May 1969 constituting the Regulation of Penal Establishments and Determining the Modalities of the Serving of Freedom Depriving Sentences* (1969), Articles 7, 44.
146. Interview with Mouna Mahi (President, Female Staff Association of the MACA), 20 April 2010.
147. Applies to MACA.
148. Interview with M. Kassi (Staff Training Coordinator, National Institute for Judiciary Training), 17 September 2010.
149. *Decree 2003-193*, Article 4.
150. *Decree 85-516*, Article 2.
151. *Regulation of the Penal Establishments*, Articles 111-112.
152. *Decision 2005-08/PR*, Article 3.
153. Correspondence with the National Assembly, 9 September 2010.
154. Correspondence with the Ministry of Justice and Human Rights, Direction of Judicial Services and Human Resources.

# Ghana



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## QUICK FACTS<sup>1</sup>

- Population: 24,223,431; 48.72% male, 51.28% female (2010)
- Population below the poverty line: 30.0% living on less than 1 USD/day (2006)
- Lifespan: 55.6 men, 57.4 women (life expectancy at birth, 2005–2010)
- Literacy rate: 66.4% men, 49.8% women (2000)
- Fertility rate: 4.3 children per woman (2007)
- Human Development Index rank: 130 out of 169 (2010)
- Percentage GDP spent on defence: 0.7% (2008)
- Perception of corruption rank: 62 out of 180 (2010)



## INTRODUCTION\*

Ghana is considered one of the most stable democracies in the ECOWAS region. It experienced a period of political and military turmoil with a number of successful and failed military coups between the 1960s and the 1980s before effectively transitioning to democracy in the early 1990s.<sup>2</sup> However, Ghana has been affected by the armed conflicts and internal disturbances of neighbouring countries, especially by the influx of Liberian and Togolese refugees, the proliferation of small arms and light weapons, and the transborder movement of mercenaries.<sup>3</sup> While Ghana has had a peaceful history in comparison to many of its West African neighbours, recurring small-scale conflicts linked to “chieftaincy” succession, inter-ethnic, land tenure, natural resources and local politics issues have been reported in certain regions of the country.<sup>4</sup> Furthermore, growing crime rates have led to an increased number of private security companies and voluntary community anti-crime and vigilante organisations.<sup>5</sup>

Security sector reform (SSR) in Ghana has focused on developing institutional frameworks to promote increased democratic governance of the security sector. However, the politicisation of institutions with formal oversight functions, such as the parliament, and their lack of technical

knowledge have left them struggling to fulfil their roles and ensure security sector accountability.<sup>6</sup> Another barrier to increased democratic oversight has been the strong influence of the military in both society and politics.<sup>7</sup> Furthermore, civilian oversight has been limited by both the lack of technical expertise and training on security issues among civil society actors and their reported “conflictual relationship” with security sector institutions (SSIs) – especially the Ghana Armed Forces.<sup>8</sup> Nevertheless, the need for greater steps towards SSR is slowly being recognised, particularly within the Ghana Police Service.<sup>9</sup>

A 2004 study on security sector governance in Ghana stated that the “male gender bias of the security sector is the most worrying aspect of Ghana’s security sector governance,”<sup>10</sup> arguing that both the low number and low level of participation of female personnel engaged in oversight roles are key challenges facing SSR and democratic governance in Ghana. The study further argued that several structural, procedural and policy barriers have prevented higher female representation in the security sector. According to the study, these relate, *inter alia*, to “recruitment standards; structure of the shift system; child care; promotion policies; and stereotypes of ‘suitable’ work for women.”<sup>11</sup> More generally, women in Ghana are also under-represented in governance and decision-making, though their numbers are gradually increasing with the implementation of

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

the 1998 government Affirmative Action Policy setting a target of 40% for women's representation in decision-making and executive positions at all levels of government. In 2008 male and female representation in key decision-making positions was as follows.<sup>12</sup>

OFFICE	MALE	FEMALE	TOTAL
Ministers	25	4 (13.79%)	29
Deputy ministers	29	9 (23.68%)	38
Regional ministers	10	0	10
Deputy regional ministers	6	4 (40.00%)	10
Council of State	21	3 (12.50%)	24
District chief executives	126	12 (8.70%)	138

Gender-based violence (GBV), particularly violence against women in the form of "wife beating, rape, defilement, widowhood rites, forced marriages and female circumcision," is a serious issue in Ghana that is neither systematically nor regularly addressed by the government and the security sector.<sup>13</sup> Although no national statistical data were available, a study cited by the African Development Fund stated that 72% of 3,047 women and men interviewed reported violence targeting women as common in their communities. Moreover, 25% of the men interviewed acknowledged that they "beat their partners regularly although they felt it is wrong to do so."<sup>14</sup> Another study, conducted in 2003, reported that 27% of schoolgirls interviewed were pressured by teachers to have sexual relations, and 25% indicated that they knew at least one teacher who had engaged in sexual relations with a schoolgirl.<sup>15</sup> This situation appears to prevail despite legislation in place to protect the rights of women and girls, and Ghana's accession to and ratification of a number of relevant instruments at regional and international levels, such as the Convention on the Elimination of All Forms of Discrimination against Women.

No institutional gender policies or focal points exist in any of the SSIs studied. The police and penal services fall under the responsibility of the gender desk at the Interior Ministry, but the level of coordination between these services and the latter is unclear. However, there are some specialised structures for service provision, including the Domestic Violence and Victim Support Unit, Child Protection Unit and Legal Aid Service. Although female representation in the security sector has yet to reach the 40% goal set in the 1998 Affirmative Action Policy, the number of women it employs has increased since the early 1990s. The highest overall proportion of female personnel is in the Ghana Prisons Service (28.1%), followed by the police (15.3–20.0% depending on the data used) and the armed forces (9.0%). In all SSIs, however, women remain under-represented in high-ranking positions. Researchers identified 2 staff associations, namely the Police Ladies Association and the Prison Ladies Association. Internal oversight is generally centralised in specialised councils, while external oversight rests mainly with the Commission on Human Rights and Administrative Justice. Parliamentary and civil society oversight is weak, reportedly due to lack of specialised knowledge on security and gender.

## GHANA SECURITY SECTOR INSTITUTIONS\*

### Service delivery

- Ghana Police Service
  - Domestic Violence and Victim Support Unit
  - Inspector-general
  - Legal Aid Service
  - Child Protection Unit
  - Police Training School
- Ghana Armed Forces
  - Army Recruit Training School
  - Legal Directorate of Armed Forces
  - Child Protection Unit of Armed Forces
- Justice system
  - Legal Aid Scheme
  - Ghana Law School
- Ghana Prisons Service
- Civil society organisations
  - Police Ladies Association
  - Federation of Women Lawyers in Ghana
  - Ghana International Association of Women Judges
  - Prison Ladies Association
  - Prison Officers Wives Association

### Oversight

- Ministry of the Interior
- Ministry of Defence
- Ministry of Justice and attorney-general
- Ministry of Women and Children's Affairs
- President
- Council of State
- National Security Council
- Police Council
- Armed Forces Council
- Justice Sector Council
- Prisons Service Council
- Commission on Human Rights and Administrative Justice
- Human Trafficking Management Board
- National Commission for Civic Education
- Justice system
- Parliament
  - Parliamentary Select Committee on Defence and Interior
  - Parliamentary Committee on Gender and Children
  - Parliamentary Standing Committee on Finance
  - Parliamentary Standing Committee on Public Accounts
  - Women's caucus
- Civil society organisations

\* Only those included in this country profile, not a comprehensive list.

## I. NATIONAL GOVERNANCE INDICATORS



The Constitution of the Republic of Ghana (1992) stipulates that the president exercises overall control of security services, and is responsible for appointing chiefs and senior commanders in consultation with the Council of State. Administrative and operational responsibility lies with the appointed chiefs. Three parliamentary bodies are in charge of overseeing the security sector; female representation within them is minimal. Ghana does not have a national security policy, although it does have a national gender policy. However, the latter lacks specific deadlines and responsibilities, its implementation has been slow and it has minimal direct mandates concerning the security sector. The same can be said about relevant gender-focused legislation.

Ghana is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** In the absence of a national security policy, there are two key documents governing national security.

- **The Security and Intelligence Agencies Act (Act 526 of 1996):** Regulates parliamentary oversight of security sector activities, and also outlines the structure of key subnational security councils.<sup>16</sup>
- **The Constitution of the Republic of Ghana (1992):** Security issues are outlined in Articles 40, 41, 73 and 81, as well as in Chapter 6 (Articles 34–41), “Directive Principles of State Policy.”<sup>17</sup>

The National Security Council is in charge of overseeing measures to safeguard internal and external security<sup>18</sup> and coordinating the future national security policy.<sup>19</sup> In addition to the president and vice-president, the council is composed of representatives from the key government ministries dealing with security issues: finance, defence, interior and foreign affairs.<sup>20</sup> None of these ministries is currently headed by a woman. There are also district and regional security councils, as well as traditional councils known as the Regional House of Chiefs and the National House of Chiefs.<sup>21</sup> No information was available on whether or not women are represented in these bodies.

**2. National gender laws/policies:**

- **Domestic Violence Act (Act 732 of 2007):** This Act defines domestic violence as physical, sexual, economic, emotional, verbal or psychological abuse, with offences carrying a maximum sentence of 2 years’ imprisonment. It includes standard procedures for police action in response to cases of domestic violence and for granting and requesting civil protection orders. In addition, it establishes the Victims of Domestic Violence Support Fund and Management Board.

A national domestic violence policy and national plan of action 2009–2019 also exist,<sup>22</sup> but further information on them could not be accessed.

- **Human Trafficking Act (Act 694, 5 December 2005).**
- **National Gender and Children’s Policy (2004):** Its overall goal is “to mainstream gender concerns in the national development process in order to improve the social, legal/civic, economic and cultural conditions of the people of Ghana, particularly women and children.” It also aims to “have a bearing on all other Ministries and Departments that have anything to do with women and children,” including the police and the Justice and Finance Ministries – but not the Ministry of Defence. The policy does not mention GBV or security.<sup>23</sup> Reportedly there is also a strategic plan of action for mainstreaming gender issues in national development processes and implementing the National Gender and Children’s Policy. However, researchers could not access the relevant document.<sup>24</sup>
- **Criminal Code (1960, Act 29) Amendment Act (Act 554 of 1998):** Criminalises defilement, forced marriage, customary servitude, rape, female genital mutilation, harmful widowhood rites and violence against women singled out as “witches.”
- **Affirmative Action Policy (1998):** Aims to ensure 40% representation of women in decision-making and executive positions at all levels of government, and to establish gender focal points in all ministries.<sup>25</sup>
- **Constitution of the Republic of Ghana (28 April 1992):** The Constitution makes several references to gender equality and non-discrimination on the basis of gender.<sup>26</sup> Its stated goals are to “achieve reasonable regional and gender balance in recruitment and appointment to public offices,”<sup>27</sup> and to create the conditions to enable women to realise their full potential in the workplace.<sup>28</sup>

It should be noted that some observers, including the Ministry of Women and Children’s Affairs (MOWAC), have noted the lack of enforcement of these policies and associated legislation.<sup>29</sup> The government is reportedly in the process of developing a national action plan on UN Security Council Resolution 1325. This process is led by MOWAC.<sup>30</sup> In addition, MOWAC is in charge of coordinating all gender-related issues, internally within the government structure and externally with civil society organisations (CSOs) and international organisations.

**3. Parliamentary security committees:** There are 3 main parliamentary bodies in charge of overseeing Ghana’s security sector. It should be noted, however, that the Ghanaian Parliament has been weakened by long and repeated periods of military rule, during which it was disbanded for 11 years before the restoration of democracy in 1993.<sup>31</sup>

- **Parliamentary Select Committee on Defence and Interior:** Examines questions relating to defence and internal affairs in Ghana, notably with regard to the armed forces, police and immigration services, and vets the budgets of both the Defence and Interior Ministries.

The committee is composed of 18 parliamentarians, including 1 woman (5.56%) who is also a member of the Committee on Gender and Children.<sup>32</sup> Some non-governmental organisations (NGOs) have reportedly been working to enhance the technical knowledge of the select committee to strengthen oversight of military and security issues.<sup>33</sup>

- Parliamentary Standing Committee on Finance: Exercises budget responsibility over the Office of the President, including the National Security Council.
- Parliamentary Standing Committee on Public Accounts: Monitors public accounts in general, including military and security expenditure.

**4. Male and female representation in parliament:** Of the 230 members of Ghana's Parliament, 19 (8.3%) are women and 211 (91.7%) are men.<sup>34</sup> The Parliamentary Committee on Gender and Children consists of 25 members – 16 men and 9 women (36%), including the deputy chair. Ghana also has a women's caucus within Parliament, founded in 1993 at the inception of Parliament. The caucus was dormant from 2001 to 2005 due to a lack of consensus among female parliamentarians, but it is currently functioning.<sup>35</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** MOWAC does not participate in the National Security Council or other security sector oversight mechanisms or bodies. It is, however, the coordinating organ for issues on human trafficking in its capacity as chair of the Human Trafficking Management Board.<sup>36</sup>

## II. POLICE SERVICE INDICATORS



The functions of the Ghana Police Service as stated in the Police Service Act (Act 350 of 1970) are “crime detection and prevention; apprehension (arrest) and prosecution of offenders; maintenance of law and order; and due enforcement of the law.”<sup>37</sup> The day-to-day administration of the service is under the command and authority of the inspector-general of police, who is based at headquarters in Accra, the capital. The Ghana Police Service is divided into 12 administrative regions comprising 51 police divisions, 179 police districts and 651 police stations. There are slightly over 23,000 police personnel, with a police to civilian ratio of about 1:1200.<sup>38</sup> In addition to the framework provided by the Constitution, the Ghana Police Service is regulated by the Police Act 350 of 1970, the Police Service Regulations of 1974 (Administration) and the Police Service Regulations of 1974 (Disciplinary Proceedings).<sup>39</sup> It has “suffered progressive deterioration, leading to public disaffection with its conduct, integrity and effectiveness.”<sup>40</sup> Over the years the Ghanaian government has conducted a number of inquiries into the police and made recommendations for reform, which the service has allegedly been reluctant to implement. These recommendations include significant decentralisation of the police machinery (Young Report 1951); overhaul of the organisational structure and policies for wages, training and recruitment (Boyes Report 1971); measures to end and prevent irregularities and malpractice with

regards to selection and promotion (Tibiru Report 1986); a major recruitment drive to increase the number of personnel to 25,000; and measures to deal with poor training, equipment and morale (Archer Report 1997). A UN Development Programme-supported police reform project initiated in 2002 reportedly ended when funding terminated, and few steps towards reform have been taken since.<sup>41</sup>

The Ghana Police Service first established a specialised squad of 12 women in 1952. Its functions were to deal specifically with issues relating to juvenile delinquency and offences committed by women.<sup>42</sup> There are currently over 2,000 women in the service. Although this is a higher representation than many countries in the region, women still only account for 12.0–14.0% of police officers and 15.3–20.0% of overall police personnel, depending on the data used. In addition, little progress has been made in terms of the recruitment, training and promotion of women within the police force. Notably, women constitute 16.6% of rank-and-file officers, but account for only 10.3% of senior police officers.<sup>43</sup> In 1998, in order to improve gender-responsive service provision, the police created a specialised unit, currently known as the Domestic Violence and Victim Support Unit (DOVVSU), that largely deals with victims of domestic violence. Though gender training is not institutionalised, civil society and other international actors provide it on an *ad hoc* basis. Both internal and external oversight of the Ghana Police Service have become stronger since the early 1990s, though many oversight bodies, including CSOs, are said to lack the necessarily technical expertise to address gender and security issues comprehensively.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None could be identified.

**2. Human resources policies:** The existing human resources policies include provisions for maternity leave and attention to the situation of pregnant women.<sup>44</sup> Maternity leave is also granted by Article 27 of the Constitution.<sup>45</sup> Paternity leave is not provided for.

**3. Sexual harassment policy:** None could be identified.

**4. Gender-sensitive code of conduct:** None could be identified.

**5. Standard operating procedures in response to GBV:** Ghanaian law provides guidelines on police response to human trafficking and domestic violence. These can be found in the Human Trafficking and Domestic Violence Acts, as well as in the Criminal Code. In the case of human trafficking, for example, the key response guidelines are as follows.

- Police officers must respond to reported cases of trafficking or face disciplinary procedures.
- In cases where the report is made by a person other than the victim, the police are still expected to take follow-up action.



- The police must register statements from complainants and witnesses in detail and forward a copy to the victim.
- The police must assist the victim in obtaining a medical report.
- The police must ensure that the victim has access to a safe house or place, as well as to counselling and rehabilitation, and reunion with his/her family.
- Action should be taken to arrest the offender(s).

The Domestic Violence Act (2007) states that “A police officer shall respond to a request by a person for assistance from domestic violence and shall offer the protection that the circumstances of the case or the person who made the report requires, even when the person reporting is not the victim of the domestic violence.” It furthermore states that when a police officer receives a complaint of domestic violence, he/she shall:

- “interview the parties and witnesses to the domestic violence, including children,
- record the complaint in detail and provide the victim with an extract of the occurrence upon request in a language the victim understands,
- assist the victim to obtain medical treatment where necessary,
- assist the victim to a place of safety as the circumstances of the case or as the victim requires where the victim expresses concern about safety,
- protect the victim to enable the victim retrieve personal belongings where applicable,
- assist and advise the victim to preserve evidence, and
- inform the victim of his or her rights and any services which may be available.”

The Act also specifies that victims of domestic violence who are assisted by the police to obtain medical treatment are entitled to such treatment free of charge from the state. In addition, it contains information regarding arrest by police or by a person other than a police officer.

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** The Ghana Police Service reportedly implements Service Instructions 50 and 51 to address internal issues of sexual harassment or GBV.<sup>46</sup> The procedure for holding an inquiry into a disciplinary offence is set out in the Orderly Room Procedure.<sup>47</sup> As part of this procedure, a disciplinary report form (Police Form 14) is used. Drafting of the charges in a disciplinary case requires the drafting officer to state the time, date, place, type and details of the offence. Where the offence is of such a nature that the inspector-general of police must be informed, a directive may be transmitted to the Police Disciplinary Board. Cases of police involvement in sexual harassment or GBV against a member of the general public are handled by the Police Intelligence and Professional Standards Unit (see Police #21).

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None. However, the Interior Ministry (which oversees the police) has a gender desk responsible for mainstreaming gender and undertaking specific gender programmes. The desk officers normally do not have dedicated budgets to undertake activities such as assessments and training.

**8. Specialised structures for service recipients:** DOVVSU is the key unit within the Ghana Police Service responsible for handling cases of domestic violence, sexual offences and offences against children. It was first established in October 1998 as the Women and Juvenile Unit, but changed its name in 2004/2005 and now also deals with cases involving male victims of domestic violence.<sup>48</sup> The unit was initially located in Accra and Kumasi.<sup>49</sup> As of January 2009 it had 11 regional offices, 63 district offices and 170 police officers posted nationwide.<sup>50</sup> It reportedly has a high percentage of female officers, though additional information was not available to support this claim. DOVVSU has clinical psychologists and counsellors in most of its regional offices, where counselling services are available free of charge. It also has social workers attached to the offices and an established referral system.<sup>51</sup>

**9. Collaboration mechanisms:** Both formal and informal collaboration exist between the police and CSOs. Under the formal referral process put in place by DOVVSU, victims are referred to shelters, medical treatment, educational services, counselling, legal aid and NGOs for skills training and microfinance.<sup>52</sup> DOVVSU collaborates on training and exchanges ideas and information with organisations and institutions such as the ARK Foundation, FIDA Ghana, the Department of Social Welfare and the Legal Aid Board,<sup>53</sup> among others.

## PERSONNEL

**10. Number of female and male personnel:** Statistics vary on the numbers of female and male personnel. One source states that of the total number of 15,499 police officers, 2,164 (14.00%) are women, while another official document states there are 1,862 (12.01%) female police officers. In terms of overall personnel (including administrative and support staff), Ghana Police Service statistics indicate a male to female ratio of 4:1 (20% women) among a total staff of about 23,000.<sup>54</sup> However, other data indicate 15.3% representation of women across all professional categories.

**11. Rank/level of male and female personnel:** Available statistics indicate that respectively 58 women (10.3%) in the police and 311 (11.1%) in the Inspectorate Division hold senior ranks, while 1,795 (16.6%) are employed in general policing.

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** None specific to the police. However, the Affirmative Action Policy aims at 40% representation of women in decision-making and executive positions at all levels of government. This would also apply to the Ghana Police Service.

**14. Vetting procedure for GBV:** Although entry into service requires applicants to fill out various forms and undergo a vetting procedure, the latter does not include checks on specific issues such as sexual violence, assault or domestic violence, but more generally seeks to ensure that the applicant has no documented criminal background.

**15. Positions/units where female or male personnel cannot serve:** None.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None could be identified, although efforts to recruit women and improve their prospects for career advancement have reportedly increased. Both male and female rank-and-file officers face slow promotion and deteriorating work conditions. This might have a disproportionate impact on female officers as they have a proportionately higher representation within this professional category, while they are under-represented in the higher ones.<sup>55</sup>

**17. Female staff associations:** The Police Ladies Association, with branches in all 10 regions of Ghana and offices at headquarters in Accra and in Tema region, was established in 1989. Membership is open to all active and retired female police officers. Its mandate and activities focus on advocacy and social welfare support to members in the event, for example, of marriage, hospitalisation, resignation, retirement, dismissal or death.<sup>56</sup>

**18. Infrastructure/facilities for male and female personnel:** The Ghana Police Service provides separate facilities, such as bathrooms and dormitories, for male and female personnel within its offices, barracks and training institutions. Standard uniforms serve both men and women. However, there are additional uniforms for women, such as skirts and long dresses, which can also be worn during pregnancy.

## TRAINING

**19. Gender training:** As one of the key institutions in the fight against all forms of GBV, the police has benefited from collaboration with and training by both internal and external organisations specialised in gender issues. A series of training workshops on gender mainstreaming and the equitable participation of women in the security sector, organised by the High Commission of Canada to Ghana and the NGO WIPSEN-Africa, took place in June 2010. Although some institutions only sent women, both men and women were invited to participate.<sup>57</sup> No data were made available on the total number of personnel who have received gender training.

Police officers reportedly receive in-service training on gender-related issues. The Police Training School also covers the issues of human rights law and the treatment of offenders and arrested persons (including women). Additional information on these training sessions was not available.

**20. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Police Intelligence and Professional Standards Unit is responsible for ensuring that professional standards are upheld. However, no data were made available on its staff size. At police headquarters in Accra, the Headquarters Management and Advisory Body has overall responsibility for administration, human resources, welfare services and legal issues, among others. Similar internal oversight bodies, or “regional police committees,” exist at regional level. Research did not reveal if these national and regional internal oversight bodies have dealt with issues related to internal sexual harassment and GBV.

**22. External oversight mechanisms/bodies:** The Commission on Human Rights and Administrative Justice is mandated to investigate all human rights abuses perpetrated inside Ghana.<sup>58</sup> Consequently, complaints of human rights abuses within the public and private sectors fall within its investigative scope. The other body – partially external to the organisation – that oversees the service is the Police Council, composed of 11 persons, including 1 woman (9.1%) as of January 2011.<sup>59</sup> The Interior Ministry also provides oversight.

**23. Civil society oversight:** Civil society engagement in overseeing the Ghana Police Service has been slowly increasing since the late 1990s. Due to the closed nature of the security sector and the lack of security expertise among civil society actors, only a limited circle of experts and research NGOs are currently involved in security sector governance. They notably include the Kofi Annan International Peacekeeping Training Centre, the Ghana Centre for Democratic Development and the Legon Centre for International Affairs at the University of Ghana. These bodies have endeavoured to enhance the oversight capacity of parliamentarians on the Select Committee on Defence and Interior (see National #3), and to facilitate dialogue and interaction between the security sector and the media.<sup>60</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No information was made available.

### III. ARMED FORCES INDICATORS



The Ghana Armed Forces, comprising the army, navy and air force, are under the supervisory responsibility of the Ministry of Defence. In 2006 the armed forces had an estimated total strength of 7,000.<sup>61</sup> The army, numbering approximately 5,000 personnel, has 2 infantry brigades, each with 3 battalions. There are also 2 airborne companies, a support service brigade, combat support units and the Army Recruit Training School. The navy is about 1,000 strong, and is divided into Eastern and Western Commands. The air force also numbers about 1,000 personnel, and consists of 1 combat unit, 3 transport squadrons and 1 helicopter squadron.<sup>62</sup> The Ministry of Defence and the armed forces work in close collaboration with the National Security Council to formulate national defence policies relating to internal security and external peacekeeping operations.<sup>63</sup> The armed forces are regulated by the Constitution, the Armed Forces Act of 1962 (and its amendment) and various Armed Forces Regulations.<sup>64</sup> It can be noted that there is currently no defence policy, at least not in the public realm.<sup>65</sup> The armed forces have historically been closed to civil society and parliamentary oversight and scrutiny.

The first woman to enter the Ghana Armed Forces in 1958 was reportedly a nurse. Since then, women have played a widening role within the military, including in combat functions. In 2006 women constituted approximately 9% of the armed forces.<sup>66</sup> The Ghana Armed Forces have been actively involved in different peacekeeping operations,<sup>67</sup> with women forming over 10% of Ghanaian peacekeepers. However, leadership, oversight and high-level positions remain predominantly occupied by men. Unlike the police, the armed forces are not considered an institutional partner in the implementation of the National Gender and Children's Policy. Furthermore, no institutional gender policy, sexual harassment policy or gender-sensitive code of conduct could be identified by researchers. Gender training among members of the military has been limited. Responsibility for oversight is centralised with a hybrid internal/external oversight body known as the Armed Forces Council. The military hierarchy has been resistant to opening up the Ghana Armed Forces to increased oversight by parliament or CSOs.

#### POLICIES AND PROCEDURES

1. **Institutional gender policy:** None could be identified.
2. **Human resources policies:** No data were made available.
3. **Sexual harassment policy:** None could be identified.

4. **Gender-sensitive code of conduct:** None could be identified.

5. **Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** No data were made available.

#### INSTITUTIONAL STRUCTURE

6. **Internal gender structures:** None could be identified. In 1964 the Directorate of Women's Auxiliary Corps, modelled on the Women's Royal Auxiliary Corps in the United Kingdom, was established with the goal of increasing women's representation in the armed forces.<sup>68</sup> However, it was later disbanded and no effort has since been made to re-establish a similar structure within the armed forces. The Affirmative Action Policy states that all ministries should have a gender focal point, but no data were made available to confirm whether or not one has been established in the Ministry of Defence.

7. **Collaboration mechanisms:** No data were made available.

#### PERSONNEL

8. **Number of female and male personnel:** In 2006 women reportedly represented 9% of armed forces personnel.<sup>69</sup> Based on 2006 estimates, this would constitute approximately 630 of the 7,000-strong force. No comparative statistics were made available on female representation in the army, navy and air force.

9. **Rank of male and female personnel:** Research has indicated that there are women heads of departments in the armed forces.<sup>70</sup> No further data were made available on the specific numbers. As regards military rank, the same research found that women's representation in leadership positions and peacekeeping combat duties was limited. However, women have reportedly been assigned leadership roles in all-female contingents.<sup>71</sup>

10. **Number of female and male personnel in peacekeeping missions:** Ghana's involvement in peacekeeping operations, beginning in the 1960s, has increased significantly since the early 1990s. Its forces have mainly been deployed to other African countries, including some in the region, such as Côte d'Ivoire, Liberia and Sierra Leone. Women have participated in peacekeeping missions since 1984, though their participation was banned between 1986 and late 1994. As of February 2011, Ghana's contribution to UN peacekeeping operations was as follows.<sup>72</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
BNUB (Burundi)	Experts on mission	1	0	1
	<b>Total BNUB</b>	<b>1</b>	<b>0</b>	<b>1</b>
MINURSO (Western Sahara)	Experts on mission	9	0	9
	Contingent troop	7	0	7
	<b>Total MINURSO</b>	<b>16</b>	<b>0</b>	<b>16</b>
MONUSCO (Democratic Republic of the Congo)	Experts on mission	23	3 (11.54%)	26
	Contingent troop	399	61 (13.26%)	460
	<b>Total MONUSCO</b>	<b>422</b>	<b>64 (13.17%)</b>	<b>486</b>
UNAMID (Darfur)	Individual police	173	105 (37.77%)	278
	Experts on mission	6	1 (14.23%)	7
	Contingent troop	4	0	4
	<b>Total UNAMID</b>	<b>183</b>	<b>106 (36.69%)</b>	<b>289</b>
UNIFIL (Lebanon)	Contingent troop	811	67 (7.63%)	878
	<b>Total UNIFIL</b>	<b>811</b>	<b>67 (7.63%)</b>	<b>878</b>
UNMIK (Kosovo)	Individual police	1	0	1
	<b>Total UNMIK</b>	<b>1</b>	<b>0</b>	<b>1</b>
UNMIL (Liberia)	Individual police	15	6 (28.57%)	21
	Experts on mission	9	0	9
	Contingent troop	651	56 (7.92%)	707
	<b>Total UNMIL</b>	<b>675</b>	<b>62 (8.41%)</b>	<b>737</b>
UNMIS (Sudan)	Individual police	19	0	19
	Experts on mission	1	0	1
	<b>Total UNMIS</b>	<b>20</b>	<b>0</b>	<b>20</b>
UNOCI (Côte d'Ivoire)	Individual police	13	0	13
	Experts on mission	3	0	3
	Contingent troop	466	58	524
	<b>Total UNOCI</b>	<b>482</b>	<b>58 (10.74%)</b>	<b>540</b>
<b>Total Ghana troop and police contributions</b>		<b>2,611</b>	<b>357 (12.03%)</b>	<b>2,968</b>

**11. Rates of attrition:** No data were made available.

**12. Recruitment targets for female personnel:** None could be identified. However, the national-level Affirmative Action Policy aims at 40% representation of women in decision-making and executive positions at all levels of government, including in the Ministry of Defence.

**13. Vetting procedure for GBV:** None could be identified.

**14. Positions/units where female or male personnel cannot serve:** In 2006 women reportedly served in support services in almost all units except the Infantry.<sup>73</sup> No further information to determine if this reflected official policy was available.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** No data were made available.

**16. Female staff associations:** No data were made available.

**17. Infrastructure/facilities for male and female personnel:** No data were made available.

## TRAINING

**18. Gender training:** The armed forces benefited from a series of gender workshops in June 2010, in which the police also participated (see Police #19).<sup>74</sup> In October 2010 the Child Protection Unit and Legal Directorate of the armed forces organised gender training on behalf of the NGO Save the Children Sweden. This training focused on efforts to minimise GBV, especially with respect to protection of the wives and children of male members of the armed forces.<sup>75</sup>

**19. Mainstreaming gender into training:** As part of their participation in peacekeeping operations, the Ghana Armed Forces have received training in human rights, interaction with civil society, international humanitarian law, military staff skills and small-unit operations.<sup>76</sup> Research did not reveal if this training also contained gender elements.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** No data were made available.

**21. External oversight mechanisms/bodies:** The armed forces are governed by a hybrid internal/external body, the Armed Forces Council. This council comprises representatives from

the Defence, Interior and Foreign Affairs Ministries, as well as the vice-president and a number of military, defence and government representatives. There are no women among the current 11 council members.

**22. Civil society oversight:** The judiciary and the Commission on Human Rights and Administrative Justice also have a role in oversight of the armed forces. According to the Constitution, the commission has specific, albeit limited, powers to “investigate complaints concerning the functioning of ... the Armed Forces, the Police Service, and the Prisons Service.”<sup>77</sup> The armed forces have largely remained beyond civilian and parliamentary oversight. The lack of legal backing and trained experts for such work, as well as resistance on behalf of the armed forces and the traditional “conflictual relationship” between the armed forces and civil society and media, have stalled progress in improving such oversight.<sup>78</sup>

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No data were made available.

## IV. JUSTICE SYSTEM INDICATORS



The 1992 Constitution provides for the separation of executive, legislative and judicial powers in Ghana, thereby mandating independence of the judiciary. The attorney-general, who is head of the prosecution service, is also the minister of justice and chief legal adviser to the government. While the Ghanaian government has generally abided by court decisions, this situation has allegedly held back the prosecution of high-profile cases and led to charges by opposition parties that some pardons, immunity cases and prosecutions have been politically motivated.<sup>79</sup> In 2001 the government introduced a judicial reform and modernisation programme led by the Ministry of Justice and the Office of the Attorney-General. This programme has been complemented by independent reform initiatives within the justice system, for example promoting improved public access to information about the courts.<sup>80</sup> Ghana has a strong record of encouraging public education on human rights and improving the population’s access to justice. These initiatives have been led by the constitutionally mandated Commission of Human Rights and Administrative Justice and the National Commission for Civic Education, and complemented by similar activities run by NGOs.<sup>81</sup> However, access to justice remains an issue for many Ghanaians; it is hampered by the “geographical imbalance in court distribution,” while “corruption in the justice system and unreasonable delays have resulted in erosion of people’s confidence in the courts.”<sup>82</sup>

Researchers could only access a limited amount of information regarding gender and the justice system, and consequently were unable to identify specific gender policies, structures, procedures, training or oversight mechanisms. This lack of available data, however, does not mean that their existence can be conclusively ruled out. Some sections in the justice sector have significant levels of female staff. For example, 20 of the total 47 staff in the Legal Aid Scheme were women

(42.55%). However, only 3 of its 13 senior positions were held by women (23.08%). Nonetheless, as of January 2011 the minister of justice and attorney-general was a woman, as was the chief justice heading the Justice Sector Council, although only 3 of the council’s 21 members were women (14.29%).

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None could be identified.

**2. Human resources policies:** The justice system is governed by the Public Sector Policies on Conditions of Service. Although there are reportedly specific policies on marriage, pregnancy and breastfeeding, the relevant document could not be accessed by researchers. Some key issues such as pregnancy and maternity leave are also covered by the Labour Act of 2003 (Act 651). Article 27 of the Constitution outlines the right to maternity leave.<sup>83</sup> Additional information was not available.

**3. Sexual harassment policy:** None could be identified.

**4. Gender-sensitive code of conduct:** None could be identified.

**5. Procedures for prosecuting cases of GBV:** None could be identified. Acts of GBV are generally prosecuted under the Human Trafficking and Domestic Violence Acts, as well as under the Criminal Code.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** No information. The Affirmative Action Policy established that all ministries should have a gender focal point, but no data were made available as to whether or not the Ministry of Justice and the Office of the Attorney-General had one.

**7. Specialised structures for service recipients:** A variety of CSOs, including women’s organisations such as the Federation of Women Lawyers in Ghana (FIDA Ghana), provide free legal services, in particular to women and children who cannot afford them. These services have now been extended to men; volunteer lawyers offer counselling, settlement, mediation and court representation services.<sup>84</sup>

**8. Collaboration mechanisms:** The Legal Aid Scheme, the Department of Social Welfare and the Domestic Violence and Victim Support Unit of the Police Service collaborate with the Justice Department when necessary. This is especially true with respect to human trafficking, although the lead in such cases is taken by the Ministry of Women and Children Affairs. The justice sector

also collaborates with organisations such as the Ark Foundation, Action Aid, Women in Law and Development Foundation, FIDA Ghana and Third World Network.

## PERSONNEL

**9. Number of female and male personnel:** Limited data were made available concerning justice sector staff. The Legal Aid Scheme had about 20 female staff out of a total of 47 (as of 31 December 2009). Yet of the 13 senior positions, only 3 were held by women. As of January 2011, the minister of justice and attorney-general was a woman.

**10. Number of male and female judges:** No data were made available.

**11. Recruitment targets for female personnel:** None could be identified. Moreover, there are no recruitment targets for women or men in the Ghana School of Law.

**12. Vetting procedure for GBV:** No data were made available.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** No data were made available.

**14. Female staff associations:** FIDA Ghana was established in January 1985. It is described as a non-profit, non-partisan organisation “committed to addressing discriminatory practices in society, and promoting and protecting the rights of women and children in Ghana.” It offers a free legal aid service and a legal literacy programme, which target women in particular, as well as undertaking advocacy and lobbying for gender-sensitive legislation, research, networking and public awareness-raising.<sup>85</sup> In 2010 the Ghana International Association of Women Judges (the Ghanaian chapter of the International Association of Women Judges) was established. According to the chief justice, the association “is intended to equip us so that we can help to eliminate these stereotypical ideas, beliefs and values that could promote gender discrimination and remove obstacles to women and children’s access to justice.”<sup>86</sup>

## TRAINING

**15. Gender education or training:** No data were made available.

**16. Mainstreaming gender into training or education:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The 21-member Justice Sector Council is headed by the chief justice (a woman) and has 2 other female members, including the minister of justice and attorney-general, for a total of 3 female members (14.29%).

**18. External oversight mechanisms:** No data were made available.

**19. Civil society oversight:** No data were made available.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



The Ghana Prisons Service falls under the Interior Ministry.<sup>87</sup> In 2010 there were 42 prisons in Ghana.<sup>88</sup> Since 2003 prison rehabilitation and construction projects have taken place to alleviate overcrowding and poor conditions of detention, which are currently considered the biggest challenges facing the service. The large number of prisoners held in pre-trial detention – sometimes for several years – is one reason for prison overcrowding. The Commission of Human Rights and Administrative Justice, mandated by the Constitution to investigate complaints regarding the functioning of the Ghana Prisons Service, plays an important role in highlighting problems within the penal service and “providing some redress to prisoners.”<sup>89</sup>

Female personnel form a significant proportion of the penal service, accounting for approximately 28.1% of total staff and at least 29.5% of subordinate officers. In terms of rank, women are under-represented among senior-level staff, at 13.8%.<sup>90</sup> The Prison Ladies Association (PRILAS) was formed in 2006. Penal service staff have received some training offered by international actors, but there is no institutionalised gender training. Furthermore, no institutional gender policy, sexual harassment policy or gender-sensitive code of conduct could be identified, although a strict policy that separates male and female prison guards and prisoners of the opposite sex is in place. Thus there are separate prisons for women and men, and only female officers may work in women’s prisons. Women constitute 2.3–3.7% of inmates in Ghana.<sup>91</sup> The gender-specific needs of prisoners are taken into consideration to a certain extent, especially regarding childcare and pregnancy, though data in these areas are limited. In terms of oversight, the Prisons Service Council advises the president on policy, operational and maintenance aspects of the prison system. Externally, the Commission on Human Rights and Administrative Justice regularly visits prisons to ensure that the rights of prisoners are upheld. However, procedures for responding to internal cases of abuse are not clearly outlined.

## POLICIES AND PROCEDURES

- 1. Institutional gender policy:** None could be identified.
- 2. Human resources policies:** Reportedly, a human resources policy exists and makes provisions for pregnancy, maternity leave and breastfeeding. Researchers were not able to access the relevant document.
- 3. Sexual harassment policy:** None could be identified.
- 4. Gender-sensitive code of conduct:** None could be identified.
- 5. Procedures for interaction between males and females:** A clear policy exists on the separation of men and women. Male prison officers may not work in women's prisons and vice versa. Male prison officers patrol the outer perimeter of women's prisons but are not allowed to enter them. Male and female prisoners purportedly perform different work activities, but no specific information could be obtained.
- 6. Procedures for family and conjugal visits:** An official policy covering family and conjugal visits could not be identified. In practice, both male and female prisoners are reportedly allowed fortnightly visits from relatives, always under the supervision of a prison officer. Conjugal visits are not allowed.
- 7. Procedures regarding prisoner pregnancy, nursing and children:** Pregnant women are allowed to receive both pre- and post-natal care in and outside of prison. Special units have been opened in some prisons for mothers to care for their babies. The children of female prisoners may live together with their mothers in prison until the prison medical officer deems that they have been weaned. Children are only allowed inside prison grounds when accompanied by female prisoners.<sup>92</sup>
- 8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** Procedures for reporting and investigating discrimination and harassment are as follows.
  - For staff, an official complaint must be filed with the immediate superior.
  - Inmates must file complaints with their block "master" to obtain redress or for appropriate action to be taken; if that person is unavailable, the "commander" is the person next in line to contact.

According to an interviewed former prisoner, a person who solicits sexual favours from a fellow inmate (forcibly or otherwise) is liable to sanctions such as lock-up or transfer to a different cell.<sup>93</sup> Information regarding what action is taken if the offender is a prison official was not available.

## INSTITUTIONAL STRUCTURE

- 9. Internal gender structures:** None could be identified at institutional level. However, penal services fall under the Ministry of Interior, which has a gender desk officer.
- 10. Separate prisons for males/females and juveniles/adults:** Prisons are separate for women and men as well as for juveniles.
- 11. Specialised education, training and rehabilitation:** Information and communication technology centres for prisoner training exist at the Ankaful and Nsawam prisons,<sup>94</sup> and prisoners may benefit from the President's Special Initiative on Distance Learning. Most prisons have instructors providing inmates with an opportunity to continue their studies. Prisons also provide practical training in skills such as carpentry, masonry, tailoring, baking, husbandry, basketry and shoemaking, depending on the prison needs and the interests of inmates. Research revealed no details as to whether any of these training opportunities are limited to men or women.
- 12. Specialised health and drug treatment:** All prisons have on-site clinics or hospitals allowing prisoners access to healthcare. Where specialist care is not available inside the prison, prisoners requiring it are referred to external hospitals. Additional information was not available.
- 13. Collaboration mechanisms:** No specific collaboration mechanism could be identified. However, NGOs such as religious groups are allowed access to prisons and prisoners if they wish to carry out activities beneficial to them. Private companies also provide certain *pro bono* services to inmates, for example by contributing to their training opportunities.<sup>95</sup>

## PERSONNEL

- 14. Number of juvenile/adult male and female prisoners:** In 2008 there were 4,092 men and 96 women (2.3%) pre-trial prisoners held in Ghanaian prisons.<sup>96</sup> The figures for convicted inmates were 24,365 men, 928 women (3.7%) and 118 juveniles. No information was available on how many of the juveniles were girls.<sup>97</sup>
- 15. Number of female and male personnel:** Of the 4,429 subordinate officers in the penal services, 1,306 are women (29.5%).<sup>98</sup>
- 16. Rank/level of male and female personnel:** 59 of the 428 senior-level staff are women (13.8%).<sup>99</sup>
- 17. Rates of attrition:** No data were made available.
- 18. Recruitment targets for female personnel:** No data were made available.

**19. Vetting procedure for GBV:** No data were made available.

**20. Positions/wards where female or male personnel cannot serve:** Men work exclusively in prisons for male prisoners and women are restricted to working in women's prisons.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None was identified.

**22. Female staff associations:** PRILAS was formed in 2006 and has a current membership of 1,356. Its main aim is to address the needs of female prison officers and support their cause. Another association affiliated to PRILAS is the Prison Officers Wives Association.

**23. Infrastructure/facilities for male and female personnel:** Separate infrastructure and facilities exist for men and women, including private bathrooms and lodgings.

## TRAINING

**24. Gender training:** The penal services have taken part in a gender workshop series conducted by the High Commission of Canada to Ghana and the NGO WIPSEN-Africa. Police and armed forces personnel also participated (see Police #19).<sup>100</sup>

**25. Mainstreaming gender into training:** Prison officers receive training on human rights norms in prisons, which reportedly includes some gender elements. No additional information was available.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The Prisons Service Council advises the president on policy, operation and maintenance aspects of the prison system, as well as budgets and promotions (above the rank of assistant director). No data were made available as to whether or not there are female members on this council. Further information was not made available.

**27. External oversight mechanisms:** The Commission on Human Rights and Administrative Justice regularly visits prisons to ensure that the rights of prisoners are not abused in terms of their living and other conditions. Internal cases of abuse are in principle handled by the officers in charge if brought to their attention or if a related formal report is submitted to them. Where necessary, cases are referred to the Ministry of Women and Children's Affairs. The judiciary also has a role in oversight of security sector institutions, including the penal service.<sup>101</sup> In addition, the Ministry of Interior provides oversight.

**28. Civil society oversight:** No data were made available.

**29. Number of cases of discrimination, sexual harassment or GBV cases perpetrated by prison personnel or prisoners:** No data were made available.



## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=huma n+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. Eboe Hutchful, "Ghana," in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin (Geneva: DCAF, 2008), 111.
3. Emma Birikorang, "Human Security in Ghana and West Africa," African Security Dialogue and Research/Dalhousie University, <http://centreforforeignpolicystudies.dal.ca/pdf/fff-birikorang.pdf>.
4. Ibid.
5. Hutchful, "Ghana" (2008), 111-131.
6. Kwesi Aning, "A Comparative Analysis of Security Sector Governance in West Africa: The Case of Ghana," (Bonn: Frederich Evert Stiftung, 2004), 2.
7. Kwesi Aning and Ernest Lartey, *Parliamentary Oversight of the Security Sector: Lessons from Ghana* (Accra: Center on International Cooperation, 2009), 1-3.
8. Hutchful, "Ghana" (2008), 117.
9. Aning & Lartey, *Parliamentary Oversight*, 1-3.
10. Global Facilitation Network for Security Sector Reform, summary of Aning, "A Comparative Analysis," [http://www.ssrnetwork.net/document\\_library/detail/4218/a-comparative-analysis-of-security-sector-governance-in-west-africa-the-ghana-case](http://www.ssrnetwork.net/document_library/detail/4218/a-comparative-analysis-of-security-sector-governance-in-west-africa-the-ghana-case).
11. Aning, "A Comparative Analysis," 2-3.
12. African Development Fund, "Ghana Country Gender Profile," Human Development Department, October 2008, 27.
13. Elizabeth Ardayio-Schandorf, "Violence against women: The Ghanaian case" (expert paper prepared for the Expert Group Meeting *Violence against Women: A Statistical Overview, Challenges and Gaps in Data Collection and Methodology and Approaches for Overcoming Them*, Meeting organized by the UN Division for the Advancement of Women in collaboration with the Economic Commission for Europe and the World Health Organization, Geneva, Switzerland, 11- 14 April 2005).
14. African Development Fund, "Ghana Country Gender Profile," 28-29.
15. Also cited in Ibid., 29.
16. It can be noted that Act 526 is largely based on the relevant sections in the Constitution of the Republic of Ghana (1992). Aning & Lartey, *Parliamentary Oversight*, 7.
17. Emma Birikorang, *Ghana's Regional Security Policy: Costs, Benefits and Consistency* (Accra: Kofi Annan International Peacekeeping Training Centre, Paper No. 20, September 2007), 13.
18. Constitution of the Republic of Ghana (1992), Chapter 8, Article 84(a).
19. Aning & Lartey, *Parliamentary Oversight*, 4; Hutchful, "Ghana" (2008), 113.
20. In addition, the membership of the National Security Council is chiefly made up of: the chief of defence staff and two other members of the armed forces; the inspector general of the police, the commissioner of police for the council of the minister of interior, one other member of the police force; the director-general of the Prisons Services; the directors of intelligence (internal, external and military), and the commissioner of the Customs, Excise and Preventive Service and other ministers and persons as the president may determine. Hutchful, "Ghana" (2008), 113, 120.
21. Birikorang, "Human Security."
22. United Nations Division for the Advancement of Women, "National Domestic Violence Policy and Plan of Action 2009-2019," The UN Secretary-General's Database on Violence against Women, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=19876&baseHREF=country&baseHREFId=556>.
23. Ministry of Women and Children's Affairs, *National Gender and Children's Policy (2004)*.
24. Abraham T. Afrim-Narh, "Gender Integration and International Peacekeeping: The Case of the Ghana Armed Forces" (Master's thesis, University of Oslo, 2006), 36, <http://www.duo.uio.no/publ/statsvitenskap/2006/41510/41510.pdf>
25. In 2006 the policy guidelines were 30%. "Statement of Ghana at the Thirty-Sixth Session of the UN Committee Meeting on the Elimination of All Discrimination against Women" (New York, August 2006), <http://www.un.org/womenwatch/daw/cedaw/cedaw36/statements/CEDAW%20STATEMENT%20Ghana.pdf>. However, currently it has been increased to 40%.
26. *Constitution of the Republic of Ghana* (1992), Articles 12(1)-(2), 17(2)-(3), 27(3) of Chapter 5.
27. *Constitution of the Republic of Ghana* (1992), Article 35(5)(b) of Chapter 6.
28. Notably stating in Articles 27(1)-(3) of Chapter 5 of the constitution: "(1) Special care shall be accorded to mothers during a reasonable period before and after child-birth; and during those periods working mothers shall be accorded paid leave. (2) Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realize their full potential. (3) Women shall be guaranteed equal rights to training and promotion without any impediments from any person." Moreover, Article 36(6) of Chapter 6 states that "The State shall afford equality of economic opportunity to all citizens; and, in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana."
29. For example, a survey undertaken by MOWAC in 2009 indicated that the 40% quota was largely unmet (only two organisations were in fulfilment: the Export Development Investment Fund and Ghana Free Zones Board). Moreover, as argued by the OECD:  
Ghana's 1992 Constitution officially bans all cruel and inhumane aspects of cultural and traditional norms. Over the past decade, several laws have been enacted to criminalise violence against women. The Criminal Code imposes sanctions with respect to defilement, forced marriages, customary servitude, female genital mutilation, abuse of widowhood rites and the practice of banishment of "witches". In reality, women in Ghana frequently face abuse and violation of their constitutional rights. Many women, particularly in rural areas, remain subject to traditional male dominance and to practices and social norms that deny their statutory entitlements to inheritance and property, a legally registered marriage, and the maintenance and custody of children.  
OECD, "Gender Equality and Social Institutions in Ghana," Social Institutions and Gender Index, <http://genderindex.org/country/ghana>.
30. Government of Canada, "Women Count for Peace: Canada and Ghana Working Together to Support UNSCR 1325 on Women, Peace and Security," Government of Canada, <http://www.canadainternational.gc.ca/ghana/highlights-faits/WomenCountforPeaceFemmespourlapaix.aspx?lang=en>.
31. Hutchful, "Ghana" (2008), 123. See also Aning & Lartey, *Parliamentary Oversight*, 2-3.
32. For a detailed discussion, see Aning & Lartey, *Parliamentary Oversight*.
33. Ibid., 14.
34. Inter-Parliamentary Union, "Women in national parliaments: Situation as of 31 January 2011," Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.
35. Friedrich Ebert Stiftung, "Key Institutions for Democratic Development," Friedrich Ebert Stiftung [http://fesghana.org/pages/01\\_program/01\\_key\\_institutions.htm](http://fesghana.org/pages/01_program/01_key_institutions.htm).
36. Other participants are the representatives of the Attorney-General, the ministries of Local Government, interior, health, education and from the police, immigration and customs services, among others, as well as "three other persons one of whom is a woman." *The Human Trafficking Act (Act 694, 5 December 2005)*, Articles 28-29.
37. Ghana Police Service, "History," Ghana Police Service website, <http://www.ghanapolice.info/history.htm>.
38. Ghana Police Service, "Broad Formation," Ghana Police Service website, [http://www.ghanapolice.info/broad\\_formation.htm](http://www.ghanapolice.info/broad_formation.htm).
39. Hutchful, "Ghana" (2008), 115, note 9.
40. Global Facilitation Network for Security Sector Reform, "An Overview of the Ghana Police Service," Global Facilitation Network for Security Sector Reform, [http://www.ssrnetwork.net/document\\_library/detail/4235/an-overview-of-the-ghana-police-service](http://www.ssrnetwork.net/document_library/detail/4235/an-overview-of-the-ghana-police-service).
41. Hutchful, "Ghana" (2008), 120, 124.
42. For a detailed discussion of the historical developments in the Ghana Police Service, see, Kwesi Aning "An Historical Overview of the Ghana Police Service" in *The Face and Phases of the Ghana Police*, ed. Kwame Karikari, (Accra: Media Foundation for Africa, 2002), 11 -18.
43. Hutchful, "Ghana" (2008), 120.

44. Ghana Police Service Act (Act 350 of 1970), Articles 756 to 763.
45. Stating "(1) Special care shall be accorded to mothers during a reasonable period before and after child-birth; and during those periods working mothers shall be accorded paid leave. (2) Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realize their full potential."
46. Orderly Room Procedure – Disciplinary Offences (Service Instructions 50); Service Enquiries (Service Instructions 51).
47. This procedure would have to be in conformity with the Public Service Commission Regulation 70.
48. Ghana Police Service, "Domestic Violence Victims Support Unit," Ghana Police Service website, <http://www.ghanapolice.info/dvvsu/dvvsu.htm#>.
49. afrol News, "AFROL Gender Profiles: Ghana," afrol News, [http://www.afrol.com/Categories/Women/profiles/ghana\\_women.htm](http://www.afrol.com/Categories/Women/profiles/ghana_women.htm).
50. United Nations Division for the Advancement of Women, "Domestic Violence Victims Support Unit," The UN Secretary-General's Database on Violence against Women, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=19883&baseHref=country&baseHrefId=556>.
51. Ghana Police Service, "DOVVSU Functions," Ghana Police Service website, [http://www.ghanapolice.info/dvvsu/functions\\_dvvsu.htm#](http://www.ghanapolice.info/dvvsu/functions_dvvsu.htm#).
52. Ibid.
53. afrol News, "AFROL Gender Profiles: Ghana."
54. Ghana Police Service, "Broad Formation."
55. Hutchful, "Ghana" (2008), 120.
56. POLAS Constitution (POLAS, 1 November 2008), Article 28.
57. Government of Canada, "Women Count for Peace."
58. Hutchful, "Ghana" (2008), 114-115. See also *Constitution of the Republic of Ghana* (1992), Article 218(b); and Aning & Lartey, *Parliamentary Oversight*, 6-7.
59. Institutionally the Police Council falls between the interior ministry and inspector-general, but traditionally the latter has had the stronger hand. Hutchful, "Ghana" (2008), 119, 121.
60. Additionally, the Institute for Democratic Governance, the Foundation for Security and Development in Africa and the Centre for Advanced Strategic Analysis are also increasingly gaining expertise in this field. Aning & Lartey, *Parliamentary Oversight*, 14.
61. Eboe Hutchful, "Ghana" in *Budgeting for the Military Sector in Africa: The Process and Mechanisms of Control*, ed. Wuyi Omitoogun and Eboe Hutchful (Stockholm: SIPRI, 2006), 74.
62. Ibid., 74-75.
63. Ghana Government, "Ministry of Defence," Ghana Government Official Portal, [http://www.ghana.gov.gh/index.php?option=com\\_content&view=article&id=244:ministries&catid=74:ministries&Itemid=224](http://www.ghana.gov.gh/index.php?option=com_content&view=article&id=244:ministries&catid=74:ministries&Itemid=224).
64. Hutchful, "Ghana" (2008), 115 endnote 9.
65. Ibid., 119.
66. Afrim-Narh, "Gender Integration and International Peacekeeping," 41, 55.
67. As Hutchful argues, peacekeeping is "currently one of the most important functions of the armed forces." Hutchful, "Ghana" (2008), 123.
68. Afrim-Narh, "Gender Integration and International Peacekeeping," 41.
69. Press statement by Nana Effah Appenteng, Ghana's Representative to the UN, 29 March 2006. Cited in Ibid., 55.
70. Abraham T. Afrim-Narh states that he in fact interviewed several for his master's thesis. Ibid., 38.
71. Ibid., 42, 53, 60.
72. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations, [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
73. Afrim-Narh, "Gender Integration and International Peacekeeping," 41.
74. Government of Canada, "Women Count for Peace."
75. Peacewomen, "Ghana: Personnel of Ghana Armed Forces Undergo Training on Gender-Based Violence," Peacewomen, [http://www.peacewomen.org/news\\_article.php?id=2205&type=news](http://www.peacewomen.org/news_article.php?id=2205&type=news).
76. Birikorang, Ghana's Regional Security Policy, 6-7.
77. Hutchful, "Ghana" (2008), 114-115. See also Constitution of the Republic of Ghana (1992), Article 218(b); Aning & Lartey, *Parliamentary Oversight*, 6-7.
78. Hutchful, "Ghana" (2008), 117, 122.
79. AfriMAP, The Open Society Initiative for West Africa and The Institute for Democratic Governance, *Ghana: Justice Sector and the Rule of Law* (Dakar: Open Society Initiative for West Africa, 2007), 7.
80. Ibid., 9.
81. Ibid., 17.
82. Ibid., 17.
83. Constitution of the Republic of Ghana (1992).
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88. King's College London, "Prison Brief Ghana," World Prison Brief, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=22](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=22).
89. AfriMAP et al., Ghana, 17.
90. Ghana Prisons service. Annual Report of 2008.
91. All data from Ibid.
92. See Prison Ordinance and Prison Regulation 1963 part 2 (8).
93. Interview with former inmate of the Nsawam Prison, June 2010.
94. The prison in Ankaful was launched in 2010. My Joy Online, "MTN Ghana Commissions ICT Centre for Ankaful Prison," My Joy Online, 13 August 2010, <http://news.myjoyonline.com/technology/201008/50618.asp>.
95. My Joy Online, "MTN Ghana."
96. Ghana Prisons service. Annual Report of 2008.
97. Ibid.
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99. Ibid.
100. Government of Canada, "Women Count for Peace."
101. See for example Hutchful, "Ghana" (2008), 114-115. See also Constitution of the Republic of Ghana (1992), Article 218(b); Aning & Lartey, *Parliamentary Oversight*, 6-7.

# Guinea



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## QUICK FACTS<sup>1</sup>

- Population: 7,156,406; 48.88% male, 51.12% female (1996) (2009 est. 10,217,591)
- Population below the poverty line: 70.1% living on less than 1 USD/day (2003)
- Lifespan: 55.6 men, 59.6 women (life expectancy at birth, 2005–2010)
- Literacy rate: 42.6% men, 18.1% women (2003)
- Fertility rate: 5.5 children per woman (2007)
- Human Development Index rank: 156 out of 169 (2010)
- Percentage GDP spent on defence: 2% (2004)
- Perception of corruption rank: 164 out of 180 (2010)



*Editor's note: Recent social and political upheavals, combined with restricted access to information in the security sector, hampered the collection of data on gender and the security sector in Guinea. Consequently, the information contained in this country profile is limited, and the section on armed forces and gendarmerie could not be completed.*

## INTRODUCTION\*

Unlike many of its neighbours, Guinea has not experienced prolonged civil war. It has, however, been plagued since independence by “political instability, authoritarianism, state-sponsored violence, minimal political and individual freedom, state-controlled media and periodic waves of ‘preventive arrests.’”<sup>2</sup> Guinea gained independence from France on 2 October 1958 by popular referendum. President Sékou Touré established an authoritarian government and a Soviet-inspired socialist regime headed by his political party, the Parti démocratique de Guinée (PDG), which directly controlled all state institutions. The security sector was used as an instrument to protect and further party interests, and to “keep citizens under surveillance and sow the seeds of fear and terror.”<sup>3</sup> Sekou Touré also allegedly imprisoned and executed high-ranking military officials and hundreds of others he suspected of plotting against him. He died on 26 March 1984, and Colonel Lansana Conté took over power through a military coup on 3 April 1984.<sup>4</sup> The Military

Committee for National Recovery (CMRN)<sup>†</sup> banned the PDG, dissolved political institutions and suspended the 1982 Constitution, centralising decision-making power with the president and the CMRN.<sup>5</sup> December 1990 marked the beginning of a democratic process, with the adoption of a new constitution by referendum on 23 December 1990, and the introduction of a multiparty system. However, political violence and mutiny in the armed forces over low pay and poor working conditions resulted in a bloody repression and a return to authoritarianism in February 1996.<sup>6</sup> Since then, the Guinean security forces have intervened in external conflicts (Guinea-Bissau, Liberia and Sierra Leone) and withstood an attempted invasion by Liberian and Sierra Leonean rebels in 2000. This period was also marked by violent suppression of public demonstrations, particularly between 2006 and 2008.<sup>7</sup> Lansana Conté’s death in December 2008 was followed days later by a bloodless coup on 22 December staged by a group of Guinean military officers calling themselves the National Council for Democracy and Development, led by Captain Moussa Dadis Camara. This junta regime enforced military control over the country’s political affairs and delayed

\* All information that is not separately referenced in this country profile is the responsibility of the researcher. The original research was conducted in April 2010.

† The author has translated institution names into English. This is not an official translation.

holding free and fair elections.<sup>8</sup> A first round of presidential elections was finally held in June 2010, with no outright winner. Violent clashes took place in the lead-up to and following the run-off elections held on 7 November 2010. The Supreme Court officially declared opposition leader Alpha Condé the winner on 3 December, with 52.2% of the vote. President Alpha Condé appointed his cabinet ministers on 5 January 2011, nominating himself minister of defence.<sup>9</sup>

Throughout the country's different regimes, the Guinean armed forces and police – commonly referred to jointly as the Guinean Security and Defence Forces – have been used by the government to suppress political opposition violently. A notable recent example was the violence against civilians on 28 September 2009, when the Guinean Security and Defence Forces, mainly police personnel, surrounded and barricaded a stadium holding an estimated 50,000 civilians peacefully protesting Captain Camara's intention to run in the upcoming presidential election. They then opened fire on and beat up demonstrators,<sup>10</sup> killing more than 150 people and injuring over 1,500 others.<sup>11</sup> "Women were publicly and systematically raped by groups of men, using objects in some cases. Some women were stripped, put in military trucks and driven away to endure days of gang rape."<sup>12</sup> These events were strongly condemned by the international community, including the Economic Community of West African States (ECOWAS), the African Union (AU), the United Nations (UN) and the European Union (EU). ECOWAS and the EU imposed arms embargoes, and France and the EU withdrew military assistance.<sup>13</sup> In February 2010 the International Criminal Court declared the event a crime against humanity. Like the armed forces and police, the judiciary has also been used as a tool of the various governing regimes, with presidents using their authority to exonerate individuals close to the regime accused of committing crimes. As a consequence, the judiciary's independence, and by extension its legitimacy, has suffered. Furthermore, lack of capacity and resources has led to delays in court systems, severely limiting their ability to process cases in a timely fashion.<sup>14</sup> The prison service also suffers from a lack of resources, and has been denounced by human rights organisations for severe prison overcrowding, inadequate health and nutrition services for inmates and engaging untrained volunteers rather than professional prison staff. Additionally, detainees transferred from police custody to prisons often remain in detention for years before being brought to trial.<sup>15</sup>

The high prevalence of political turbulence and violence in Guinea has led to substantial insecurity for both men and women. Not only are torture, rape and other forms of ill treatment by the armed forces and police widespread, but the prioritisation of state security has come at the expense of basic services such as water, education and healthcare. Instability has reportedly also contributed to a rise in basic commodity prices.<sup>16</sup> This environment of insecurity and impunity has led to weak enforcement of national and local laws. While violence against women is seemingly commonplace, there are no clear statistics to show the true extent of such abuse. Moreover, although rape and domestic violence are illegal under the Penal Code, police seldom intervene, and reporting of such cases remains low due to the strong social stigma surrounding victims. Consequently, perpetrators are rarely charged or punished under the law.<sup>17</sup> Access to justice is therefore a significant issue, compounded by high illiteracy rates among both men and women and the general absence of awareness among the population about the existence of laws that protect the rights of civilians.<sup>18</sup> In fact, many parts of the country are governed by customary law and traditional practices that do not conform to national legislation. A government situational analysis

of gender issues in Guinea conducted in the framework of the project to draft the National Gender Policy reveals that, despite the aforementioned formal legal frameworks, the everyday lives of women in Guinea are largely regulated by customary practices that emphasise "traditional" gender roles and disregard the principles of gender equality enshrined in the constitution.<sup>19</sup> For instance, Guinea's Committee for the Prevention of Harmful Traditional Practices against Women and Children states that the practice of female genital mutilation (FGM) remains extremely common. Even though FGM is outlawed in the Penal Code, no perpetrators have ever been convicted of the crime.<sup>20</sup>

In the political sphere, women do not engage as actively as men in public debate, and are poorly represented in national political and government bodies. For instance, the National Independent Electoral Commission is composed of 33 men and 2 women (5.71%). In 2009 3 of the 30 former government ministers were women (10%), while 5 of the 34 ministers in the current Transitional Government of National Unity are women (14.71%). In 2007 male and female representation within the government was as detailed below.<sup>21</sup>

## GUINEA SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### *Sûreté Nationale*

- *Protection du Genre, de l'Enfance et des Mœurs*
- *Police Mondaine*

#### *Forces Armées Guinéennes*

#### *Système judiciaire – formel et coutumier*

- *Cour Suprême*

#### *Administration Pénitentiaire*

#### *Les organisations de la société civile*

- *Association des Femmes Juristes de Guinée*

### Oversight

#### *Ministère de la Solidarité Nationale, de la Promotion Féminine et de l'Enfance*

#### *Ministère de la Sécurité*

#### *Ministère de la Justice*

#### *Conseil Supérieur de Défense Nationale*

#### *Bureau Guinéen des droits de l'Homme*

#### *Commission Electorale Nationale Indépendante*

#### *Le Gouvernement d'Union Nationale de Transition*

#### *Présidence de la République*

#### *Système judiciaire*

#### *Assemblée Nationale*

#### *Les organisations de la société civile*

\*Only those included in this country profile, not a comprehensive list.

POST	MALE	FEMALE	TOTAL
Secretary-general	No data	0	
Director-general of ministry	No data	0	
Chief of cabinet	21 (84.00%)	4 (16.00%)	25
Ministerial counsellor	76 (89.41%)	9 (10.59%)	85
State inspector/general inspector	8 (72.73%)	3 (27.27%)	11
Regional inspector	44 (95.65%)	2 (4.35%)	46
National director/general director/general administrator/director of cell	152 (99.35%)	1 (0.65%)	153
Assistant national director/assistant general director	62 (88.57%)	8 (11.43%)	70
Governor	8 (100%)	0 (0.00%)	8
Director of cabinets of governorate	8 (100%)	0 (0.00%)	8
Director of prefecture	33 (100%)	0 (0.00%)	33
Director of subprefecture	302 (100%)	0 (0.00%)	302
General secretary of prefectures and communes	64 (98.46%)	1 (1.54%)	65

At the national level, the draft National Gender Policy has been developed and is currently under discussion. If adopted, it would strengthen the judiciary's mandate to prevent and punish gender-based violence (GBV) and reduce harmful socio-cultural practices, such as FGM. It would also involve revising legislation that does not conform to international standards with regards to gender.<sup>22</sup> However, the principles of this document have not yet been reflected in the security sector; all of the security sector institutions (SSIs) surveyed, namely the police service, justice system and penal service, lack institutional gender policies, gender-sensitive codes of conduct and specialised structures for service recipients. However, the National Police is in the process of activating and expanding the Office for the Protection of Gender, Children and Morality aimed at preventing and/or responding to violence against women and children. Due to budgetary and capacity constraints, informal collaboration plays an important role in supporting SSI service delivery. The National Police collaborates with non-governmental organisations (NGOs) through an informal referral system for victims of GBV. It also conducts gender training for police personnel. The justice system collaboration with NGOs and the Guinean Association of Female Lawyers has resulted in specialised structures for assisting victims of sexual violence and GBV, and for providing gender training to members of the judiciary. In terms of representation, female personnel account for an estimated 15% of the total police service. This figure is far lower in the justice system, where women account for an estimated 5% of judges, lawyers and personnel of the courts and the prosecutor's office. Sex-disaggregated data for penal service personnel and prisoners were not available. Given the centralisation of control over the security sector, both internal and external oversight mechanisms remain weak, and at times totally absent.

## I. NATIONAL GOVERNANCE INDICATORS



Control of the security sector in Guinea is largely centralised with the president. The Constitution of May 2010 states in Article 45 that the President of the Republic is responsible for national independence, territorial integrity and national defence.<sup>23</sup> The president also heads the Higher Council for National Defence, is the commander of the armed forces and makes all high-ranking military appointments. As such, parliamentary oversight of the security sector is minimal, and access to documents relating to national security and defence is often restricted for reasons of confidentiality. Furthermore, women's representation in parliament, and by extension involvement in parliamentary oversight, is low.<sup>24</sup> Nonetheless, the Guinean Constitution upholds equality between men and women as a fundamental right. In addition, a number of laws, including new legislation and revisions to the Penal Code in 2006,<sup>25</sup> are in place to protect the rights of women and girls, though enforcement of current laws is weak and implementation of new legislation has been slow.<sup>26</sup> Notably, the National Gender Policy is currently in draft form and has yet to be adopted.

Guinea is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the AU Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** None could be identified. Researchers could not access relevant documents.

**2. National gender laws/policies:** None formalised at present. However, the Ministry of National Solidarity and Promotion of Women and Children, with support from the UN Development Programme, is currently undertaking a project to develop the National Gender Policy, and the preliminary document is under discussion at national level.<sup>27</sup> The draft document released in February 2010 provides a situational analysis of gender issues in Guinea, and sets out 5 strategic goals on which the National Gender Policy is based.

- access to basic social services such as education, health, water, hygiene and sanitation
- respect for human rights and the elimination of violence, including human trafficking
- access to and control and distribution of resources in an equitable manner
- improvement of governance and equitable access to decision-making structures, including those related to security and the media
- integration of gender into macro-economic frameworks, including national development strategies<sup>28</sup>

This document focuses largely on equitable health, education and economic opportunities for men and women. However, it also envisages a strengthened mandate for the justice system to prevent and punish GBV, reduce socio-cultural practices that are harmful to women and girls, such as FGM, and revise all legislation that does not conform to international standards with regards to gender. Strategies for achieving these objectives include gender training for judiciary personnel, stiffer penalties for perpetrators of GBV and increased involvement of civil society.<sup>29</sup> In general, coordination and implementation of gender activities across ministries are weak, since ministers are not sufficiently aware of, or trained in, gender issues.<sup>30</sup>

**3. Parliamentary security committees:** No information.

**4. Male and female representation in parliament:** As Guinea's parliament was dissolved following a coup in 2008, no figures on female representation in parliament are currently available.<sup>31</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** The Ministry of National Solidarity and Promotion of Women and Children has for several years been awaiting approval and implementation of its new organisational structure. In addition, the government has yet to allocate a budget to address gender issues, the lack of which severely hinders the ministry's activities, forcing it to rely mainly on funding from the United Nations and other international organisations. In the prefectures, the ministry has no paid staff and relies on volunteers to carry out its activities. The ministry does not participate in security sector oversight.

## II. POLICE SERVICE INDICATORS



The Guinean National Police, which includes a mobile intervention and security company, falls under the Ministry of Security. In addition to a history of suppressing civil and political rights through violent crackdowns against civilian demonstrations, the National Police has been accused of mistreating and torturing both adults and children held in police custody,<sup>32</sup> in violation of the general regulations of the police service and national laws.

Though the National Police lacks formal gender policies, including gender-sensitive codes of conduct and procedures for responding to sexual violence and GBV, some police officers accused of abusing female civilians have been brought to court and punished under the law. Yet enforcement is not standardised, and impunity is still widespread in the National Police, particularly in relation to human rights abuses towards men, women and children. To improve service delivery, the Office for the Protection of Gender, children and morality is being established to prevent and respond to all forms of violence against Women and Children. Furthermore, there are informal collaboration mechanisms between the police, NGOs and the Ministry for National Solidarity and the Promotion of Women and Children in the form of a referral system for medical and psychosocial services benefiting victims of GBV. Informal collaboration also exists within the framework of public

awareness campaigns on violence against women, and some training sessions have been jointly organised between NGOs and the National Police. Based on available figures, female personnel account for an estimated 15% of the total police service, though there are no known quotas or targets for the recruitment, retention and advancement of female personnel.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. However, there is an informal expectation that recruitment, training and administration are carried out in a way that treats both men and women equally.<sup>33</sup>

**2. Human resources policies:** None. However, both male and female police personnel in Guinea receive various social and financial benefits as part of their employment conditions,<sup>34</sup> although more detailed information could not be accessed by researchers.

**3. Sexual harassment policy:** None.<sup>35</sup>

**4. Gender-sensitive code of conduct:** None.<sup>36</sup>

**5. Standard operating procedures in response to GBV:** None, unless the aggression results in observable physical injury, in which case legal procedures exist that can be followed.<sup>37</sup> No further information was available.

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** Penalties exist that can be applied in proportion to the gravity of the act committed. However, the procedures for reporting and investigating are not standardised.<sup>38</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None.<sup>39</sup>

**8. Specialised structures for service recipients:** Order No. 3476/MSPC/CAB/DRH/2009 established the Office for the Protection of Gender, Children and Morality within the National Police, aimed at preventing and responding to all forms of violence against women and children. So far, this programme is centralised in the capital city, Conakry, though plans exist to decentralise it to the regions and prefectures.<sup>40</sup> The office is structured as follows:

- a. Directorate: Director, assistant director, secretary
- b. Division for the Protection of Gender and Children: Inquiry and Intervention Section, National Transit Centre for Children and Women

c. Division for Morality: Social Section, Public Section

d. Prevention Division: Training and Awareness-Raising Section, Documentation and Statistics Section.<sup>41</sup>

**9. Collaboration mechanisms:** There are no formal mechanisms. However, there are informal referral mechanisms for collaboration between the police, NGOs and the Ministry for the Promotion of Women. For instance, NGOs lodge complaints with the police on behalf of female victims of violence, and refer these women to appropriate medical and psychosocial services. There is also some informal collaboration within the framework of public awareness campaigns on violence against women, and some meetings and training sessions have been jointly organised in order to enable police officers to respond better to cases of violence against women.<sup>42</sup>

## PERSONNEL

**10. Number of female and male personnel:** The composition of the police force is estimated to be 15% female and 85% male personnel.<sup>43</sup> No further information was available.

**11. Rank/level of male and female personnel:** No information.

**12. Rates of attrition:** No information.

**13. Recruitment targets for female personnel:** A general recruitment objective of 4,000 personnel has been set for 2010–2011.<sup>44</sup> However, no information was available about specific recruitment targets for female personnel.

**14. Vetting procedure for GBV:** Vetting is carried out during each recruitment process.<sup>45</sup> It is unclear, however, if this includes specific vetting for GBV.

**15. Positions/units where female or male personnel cannot serve:** No information.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**17. Female staff associations:** No information.

**18. Infrastructure/facilities for male and female personnel:** No information.

## TRAINING

**19. Gender training:** *Ad hoc* training on GBV has been conducted for police officers, jointly organised by NGOs and the police.<sup>46</sup> No further information was available.

**20. Mainstreaming gender into training:** No information.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** No information.

**22. External oversight mechanisms/bodies:** Ministry of Security.

**23. Civil society oversight:** No information.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** Since 1993 a number of police officers accused of abuse against women have been prosecuted, in some cases resulting in their conviction and punishment.<sup>47</sup> No further information was available.

## III. ARMED FORCES AND GENDARMERIE INDICATORS



The Republic of Guinea Armed Forces, comprising the army, air force, navy and gendarmerie, totalled approximately 14,000 personnel as of 2005, including conscripts serving two years of military service. The official mission of the armed forces is to “defend territorial integrity, contribute to internal security and contribute to peacekeeping in the sub-region and throughout the world.” As such, the Guinean military has participated in and contributed troops to operations within the framework of organisations such as ECOWAS and the UN.<sup>48</sup> The army is the largest component of the Republic of Guinea Armed Forces, with about 9,700 personnel.

As of February 2011, Guinea contributed personnel to UN peacekeeping missions as follows.<sup>49</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINURSO (Western Sahara)	Experts on mission	6	0	6
	<b>Total MINURSO</b>	<b>6</b>	<b>0</b>	<b>6</b>
MINUSTAH (Haiti)	Individual police	45	1 (2.17%)	46
	<b>Total MINUSTAH</b>	<b>45</b>	<b>1 (2.17%)</b>	<b>46</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	21	3 (12.5%)	24
	<b>Total MONUSCO</b>	<b>21</b>	<b>3 (12.5%)</b>	<b>24</b>
UNMIS (Sudan)	Experts on mission	4	0	4
	<b>Total UNMIS</b>	<b>4</b>	<b>0</b>	<b>4</b>
UNOCI (Côte d'Ivoire)	Experts on mission	2	0	2
	<b>Total UNOCI</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Total Guinea troop and police contributions</b>		<b>78</b>	<b>4 (4.89%)</b>	<b>82</b>

No further information could be collected by researchers on gender in the Republic of Guinea Armed Forces.

## IV. JUSTICE SYSTEM INDICATORS<sup>50</sup>



The independence of the judiciary is enshrined in the Guinean Constitution of May 2010. However, judicial independence suffered under Lansana Conté, who often interfered with judicial processes to exonerate friends and supporters accused of crimes such as corruption and embezzlement of public funds.<sup>51</sup> Furthermore, the lack of capacity and resources, leading to delays in court systems, severely limits their ability to process cases in a timely fashion.

Although no institution-level gender policies exist, the Code of Criminal Procedure contains measures for prosecuting cases of GBV. However, limited capacity has hindered the judiciary's ability to respond effectively to these cases.<sup>52</sup> If the draft National Gender Policy (see National Governance #2) is adopted, the judiciary will have a strengthened mandate to prevent and punish GBV, and reduce harmful socio-cultural practices such as FGM. It would also result in the revision of legislation that does not conform to international standards with regards to gender.<sup>53</sup> A number of collaborative efforts between the justice system and the Ministry for National Solidarity and Promotion of Women and Children, as well as with civil society organisations, have resulted in

specialised structures for assisting victims of sexual violence and GBV, as well as gender training for members of the judiciary. Furthermore, a female staff association, the Guinean Association of Female Lawyers, is very active in advocacy and providing training. Women account for an estimated 5% of personnel serving as judges, lawyers and personnel of the courts and the prosecutor's office.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** None at the institutional level. Nationally, the Family Code addresses issues such as marriage, pregnancy and maternity leave. Researchers could not access relevant documents.

**3. Sexual harassment policy:** None. There are legal provisions in the Penal Code that address discrimination, harassment, exploitation and abuse in a general manner.

**4. Gender-sensitive code of conduct:** Though there is no gender-sensitive code of conduct, judges, prosecutors and lawyers are bound by the ethical code of their profession, and there are structures that ensure strict compliance with these ethics.

**5. Procedures for prosecuting cases of GBV:** The Code of Criminal Procedure includes measures for prosecuting GBV cases. Researchers could not access further details.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** No information.

**7. Specialised structures for service recipients:** In the Ministry for National Solidarity and Promotion of Women and Children there are specialised structures responsible for receiving victims of sexual violence and GBV – mostly women – to interview them on a confidential basis and provide helpful information. In the event of a subsequent criminal trial, legal support can be provided to the victim.

**8. Collaboration mechanisms:** Informal mechanisms exist. Generally, female victims of GBV bring their complaints to civil society groups, who first listen to the women's stories and then direct them to Ministry of Justice specialised services.



## PERSONNEL

**9. Number of female and male personnel:** In 2009–2010 the judicial system was composed of about 95% men and 5% women serving as judges, lawyers and personnel of the courts and the prosecutor's office. A breakdown of male and female personnel in specific posts was not available.

**10. Number of male and female judges:** No data were made available.

**11. Recruitment targets for female personnel:** None. Access to the professions of lawyer, judge or prosecutor is open to any holder of a Guinean higher education diploma through a competitive process.

**12. Vetting procedure for GBV:** None.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None. The Ministry for National Solidarity and Promotion of Women and Children and women's rights NGOs have been advocating for an increase in the number of women in the judiciary.

**14. Female staff associations:** Guinea has an active and dynamic Association of Female Lawyers, which has existed for approximately 15 years and organised several training sessions on gender, GBV and HIV/AIDS issues.

## TRAINING

**15. Gender education or training:** Gender training is mainly offered during seminars and workshops, but it is not usually part of routine training or education programmes.

**16. Mainstreaming gender into training or education:** No information.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** No information.

**18. External oversight mechanisms:** External oversight mechanisms exist through the Guinean Office for Human Rights and different women's rights advocacy groups.

**19. Civil society oversight:** No formal mechanisms for civil society oversight exist. However, women's rights advocacy groups play an informal oversight role. No further information was available.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No information.

## V. PENAL SERVICES INDICATORS<sup>54</sup>



As of 2002, Guinea operated 34 prisons.<sup>55</sup> Guinean penal services, under the authority of the Ministry of Justice, have been denounced by human rights organisations for severe prison overcrowding (3 to 5 times capacity), inadequate health and nutrition services for inmates (in 2004 an average of 7 inmates died every month as a result of malnutrition or disease) and staffing prisons with untrained and improperly paid volunteer guards. Additionally, detainees transferred from police custody to prisons often remain in detention for years before being brought to trial.<sup>56</sup>

The penal service does not have an institutional gender policy or gender-sensitive human resources policies. Although interaction between male and female prisoners housed in the same facility is strictly forbidden, there is no formal restriction on interaction between prison staff and prisoners of the opposite sex. At the time of writing, official figures placed the number of detainees at the central prison in Conakry at 977, but no sex-disaggregated data were available. Prison staff have access to separate facilities, and gender training is offered on an *ad hoc* basis, usually by NGOs. Internal and external oversight are weak.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** None.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** None. However, all penal service personnel are informed through awareness-raising sessions that acts of sexual discrimination, harassment or sexual exploitation are considered inappropriate conduct and disciplinary sanctions may be applicable depending on the severity of the infraction.

**5. Procedures for interaction between males and females:** Interaction between male and female prisoners is strictly forbidden, but there is no formal restriction on interaction between prison staff and prisoners of the opposite sex.

**6. Procedures for family and conjugal visits:** Visiting hours are from 14:00 to 17:00, and visits may only be withheld upon the instruction of a judge. Although husbands and wives of prisoners are permitted to visit during these hours, no provisions exist for intimate or conjugal visits.

**7. Procedures regarding prisoner pregnancy, nursing and children:** There are procedures for cases of illness, pre- and post-natal medical visits and childbirth. In each of these cases, prisoners and their children have access to the prison infirmary and medical centre. In cases of necessity, the prisoner and child can be taken to hospital accompanied by a prison guard.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** No formal procedures exist. In practice, when prison personnel commit such abuses, whether against colleagues or prisoners, the prison commissioner can issue sanctions and legal action may be taken depending on the gravity of the offence.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.

**10. Separate prisons for males/females and juveniles/adults:** There are no separate prisons for men and women – they are held in the same prison. However, there are separate detention areas for adult male and female prisoners, and for juvenile male and female prisoners.

**11. Specialised education, training and rehabilitation:** Training and education are sometimes offered by NGOs, such as SOS Mineurs and ASWAR Guinée. Researchers were unable to gather information about the types of training given.

**12. Specialised health and drug treatment:** Specialised medical and treatment services are offered through programmes run by the International Committee of the Red Cross and ASWAR Guinée.

**13. Collaboration mechanisms:** No formal mechanisms exist, but there is collaboration with various NGOs (see Penal #11 and 12).

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** At the time of writing, the official number of detainees at the central prison in Conakry was 977, though some human rights organisations estimate the number to be higher. However, information about the sex of prisoners and data on the different categories of detainees were not available.

**15. Number of female and male personnel:** There are 7 women among the 15 Conakry central prison executive staff (46.67%), including a chief clerk. There are also 7 officers and 95 prison guards at beginner level, but no sex-disaggregated data could be collected for these positions.

**16. Rank/level of male and female personnel:** No information (see Penal #15).

**17. Rates of attrition:** No information.

**18. Recruitment targets for female personnel:** None. It should be noted, however, that the female chief clerk of the Conakry central prison was appointed by ministerial order.

**19. Vetting procedure for GBV:** None could be identified.

**20. Positions/wards where female or male personnel cannot serve:** There is no specific policy that prohibits women or men from holding certain positions. Also, no formal policy exists that prohibits interaction between prison personnel and prisoners of the opposite sex.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**22. Female staff associations:** None.

**23. Infrastructure/facilities for male and female personnel:** Separate infrastructure for male and female personnel exists, including separate lodging and bathroom facilities. Uniforms are the same for both sexes.

## TRAINING

**24. Gender training:** None offered by the prison service. *Ad hoc* training has been offered by NGOs. No further information was available.

**25. Mainstreaming gender into training:** No specific training aside from *ad hoc* meetings on appropriate conduct.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** Although high-ranking prison officials monitor the conduct of personnel, there are no recorded commissions or inquiries in relation to inappropriate staff conduct.

**27. External oversight mechanisms:** No data were made available.

**28. Civil society oversight:** There are specific NGOs that monitor prison conditions and the treatment of prisoners. It is unclear if this oversight role is formal or informal.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** None has been recorded.

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# Guinea-Bissau



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## QUICK FACTS<sup>1</sup>

- **Population: 1,548,159; 48.82% male, 51.18% female (2009)**
- **Population below the poverty line: 48.8% living on less than 1 USD/day (2002)**
- **Lifespan: 46.1 men, 49.2 women (life expectancy at birth, 2005–2010)**
- **Literacy rate: 65% total (2003–2008, sex-disaggregated data not available)**
- **Fertility rate: 5.7 children per woman (2007)**
- **Human Development Index rank: 164 out of 169 (2010)**
- **Percentage GDP spent on defence: 4.0% (2005)**
- **Perception of corruption rank: 154 out of 180 (2010)**



## INTRODUCTION\*

After years of struggle, Guinea-Bissau unilaterally declared independence from Portugal in September 1973; Portugal officially conceded independence in 1974. Almost 4 decades later, the country is one of the world's poorest and has endured years of political unrest, including civil war between 7 June 1998 and 7 May 1999.<sup>2</sup> The Armed Forces of Guinea-Bissau,<sup>†</sup> created during the fight for independence, has been unwilling to withdraw from the political scene. Despite a democratic transition in 1994, repeated military coups (1980, 1999 and 2003) have destabilised the state and brought “physical elimination of opponents, civil war, human rights violations and non-compliance with the constitution and the rules of democracy.”<sup>3</sup> Conditions worsened in March 2009 with the assassinations of President João Bernardo Vieira and the chief of staff of the armed forces.<sup>4</sup>

Although the president is commander-in-chief of the Armed Forces of Guinea-Bissau,<sup>5</sup> operational authority over the military resides with the chief of staff.<sup>6</sup> National defence is officially the responsibility of the Ministry of Defence, but the armed forces have traditionally retained control

over state security institutions, including the police service.<sup>7</sup> Other key ministries involved in security sector governance are the Ministries of Interior (public order police) and Justice (judiciary police, justice sector and penal services). Security sector institutions in Guinea-Bissau are currently facing challenges linked partially to the country's history and partially to recent national and regional developments. The low-intensity conflict in the nearby Senegalese Casamance region has continued to be an important destabilising factor, with a cross-border influx of combatants, weapons and other illegal goods. Other notable security challenges include “organised crime, armed conflict, corruption and trafficking in drugs, arms, human organs, women and children.”<sup>8</sup> The alleged involvement of the armed forces in the drug trade is a serious concern in Guinea-Bissau,<sup>9</sup> as is the high number of disgruntled war veterans who contribute to political volatility.<sup>10</sup> The lack of basic security has led to an increase in non-state security providers, such as neighbourhood watches and private security companies.<sup>11</sup> Responding to some of these issues, the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) is facilitating and supporting security sector reform in the areas of police and internal security institutions; defence forces; justice and rule of law institutions; and disarmament, demobilisation and reintegration.<sup>12</sup>

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

† The author has translated institution names into English. These are not official translations.

Women were active participants in the Bissau-Guinean liberation struggle as combatants and in leadership positions.<sup>13</sup> Nevertheless, sexual violence against women as well as men was widespread, and these crimes remain unpunished.<sup>14</sup> The constitution prohibits discrimination on the basis of sex and guarantees equality before the law to both women and men. However, national legislation has not been harmonised with these provisions or with international agreements such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Violence and discrimination against women remain serious problems; additionally, customary law often reinforces this discrimination.<sup>15</sup> National laws and legislation, especially the Family Code, do not adequately protect women's and girls' rights. Violence against women is reportedly "commonplace," including abuses such as domestic violence, rape and incest.<sup>16</sup> Domestic violence, not explicitly prohibited under national law, remains widespread and is viewed as "an acceptable means of settling family disputes." Hence the police rarely intervene even if called.<sup>17</sup> In cases that do reach the authorities, victims rarely obtain justice. Rather, "the situation of violence is solved through an agreement between the victim and the perpetrator because in most cases the violence is perpetrated by family members."<sup>18</sup>

Moreover, the legal age for marriage in Guinea-Bissau is 14 for girls and 16 for boys – significantly below international norms, which stipulate 18 for both. Child marriage is common, even of girls below 14 years of age.<sup>19</sup> Although female genital mutilation (FGM) is "discouraged" by the government, it is widely practised within certain ethnic groups.<sup>20</sup> Government estimations indicate that about 44% of women and girls are subjected to FGM,<sup>21</sup> while other sources cite higher estimates.<sup>22</sup> Nonetheless, through the work of women's organisations and networks, including networks of female parliamentarians, advances have been made in the promotion of women's rights.<sup>23</sup>

The government has estimated that women represent less than 20% of security sector personnel and are absent in the top positions of the armed forces and police service.<sup>24</sup> Depending on the interpretation, the percentage could be lower, as women are completely absent from the penal service. At the national political level, women have attained some key security positions, for example as minister of interior, president of the Supreme Court and director of the judicial police. However, women have a relatively low political representation, accounting for only 10% of parliamentarians, and do not participate in parliamentary oversight of the security sector. Guinea-Bissau does not have a security policy or a gender policy. It does, however, have an action plan for the implementation of UN Security Council Resolution 1325 (UNSCR 1325), driven by a national steering committee that includes representatives from key security bodies (Ministries of Defence and Interior and the National Police).

Overall, gender considerations have not been very well integrated into security sector institutions, with no gender-specific policies, codes of conduct and human resources policies, and few specific procedures to respond to sexual harassment or gender-based violence (GBV) committed by personnel from the different institutions. There are, however, some notable advances in terms of service delivery, including the Model Police Station project implemented with the support of UNIOGBIS. The police service appears to be the institution that has made the most significant

## GUINEA-BISSAU SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### *Polícia*

- *Polícia de Ordem Pública*
- *Polícia Judiciária*
- *Polícia de Intervenção Rápida*
- *Polícia de Investigação Criminal*

#### *Forças Armadas*

- *Exército*
- *Marinha*
- *Força Aérea*
- *Polícia Militar*

#### *Sistema judicial*

- *Tribunal Militar*

#### *Direcção de Serviços Prisionais*

#### *Organizações da sociedade civil*

- *Ordem dos Advogados*
- *Rede das Mulheres Parlamentares*

### Oversight

#### *Ministério do Interior*

#### *Ministério da Defesa Nacional*

#### *Ministério da Justiça*

#### *Ministério da Mulher, Família e Coesão Social e Luta contra a Pobreza*

- *Instituto da Mulher e Criança*

#### *Conselho de Estado*

#### *Presidente da República*

#### *Comité Nacional contra o Tráfico Humano, em Especial de Mulher e Criança*

#### *Comissão Nacional dos Direitos Humano*

#### *Sistema judicial*

#### *Assembleia Nacional Popular*

- *Comissão de Assuntos Jurídicos Constitucionais, Direitos do Homem e Administração Pública*
- *Comissão de Administração Interna, Poder Local e Defesa Nacional*
- *Comissão para a Mulher e Criança*

#### *Organizações da sociedade civil*

\* Only those included in this country profile, not a comprehensive list.

advances in integrating a gendered perspective into internal policy and service delivery, though there remain significant differences in female representation within the different police units, ranging from 0.63% in the rapid intervention police to 30.10% in the border service. The public order police service has some 167 women among its total number of 1,163 officers (14.36%) and has received the most gender training. The armed forces, in contrast, have only about 4.19% female military personnel, although this is higher than the percentage in some neighbouring countries. Military law includes some gender-specific provisions, but they are not always respected and enforced. The justice sector has no internal gender policy, instruments or procedures to deal with cases of internal discrimination, sexual harassment or GBV. Female representation therein ranges from 12.44% to 16.46%, reaching its highest level among judges. The internal gender structure of the justice system is under development. Finally, the penal service currently has no women working as prison guards, and has limited capacity to provide gender-specific services for female prisoners. In fact, both women and minors have reportedly been held jointly with male prisoners. Gender training and any type of specific gender policies, human resources policies, procedures or structures to deal with discrimination, sexual harassment or GBV are absent in the penal service.

## I. NATIONAL GOVERNANCE INDICATORS



Guinea-Bissau's national security policy has yet to be developed. In its absence, the Constitution of the Republic remains the key guiding document with regards to security. Authority over the security sector remains centralised and the armed forces continue to play a strong role in the political sphere. Although there is no national gender policy, the UN Population Fund supported the Institute of Women and Children (IMC) in 2010 in developing such a policy.<sup>25</sup> Additionally, the National Action Plan for the Implementation of UNSCR 1325 and some key articles in the Penal Code aim at protecting the rights of women and girls. Women have low representation at the political level, holding about 10% of seats in Parliament,<sup>26</sup> and constituting 20 out of the 112 National Assembly civil servants (17.86%).<sup>27</sup> Women rarely participate in parliamentary oversight of the security sector.

Guinea-Bissau is also party to international and regional laws and instruments that call on security sector institutions (SSIs) to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). Guinea-Bissau submitted its first report to CEDAW in 2009.<sup>28</sup> For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** Overall there are few official documents that guide national security policy in Guinea-Bissau,<sup>29</sup> although projects for this purpose are in the pipeline. There is reportedly a “Strategy Document for Security Sector and Defence Reform,” but it could

not be accessed by the researchers.<sup>30</sup> In the absence of such documents, the Constitution of the Republic provides guidance, especially in terms of the division of the security-related functions. Control of security sector institutions is unevenly distributed among the president, Parliament, the prime minister – who has control over state intelligence services – the ministries concerned and the Council of State. The latter, chaired by the president, is an advisory body for the president on issues of national sovereignty.<sup>31</sup> The president also heads the Higher Council on National Defence, an advisory body specifically focused on matters related to national defence.<sup>32</sup>

### 2. National gender laws/policies:

- **National Action Plan for the Implementation of UNSCR 1325 (2010):** Under this plan, a national steering committee has been created to ensure its implementation. It is composed, among others, of 1 representative from each of the Ministries of Defence and Interior, as well as from the National Police.<sup>33</sup>
- **Women and Development Plan (1998–2003):**<sup>34</sup> This document had an action plan and a budget, and included a situational analysis.
- **Penal Code (1993):** Includes a number of prohibitions that aim to protect the rights of women and girls, notably:
  - » Article 133 prohibiting rape and forced sexual relations (punishable by 3 to 12 years of prison)
  - » Article 134 prohibiting sexual abuse of minors (punishable by 2 to 10 years of prison)
  - » Article 136 prohibiting sexual exploitation of others for financial purposes (punishable by 2 to 10 years of prison)<sup>35</sup>
- **Constitution of the Republic of Guinea-Bissau (1984):** Articles 23 and 24 prohibit discrimination on the basis of sex and stipulate that women and men are equal before the law, as well as “in all the areas of political, economic, social and cultural life.”

There is a legal gap in both anti-trafficking and FGM legislation, for which there are only draft laws.<sup>36</sup> The National Committee on Human Trafficking specifically focuses on trafficking in women and children.<sup>37</sup>

**3. Parliamentary security committees:** In principle, Parliament should approve the government budget, including the security budget. In practice, however, neither the budget nor issues such as weapons procurement, troop deployment and security agreements are submitted to Parliament for approval.<sup>38</sup> Parliament may set up independent specialised committees or request independent investigations; it has established the Specialised Committee on Defence and Security Affairs and Local Power, and the Committee on Judicial and Constitutional Affairs, Human Rights and Public Administration. All 5 members of both committees are men.

**4. Male and female representation in parliament:** Of the 100 members of Guinea-Bissau's Parliament, 10 (10%) are women and 90 (90%) are men.<sup>39</sup> The Parliamentary Committee on Women and Children's Affairs is chaired by a woman. Networks of female parliamentarians have reportedly been working to promote women's rights jointly with women's organisations.<sup>40</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** Created in 2010, the IMC under the Ministry of Women, Family, Social Cohesion and the Fight against Poverty works to articulate policies and programmes for the protection of women's rights with the aim of promoting gender equality. Although it receives funding from the state budget, it has been supported largely by the UN (notably the UN Population Fund).<sup>41</sup> The IMC has sought to create gender focal points within the different ministries and institutions, although none has so far become operational. None of the key government actors on gender (the IMC, the Ministry of Women, Family, Social Cohesion and the Fight against Poverty, or the Human Rights and Protection of Women and Children Unit of the Ministry of Interior) participates in security sector decision-making and oversight bodies.<sup>42</sup>

## II. POLICE SERVICE INDICATORS



The mission of the Bissau-Guinean police service is to “defend democratic legality, and guarantee the internal security and the rights of citizens and stateless persons.”<sup>43</sup> Authority over the police service is shared between the Ministries of Interior and Justice, with the judicial police falling under the latter.<sup>44</sup> Within these ministries, the public order police is under the National Police Directorate and the judicial police under the National Directorate of the Judicial Police. Currently the minister of interior and the director of the judicial police are both women.<sup>45</sup> In addition to the two police bodies mentioned above, Guinea-Bissau has police services responsible for traffic, borders, fiscal matters, rapid intervention and criminal investigation.<sup>46</sup> Coordination among them has been deemed insufficient.<sup>47</sup>

Traditionally, the armed forces have had a degree of control over the police service, partially through the placement of army officers in leadership positions within its ranks.<sup>48</sup> Human rights activists have accused the police service, and in particular the rapid intervention police, of disproportionate use of force, as well as torture and arbitrary detentions.<sup>49</sup> Among others, current reform processes include the establishment of a “model police station” to bring about citizen-focused and community-oriented policing.<sup>50</sup>

The presence of female police officers varies widely between the categories of police: from 0.63% of the rapid intervention police to 30.10% of the border service. The public order police have about 167 women out of a total number of 1,163 officers (14.36%). As part of the security sector reform process, the police service has implemented some innovative reforms with a strong gender component. With the support of the UN Integrated Peacebuilding Office in Guinea-Bissau

(UNIOGBIS), these reforms aim at increasing the number of female police officers, improving the level of gender awareness through training and the provision of specialised services for victims of GBV. These reforms face local customs and weak legal frameworks dampening the police response to GBV and especially domestic violence. The police service largely lacks specialised gender policies and structures, as well as measures to deal with GBV and sexual harassment internally. However, there is no formal discrimination against women and human resources policies allow for pregnancy and maternity benefits. Finally, oversight structures, both internal and external, appear to be weak and lacking in transparency.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. According to one source, there is a draft institutional gender policy, which is not yet available.<sup>51</sup> A new security sector legislative framework is currently being prepared, although it does not contain any gender-specific provisions.<sup>52</sup>

**2. Human resources policies:** There are no specific human resources policies in the police service; employment issues are regulated by generally applicable law, such as the General Labour Law<sup>53</sup> and the Civil Servants' Statute,<sup>54</sup> both of which have provisions for pregnancy and leave during pregnancy, maternity and in case of abortion.<sup>55</sup> Some of the provisions are as follows.

- Marriage: 8 days of leave for both men and women.
- Maternity leave: 30 days before and 30 days after delivery. In practice, the 30 days before delivery are often not granted entirely; pregnant police officers are often assigned to administrative duties for up to 60 days, which may impinge on this leave, although this is not always the case.<sup>56</sup>
- Paternity leave: None.
- Working hours: Same for male and female officers (administrative services: 8.00–16.00; operational services: 7.00–15.00; duty hours 24 hours' work and 24 hours off).<sup>57</sup>

**3. Sexual harassment policy:** None. In addition to the lack of specific policies, awareness is very limited and acts of sexual harassment tend to be hushed up.<sup>58</sup>

**4. Gender-sensitive code of conduct:** There is no code of conduct, but a proposal to develop one has been approved.<sup>59</sup>

**5. Standard operating procedures in response to GBV:** None. Allegedly, police officers often take cases of domestic violence too lightly, rarely intervening in such “family issues.” Moreover, procedures and resources for handling rape cases are inadequate and no measures have been taken to address issues of social stigma and pressure that prevent victims from filing complaints.<sup>60</sup> However, the model police station will integrate a gender-sensitive perspective into its standard operating procedures.<sup>61</sup>



**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** None.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** The police service was developing internal gender structures at the time of writing. Notably, 40 police officers attended a 2010 gender-sensitisation workshop and currently serve as *de facto* gender focal points.<sup>62</sup> In addition, the Directorate for Human Rights and the Protection of Women and Children of the Ministry of Interior aims at placing focal points within the different police stations.<sup>63</sup> Created in 2008, this directorate is headed by a female director, though it is currently under-resourced.

**8. Specialised structures for service recipients:** The officers serving as gender focal points (see Police #7) are in charge of responding to cases of GBV. They reportedly lack adequate training, resources, equipment and support structures.<sup>64</sup> The UNIOGBIS Police Reform Unit of has trained 34 police officers to work in the model police station in 2011. As part of the model station, a unit will be established on gender issues and vulnerable people protection.<sup>65</sup>

**9. Collaboration mechanisms:** Collaboration between the police service and the Institute of Women and Children has been sporadic rather than formalised,<sup>66</sup> except within the framework of the steering committee for the National Action Plan for the Implementation of UNSCR 1325.<sup>67</sup>

## PERSONNEL

**10. Number of female and male personnel:** In 2010 the total number of personnel in the police service was estimated at 3,600, including 423 women (11.75%).<sup>68</sup> The number of women varies widely within the different units, for instance:

- rapid intervention police: 315 officers, of whom 2 are women (0.63%)<sup>69</sup>
- judiciary police: 201 officers, of whom 21 are women (10.45%)<sup>70</sup>
- public order police: 1,163 police officers, of whom 167 are women (14.36%)<sup>71</sup>
- border service: 1,004 officers, of whom 302 are women (30.10%)<sup>72</sup>

Additionally, among the 7 police officers who participated in a May 2010 UN peacekeeping mission to Haiti, 2 were women (28.57%). These 7 officers received gender training before their deployment.<sup>73</sup>

**11. Rank/level of male and female personnel:** Data on ranks are not available for the different categories of police. However, of the 21 women in the judiciary police, 3 are inspectors (14.29% of the women and 12% of the 25 inspectors). Most serve in lower categories as, for example, auxiliary agents and in internal security.<sup>74</sup> More detailed data are available on the public order police, where the 167 women employed have the following ranks (as of June 2010):<sup>75</sup>

- 2 lieutenant colonels (1.20% of the total female personnel)
- 1 major (0.60%)
- 11 captains (6.59%)
- 5 lieutenants (3.00%)
- 11 second lieutenants (6.50%)
- 21 first sergeants (12.57%)
- 32 second sergeants (19.16%)
- 9 corporals (5.39%)
- 75 soldiers (44.91%)

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** The recruitment process for staffing the model police station had a minimum 20% quota reserved for women. For the 34 vacancies and of the total 14 female applicants, 7 women were selected.<sup>76</sup> The 20% quota level for female officers is in line with the UNIOGBIS recommendation to the public order staff commands.<sup>77</sup>

**14. Vetting procedure for GBV:** Currently none exists. However, the UNIOGBIS SSR/Police Reform Unit is helping to prepare a vetting process programme. An independent mixed commission will conduct the vetting under the guidance of the SSR/Police Reform Unit.<sup>78</sup> A vetting procedure was also employed during the selection process of candidates for the model police station.<sup>79</sup>

**15. Positions/units where female or male personnel cannot serve:** None.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None besides the recruitment quota mentioned in Police #13.

**17. Female staff associations:** A regional organisation, the West Africa Network for Peace-building (WANEP), has encouraged the formation of women's committees in the police and military, as well as among ex-combatants. As a result of a workshop organised by WANEP and funded by UNIOGBIS in 2007, the Committee of Bissau-Guinean Female Police was established,<sup>80</sup> although it is not clear if it is currently active.<sup>81</sup> The committee's aim is to improve "the situation

of women in the defense and security forces, tackling issues such as sexual harassment and abuse and ensuring women's more effective participation in these institutions. They also aim at ensuring a gender perspective in the response of these institutions."<sup>82</sup>

**18. Infrastructure/facilities for male and female personnel:** None, except for separate sanitary facilities in some cases.

## TRAINING

**19. Gender training:** 40 police officers attended a 2010 gender-sensitisation workshop and currently serve as *de facto* gender focal points.<sup>83</sup> In addition, UNIOGBIS training of the 34 officers selected for the model police station contained a module on sexual and gender-based violence (SGBV). Its objective was to convey the concepts related to SGBV, so as to enable police to identify and adequately support the victims of violence. The content covered different types of SGBV, human rights (national and international laws) and how to identify and take appropriate action against SGBV.<sup>84</sup> Other training sessions are planned for 2011 (notably a gender administrative management course).<sup>85</sup>

**20. Mainstreaming gender into training:** The UNIOGBIS SSR/Police Reform Unit trained about 230 police officers in 2010, including public order and judiciary police.<sup>86</sup> No data were made available regarding the integration of gender issues into their training.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The General Inspectorate of the Ministry of Interior is in charge of assuring the correct functioning of all entities, services, organs and subordinates to the ministry.<sup>87</sup> No data were available on its functioning.

**22. External oversight mechanisms/bodies:** The Ministries of Interior and Justice provide oversight. There is also the Ombudsoffice and the National Human Rights Commission, but no information was found on how they would work in overseeing the police service.

**23. Civil society oversight:** Although there are no formal oversight mechanisms, a wide range of civil society organisations provides oversight in Guinea-Bissau. One notable example is the Liga Guineense dos Direitos Humanos (the Guinea-Bissau Human Rights League), which is reportedly the organisation most closely involved in security sector matters.<sup>88</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No data were made available.

## III. ARMED FORCES INDICATORS



The Armed Forces of Guinea-Bissau is currently the predominant security sector institution both in terms of numbers and political influence.<sup>89</sup> Its mission, according to the constitution, is to “guarantee the respect of constitutional order, democratic institutions and international conventions, independence, sovereignty, territorial integrity, and the freedom and security of the population against any internal or external threat or aggression.” The law places the military under civilian control and prohibits it from political involvement.<sup>90</sup> In reality, however, the armed forces have been extensively involved in politics and have been accused of intimidation, even assassination.<sup>91</sup>

National defence is the responsibility of the Ministry of Defence. Consequently, the ministry provides oversight over the armed forces. There are 3 main services in the armed forces – army, navy and air force – and smaller units such as the coastguard, maritime police, the presidential guard and the military intelligence service.<sup>92</sup> A military police service is charged with ensuring order and discipline within the military, but can also be called in to aid the public forces to re-establish public order. Human rights activists have accused the military police of threats, humiliations and other abuses such as arbitrary arrests and robbery.<sup>93</sup> The armed forces lack external oversight, including for budgetary purposes.<sup>94</sup> There is also an ethnic imbalance in the military, with a majority of the personnel originating from the Balanta ethnic group.<sup>95</sup> Furthermore, the armed forces have an excessively high number of personnel.<sup>96</sup>

Women constitute approximately 4.19% of the 4,458 military personnel in Guinea-Bissau, a higher percentage than that in some neighbouring countries. Military law foresees voluntary female participation in the armed forces. Human resources policies guarantee both maternity and paternity leave, although these regulations are often not respected. Women can reportedly serve in all positions and units, except in the naval infantry. Data on separate infrastructure for women and men are inconclusive, and there are no gender policies or standard procedures for dealing with sexual harassment or GBV. Gender training has been limited, and information concerning both internal and external oversight mechanisms is lacking.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>97</sup>

**2. Human resources policies:** As regulated by the Statute of Militaries and Armed Forces, military law (in accordance with the General Labour Law<sup>98</sup>) establishes the following:<sup>99</sup>

- Marriage: 7 days off for both men and women (Article 94)<sup>100</sup>
- Maternity leave: 30 days before and 30 days after delivery
- Paternity leave: 3 days (Article 96)

Some interviewees stated that there are also rules covering breastfeeding and healthcare, but researchers could not access the relevant documents.<sup>101</sup> Others argued that these rules are rarely properly implemented.<sup>102</sup>

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** The Code of Military Conduct and the Manual for Soldiers<sup>103</sup> are not gender-sensitive.

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** No specific procedures exist. General disciplinary and criminal issues are dealt with according to military law<sup>104</sup> and, if necessary, through the military tribunal.<sup>105</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None— at least not functional.<sup>106</sup>

**7. Collaboration mechanisms:** No data were made available.

## PERSONNEL

**8. Number of female and male personnel:** The total number of personnel in the armed forces doubled during the civil war from about 5,000 in 1997 to 11,000 in 1999.<sup>107</sup> Currently the number of personnel is estimated at 4,458, significantly higher than the target goal of 3,440.<sup>108</sup> Female military personnel constitute 187 of the 4,458 total (4.19%).<sup>109</sup> Including non-operational armed forces staff (i.e. in administrative or support functions), the estimated number of women rises to 10–15%.<sup>110</sup>

**9. Rank of male and female personnel:** No data were made available. It is generally known that there is an over-representation of high-ranking officers in the armed forces, with 1,869 senior officers (41.92%) and only 877 rank-and-file soldiers (19.67%).<sup>111</sup> Not only is length of service the primary promotion criterion, but many veterans received high ranks in recognition of their service during the liberation war.

**10. Number of female and male personnel in peacekeeping missions:** The Bissau-Guinean Armed Forces has participated in both ECOWAS and UN peacekeeping missions.<sup>112</sup> No female soldiers have formed part of these missions.<sup>113</sup> The most recent mission to which Guinea-Bissau contributed military personnel was in 2003–2004. It comprised 600 men and no women.<sup>114</sup> As of February 2011, Guinea-Bissau contributed 7 police officers to the UN Stabilization Mission in Haiti, 2 of whom were women (28.57%).<sup>115</sup>

**11. Rates of attrition:** No data were made available.

**12. Recruitment targets for female personnel:** There are no formal recruitment targets for women, but there is a “goal” of reaching 20% within some sections of the armed forces.<sup>116</sup>

**13. Vetting procedure for GBV:** None.

**14. Positions/units where female or male personnel cannot serve:** Women cannot serve in operational roles in the naval infantry, but can reportedly serve in all other positions and units.<sup>117</sup>

**15. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**16. Female staff associations:** The Committee of Military Women was established in 2007<sup>118</sup> and the Association of Military Women was created in 2008.<sup>119</sup> Little is known about the work and mandate of these organisations, as they are not very active. The West Africa Network for Peacebuilding has encouraged the formation of women’s committees in the police and military, as well as among ex-combatants (see Police #17).

**17. Infrastructure/facilities for male and female personnel:** Information was contradictory. Some interviewees stated the existence of separate bathrooms and barracks and different uniforms.<sup>120</sup> Others argued that these exist only in some military barracks,<sup>121</sup> while still others have seen no separation at all.<sup>122</sup>

## TRAINING

**18. Gender training:** The UNIOGBIS SSR/Police Reform Unit has reportedly trained some military staff on gender issues among the police officers who were trained in 2010 (see Police #19).<sup>123</sup>

**19. Mainstreaming gender into training:** The Guinea-Bissau Human Rights League and the International Committee of the Red Cross, in collaboration with the Division of Social Affairs, have provided special training for peacekeepers which touches upon gender issues.<sup>124</sup> The courses on human rights and HIV/AIDS also reportedly include gender considerations.<sup>125</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The military police is responsible for ensuring order and discipline within the military. No further information was available.

**21. External oversight mechanisms/bodies:** The Ministry of Defence provides oversight. No additional information was available.

**22. Civil society oversight:** None.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No data were made available.

## IV. JUSTICE SYSTEM INDICATORS



The justice sector is under the responsibility of the Ministry of Justice. According to the constitution, the court system is independent and in charge of administering justice on behalf of the people. It consists mainly of the Supreme Court, a military court and a court of accounts/audit. The Supreme Court, the highest judicial body,<sup>126</sup> is currently headed by a woman.<sup>127</sup> The Higher Council of the Judiciary organises and supervises the activities of the judges, who in turn nominate the council's president and vice-president. The attorney-general, who is appointed by the president, heads the Prosecutor's Office. The Ombudsoffice is the state body "in charge of defending the fundamental rights and legitimate interests of the citizens." The ombudsperson is appointed by Parliament.<sup>128</sup> Finally, the recently created National Human Rights Commission is deplored by human rights activists as passive and not independent. Activists also decry the "almost complete lack of access to justice"<sup>129</sup> in Guinea-Bissau, while others have criticised how "recurring institutional crises and violations of the Constitution constantly disrupt the smooth functioning of the system of justice."<sup>130</sup>

The Bissau-Guinean justice sector has no internal gender policy or instruments or procedures to deal with cases of internal discrimination, sexual harassment or GBV. Female representation ranges from 12.44% of general court staff to 15% of prosecutors. Interestingly, it reaches its highest level among judges, at 16.46%. The internal gender structure is under development and no data were available on gender training. Internal and external oversight are weak and lacking in transparency.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** None at the institutional level. The regulations followed are those of the General Labour Law.

- Marriage: 8 days of leave for both men and women.
- Maternity leave: 30 days before and 30 days after delivery. In practice, the 30 days before delivery are often not granted entirely. These policies are also not always followed.<sup>131</sup>
- Paternity leave: None.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for prosecuting cases of GBV:** None.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Specialised structures for service recipients:** None provided by the state, although the Directorate for Human Rights and the Protection of Women and Children is trying to establish focal points to deal with these issues (see Police #8). Different non-governmental organisations (NGOs) provide legal services, such as the Centre for Information and Legal Orientation, which provides legal support to families affected by domestic violence; the Human Rights League, offering legal aid for women and children; and the Bar Association, which gives legal aid to citizens with limited resources.<sup>132</sup>

**8. Collaboration mechanisms:** No data were made available.

## PERSONNEL

**9. Number of female and male personnel:**

- Of 201 judiciary court staff, 25 are women (12.44%).<sup>133</sup>
- Within the Office of the Prosecutor, 12 of the 80 prosecutors are women (15.00%).<sup>134</sup>

**10. Number of male and female judges:**

- Of the total 79 judges, 13 are women (16.46%).<sup>135</sup>

**11. Recruitment targets for female personnel:** None. Nevertheless, there is reportedly a project to introduce a 40% quota for women.<sup>136</sup>

**12. Vetting procedure for GBV:** None.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None.

**14. Female staff associations:** There is the Association of Women Jurists, which appears to be inactive.<sup>137</sup>

## TRAINING

**15. Gender education or training:** No data were made available.

**16. Mainstreaming gender into training or education:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** No information.

**18. External oversight mechanisms:** The National Human Rights Commission reportedly plays a role in oversight of the justice sector, but no further information was identified by researchers.<sup>138</sup>

**19. Civil society oversight:** None.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



The penal services are under the authority of the Ministry of Justice,<sup>139</sup> where they fall under the responsibility of the Directorate for Penal Services and Social Reintegration. Human rights activists have stressed that Guinea-Bissau does not have proper prisons, but rather 7 “detention centres” (4 of which are located in the capital, Bissau). The conditions in these centres/prisons are reportedly very poor and some even lack basic services such as latrines, food provision and any type of medical or social assistance.<sup>140</sup>

Data on the Bissau-Guinean penal services are very limited. No women work as prison guards and no data exist concerning other female staff within the penal services. No specific gender policies, human resources policies, procedures or structures are in place to deal with discrimination, sexual harassment or GBV. Furthermore, firm data are lacking on female prisoners, although they are reported to be few and not always separated from the men. This seems also to be the case with juveniles. No gender training has been conducted. Finally, data on oversight mechanisms are limited.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** None.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for interaction between males and females:** There are reportedly separate holding areas for female and male prisoners, as well as separate latrines. However, there are no female personnel for body searches, etc.<sup>141</sup> Reports indicate that minors and women share cells with male prisoners, for example in Centro prisional da Segunda Esquadra.<sup>142</sup>

**6. Procedures for family and conjugal visits:** No data were made available.

**7. Procedures regarding prisoner pregnancy, nursing and children:** None. Pregnant women are generally granted special treatment, though no related information could be obtained.<sup>143</sup>

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** None.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.

**10. Separate prisons for males/females and juveniles/adults:** None (see Penal #5 above).

**11. Specialised education, training and rehabilitation:** A number of teachers provide courses, not separated between women and men, and there are also social assistants who help in preparing prisoners for reintegration into society.<sup>144</sup> No further information was made available.

**12. Specialised health and drug treatment:** None offered by the penal system, but agreements exist with the Ministry of Justice and civil society and religious organisations that provide some health services.<sup>145</sup> No additional data were found as to what, if any, gender-specific treatment is provided.

**13. Collaboration mechanisms:** See Penal #12 above. An NGO provides rehabilitation programmes to some of the detainees.<sup>146</sup>

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** No statistical data were made available. One source indicated that there are currently no female prisoners,<sup>147</sup> while another stressed that the detention of women is “rare.”<sup>148</sup> However, NGO reports covering 2008–2009 showed that there were both women and minors being held in Bissau-Guinean prisons.<sup>149</sup>

**15. Number of female and male personnel:** There are currently no women working in the prisons. No data were made available on the number of male prison staff or on women within the penal services more generally.

**16. Rank/level of male and female personnel:** Not applicable (see Penal #15).

**17. Rates of attrition:** No information.

**18. Recruitment targets for female personnel:** None. For a future round of hiring, the penal service had planned to recruit women as prison guards.<sup>150</sup>

**19. Vetting procedure for GBV:** None.

**20. Positions/wards where female or male personnel cannot serve:** None.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**22. Female staff associations:** Not applicable (see Penal #15).

**23. Infrastructure/facilities for male and female personnel:** Not applicable (see Penal #15).

## TRAINING

**24. Gender training:** No formalised gender training. 1 person from the penal services participated in a gender training course organised by the Institute of Women and Children.<sup>151</sup>

**25. Mainstreaming gender into training:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** No data were made available.

**27. External oversight mechanisms:** The National Human Rights Commission has oversight responsibilities.<sup>152</sup> No further information was available.

**28. Civil society oversight:** Human rights organisations have provided oversight by highlighting unsatisfactory detention conditions. No further information was available, for instance on freedom to conduct prison visits.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No data were made available.

## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Children's Fund, "The State of the World's Children," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=literacy+rate&d=SOWC&f=inID%3a74>; United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=human+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. Adelino Handem, "Guinea-Bissau" in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and Funmi Olonisakin (Geneva: DCAF, 2008), 161, 164.
3. *Ibid.*, 151.
4. Institute of Women and Children, *Plano de acção nacional para a implementação da resolução 1325 (2000)* (Bissau: Institute of Women and Children, 2010), 5.
5. *Republic of Guinea-Bissau, National Popular Assembly: Constitution of the Republic* (1996), Article 62.
6. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação dos direitos humanos na Guiné-Bissau 2008-2009: A força sem discernimento colapsa sob o seu próprio peso* (Liga Guineense dos Direitos Humanos, April 2010), 53.
7. Handem, "Guinea-Bissau," 151-152.
8. *Ibid.*, 163.
9. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 23.
10. Veterans include: those from the national liberation movement, those who served in the Portuguese colonial army and those demobilised/currently demobilising from the 1998-1999 conflict. Handem, "Guinea-Bissau," 154-155.
11. *Ibid.*, 160, 163.
12. UNIOGBIS, *Gender and SSR* (UNIOGBIS, June 2010), 3.
13. *Ibid.*, 1.
14. Institute of Women and Children, *Plano de acção nacional*, 5, 7.
15. UNIOGBIS, *Gender and SSR*, 4; Organisation for Economic Co-operation and Development (OECD) Development Centre, "Gender Equality and Social Institutions in Guinea-Bissau," Social Institutions and Gender Index, <http://genderindex.org/country/guinea-bissau>; afrol News "AFROL Gender Profiles: Guinea-Bissau," afrol News, [http://www.afrol.com/Categories/Women/profiles/guineabissau\\_women.htm](http://www.afrol.com/Categories/Women/profiles/guineabissau_women.htm). See also *Constitution of the Republic*, Articles 24-25.
16. OECD Development Centre, "Gender Equality." To give an example of the extent of the reported case of GBV: a 2006/2007 study registered no less than 4, 631 cases of physical violence, 368 cases of sexual violence and 9, 613 cases of psychological violence. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 16.
17. OECD Development Centre, "Gender Equality." See also afrol News, "AFROL Gender Profiles: Guinea-Bissau." According to survey results from 2006 even women and girls themselves (especially the young, married and uneducated ones) considered wife battering to be a normal and acceptable way of solving conflicts. United Nations Division for the Advancement of Women, "Emergency Wards of Sima Mendes National Hospital 2006," The UN Secretary-General's Database on Violence against Women, <http://webapps01.un.org/vawdatabase/country/ind.action?countryId=591>.
18. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 17.
19. OECD Development Centre, "Gender Equality." Some estimates indicate that about 7.3% of the girls under 15 and 27% of those under 18 are married. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 16.
20. afrol News, "AFROL Gender Profiles: Guinea-Bissau."
21. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial, cumulativamente com os relatórios I, II, III, IV e V, sobre a aplicação da CEDAW na Guiné-Bissau* (Ministry of Social Solidarity, Family and Fight against Poverty, 2008), 98. A similar figure (44.5%) is mentioned in UNIOGBIS, *Gender and SSR*, 1 and Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 16.
22. The World Health Organisation has estimated the number at about 50%, with higher figures (70-80%) for some communities (Fula and Mandigue) and close to 100% for Muslim women. OECD Development Centre, "Gender Equality."
23. UNIOGBIS, *Gender and SSR*, 2.
24. Institute of Women and Children, *Plano de acção nacional*, 7.
25. UNIOGBIS, *Gender and SSR*, 5.
26. Inter-Parliamentary Union (IPU), "Women in national parliaments: Situation as of 31 January 2011," IPU, <http://www.ipu.org/wmn-e/classif.htm>.
27. Document provided by the Administrative and Human Resources Division of the National Popular Assembly, dated 23 March 2010.
28. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial*.
29. As argued by UNIOGBIS "The Security of GB has several categories, but in these categories there is a lack of National framework that governs their actions." UNIOGBIS, "Security Sector Reform: Police Reform Unit."
30. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 64.
31. Handem, "Guinea-Bissau," 158-159; *Constitution of the Republic*, Articles 74-75.
32. Handem, "Guinea-Bissau," 153.
33. Institute of Women and Children, *Plano de acção nacional*, 20; UNIOGBIS, *Gender and SSR*, 4.
34. (Ministry of Social Affairs and Female Promotion, 1997).
35. *Penal Code of Guinea-Bissau*, (Decree-Law 4/93 of 13 October 1993).
36. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial*, 44, 51. See also UNIOGBIS, *Gender and SSR*, 4.
37. This committee was established by Order 05/08. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 66.
38. In fact, for the last years there has been no armed forces' budget. Handem, "Guinea-Bissau," 153, 157-159, 167.
39. IPU, "Women in national parliaments."
40. UNIOGBIS, *Gender and SSR*, 2.
41. *Ibid.*, 2.
42. For the Human Rights and the Protection of Women and Children Unit this was mentioned in UNIOGBIS, *Gender and SSR*, 6.
43. Handem, "Guinea-Bissau," 154.
44. UNIOGBIS, "Security Sector Reform: Police Reform Unit." For example, the manual *Manual de Procedimento do Serviço de Segurança da Polícia Judiciária da Guiné-Bissau* was issued by the ministry of justice.
45. UNIOGBIS, *Gender and SSR*, 1.
46. The criminal investigations department falls under the authority of the department of the public prosecutor. Handem, "Guinea-Bissau," 154. See also UNIOGBIS, *Gender and SSR*, 3. There are also the maritime police, which, however, fall under the armed forces.
47. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 58.
48. Handem, "Guinea-Bissau," 154.
49. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 58.
50. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
51. Interview with Anonymous (Migration and Border Service), 15 May 2010.
52. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
53. General Labour Law (Law 2/86 of 5 April).
54. Civil Servants' Statute (Decree 12-A).
55. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial*, 42. Also mentioned in Interview with Anonymous (Ministry of Interior), 23 May 2010.
56. UNIOGBIS, *Gender and SSR*, 4.
57. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
58. *Ibid.*
59. *Ibid.*
60. OECD Development Centre, "Gender Equality;" afrol News, "AFROL Gender Profiles: Guinea-Bissau."
61. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
62. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
63. UNIOGBIS, *Gender and SSR*, 4. It has been stressed that in spite of existing since 2008 this directorate still lacks operational structure, and that it is currently functioning with less than a handful of people. Interview with Anonymous (Ministry of Interior), 23 May 2010.
64. *Ibid.*

65. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
66. Interview with Anonymous (Ministry of Interior), 23 May 2010.
67. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
68. Interview with Anonymous (Ministry of Interior), 23 May 2010. Much lower estimates for the total came from Handem in 2008: about 1,500. Yet it is not clear if this figure relates to the different police units or only to the public order police. Handem, "Guinea-Bissau," 154.
69. Interview with Anonymous (Rapid Intervention Police), 2010.
70. UNIOGBIS, *Gender and SSR*, 5.
71. Email from Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 28 December 2010.
72. Interview with Anonymous (Migration and Border Service), 15 May 2010.
73. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
74. UNIOGBIS, *Gender and SSR*, 5.
75. The same figures were cited in Email from Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 28 December 2010; UNIOGBIS, *Gender and SSR*, 5 and Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
76. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
77. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
78. Email from Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 28 December 2010.
79. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
80. UNIOGBIS, *Gender and SSR*, 5.
81. Interview with Anonymous (Ministry of Interior), 23 May 2010.
82. UNIOGBIS, *Gender and SSR*, 5.
83. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
84. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
85. Email from Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 28 December 2010.
86. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
87. *Proposta da Lei Orgânica do Ministério do Interior* (undated), Article 10.
88. Handem, "Guinea-Bissau," 160.
89. *Ibid.*, 153.
90. *Ibid.*, 152-153; Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 14. See also *Constitution of the Republic*, Articles 20-21.
91. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 53.
92. Handem also includes the border guards under the armed forces umbrella. However, other sources (including from the very Migration and Border Service) have placed these under the police service (see police service indicators). Handem, "Guinea-Bissau," 152.
93. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 58.
94. Handem, "Guinea-Bissau," 154.
95. *Ibid.*, 153.
96. *Ibid.*, 167.
97. "Statute of Militaries and Armed Forces," in *Boletim oficial* n°36 (September 1999), Article 32.
98. Interview with Anonymous (Armed Forces), 28 April 2010.
99. *Statute of Militaries and Armed Forces*.
100. Confirmed in Interviews with Anonymous (Ministry of Defence and Freedom Fighters), 11 May 2010 and with Anonymous (Armed Forces), 28 April 2010.
101. Interview with Anonymous (Armed Forces), 28 April 2010.
102. Interview with Anonymous (Armed Forces), 20 May 2010.
103. Interview with Anonymous (Military Hospital), 18 May 2010; Handem, "Guinea-Bissau," 153.
104. Interview with Anonymous (Armed Forces), 14 May 2010.
105. Interview with Anonymous (Ministry of Defence and Freedom Fighters), 11 May 2010.
106. Most information indicated that there are no structures. However, one interviewee stated that there is a structure, but that it is not yet functioning. Interview with Anonymous (Armed Forces), 28 April 2010.
107. Handem, "Guinea-Bissau," 153.
108. As set up in the strategy document for security sector and defence reform. As mentioned in Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 56.
109. Interview with Anonymous (Armed Forces), 20 May 2010; UNIOGBIS, "Security Sector Reform: Police Reform Unit." Some indications have been slightly lower (2%). Interview with Anonymous (Ministry of Defence and Freedom Fighters), 11 May 2010.
110. Interview with Anonymous (Armed Forces), 28 April 2010.
111. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 56.
112. Handem, "Guinea-Bissau," 157.
113. As stressed, among others, in: Interview with Anonymous (Armed Forces), 28 April 2010; Interview with Anonymous (Armed Forces), 14 May 2010 and Interview with Anonymous (Armed Forces), 20 May 2010.
114. Interview with Anonymous (Military Hospital), 18 May 2010.
115. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations, [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
116. Interview with Anonymous (Armed Forces), 20 May 2010 and Interview with Anonymous (Armed Forces), 14 May 2010.
117. Interview with Anonymous (Military Hospital), 18 May 2010.
118. Interview with Anonymous (Military Hospital), 18 May 2010; Interview with Anonymous (Armed Forces), 20 May 2010 and Interview with Anonymous (Armed Forces), 14 May 2010.
119. Interview with Anonymous (Ministry of Defence and Freedom Fighters), 11 May 2010; Interview with Anonymous (Military Hospital), 18 May 2010; Interview with Anonymous (Armed Forces), 20 May 2010; and Interview with Anonymous (Armed Forces), 14 May 2010.
120. Interview with Anonymous (Ministry of Defence and Freedom Fighters), 11 May 2010.
121. Interview with Anonymous (Military Hospital), 18 May 2010; Interview with Anonymous (Armed Forces), 20 May 2010.
122. Interview with Anonymous (Armed Forces), 14 May 2010; Interview with Anonymous (Armed Forces), 28 April 2010.
123. Correspondence with Denise De Aquino (Gender and VPP Advisor, UNPOL/UNIOGBIS), 7 January 2011.
124. Interview with Anonymous (Military Hospital), 18 May 2010.
125. Interview with Anonymous (Armed Forces), 20 May 2010.
126. Handem, "Guinea-Bissau," 159. See also *Constitution of the Republic*, Articles 120-125.
127. UNIOGBIS, *Gender and SSR*, 1.
128. Handem, "Guinea-Bissau," 159. See also *Constitution of the Republic*, Articles 120-125.
129. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 66.
130. Handem, "Guinea-Bissau," 160.
131. UNIOGBIS, *Gender and SSR*, 4.
132. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial*, 92.
133. UNIOGBIS, "Security Sector Reform: Police Reform Unit."
134. Ministry of Social Solidarity, Family and Fight against Poverty, *Relatório inicial*, 57.
135. *Ibid.*, 57.
136. *Ibid.*, 58.
137. Interview with Anonymous (Family and Lower Court), 24 May 2010 and Interview with Anonymous (Prosecutor's Office), 24 May 2010.
138. *Ibid.*
139. Handem, "Guinea-Bissau," 159.
140. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 47.
141. Interview with Anonymous (Prison Services), 29 April 2010; Interview with Anonymous (Prison Services), 29 April 2010.
142. *Relatório sobre a situação dos direitos humanos na Guiné-Bissau*.
143. Interview with Anonymous (Prison Services), 29 April 2010; Interview with Anonymous (Prison Services), 29 April 2010.
144. *Ibid.*
145. *Ibid.*
146. Interview with Anonymous (Prison Services), 29 April 2010.
147. *Ibid.*
148. Interview with Anonymous (Prison Services), 29 April 2010.
149. Liga Guineense dos Direitos Humanos, *Relatório sobre a situação*, 48.
150. Interview with Anonymous (Prison Services), 29 April 2010.
151. *Ibid.*
152. Interview with Anonymous (Prison Services), 29 April 2010; Interview with Anonymous (Prison Services), 29 April 2010.



# Liberia



Cecil Griffiths  
Kristin Valasek

## QUICK FACTS<sup>1</sup>

- **Population: 3,476,608; 50.05% male, 49.95% female (2008)**
- **Population below the poverty line: 83.7% living on less than 1 USD/day (2007)**
- **Lifespan: 56.7 men, 59.4 women (life expectancy at birth, 2005–2010)**
- **Literacy rate: 58.3% men, 45.7% women (2004)**
- **Fertility rate: 5.1 children per woman (2007)**
- **Human Development Index rank: 162 out of 169 (2010)**
- **Percentage GDP spent on defence: 0.5% (2007)**
- **Perception of corruption rank: 87 out of 180 (2010)**



## INTRODUCTION\*

In 1822 freed African-American slaves began the colonisation of this part of West Africa. After multiple waves of migration and increasingly organised efforts to dominate the indigenous populations, including the Bassa, Grebo, Kissi, Kru, Manes and Vai, the colonisers proclaimed statehood as the free and independent Republic of Liberia in 1847. Between 1847 and 1980 Liberia was ruled by the Americo-Liberians, who constituted roughly 5% of the population. In 1980 there was a military coup and by 1989 the country had plunged into a civil war that lasted 14 years.<sup>2</sup> During this period nearly one-third of Liberia's population were displaced, more than 200,000 people were killed and an estimated 40% of the population was affected by sexual violence.<sup>3</sup> The Comprehensive Peace Agreement of 18 August 2003 ended the second and last round of the civil war and laid the basis for the ongoing security sector reform (SSR) process. However, security sector institutions (SSIs) that had been created to uphold the ruling elite rather than to provide security and justice to the population, coupled with the protracted civil war, left a legacy characterised by a breakdown in law and order, the collapse of state institutions and a highly militarised society.<sup>4</sup> This meant that SSIs, including the Liberian National Police (LNP), the Armed

Forces of Liberia (AFL), the justice system and the Bureau of Corrections and Rehabilitation (BCR), basically had to be built anew.

On 19 September 2003 UN Resolution 1509 established the UN Mission in Liberia (UNMIL), with the mandate, among others, to provide support for SSR. The international and national actors charged with reconstructing the security sector faced a plethora of challenges. These included an under-budgeted disarmament, demobilisation and reintegration (DDR) process for ex-combatants: the initial UN estimate of the number of ex-combatants identified to undergo the DDR process was 38,000, whereas the actual number disarmed was 103,018, of whom only 13,872 participated in reintegration and rehabilitation programmes.<sup>5</sup> In addition, the security sector was oversized, with a multiplicity of agencies, many with overlapping mandates. Years of politicisation and being a “dumping ground for political cronies and loyalists” also added to the size of the security sector and its lack of competent personnel.<sup>6</sup> In fact, this sector had never experienced effective civilian and democratic oversight, and a history of oppression, abuse and human rights violations

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

had created deep-seated fear and mistrust of all Liberian SSIs. Despite these many challenges, extensive SSR initiatives have resulted in improved security and the reconstruction of both the LNP and the AFL, as well as support to the justice and penal systems. However, the SSR process, run largely by UNMIL and the United States through the private military contractors DynCorp International and Pacific Architects & Engineers, has been heavily criticised for allegedly focusing too narrowly on reconstruction of the armed forces, police and security services, as well as driving an SSR process that lacks local ownership, with parliamentarians and civil society organisations (CSOs) excluded from the process.<sup>7</sup>

Even with SSR under way, Liberians continue to live in insecurity with little recourse to justice. The Liberian security environment is shaped by exceedingly high rates of unemployment – including youth unemployment and under-employment – with a majority of the population living below the poverty line, pervasive corruption and widespread violence.<sup>8</sup> The prevalence of armed robbery, often involving gangs, and gender-based violence (GBV) is high.<sup>9</sup> An International Rescue Committee and Columbia University study described local communities as rife with sexual and domestic violence. In the two communities studied, 55% of women had suffered domestic violence, 20–25% had experienced rape or sexual assault outside of marriage and 72% of married women reported marital rape in the last 18 months.<sup>10</sup> Additionally, women and girls are faced with the threat of female genital mutilation, sexual slavery, forced sex in exchange for food and survival, and forced and early marriage.<sup>11</sup> Since adult women rarely report rape unless it is accompanied by a serious injury, impunity prevails. Moreover, GBV is a contributing factor to high teenage pregnancy rates which force girls to drop out of school.<sup>12</sup>

The SSR process in Liberia has a mixed track record of responding to these security and justice needs.<sup>13</sup> At the national policy level, Liberia's National Action Plan for the Implementation of UN Resolution 1325 (2009) and its National Gender Policy (2009) comprehensively address the need for SSIs to integrate gender issues and strengthen the participation of women. For instance, as a result of the National Gender Policy, gender focal points are now being established in all government ministries and SSIs. Furthermore, the police reform process has taken many groundbreaking steps towards increasing the provision of services to victims of GBV, recruiting more female personnel and introducing gender mainstreaming within the police service. The LNP now has a gender policy, Women and Children Protection Section, Gender Affairs Section and comprehensive guidance documents on preventing and responding to GBV. The establishment of Criminal Court "E" specifically to prosecute cases of sexual assault and violence also shows an increasing acknowledgement of the gravity and pervasiveness of GBV. In addition, gender training is offered regularly to personnel of the LNP, the BCR and county attorneys. With regards to women's participation, the LNP, the justice sector and penal services have relatively high rates of female personnel, who represent 15.42% of police officers, 25.85% of court personnel and 16.56% of prison personnel. There is also a strong culture of female staff associations, including the Liberian Association of Women Police Officers, the Association of Female Lawyers of Liberia and the Liberian Female Law Enforcement Association (which includes female personnel from all SSIs, including the BCR and the AFL).

## LIBERIA SECURITY SECTOR INSTITUTIONS\*

### Service delivery

- Liberia National Police
  - Women and Children Protection Section
  - Gender Affairs Section
- National Police Training Academy
- Monrovia City Police
- Armed Forces of Liberia
  - Liberia National Coastguard
- Justice system
  - Supreme Court
  - Criminal Court "E"
  - Customary courts
- Bureau of Corrections and Rehabilitation
- Bureau of Immigration and Naturalization
- Civil society organisations
  - Liberian Female Law Enforcement Association
  - Liberian Association of Women Police Officers
  - Association of Female Lawyers of Liberia
  - Liberia National Bar Association

### Oversight

- Ministry of Gender and Development
  - Gender-Based Crimes Unit
- Ministry of National Defense
- Ministry of Justice
  - Sexual and Gender-Based Crimes Unit
- Gender-Based Violence Interagency Taskforce
- National Security Council
- County Security Councils
- Independent National Commission on Human Rights
- Governance Commission of Liberia
- Liberia Reconstruction and Development Committee
- Justice system
- National legislature
  - Senate: Committee on National Security, Defense and Veterans' Affairs
  - House of Representatives: Committees on Defense and National Security
- Civil society organisations

\*Only those included in this country profile, not a comprehensive list.

In spite of many examples of innovative gender reforms, gaps and challenges remain. The current National Security Strategy of the Republic of Liberia calls for gender mainstreaming in security policy-making, yet refrains from any mention of GBV, even though it clearly constitutes one of the most prevalent crimes in Liberia. In contrast to the LNP, the AFL has made little progress on gender issues. Discriminatory human resources policies are being reviewed by the Committee on Policy Review, yet no specific gender training exists and little to no effort has been made to recruit female personnel, who represent 3.67% of total personnel. All SSIs remain acutely hampered in their efforts to provide security and justice, including to victims of GBV, owing to a persistent lack of funds, infrastructure and effective oversight and capacity. In addition, all four institutions lack clear and comprehensive procedures for reporting sexual harassment and other forms of GBV perpetrated by security sector personnel.

## I. NATIONAL GOVERNANCE INDICATORS



Liberia has a remarkably strong national policy framework for the integration of gender into SSIs. The current National Security Strategy (2008) specifically calls for gender mainstreaming in security policy-making and practices, while the Poverty Reduction Strategy Paper (2008) sets a recruitment target for women of 20% in SSIs. In addition to the security policies, Liberia's gender policies include a strong focus on security issues and SSIs. Its National Action Plan for the Implementation of UN Resolution 1325 includes 15 mandates for the security sector. These range from the establishment of institutional gender policies and increasing female recruitment, retention and advancement to increased gender training for security sector personnel. The Liberia National Gender Policy follows suit, mandating the establishment of gender focal points in all ministries and SSIs as well as enacting and enforcing laws against sexual harassment and ending impunity for GBV. However, female representation in the legislature, and specifically on the security and defence-related committees, remains quite low, and the Ministry of Gender and Development is not a member of the National Security Council.

Liberia is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

### 1. National security laws/policies:

- **Liberia Poverty Reduction Strategy (July 2008):** Under Pillar 1, entitled “Consolidating Peace and Security,” the strategy outlines the following priorities, among others:
  - » “Include gender sensitive... modules in curricula of security institutions.”
  - » “Provide adequate human and personal security, especially for women and girls of school age... including ensuring more speedy prosecution of violations against human security.”
  - » “Reinforce the initiative to realize 20 percent women’s participation in the military and various security agencies.”
- **National Security Strategy of the Republic of Liberia (January 2008):** The strategy was produced by the Governance Commission of Liberia, following a year of discussions with civil society, security organisations, parliamentarians and international partners. Regarding gender, the Strategy mentions “gender discrimination” as a security threat under the heading of “Crime: Corruption.” Under the title “Specific National Security Objectives for Liberia” it further advocates for “Ensuring gender mainstreaming at every level of security policy making and practices. Thus, gender awareness and sensitivity should be incorporated into training curricula of security agencies.” There is no mention of GBV in the policy despite the fact that it includes a comprehensive section on internal security threats such as HIV/AIDS and robbery.

- Liberia does not have a defence white paper. However, the Ministry of National Defense and the AFL are presently working on a national defence strategy.

### 2. National gender laws/policies:

- **The Liberia National Action Plan for the Implementation of United Nations Security Council Resolution 1325 (March 2009):** This 4-year plan (2009–2013) includes women, peace and security activities, and outputs and indicators under the four pillars of protection that encompass prevention, participation, empowerment and promotion. Under the protection pillar, strategic issue 2 to “Protect rights and strengthen security for women and girls,” 15 mandates specifically address gender and SSIs by aiming, *inter alia*, to ensure:
  - » women’s participation in national security policy development
  - » development of institutional gender policies
  - » research on women’s participation
  - » a review of codes of conduct for gender sensitivity
  - » amendment of the Constitution
  - » female recruitment, retention and advancement initiatives
  - » public awareness-raising
  - » gender training and capacity-building
  - » a review of justice policies and procedures
  - » establishment of legal aid clinics
- **Liberia National Gender Policy (2009):** This 5-year policy (2010–2015) was developed by the Ministry of Gender and Development as an instrument to achieve gender equality in Liberia. It states strategic actions to be taken by SSIs, including:
  - » establishing gender focal points in all government ministries, agencies and SSIs
  - » providing gender and human rights training for SSIs
  - » enacting and enforcing laws against sexual harassment
  - » implementing measures to increase female participation in SSR
  - » increasing the gender capacity of the Liberia National Police (LNP)
  - » ending impunity for GBV
  - » disaggregating data by sex and age in the LNP and the Bureau of Corrections and Rehabilitation

- **National Plan of Action for the Prevention and Management of Gender-Based Violence in Liberia 2006–2011 (November 2006):** The goals of this multisectoral plan are to reduce GBV by 30% by the year 2011 and provide appropriate care and services to survivors of GBV. It specifically calls for strengthening of the criminal justice system to respond effectively to cases of GBV, including through training of judicial, law enforcement and corrections personnel; establishing, staffing and equipping LNP Women and Children Protection Sections in each county; establishing free legal services for vulnerable women; assessing correctional facilities and LNP deployment; and awareness-raising campaigns to prevent and respond to GBV. The plan was revised in December 2010 to capture new issues identified during the implementation process. An updated plan is expected to be launched in May 2011.<sup>14</sup>
- **Rape Amendment Act (29 December 2005):** This Act amends the Penal Code of June 1976 Chapter 14, Section 14.70 and 14.71, stating that a person who has sexual intercourse with another person (male or female) without his/her consent has committed rape. The maximum sentence for first-degree rape, which includes rape of a minor, gang rape, rape resulting in serious bodily injury and rape under threat of a deadly weapon, is life imprisonment. The maximum sentence for second-degree rape, without the previously mentioned conditions, is 10 years' imprisonment. The Act also requires in-camera hearings for all rape cases. The Act came into force in January 2006.
- **Act to Ban Trafficking in Persons within the Republic of Liberia (14 June 2005):** This act penalises trafficking in persons with 1 year to life imprisonment. It also mandates the president to appoint an anti-trafficking taskforce.<sup>15</sup>

**3. Parliamentary security committees:** The Senate Committee on National Security, Defense and Veterans' Affairs has 1 female member out of 14 (7.14%). The House of Representatives Committee on Defense has 7 members, including 1 woman (14.28%), and the Committee on National Security has 7 members – all men. The chairs and deputy chairs of all these committees are male.<sup>16</sup>

**4. Male and female representation in parliament:** In Liberia's lower house of parliament, 8 of 64 representatives (12.50%) are women and 56 (87.50%) are men. In the upper house, 5 of 30 representatives (16.67%) are women and 25 (83.33%) are men.<sup>17</sup> A Senate Committee on Gender, Health and Social Affairs, Women and Children Affairs exists. There is also the Women's Legislative Caucus of Liberia comprising 14 female parliamentarians in the Senate and House of Representatives. It was established in July 2007 and advocates for a minimum 30% representation of women in the legislature.

**5. Ministry for gender/women's affairs in security sector oversight:** The Ministry of Gender and Development is not a member of the National Security Council, but is a member of the Peace and Security Pillar of the Liberia Reconstruction and Development Committee, which is spearheading reform of the security sector.

## II. POLICE SERVICE INDICATORS



The Liberia National Police Force (LNP) was established by an act of the legislature in 1975 with the duty to detect crimes, apprehend offenders, preserve law and order, protect life, liberty and property and enforce all laws and regulations with which it is directly charged.<sup>18</sup> Under Charles Taylor, the LNP was politicised and heavily militarised, using weapons indiscriminately against civilians. Police reform was therefore a high priority after the 2003 signing of the Comprehensive Peace Agreement (CPA).<sup>19</sup> The UN Civilian Police was charged with restructuring, retraining and re-equipping the LNP.<sup>20</sup> With UN support, the National Police Academy was reopened in July 2004 and the training of LNP officers commenced. As of January 2010, the LNP had 3,913 personnel and 35 LNP facilities had been renovated or constructed. The LNP is now directly overseen by the Ministry of Justice. In addition, UN bodies together with the LNP have developed 23 new LNP policies and procedures, formed an LNP change management team, adopted the LNP Strategic Plan 2009–2013 and reviewed and verified administration and payroll systems.<sup>21</sup> Despite years of reform efforts, the process has been criticised for being donor-driven, under-funded, unsustainable, too state-centric and urban-focused, and lacking in senior management to implement it.<sup>22</sup> The LNP has benefited from a comprehensive vetting process and extensive training initiatives, but continues to lack basic infrastructure such as vehicles. It also has a reputation for petty corruption. In addition, overlapping mandates and open fighting between the LNP and the Monrovia City Police have posed a serious challenge to the police reform process.<sup>23</sup>

The LNP has taken many groundbreaking steps towards the integration of gender issues, although challenges to effective prevention of and response to GBV issues remain. At the policy level, the LNP has set the stage with an institutional Gender Policy adopted in 2005. However, it has yet to develop a code of conduct on sexual harassment and abuse. The institutional structures are in place with the establishment of the Gender Affairs Section and the Women and Children Protection Section, and the LNP has a relatively high percentage of female personnel, at 15.42%. This is largely due to targeted initiatives to increase female recruitment, including accelerated high-school diploma training, implemented in order to attain the strategic target of 20% female representation. With regards to prevention of and response to GBV, clear guidance instruments exist in the form of National Standard Operating Procedures and a Handbook on Sexual Assault and Abuse, and all police officers undergo a mandatory 6 hours of gender training. Yet efforts remain hampered by a lack of basic resources such as vehicles, and by the fact that sexual harassment and other forms of GBV perpetrated by police personnel are highly under-reported and there is a lack of clear reporting and disciplinary procedures.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** The LNP Gender Policy was approved by the acting director of the LNP on 21 February 2005. The introduction to the policy “acknowledges the gender discrepancies that still exist” within LNP structures and operations, “acknowledges the position of female members in the Service and affirms that, much needs to be done [to] advance and create an enabling environment for equity and mutual coexistence between men and women within the LNP” and “[r]ecognizes the need to provide adequate protection and appropriate policing to women and girls.” The policy includes specific strategies and actions to address the following issues:

- gender, recruitment and retention
- gender mainstreaming in education and training
- gender balance in promotion
- gender balance in positions of authority and decision-making
- gender sensitivity in transfers and placement
- sexual harassment in workplaces
- gender-sensitive roles of women
- gender-responsive policing for crimes committed against women in the police
- protection and promotion of women’s rights
- monitoring mechanism

There is no specific budget for the implementation of the policy, funding for these police functions is included in the annual police budget.<sup>24</sup>

**2. Human resources policies:** These policies are contained in the LNP Revised Duty Manual, which became effective on 1 April 2008.

- Marriage: There is no written policy on marriage. It is the assumption that every officer has the right to marry, and officers wishing to marry may inform superiors out of courtesy or to get time off to prepare.
- Pregnancy: There is no clear policy on when an officer may become pregnant.
- Maternity leave: “Female members of the Liberia National Police shall be granted upon request maternity leave of not less than two months and not more than three months with pay. Annual leave may be coupled with maternity leave” (Chapter 5, Section 3.5).
- Paternity leave: None.

- Working hours: “Members of the LNP are required to work not less than 40 hours per week” (Chapter 5, Section 1). However, commanding officers have authority to schedule flexible assignments or working hours for pregnant staff. Female officers suffering health problems after giving birth can apply to the director of police for additional leave on medical grounds.

- Pension, health insurance: Male and female police personnel receive the same benefits as generically outlined in Chapter 5, Section 4. In line with national law, LNP personnel can retire if they have served at least 25 consecutive years, or have attained the age of 55 years, or they are permanently disabled in the line of duty. LNP personnel are insured but have to pay their own insurance premium – which does not cover spouses or children.

**3. Sexual harassment policy:** None. However, Section 9 of the LNP Gender Policy, “Sexual harassment at workplaces” calls for the development of guidelines on sexual harassment as well as a strict code of conduct on sexual harassment and abuse. Also, the LNP Revised Duty Manual states: “Members of the LNP shall at all times be mindful of this duty imposed upon them by law and their duty to serve all communities, provide protection of all people against illegal acts and in dispensing of duties without discrimination based on gender, race, religion, color, sex, creed, association or affiliation.” It also states: “Any act or omission that indicates discriminatory conduct shall be considered as an act of misconduct and may result in disciplinary action and/or criminal charges, and/or possible termination.”

**4. Gender-sensitive code of conduct:** A code of conduct exists, but whether or not it addresses gender issues could not be established.

### 5. Standard operating procedures in response to GBV:

- **National Standard Operating Procedures for Prevention and Response to Sexual Gender-Based Violence in Liberia (2009):** These standard operating procedures (SOPs) were developed by the Ministry of Gender and Development to ensure a coordinated and multisectoral approach to sexual and GBV prevention and response. The Ministry of Justice and the LNP Women and Children Protection Section participated in their development and utilise them in responding to cases of sexual violence and GBV. The SOPs contain guiding principles for law enforcement agencies, general procedures for security actors (including the LNP) and legal/justice actors, and coordination, monitoring and evaluation mechanisms. National and county-specific SOPs have also been developed in order to implement and standardise sexual and GBV response and prevention mechanisms.

- **Sexual Assault and Abuse Prosecution Handbook (June 2009):** Developed by the Ministry of Justice, this handbook is used by the LNP Women and Children Protection Section. It includes an overview of the Liberian criminal justice system’s response to sexual violence, covering procedures for reporting and first response, interviewing and registering victims’ complaints, registering statements, as well as information on gathering evidence, charging and arrest and Liberian laws on GBV.

## 6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:

There are no written procedures. In practice, persons wishing to report police officers for acts of sexual harassment or other forms of GBV can either write to the director of police – who will then refer the complaint to the Women and Children Protection Section or the Gender Affairs Section – or file a complaint directly with the Gender Affairs Section.<sup>25</sup> The latter generally responds to cases of sexual harassment, whereas the Women and Children Protection Section responds to cases of sexual or domestic violence.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** The LNP established the Gender Affairs Section in March 2008 with the aim of supporting, monitoring, advising and reporting on the implementation of the LNP Gender Policy. Its core functions include:

- supporting capacity-building of LNP female personnel
- ensuring the participation of women in LNP decision-making
- collaborating with government ministries and agencies in monitoring GBV cases
- addressing cases of sexual harassment and persistent non-payment of mandatory child support perpetrated by LNP personnel
- serving as a member of the LNP promotion board to ensure consideration of both sexes when awarding promotions

Activities for 2009–2010 included:

- distributing the Gender Policy
- gender training-of-trainers for 30 LNP officers to serve as gender focal points in each county
- establishing the current female/male LNP employment ratio
- continuous briefing of LNP officers on gender issues
- coordinating with human resources/recruitment section to increase the number of female recruits
- working with the National Police Training Academy to integrate gender into the training curriculum
- monitoring the integration of gender into LNP policies/guidelines/programmes
- awareness-raising on GBV issues in schools

The Gender Affairs Section has 7 staff – 2 men and 5 women (71.43%), but it is not well resourced and faces serious challenges in fulfilling its mandate.<sup>26</sup>

**8. Specialised structures for service recipients:** The LNP Women and Children Protection Section was established in September 2005. Its mandate is to investigate and handle all forms of violence against women and children in Liberia, including cases of domestic violence, sexual abuse and violence, prostitution, human trafficking, illegal adoption, child abandonment and juveniles in conflict with the law. The section has a total staff of 240 nationwide, comprising 164 men and 76 women (31.67%). In 2009 it handled over 3,000 reported cases of GBV. In addition to its headquarters office in Monrovia, it deploys officers at police stations in the counties, where they have a special room to conduct investigations. The section is partially supported by UNICEF, but is still under-resourced and lacks key facilities. For example, it does not have cells for women or juveniles.

**9. Collaboration mechanisms:** The LNP Women and Children Protection Section is a member of the Gender-Based Violence Interagency Taskforce established in October 2003. Chaired by the Ministry of Gender and Development, the taskforce objectives are to share information through networking and design strategies to prevent and respond to GBV. The taskforce has over 40 members, including the UN agencies UNMIL, UNDP, UNFPA, UNIFEM, WHO and UNICEF; the Liberian Ministries of Health and Social Welfare, Justice and Internal Affairs; and both international and Liberian CSOs and humanitarian organisations such as the Association of Female Lawyers of Liberia, the Women of Liberia Peace Network, the Liberian Red Cross, the International Committee of the Red Cross, the International Rescue Committee, Medica Mondiale, Médecins Sans Frontières, Oxfam, the American Refugee Council and the Christian Humanitarian Service. In addition to the national-level taskforce, county-level GBV working groups have been established involving local community-based organisations.<sup>27</sup> The LNP Gender Affairs Section serves as a focal point for collaboration with the Ministry of Gender and Development.

## PERSONNEL

**10. Number of female and male personnel:** As of August 2010, the LNP had 4,039 staff (3,416 males and 623 females), with female police personal comprising 15.42% of the service.<sup>28</sup>

**11. Rank/level of male and female personnel:** As of August 2010, 23 of the 534 most senior positions within the LNP were occupied by female officers (4.31%).<sup>29</sup>

**12. Rates of attrition:** Since 2005 circa 240 officers have left the service through death, dismissal, deactivation or abandonment.<sup>30</sup>

- Dismissal: 66 males and 6 females (8.33%)
- Resignation: 25 males and 4 females (13.79%)
- Abandonment: 11 males and 1 female (8.33%)
- Deactivation: 10 males and 2 females (16.67%)
- Relieved of post: 10 males and 2 females (16.67%)

**13. Recruitment targets for female personnel:** 20% according to the Poverty Reduction Strategy of Liberia and the Liberian National Action Plan for the Implementation of UN Resolution 1325. The National Plan of Action for the Prevention and Management of Gender-Based Violence in Liberia 2006–2011 states: “Lobby to deploy additional police, including a minimum of 30% women.”

**14. Vetting procedure for GBV:** There is a background check for past perpetration of human rights abuses, including a review of criminal records.

**15. Positions/units where female or male personnel cannot serve:** None.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** An obstacle to female recruitment has been women’s lack of access to education – a high-school diploma is a prerequisite for joining the National Police Academy. The LNP and UNMIL, in collaboration with the Ministries of Education and Gender and Development, and with support from the Stella Maris Polytechnic in Monrovia, developed a programme for educational assistance (accelerated high-school diploma training). With the support of the West African Examination Council, female candidates between grades 9 and 12 were given a 3-month accelerated high-school diploma training course and then allowed to sit a special exam that would qualify them to enrol at the National Police Training Academy. The first class had 150 female graduates, while the second was attended by 143 candidates (80% women). In December 2007, 105 women graduated from the National Police Training Academy. This initiative was funded by Germany, the Netherlands and Norway.<sup>31</sup> In addition, there is an on-going project by UN Women, Ministry of Justice, Ministry of Gender and Development, WIPNET and UNMIL to advocate for the recruitment of female LNP personnel.<sup>32</sup>

**17. Female staff associations:** The Association of Women Police Officers of Liberia was founded in 1994 in order to advocate for the equal participation of women within the LNP. It currently has about 500 members and is developing a strategic plan for the next 3 years. Plans are underway to revamp the association and hold elections for a new corps of officers.<sup>33</sup>

Female police officers are also members of the Liberia Female Law Enforcement Association (LIFLEA), which was at the forefront of setting up the currently inactive West Africa Police Women Association. LIFLEA was founded in 2000 in response to the “urgent need for Female Security Personnel to come together under one umbrella to protect, promote and seek the welfare and professionalism of security women in Liberia.”<sup>34</sup> The association emerged from, and remains part

of, the Liberia National Law Enforcement Association. During one period, LIFLEA had up to 300 members and undertook training activities and provided welfare benefits for their members as well as engaging in humanitarian work with women and children, including refugees. However, recently the association has become politicised and structurally weak.<sup>35</sup> The NGO Women Peace and Security Network – Africa (WIPSEN-Africa) and DCAF have engaged in capacity-building activities with LIFLEA in order to support the revitalisation of the association, including training on gender and SSR, strategic planning and organisational management.

**18. Infrastructure/facilities for male and female personnel:** There are separate bathrooms for female and male personnel at LNP headquarters in Monrovia. At police stations in the counties, bathrooms are often shared by male and female personnel. Uniforms are the same for both men and women, and there are separate lodging facilities for female and male trainees at the National Police Training Academy.<sup>36</sup>

## TRAINING

**19. Gender training:** All new LNP recruits receive 6 hours of gender training on topics such as gender awareness, gender-based violence and sexual exploitation and abuse.<sup>37</sup> The National Police Training Academy with the support of UNICEF provides a 2-week gender course for Women and Children Protection Section officers. Since 2006 up to 332 officers have attended the course. In addition to training on child issues, the course covers the following topics:

- the concept of gender, including gender analysis in LNP work (3 hours)
- gender issues (6 hours)
- introduction to human rights (7 hours)
- overview of investigative techniques (15 hours)
- introduction to criminal investigation (5 hours)
- forensic awareness (3 hours)
- case file (10 hours)
- responding to domestic violence (3 hours)
- crime scene management (10 hours)
- domestic violence awareness (3 hours)
- report writing (5 hours)
- testifying in court (3 hours)
- court visitation (5 hours)

The UNMIL Human Rights Section has conducted a training-of-trainers workshop for 17 LNP officers

to facilitate this course. World Hope International has also conducted a series of workshops on human trafficking for 30 LNP instructors and police trainees.<sup>38</sup> In 2010, 30 LNP officers (2 from each county) attended a 1-month training course on gender issues in order to become gender focal points. The training was held at the National Police Training Academy and covered the issues of: gender policies, the concept of gender and its relevance to LNP work, gender equality in democracies, domestic violence awareness and response, and sexual assault investigation.<sup>39</sup>

**20. Mainstreaming gender into training:** An annual 3-day training course in human rights, which includes information on women's rights and gender issues, is conducted for LNP and Bureau of Immigration and Naturalization officers.<sup>40</sup> The Swedish National Police Board's Department of Security has also been providing the LNP with forensic training to improve the capacity to investigate and prosecute criminal cases, including cases of GBV.<sup>41</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Women and Children Protection Section handles cases of LNP officers accused of rape or assault, while the Gender Affairs Section deals with complaints of sexual harassment and domestic violence and cases of persistent non-payment of mandatory child support. The Professional Standards Division is responsible for investigating general cases of unethical conduct by police officers. Initially this division was responsible for handling GBV complaints against police officers, but with the setting up of the two gender-focused sections, this responsibility has been transferred to them.<sup>42</sup>

**22. External oversight mechanisms/bodies:** On 11 March 2005 the National Legislature approved the creation of the Independent National Commission on Human Rights of Liberia. Its role, as mandated by the CPA, was to promote human rights and monitor the implementation of the recommendations of the Truth and Reconciliation Commission. However, the Commission's work was derailed by challenges such as member selection, vetting procedures and lack of expertise and civil society involvement. On 21 May 2009, the Senate and the House of Representatives passed amendments to the 2005 Act, stripping the Commission of most of its subpoena and other quasi-judicial powers.<sup>43</sup>

**23. Civil society oversight:** County Security Councils (CSCs) were recently established with the objective of "including civilian and local government participation in security governance to improve the security in Liberia." Each county will have 1 CSC, which will replicate the structure of the National Security Council. The CSCs will act as an early warning mechanism on security issues in the counties, and as a forum for managing local security concerns in a coordinated fashion. They will be security policy oriented, and will not have technical control over, or any right to give operational direction to or interfere in, the operational activities of security and law enforcement agencies in the execution of their legal mandates. The CSCs will perform the following tasks:

- Review on a regular basis broader security issues arising in the county and develop clear policy recommendations.
- Regularly advise the National Security Council through the minister of internal affairs on security developments and seek advice on handling of national security issues.
- Forward all policy recommendations, minutes and other communications to the Office of the Minister of Internal Affairs, for immediate distribution to the national security adviser and the minister of justice.
- Ensure participation in the security agenda of local government, including district, paramount, clan and town chiefs and senior representatives of all security agencies present in the county.
- Coordinate as appropriate with the Joint Security Committee in the county.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** 3 LNP officers have been charged and prosecuted in court for GBV-related offences. Additional information was not available.<sup>44</sup>

## III. ARMED FORCES INDICATORS<sup>45</sup>



The Armed Forces of Liberia (AFL) were officially created by the Defense Act of 1956 for the sole purpose of protecting Liberia's territorial integrity. In practice, however, the AFL has been involved in law enforcement initiatives.<sup>46</sup> Since the early inception of a formal military in 1908, the Liberian armed forces have functioned as a highly politicised instrument whose purpose was to protect regime interests rather than to provide security to the population.<sup>47</sup> However, "[Charles] Taylor used the armed and security forces to suppress and oppress Liberians to levels hitherto unknown."<sup>48</sup> According to the Comprehensive Peace Agreement (CPA), the AFL was supposed to be restructured and given a new command, vetting was to be introduced and an ethnic balance within its ranks ensured. The CPA also provided for the disbanding all AFL personnel and the recruitment and retraining of groups of 300 new troops. It specifically requested that the United States play a leading role in restructuring the AFL. However, the UN Special Representative of the Secretary-General did not prioritise support for this reform process.<sup>49</sup> The United States subsequently pledged funding to the process and supported the refurbishment of the Ministry of Defense, including military barracks, and retraining of military personnel. In 2005 the United States subcontracted the actual recruitment, training, building of facilities, restructuring and mentoring of the AFL to the US-based private military contractors DynCorp International and Pacific Architects & Engineers.<sup>50</sup> The involvement of these private contractors in the defence reform process has been sharply criticised by parliament, government ministries and civil society as externally imposed, non-participatory and lacking in oversight.<sup>51</sup> Currently, there are 2,075 Liberian army personnel – the Liberian Air Force was formally dissolved in 2005 and the Liberian Coast Guard is in the process of being reactivated. The current National Defense Act (2008) defines



the official duties and functions of the AFL. According to the Act, the primary mission of the AFL is to defend the national sovereignty and territorial integrity of Liberia against external aggressions, insurgency, terrorism and encroachment. The AFL is also mandated to respond to natural disasters and engage in other civic work.<sup>52</sup> The AFL currently operates under slightly modified US armed forces practices and adopts the doctrine of the latter.<sup>53</sup>

In comparison with the Liberia National Police, the AFL has made very little headway in integrating gender issues into its reform process. At the policy level, discriminatory human resources policies are currently under review. In the past, unmarried female personnel in the AFL were dismissed if they became pregnant and did not marry within 30 days. Although the AFL has specific policies on sexual harassment, rape and sexual assault prevention, based on the US armed forces model, they are very generic, lack clear disciplinary procedures and place responsibility solely on the victim rather than on commanding officers to register, report and investigate such abuses. The AFL has a low rate of female personnel at 3.67%, no female staff association, no gender training and no available data on reports of sexual harassment and other forms of GBV. However, the AFL is currently in discussion with the Ministry of Gender and Development on creating a strategy and plan of action to increase the recruitment of female personnel, and gender focal points have recently been appointed in the Ministry of Defense as well as in the AFL in order to comply with the National Gender Policy.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. Chapter 3 of the AFL Initial Early Training Soldiers Handbook Volume I (revised September 2007) contains a “Don’t Ask, Don’t Tell, and Don’t Harass” Homosexual Conduct Policy stating that sexual orientation alone is not a barrier to enlistment or continued service in the military. It prohibits harassment based upon sexual orientation. However, it states that homosexual conduct is incompatible with military service, including statement, act and marriage and that disclosing homosexual orientation may be grounds for dismissal.

**2. Human resources policies:** These policies on marriage, pregnancy and maternity leave are currently suspended pending review by the Committee on Policy Review.<sup>54</sup>

- **Marriage:** The AFL Policy on Marriages states that both married men and women can be recruited into the AFL. Additional information was not available.
- **Pregnancy:** Women and men who have children are eligible to join the AFL. However, during the recruitment interview, female applicants are asked how they intend to have their children taken care of should they be enlisted. After recruitment, pregnancy is only permissible for women who were already married upon recruitment or whose marriage meets the provisions of the AFL Policy on Marriages. Married servicewomen are expected to have served for at least 2 years after completing their advanced individual training before pregnancy is allowed. Unmarried female personnel in the AFL who become pregnant are “counselled appropriately and given the option of formalizing a marriage within 30 days.” The failure of such women to marry within 30 days will activate a process leading to dismissal from the AFL.

- **Maternity leave:** Servicewomen are exempt during pregnancy and for 6 months following delivery from the physical readiness programme, training and other physical activities such as standing on parade rest or attention for longer than 15 minutes. During the final 3 months of pregnancy (weeks 28 and beyond) servicewomen are allowed to rest 20 minutes every four hours and are limited to a 40-hour work week.<sup>55</sup>

**3. Sexual harassment policy:** The AFL has an Army Sexual Harassment Policy contained in Chapter 3 of the AFL Initial Early Training Soldiers Handbook Volume I (revised September 2007). The Policy states that “sexual harassment is inappropriate and unacceptable conduct. Sexual harassment destroys teamwork and is detrimental to combat readiness.” It defines sexual harassment and categorises it as verbal, non-verbal and physical contact. It also provides indicators of sexual harassment and suggested individual actions to respond, including confrontation, filing a complaint and reporting it through the chain of command. The Chapter also has a section on “Rape and Sexual Assault Prevention.” It defines sexual assault as “any behaviour of a sexual nature performed against another person against his or her will” and rape as “sexual intercourse by force and without consent.” It also states that these crimes are punishable under the Uniform Code of Military Justice and local civilian laws – carrying a maximum penalty in addition to confinement, a dishonourable discharge and forfeiture of all pay and allowances.<sup>56</sup>

**4. Gender-sensitive code of conduct:** There is no code of conduct. The AFL is guided by the Uniform Code of Military Justice, similar to that of the US military.

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** According to the AFL Initial Early Training Soldiers Handbook Volume I, “Suggested individual actions to deal with sexual harassment include: a. Confront the harasser. b. File a complaint. c. Use an intermediary spokesperson. d. Write a letter to the harasser about the behaviour and the expected resolution. e. Report the harassment to the chain of command.” Regarding rape and sexual assault “Commanders and supervisors of perpetrators will take appropriate disciplinary action and/or administrative action.” Victims are advised to “a. Go to a safe place where a phone is available. b. Call the local or military police. c. Do not shower, douche, change clothes, or straighten up the site where you were victimized. d. Go directly to a hospital or clinic and have the police notified for you. e. Call someone from your chain of command, a friend, a rape hotline, or social work services.”<sup>57</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** In accordance with the Liberia National Gender Policy, gender focal points have been appointed in the Ministry of Defense and the AFL.

**7. Collaboration mechanisms:** Efforts are being made to work with the Ministry of Gender and Development to enhance the recruitment of women in the AFL.

## PERSONNEL

**8. Number of female and male personnel:** As of 31 March 2011, there were 74 servicewomen out of a total of 2,017 personnel (3.67%).<sup>58</sup>

**9. Rank of male and female personnel:**<sup>59</sup> As of 31 March 2011:

	WOMEN	MEN	TOTAL
AFL Headquarters	2 (11.11%)	16	18
Brigade Headquarters	17 (1.10%)	1,525	1,542
Armed Forces Training Center	4 (3.10%)	125	129
Liberia Coast Guard	1 (2.50%)	39	40
AFL Band	5 (9.80%)	46	51
Logistics and Communication	45 (18.99%)	192	237
<b>Total personnel</b>	<b>74 (3.67%)</b>	<b>1,943</b>	<b>2,017</b>

**10. Number of female and male personnel in peacekeeping missions:** The AFL is not yet active in peacekeeping missions. However, 5 officers participated in the Togolese elections as military observers, including 1 female (20%).

**11. Rates of attrition:** Of the 137 personnel who have been separated from the AFL, 5 are women (3.65%).

**12. Recruitment targets for female personnel:** 20% according to the Poverty Reduction Strategy of Liberia.

**13. Vetting procedure for GBV:** The vetting exercise consists of background checks for general human rights violations during and after the armed conflict and whether the person concerned has a criminal record. Photographs of applicants are displayed in newspapers and public places. If an applicant is found to have been involved in sexual assault, s/he could be disqualified from enrolling.

**14. Positions/units where female or male personnel cannot serve:** Servicewomen are not allowed to serve in the infantry, although they can serve in units supporting the infantry, such as medical or communications units.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** Discussions are under way between the AFL and the Ministry of Gender and Development to develop a strategy and plan of action to encourage more women to join the AFL.

**16. Female staff associations:** There is no specific staff association for women in the AFL, but female personnel can become members of the Liberia Female Law Enforcement Association (see Police #17).

**17. Infrastructure/facilities for male and female personnel:** There are separate facilities such as bathrooms for female and male personnel. If the premises are shared by both sexes, women are housed in a separate section from the men.

## TRAINING

**18. Gender training:** None.

**19. Mainstreaming gender into training:** The Initial Entry Training covers issues of sexual harassment and rape and sexual prevention, as stated in the Soldiers Handbook. Gender issues have been included in training on human rights and child protection. Additional information was not available.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** Presently, the officer in command of a unit has the responsibility of ensuring discipline. The AFL are in the process of developing a legal unit that will educate soldiers about the Uniform Code of Military Justice.

**21. External oversight mechanisms/bodies:** Ministry of Defense.

**22. Civil society oversight:** Civil society, through the Liberia National Bar Association, is represented in the “three-man Joint Personnel Board” which makes decisions on the hiring and firing of members of the AFL.

**23. Number of cases of sexual harassment/GBV perpetrated by armed forces:** No data were made available.

## IV. JUSTICE SYSTEM INDICATORS



Liberia currently has a dual justice system involving a formal court system under the judiciary and a system of customary courts at the local level.<sup>60</sup> Throughout much of Liberia's history, the formal justice system has been subject to executive intervention and deeply corrupt. Prior to the war, the formal judicial services did not reach many of the counties and "where available, were ineffective."<sup>61</sup> After the war, justice reform was not immediately prioritised, although many justice reform initiatives have been undertaken through external support by the US, the UN and international NGOs. In January 2004 a new Supreme Court was inaugurated, and since then administrators and judges have undergone training and courts have received computers and other equipment.<sup>62</sup> The formal justice sector is nevertheless seriously lacking in funds, capacity, accessibility and credibility, with a large backlog of cases and few working judges. Currently a majority of disputes in Liberia are resolved through some form of customary justice; many Liberians prefer this system because of its accessibility, affordability, effectiveness, emphasis on social reconciliation and the perception of it being less prone to corruption. However, there are many concerns with the customary courts, including due process, human rights, gender equality and oversight.<sup>63</sup>

Within the formal justice system, women make up 25.85% of court personnel, and a variety of mechanisms have been put in place to facilitate access to justice for victims of GBV. In 2006 the Rape Amendment Act came into force, which, in addition to defining rape and maximum sentences, requires in-camera hearings for all rape cases. In order to meet the need to prosecute the growing backlog of GBV cases, Criminal Court "E" was inaugurated in December 2008 specifically to try cases of sexual assault and violence. The establishment of this Court was largely driven by the Association of Female Lawyers of Liberia, which also undertakes GBV advocacy, awareness-raising and legal service provision. In addition, in February 2009 the Sexual and Gender-Based Crimes Unit was established within the Ministry of Justice in order to provide rapid investigation and prosecution as well as training and public awareness. The GBV Unit of the Ministry of Gender and Development also provides counselling and legal and referral services. Despite coordination through the Gender-Based Violence Interagency Taskforce, the overlapping mandates of the Ministries of Gender and Development and Justice may pose a challenge. Even with these many initiatives in place, access to justice for victims of GBV remains very poor, with a high backlog of cases and few gender initiatives targeting the customary court system, which continues to be the largest provider of justice in Liberia.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** None currently in the Ministry of Justice.<sup>64</sup> However, the ministry is in the process of developing a gender policy.<sup>65</sup>

**2. Human resources policies:** Human resources policies are contained in the Civil Service Regulations developed by the Civil Service Agency.<sup>66</sup>

- Maternity leave: An expectant mother is granted a minimum of 60 consecutive days of leave with full pay, to commence before and expire after delivery. Up to 3 months' leave with full pay may be granted upon a doctor's recommendation. Maternity leave is distinct from any other leave and may be extended from one calendar year to the next (Chapter 7 of the Civil Service Handbook, 7.2.3).

**3. Sexual harassment policy:** None.<sup>67</sup> Perpetrators of sexual harassment or other forms of GBV are prosecuted under the Penal Code of Liberia.

**4. Gender-sensitive code of conduct:** Judges and lawyers are regulated by the Code of Conduct Governing Lawyers, which is not gender sensitive.<sup>68</sup>

**5. Procedures for prosecuting cases of GBV:** The National Standard Operating Procedures for Prevention and Response to Sexual Gender-Based Violence in Liberia (2009) set out general procedures for legal and justice actors responding to sexual violence and GBV (see Police #5). Also, the Ministry of Justice developed a Sexual Assault and Abuse Prosecution Handbook to serve as a guide for prosecutors of GBV cases.<sup>69</sup> There are no specific procedures included in the Criminal Procedure Laws of Liberia.<sup>70</sup> In January 2006 the Rape Amendment Act came into force. It specifically defines rape and sets maximum sentences from 10 years to life imprisonment, as well as requiring in-camera hearings for all rape cases.<sup>71</sup>

### INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** A gender focal point was recently appointed in the Ministry of Justice.

**7. Specialised structures for service recipients:** In December 2008 Criminal Court "E" was inaugurated to adjudicate sexual assault and violence cases. It was established by an act of legislation amending the Judiciary Law of 1972 by adding a new element known as Chapter 25. The latter established Criminal Court "E" of the First Judicial Circuit, Montserrado County, and special divisions of the Circuit Courts of other counties to have exclusive original jurisdiction over crimes of rape, sodomy, corruption of minors, sexual abuse and sexual assault. Funding was provided by various donors in order to renovate the court – including an in-camera room to protect the identity of victims and witnesses during their testimony. The number of cases handled so far was not available. The court is facing a substantial backlog of cases (over 200) and is poorly funded. Legal aid services for female victims of GBV are sometimes provided free of charge by the Association of Female Lawyers of Liberia (AFELL). AFELL was also a driving force behind the establishment of Criminal Court "E", which was modelled after a similar court in South Africa.

On 26 February 2009 the Sexual and Gender-Based Violent Crimes Unit of the Ministry of Justice was formally opened by President Ellen Johnson Sirleaf as “part of the effort to enhance prosecution services for these crimes, providing a concentrated prosecution unit, specially trained in the prosecution of these crimes, and in providing support for victims.”<sup>72</sup> Beyond providing a rapid investigative and prosecutorial response to complaints of sexual assault, abuse and exploitation, the unit will deliver training, outreach and public education in relation to sexual violence and GBV.<sup>73</sup>

In addition to the Sexual and Gender-Based Violent Crimes Unit of the Ministry of Justice, the GBV Unit at the Ministry of Gender and Development has also been set up to provide counselling, legal and referral services to survivors of GBV. This Unit is also tasked with the collection and analysis of GBV trends, and raising awareness and providing education on GBV prevention and care. It furthermore conducts research to determine the prevalence of GBV in each county.<sup>74</sup>

Various NGOs, including International Alert, government ministries and UN bodies have awareness-raising initiatives regarding prevention of GBV and access to justice, as well as support to victims of GBV.<sup>75</sup>

**8. Collaboration mechanisms:** The Ministry of Justice is part of the Gender-Based Violence Interagency Taskforce (see Police #9).

## PERSONNEL

**9. Number of female and male personnel:** There are 468 registered court personnel, including those in Montserrado County and in the 14 circuits and their specialised courts (excluding a specialised court in 1 county and the offices of the prosecutor for which no data were available). Of this total, 347 are men and 121 women (25.85%).<sup>76</sup> 13% of Ministry of Justice personnel are women.<sup>77</sup>

**10. Number of male and female judges:** The Supreme Court of Liberia has 6 Justices – 4 male and 2 female (33.33%). There are 21 High Court Judges – 18 male and 3 female (14.29%). Of the 57 Specialized Court Judges only 3 are female (5.26%).

**11. Recruitment targets for female personnel:** None within the law school. The female/male student population ratio at the law school by class year for the current academic year is:

- 1st year students: 23 (F), 70 (M) = 24.73% F
- 2nd year students: 16 (F), 74 (M) = 17.78% F
- 3rd year students: 36 (F), 131 (M) = 21.56% F

**12. Vetting procedure for GBV:** None could be identified.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None.

**14. Female staff associations:** The Association of Female Lawyers of Liberia (AFELL) is a non-profit NGO established on 24 February 1994. Its mission is to advocate for the promotion, protection and advancement of the rights of women and children. AFELL provides mediation and legal services regarding persistent non-payment of mandatory child support, marital violence and inheritance issues. It also assists the government of Liberia in the prosecution of sexual and GBV cases, including rape. Under this mandate, AFELL spearheaded the campaign, in collaboration with Amnesty International and UNICEF, against GBV which culminated in the successful advocacy for the passage of the new rape law on 17 January 2006. AFELL also conducts GBV awareness-raising activities with local communities and law enforcement agencies. It has a membership of 36, including a 5-member board of directors and a 7-member executive committee, presided over by the president. The association has three classes of membership: regular, associate and honorary. Female justice sector personnel can become members of the Liberia Female Law Enforcement Association (see Police #17).

## TRAINING

**15. Gender education or training:** None at law school. However, the Ministry of Justice, in collaboration with the Carter Center and other partners, developed a Sexual Assault and Abuse Prosecution Handbook designed as a day-to-day resource for prosecutors and a training tool.<sup>78</sup> The Ministry of Justice has developed a training programme based on the Handbook; all county attorneys have received this training, and additional sessions are planned.<sup>79</sup> In addition, UN Women have an ongoing training programme on gender and human rights laws for judiciary and prosecution personnel.<sup>80</sup>

**16. Mainstreaming gender into training or education:** Courses are offered in international law. It is unclear whether or not they include gender issues.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The Judicial Inquiry Commission is appointed by the chief justice to investigate complaints of unprofessional conduct by lawyers and judges in the performance of their judicial responsibilities. The commission handles all cases referred to it by the chief justice. Most of these cases relate to judges’ performance in the courtroom. Records show that some 31 cases have been handled by the commission, 21 of which have been completed. These cases do not relate to GBV. If a judge is accused of GBV, that individual will be prosecuted in accordance with the Criminal Procedure Laws of Liberia.<sup>81</sup>

**18. External oversight mechanisms:** Ministry of Justice.

**19. Civil society oversight:** The Liberia National Bar Association's Grievance and Ethics Committee handles cases of misconduct by its members, including investigations. The association must consult the President of Liberia regarding appointments of Supreme Court judges and justices.<sup>82</sup>

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS<sup>83</sup>



The Liberian Bureau of Corrections and Rehabilitation was established in 1978 as a division under the Ministry of Justice. During the war most of the correctional and detention facilities were destroyed or damaged, and their rehabilitation was not prioritised by the Liberian government or international organisations. Consequently, the penal reform process lags behind those of the Liberian police and armed forces. According to a December 2008 report by a Liberian CSO, conditions at that time were deplorable, including overcrowding, inadequate food, no fresh water and poorly paid and poorly trained staff.<sup>84</sup> In addition, due to the lack of trained court personnel, bookkeeping and other resources, prisoners were languishing for months and years in pre-trial detention.<sup>85</sup> In recent years UNMIL and other actors have provided support in prison construction and refurbishment; drafting a Penal Reform Development Plan; training and mentoring corrections officers and managers; and providing computers, motorbikes, uniforms and buses.<sup>86</sup> As of 6 May 2010, there were 218 trained corrections personnel and, as of 2009, 15 prisons.<sup>87</sup>

The 2009 National Standard Operating Procedures in Corrections Facilities establish clear guidelines regarding the separation of male and female prisoners and the right of prisoners to be searched and attended by prison staff of the same sex. The procedures also have a specific clause on non-discrimination towards female staff. Another good practice is the provision of gender training for corrections officers both during induction training at the National Police Training Academy and at the corrections facilities. However, there is still a lack of clear procedures for preventing and responding to sexual harassment/GBV within prisons and no data are available on rates of GBV in prisons. In addition, the grounds for pregnancy testing of female prisoners upon admission are questionable; they purportedly are intended "primarily to guard against allegations that the female prisoner was impregnated by prison staff." Currently, women comprise 2% of Liberian prisoners and 16.56% of prison personnel – still below the 20% recruitment target specified in the Poverty Reduction Strategy of Liberia. Some measures are being taken to encourage the recruitment of female personnel, such as meetings with women's organisations, but a female staff association has not been established.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** Such policies as do exist can be found in the National Standard Operating Procedures in Corrections Facilities in Liberia of 6 November 2009.

- Pregnancy: "Pregnant women officers shall be entitled to maternity leave as applicable to other civil servants in the country. While on maternity leave, female officers shall be entitled to their full salaries, allowances and benefits as others."
- Non-discrimination: "Non-discrimination practices towards female staff: All female corrections officers shall have the same benefits, entitlement, allowances and privileges as their male counterparts as provided for in the conditions of service. They shall not be deprived of their rights and privileges in the areas of merited appointment, promotion, courses, etc. on the basis of their gender. Every opportunity shall be given to female officers to compete favourably with their male counterparts and to enjoy career progression to the best of their abilities."
- Policies on marriage, paternity leave, breastfeeding and healthcare currently do not exist.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** There is no separate code of conduct apart from the National Standard Operating Procedures in Corrections Facilities in Liberia.

**5. Procedures for interaction between males and females:** "The prisoner will be searched by an officer of the same sex prior to his/her release." "Male and female prisoners shall be confined in separate cells or in separate parts of the same prison in such a manner as to prevent intermingling between prisoners of opposite sex." "A male prison officer shall not enter a prison or part appropriated to female prisoners except while on duty and he must be accompanied by a female prison officer. Female prisoners shall at all times be attended to by female prison officers."

**6. Procedures for family and conjugal visits:** Male and female prisoners "shall be allowed regular supervised visits." No conjugal visits exist.

**7. Procedures regarding prisoner pregnancy, nursing and children:** Pregnant prisoners shall be afforded "adequate preventive and curative healthcare" as well as "nutritious food, fresh air, exercise, sanitary conditions, extra vitamins, sufficient rest and arrangement to deliver in a hospital." Under the procedures, the superintendent and the director of prisons must be notified of an admission of a pregnant female prisoner and ensure that she is sent to hospital for regular medical check-ups until delivery. Mothers who are committed to prisons must place their children with relatives or identified community members.<sup>88</sup> "Because the prison facilities do not have accommodation for nursing mothers, concerted efforts are made to get a relative of the defendant nursing mother to sign for her until the case is heard in court."

In recent times no nursing female prisoner has been incarcerated. When female prisoners are received, they are firstly tested to find out whether or not they are pregnant, primarily to guard against allegations that the female prisoner was impregnated by prison staff or others within the prison facility, and secondly to monitor her condition.”

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** No specific procedures exist. However, the National Standard Operating Procedures in Corrections Facilities in Liberia state that sex offences are considered an act of gross misconduct that is categorised as an aggravated offence – which means that a preliminary investigation/report shall be forwarded to the assistant minister of rehabilitation through the Office of the Director of Prisons for necessary action/directives. Procedure is also dictated by the Criminal Procedure Law and the 1986 Prison Rules and Regulations, which codify staff offences and associated sanctions.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** Gender focal point within the Ministry of Justice.

**10. Separate prisons for males/females and juveniles/adults:** Separate structures, cells and blocks exist for these different categories of prisoners. “Juvenile prisoners shall be kept separate from adult prisoners, either confined in a separate building or in a separate part of the prison.”<sup>89</sup>

**11. Specialised education, training and rehabilitation:** Adult prisoners, both men and women, have an opportunity to enrol in vocational training and rehabilitation programmes in fields such as animal husbandry, soap making, tie-dyeing, block making, gardening and computer skills.

**12. Specialised health and drug treatment:** Such treatment does not exist in prisons around the country. However, both the Monrovia and Tubmanburg central prisons have dispensaries. The National Standard Operating Procedures in Corrections Facilities in Liberia mention the right of prisoners to medical treatment and timely access to information on the medicines they use.

**13. Collaboration mechanisms:** The Bureau of Corrections and Rehabilitation formally and informally collaborates with a number of national and international NGOs such as the Prison Fellowship of Liberia, the International Committee of the Red Cross, UNHCR, Concern, Missionaries of Charity, the Foundation for International Human Dignity, Cuttington University Nursing School, CARITAS, Methodist Church and the Mentor Initiative.

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** As of February 2011, the nationwide prison population was 1,523, with 44 females (2.89%).<sup>90</sup> In 30 April 2010, inmates awaiting trial constituted 84% of the overall prison population.

**15. Number of female and male personnel:** As of February 2011 personnel totalled 326, of whom 54 are women (16.56%).<sup>91</sup>

**16. Rank/level of male and female personnel:** As of February 2011 there were 30 senior staff, comprised of 24 male and 6 female personnel (20%).

**17. Rates of attrition:** 41 in total, including 6 women (14.63%).

**18. Recruitment targets for female personnel:** 20% according to the Poverty Reduction Strategy of Liberia.

**19. Vetting procedure for GBV:** Background checks include determining whether the applicant has a criminal record and interviews with referees/community members/persons of social standing who can verify their past history. The vetting team, including international staff, focuses on applicants’ conduct during the conflict – whether they were a part of the warring factions and what role they played. GBV issues may only be addressed in cases where the applicant has been charged with an offence related to GBV.

**20. Positions/wards where female or male personnel cannot serve:** Male and female personnel are allowed to serve at all different levels, including women as heads of prisons for men. However, men are not allowed to serve in blocks with women prisoners and *vice versa*.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** During recruitment, female correction officers are included in the mobilisation teams in order to encourage other women to join. Meetings are held with women’s organisations in counties where recruitment is taking place. In addition, there is an accelerated learning programme for women to acquire a high-school diploma, as well as awareness-raising campaigns through print and electronic media.

**22. Female staff associations:** There is no corrections female staff association, but female corrections officers can become members of the Liberia Female Law Enforcement Association (see Police #17).

**23. Infrastructure/facilities for male and female personnel:** Dedicated infrastructure, facilities and barracks for female and male personnel do not exist. Male and female personnel wear the same uniform.

## TRAINING

**24. Gender training:** Gender training sessions are held during induction at the National Police Training Academy, conducted by UNMIL and national trainers. Gender training is also provided at the corrections facilities, conducted by national staff assisted by corrections advisory training and development officers. Such training sessions last 2 hours, and cover sexual violence and GBV and an introduction to gender issues – including national laws and international legal frameworks on GBV and the prevention of sexual exploitation and abuse in correctional facilities.

**25. Mainstreaming gender into training:** Additional information was not available.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The Bureau of Corrections operates under the Ministry of Justice. In order to enhance its effectiveness, legislation is being drafted to make it more autonomous. The draft bill incorporates an oversight body for the Bureau even though it will still operate under the Ministry of Justice.

**27. External oversight mechanisms:** None could be identified.

**28. Civil society oversight:** CSOs that monitor prison conditions and prisoners' welfare include the Catholic Justice and Peace Commission, the Foundation for Human Rights and Democracy, the Foundation for International Dignity and the International Committee of the Red Cross. They make periodic visits to prisons to monitor conditions and check on detainees who have been held for prolonged periods without trial.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No data were made available.

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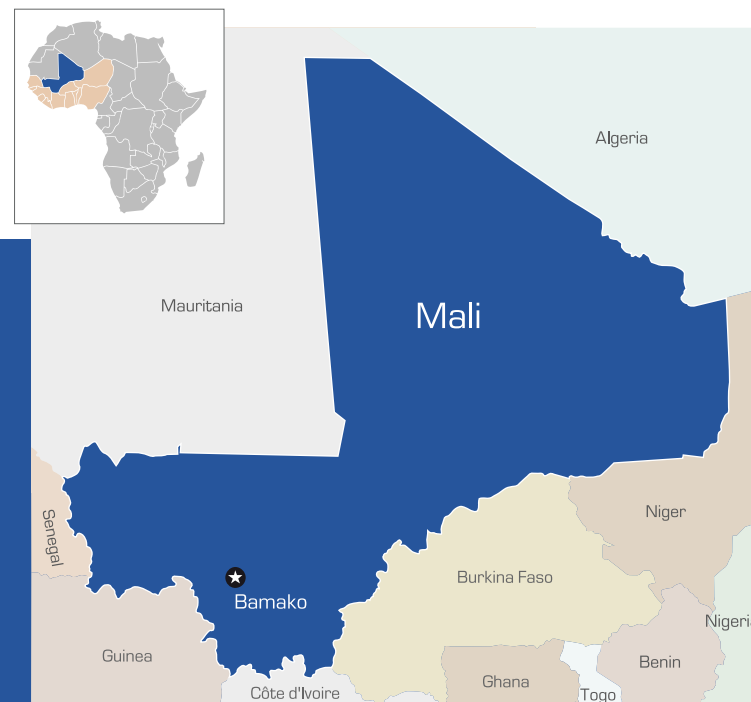
# Mali



Fatimata Dicko-Zouboye  
Anki Sjöberg

## QUICK FACTS<sup>1</sup>

- Population: 14,517,176; 49.62% male, 50.38% female (2009)
- Population below the poverty line: 51.4% living on less than 1 USD/day (2006)
- Lifespan: 47.6 men, 49.0 women (life expectancy at birth, 2005–2010)
- Literacy rate: 32.7% men, 15.9% women (2003)
- Fertility rate: 6.5 children per woman (2007)
- Human Development Index rank: 160 out of 169 (2010)
- Percentage GDP spent on defence: 2% (2008)
- Perception of corruption rank: 116 out of 180 (2010)



## INTRODUCTION\*

Since its independence from France in 1960, Mali has experienced three political regimes: single-party rule (1960–1968); single-party rule installed by a military coup (1968–1991); and democratic rule (1991–present).<sup>2</sup> In addition to its turbulent political history, the country has experienced tribal and inter-communal armed conflicts.<sup>3</sup> Mali's national security is threatened by trafficking in drugs, persons, cigarettes, alcohol and small arms and light weapons (including by foreign insurgent groups<sup>4</sup>), as well as by an influx of refugees from troubled bordering countries.<sup>5</sup> Other security issues include urban crime, banditry and armed robbery.<sup>6</sup> The north, where a Tuareg rebellion took place between 1990 and 1996,<sup>7</sup> is especially affected by these security issues. The Malian authorities are also facing challenges within their own institutions, such as lack of transparency and accountability; corruption and financial crime; lack of capacity and resources (including infrastructure, personnel and equipment) to cover a wide national territory; and insufficient coordination between the different security sector institutions (SSIs).<sup>8</sup> In response, Mali is currently reforming its security sector and has shown willingness to democratise security sector management. Notably, Mali has involved civil society in the drafting of its national security policy.

Although Article 2 of the Malian Constitution prohibits discrimination based on sex, and in spite of government efforts, social and cultural factors continue to disfavour women and girls.<sup>9</sup> As of 2006, 68% of Malian women lived in rural areas,<sup>10</sup> and reportedly “most women in Mali are subjected to traditional roles, especially in ... rural areas. Violence against women, including wife beating, is tolerated and common.”<sup>11</sup> This is perhaps linked to the lack of a specific law to address domestic violence or violence against women in general.<sup>12</sup> Sexual violence is also prevalent and often met with impunity, although its precise extent is unknown.<sup>13</sup> Acts of violence against women generally do not result in formal complaints: between 2000 and 2006 only 43 such complaints were registered, mainly by women's organisations. Female genital mutilation (FGM) in Mali is more frequent than elsewhere in West Africa, although rates vary among different ethnic groups.<sup>14</sup> FGM is discouraged, notably through public campaigns, but not illegal.<sup>15</sup> Early marriage is very frequent: in 2004, it was estimated that 50% of girls between 15 and 19 years of age were married, divorced or widowed. Draft legislation to increase the legal marriage age to 18 years has not been approved.<sup>16</sup> Furthermore, within certain ethnic groups the wife is considered as part of the inheritance, obliging her to marry a brother of her husband should the latter die.<sup>17</sup>

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

The government, supported by various UN agencies and women's organisations, is working to amend this situation, notably by strengthening the existing Family Code, conducting advocacy for the prevention of violence against women and implementing programmes to enhance female representation in public services.<sup>18</sup> As of now, however, women's access to justice is limited, especially – but not solely – when they seek legal redress for violations of the Family Code,<sup>19</sup> with women submitting only 12% of overall legal complaints.<sup>20</sup> Women's formal representation in the political sphere is also limited, as is their access to economic and educational opportunities.<sup>21</sup>

Generally, security governance lacks female participation – whether in parliament, government or the specialised parliamentary Committee on National Defence, Security and Civil Protection.<sup>†</sup> Nonetheless, Mali has developed a national gender policy and set up national-level bodies to fight violence against women and children, although resistance from certain pressure groups has so far hindered more progressive legislation and protection for women and girls. The Ministries of Justice and Internal Security have gender focal points, and the former also has a specific gender policy. Otherwise, none of the SSIs surveyed has gender focal points, gender policies, specific codes of conduct, human resources policies or procedures to respond to sexual harassment or gender-based violence (GBV) committed by personnel. Efforts have nevertheless been made to respond to the needs of abused women and men, especially victims of GBV, by facilitating their access to justice, mostly through the work of civil society organisations. The legal aid made available to female and juvenile prisoners at the Bollé detention centre in Bamako by the Malian penal services is a positive example of these efforts. However, apart from ensuring separate prison wings for female and juvenile prisoners, gender-specific considerations are largely lacking outside the capital, including with regards to male and female staff levels. Women represent about 15.00% of penal services staff and 12.28% of prison guards. In the judiciary, female representation has increased, mostly in lower-level positions. Women were first recruited into the police service in the late 1960s and now represent about 12% of police officers. No information is available on the number of women in the Malian armed forces, but informal practice tends to ensure that approximately 10% of new recruits are women. In both the gendarmerie and the National Guard an estimated 3% of total personnel are women and only a small number occupy senior positions. In spite of some advances, especially in the justice sector, specialised policies and measures are lacking to recruit and promote women. Where uniforms are worn they are different for women and men, who also have separate quarters and facilities, at least in the new buildings. Gender training is sometimes organised by external actors. In general, procedures for internal and external oversight appear to exist in all institutions, but no information on how they actually function was found by the researchers.

## MALI SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### Police

- *Police Nationale du Mali*
- *Brigade des Mœurs et de la Protection de l'Enfance*
- *Ecole Nationale de Police*

#### Forces armées

- *Armée*
- *Armée de l'Air*
- *Gendarmerie Nationale*
- *La Garde Nationale*
- *Ecoles militaires*

#### Inspection des services de sécurité et de protection civile

#### Système judiciaire

- *La Cour Suprême*
- *La Cour Constitutionnelle*
- *Le Haute Cour de Justice*
- *Le Conseil Supérieur de la Magistrature*
- *Institut National de Formation Juridique*

#### Administration pénitentiaire

- *La Direction Nationale de l'Administration Pénitentiaire et de l'Education Surveillée*
- *Commission de Contrôle des Conditions de Détention*

#### Organisations de la société civile

- *Association des Juristes Maliennes*
- *Association pour le progrès et la défense des droits des femmes*

### Oversight

#### L'Exécutif

*Ministère de la Sécurité Intérieure et de la Protection Civile*

*Ministère de la Défense et des Anciens Combattants*

*Ministère de la Justice*

*Ministère de la Promotion de la Femme, de l'Enfant et de la Famille*

*Le Conseil Supérieur de la Défense Nationale*

*Le Comité de la Défense Nationale*

*Le Vérificateur Général*

*Commission Nationale des Droits de l'Homme*

*Comité Adviseur pour les Questions de Genre*

*Comité National Contre la Violence*

*Perpétrée à l'Égard des femmes*

*Médiateur de la République*

*Système judiciaire*

*L'Assemblée Nationale*

- *Commission "Défense nationale, sécurité et protection civile"*
  - *Commission "Travail, emploi, promotion de la femme, jeunesse, sport et protection de l'enfant"*
- Organisations de la société civile*

\*Only those included in this country profile, not a comprehensive list.

<sup>†</sup> The author has translated institution names into English. These are not official translations.

## I. NATIONAL GOVERNANCE INDICATORS



As laid out in the constitution, control and oversight of the security sector are divided among several actors. The highest authority lies with the president, as commander-in-chief of the armed forces. In this capacity, he or she also presides over the Higher Council for National Defence and the National Defence Committee, which are the national-level coordination bodies for the security sector.<sup>22</sup> The National Assembly has legislative power over security issues,<sup>23</sup> while the prime minister is responsible for implementing national defence policy.<sup>24</sup> Mali's national Internal Security and Civil Protection Policy was elaborated with the involvement of civil society and includes aspects that address certain gender issues. Women do not have a strong presence in oversight functions; of the 13 members of the parliamentary Committee on National Defence, Security and Civil Protection only 1 is a woman (7.69%). Overall, women are under-represented in political institutions in Mali, where they represent about 21% of ministers and 10% of members of parliament.<sup>25</sup> Approximately 8.7% of mayors are women – a proportion that has grown by 1.7% since 2004.<sup>26</sup> Between 1999 and 2009 the proportion of female district councillors increased from 7 out of 720 (0.5%) to 26 out of 722 (3.6%).<sup>27</sup> Efforts are being made to increase the formal participation of women in political affairs in Mali. For instance, on 17 July 2010 the Ministry for the Promotion of Women, Children and Families, with the support of the UN Development Fund for Women and the Spanish government, launched a project on Promotion of Justice for Women in Democratic Governance in Mali.<sup>28</sup> Mali has a set of national gender policies and institutions, notably the National Gender Policy, the National Programme against Female Genital Mutilation and an interministerial commission to combat child trafficking. Within the government, the Ministry for the Promotion of Women, Children and Families is in charge of addressing gender-related issues but is not directly involved in security sector oversight.

Mali is party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** In the mid-2000s the Malian government conducted a review of the security environment in Mali. This led to the organisation of public events and regional consultations, and culminated in the National Forum on Security and Peace held in November 2005.<sup>29</sup> This forum gathered representatives of local communities, civil society, development partners and the private sector.<sup>30</sup> In October 2008, as a follow-up to the forum, the Malian government, with support from the United Nations Development Programme, established the 3-year (2010–2012) Programme for Shared Governance of Security and Peace under the Ministry of Internal Security and Civil Protection, with direct oversight from the presidency. An important part of its mandate was to help develop a national security policy.<sup>31</sup> The programme first facilitated the development of a national policy, adopted in June 2010, to tackle security issues in northern Mali.<sup>32</sup> The Ministry of Internal Security and Civil Protection then adopted the

national Internal Security and Civil Protection Policy.<sup>33</sup> At its core, this policy, for which an action plan has been developed, envisions an integrated approach that aims to achieve national and individual security in parallel with national development alongside the promotion of human rights and human development. Although the policy document does not specifically mention gender among its 9 main goals, it nonetheless takes gender issues into consideration.<sup>34</sup> Finally, in order to counter potential security threats, including along its borders, Mali has signed a number of security and defence cooperation agreements with various countries, including Algeria, China, France, Germany, Libya and the United States.<sup>35</sup>

### 2. National gender laws/policies:

- **National Gender Policy (2010):** Elaborated by the Ministry for the Promotion of Women, Children and Families, this policy was adopted by the government on 24 November 2010. It includes an action plan for 2010–2012<sup>36</sup> and its implementation is supported by the UN system.<sup>37</sup> Previous national action plans have reportedly encountered difficulties in meeting their targets.<sup>38</sup>
- **Strategic Framework for the Fight against Poverty (2006):** Covering the period 2007–2011, Mali's development plan against poverty takes gender elements into consideration.<sup>39</sup>
- **Constitution of Mali (1992):** Prohibits all discrimination on the basis of "social origin, colour, language, race, sex, religion and public opinion." The preamble also stresses Mali's "determination to defend the rights of women and children."<sup>40</sup>

In the Malian Penal Code there is no specific law on domestic violence – rather, such cases fall under the general remit of the crime of assault.<sup>41</sup> Gender-responsive changes to legislation are often blocked at political level; the Islamic High Council of Mali is an outspoken opponent of these changes. Human trafficking is outlawed in the Penal Code,<sup>42</sup> but FGM is not prohibited by law, although it is discouraged by the government through the work of its National Committee against Violence towards Women.<sup>43</sup> This committee, which has developed an action plan, was set up in 1997 to unite the various actors striving to prevent FGM.<sup>44</sup> Finally, an interministerial commission has been set up to combat child trafficking, including representatives from the Ministries of Justice, the Promotion of Women, Children and Families and Internal Security and Civil Protection, as well as from the Bar Association.<sup>45</sup>

**3. Parliamentary security committees:** The parliamentary Committee on National Defence, Security and Civil Protection is specifically dedicated to reviewing all security matters and drafting related bills.<sup>46</sup> One of its 13 members is a woman (7.69%).<sup>47</sup>

**4. Male and female representation in parliament:** Of the 147 members of Mali's Parliament, 15 (10.2%) are women and 132 (89.8%) are men.<sup>48</sup>

Gender issues fall within the remit of the Committee on Labour, Employment, Promotion of Women, Youth, Sports and Child Protection; 5 of its 8 members are women (62.5%).<sup>49</sup> There is also the Network of African Female Ministers and Parliamentarians of Mali. In addition, on

26 November 2010 the National Assembly inaugurated the Parliamentary Network to Combat Violence against Women and Children. Its purpose is to “encourage MPs to play a part in informing and sensitizing citizens and the media to the issue. Parliamentary field visits will be organized to various regions throughout the country to sensitize the population ... They also aim to shape public opinion in view of reviewing legislation or passing a law against gender-based violence, in particular on female genital mutilation.”<sup>50</sup>

**5. Ministry for gender/women’s affairs in security sector oversight:** The Ministry for the Promotion of Women, Children and Families is not involved in security sector oversight.

## II. POLICE SERVICE INDICATORS<sup>51</sup>



The Malian National Police is under the authority of the General Directorate of the National Police,<sup>52</sup> which, in turn, is under the overall responsibility of the Ministry of Internal Security and Civil Protection.<sup>53</sup> There has sometimes been overlap and lack of coordination between the National Police and other internal security actors, such as the National Gendarmerie and the National Guard. The Malian National Police comprises national and municipal police services.<sup>54</sup> It “has experienced several mutations” as the regime has changed. Serving as a militarised police force under the military regime, it regained its civilian status in 1993.<sup>55</sup>

The first female recruits entered the National Police in 1969, and women now make up 12% of police officers and 9% of civilian protection staff; 86.22% of female police officers hold low ranks (non-commissioned officers), which is a slightly higher rate than men (81.82%). The police service has made some progress in addressing gender issues, but challenges remain. It has no specific policy on gender or sexual harassment. There is a gender officer within the Ministry of Internal Security, but not within the police itself. The Brigade of Moral and Youth Affairs addresses gender-related matters, but no information was available on whether it promotes gender equality. Moreover, there are no specific policies or procedures dealing with discrimination, sexual harassment or GBV perpetrated by the police, or to recruit and promote women. Separate infrastructure and facilities exist for women and men, at least in new police stations. While oversight mechanisms are in place, it is unclear to what extent they are effective.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** The National Police human resources policy is subject to the provisions of the General Statute of Civil Servants. Malian labour laws stipulate the following.<sup>56</sup>

- Pay: Men and women should receive equal pay for equal work.

- Maternity leave: 14 weeks – 6 before and 8 after delivery. During this leave, the mother’s salary and social benefits should be maintained, and her employment contract cannot be terminated. In case of early delivery, the mother is still entitled to take the total 14 weeks’ leave. In case of illness due to pregnancy or delivery, the mother may take up to 3 additional weeks’ leave. Women may not work for 8 consecutive weeks either directly before or directly after delivery.

- Paternity leave: Up to 3 days, which should not be deducted from regular vacation, and during which a full salary should continue to be paid.

- Breastfeeding: Up to 1 hour per working day in appropriate facilities in the workplace, for up to 15 months following delivery. The mother’s salary may not be affected by these breaks.

- Working constraints: During pregnancy and for 3 weeks directly following delivery, women may not carry heavy loads.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** The Code of Conduct for the Armed and Security Forces<sup>57</sup> refers to the security forces’ responsibility not to discriminate against women on the basis of their sex.

**5. Standard operating procedures in response to GBV:** None. The Penal Code criminalises some forms of GBV, including human trafficking.

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** None.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None in the police. There is a gender officer within the Ministry of Internal Security and Civil Protection.<sup>58</sup>

**8. Specialised structures for service recipients:** The Brigade for Moral and Juvenile Affairs is a specialised unit within the judiciary police (attached to the General Directorate of the National Police) that addresses gender-related issues. No information on its mandate or on whether it offers support to victims of GBV was available. It is currently headed by a woman.<sup>59</sup>

**9. Collaboration mechanisms:** Many women’s organisations, such as the Association of Female Malian Jurists and the Association for the Progress and Defence of Women’s Rights, are involved in the work of the police service in both official and unofficial capacities.

## PERSONNEL

### 10. Number of female and male personnel:

- 617 of the 5,336 police officers are women (11.56%).<sup>60</sup>
- 75 of the 827 civil protection staff are women (9.07%).

### 11. Rank/level of male and female personnel:

- Police:
  - » Commissioners: 35 women out of 426 (8.22%)
  - » Inspectors: 50 women out of 517 (9.67%)
  - » Non-commissioned officers: 532 women out of 4,393 (12.11%)<sup>61</sup>
- Civil protection:
  - » 2 Category A female civil servants
  - » 10 Category B female civil servants
  - » 58 Category C female civil servants.

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** The number of women to be recruited is decided separately for each campaign, with no permanent target.

**14. Vetting procedure for GBV:** Recruits undergo a “morality investigation” and must provide an extract of their criminal records. Additional information was not available.

**15. Positions/units where female or male personnel cannot serve:** None.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**17. Female staff associations:** There is a policewomen’s association for all policewomen, as well as policewomen’s associations specific to the year of recruitment of members. Additional information was not available on their mandates and memberships.

**18. Infrastructure/facilities for male and female personnel:** The new police stations have separate sanitary and lodging facilities for women. Women and men have different uniforms.

## TRAINING

**19. Gender training:** The police service offers no staff gender training, but officers may participate in any training offered by outside actors. Information on the frequency of such training was not available.

**20. Mainstreaming gender into training:** The police academy currently offers human rights and international humanitarian law training.<sup>62</sup> It is not clear if this training contains gender aspects.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Police Inspectorate is in charge of general internal oversight issues. The General Inspectorate of the Security Services covers the National Police, gendarmerie and National Guard. No women are currently on the staff of the General Inspectorate. Acts of abuse and misconduct within the police are “brought to the attention of the hierarchy, which evaluates the facts. Perpetrators are therefore required to answer for their acts, either through disciplinary procedures, or before the courts. Finally, all rights and obligations are subject to administrative and institutional control (security services inspectorate).”<sup>63</sup>

**22. External oversight mechanisms/bodies:** In addition to the Ministry of Internal Security, the Ombudsperson, the National Human Rights Commission and the Office of the Auditor General undertake independent audits of government operations. Although not specifically focused on gender issues, these bodies have a mandate to investigate cases of human rights violations and to publicise their recommendations and observations. The Office of the Auditor General decides if criminal proceedings should apply in any given case.<sup>64</sup>

**23. Civil society oversight:** A national “democratic question and answer forum” is organised once a year, enabling Malian citizens publicly to ask the government and security sector institutions questions about irregularities or human rights violations. A jury then makes recommendations to the government, while a commission reviews implementation of past recommendations.<sup>65</sup> There are no specific formal mechanisms in place for civil society oversight of the police service. However, in addition to the above, civil society actors (notably human rights and women’s associations) closely monitor the security sector. Irregularities are reported through the media or by petitions sent to the relevant authorities. Yet some have argued that “the quality of civilian control of the security sector remains inadequate, due to a lack of interest on the part of certain civilians in the security sector and also because of the often ‘secret’ nature of security issues.”<sup>66</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No information.

### III. ARMED FORCES AND GENDARMERIE INDICATORS<sup>67</sup>



The Malian armed forces comprise the army, air force, National Gendarmerie and National Guard.<sup>68</sup> While the army and air force fall under the Ministry of Defence and Former Combatants, the National Gendarmerie and National Guard are also under the authority of the Ministry of Internal Security and Civil Protection.<sup>69</sup> The gendarmerie is a military unit with a mandate to police mainly in rural areas, though it may also operate in urban centres in coordination with the National Police.<sup>70</sup> In addition to administrative and criminal investigation missions, the gendarmerie is entrusted with territorial defence operations. Moreover, it has jurisdiction over the armed forces in matters of criminal investigation of offences committed within military premises or involving military personnel. The National Guard also carries out security duties in addition to its military functions, including in the prison services,<sup>71</sup> and participates in administrative police missions such as law and order maintenance operations, surveillance of sensitive areas and intelligence gathering.<sup>72</sup> Cooperation and coordination issues have arisen between the police and the gendarmerie, as well as between the police and the military.<sup>73</sup> Additionally, the strong presence of senior military officials within the government has reportedly led to increased public apprehension about the armed forces in recent years.<sup>74</sup>

Women first entered the Malian armed forces in 1974 – only within the health sector. They were not integrated into other positions until the late 1980s, and not until the early 2000s into the National Gendarmerie.<sup>75</sup> There are no data on the number of women in the armed forces. The National Gendarmerie and National Guard both have an estimated 3% women in their ranks, few of whom occupy senior positions. No specific policies, structures or procedures are in place to promote women within the armed forces or to prevent and respond to discrimination, sexual harassment or GBV. Reportedly there is an informal practice that tends to ensure that approximately 10% of new recruits are women, although this could not be independently confirmed. Separate sanitary facilities and uniforms exist for women within the armed forces, but it is not clear if this is also the case in the National Gendarmerie and the National Guard and, if so, whether it applies nationwide. Gender training is sometimes organised by external actors, and there are both internal and external oversight mechanisms, but no information was found to indicate whether they are effective in addressing gender-related issues and complaints.

#### POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** The main applicable text is the General Military Statute. The relevant document could not be accessed by the researchers.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** None (see Police #4).

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** None.

#### INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Collaboration mechanisms:** None.

#### PERSONNEL

**8. Number of female and male personnel:**

- No information was available for the armed forces.
- The National Gendarmerie has about 4,000 constables, of whom an estimated 100 are women (2.50%).
- The National Guard has about 3,000 personnel, about 100 of whom are women (3.33%).<sup>76</sup>

**9. Rank of male and female personnel:**

- No information was available for the armed forces.
- Gendarmerie:
  - » of the 300 officers, 2 are women (0.67%)
  - » of the roughly 3,000 non-commissioned officers, fewer than 100 are women (approximately 3.33%)<sup>77</sup>
- National Guard: 1 female officer. The total number of officers was not available.
- Military schools: Of the 262 military schoolteachers, instructors and trainers 28 are women (10.69%).<sup>78</sup>

**10. Number of female and male personnel in peacekeeping missions:** About 10 women among 40 officers have been trained to participate in peacekeeping operations.<sup>79</sup> As of February 2011, Mali's personnel contribution to UN peacekeeping operations was as follows.<sup>80</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	55	3 (5.17%)	58
	<b>Total MINUSTAH</b>	<b>55</b>	<b>3 (5.17%)</b>	<b>58</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	25	1 (3.85%)	26
	Experts on mission	19	0	19
	<b>Total MONUSCO</b>	<b>44</b>	<b>1 (2.22%)</b>	<b>45</b>
UNAMID (Darfur)	Experts on mission	2	0	2
	Contingent troop	1	0	1
	<b>Total UNAMID</b>	<b>3</b>	<b>0</b>	<b>3</b>
UNMIL (Liberia)	Experts on mission	1	0	1
	<b>Total UNMIL</b>	<b>1</b>	<b>0</b>	<b>1</b>
UNMIS (Sudan)	Individual police	1	0	1
	Experts on mission	3	0	3
	<b>Total UNMIS</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>Total Mali troop and police contributions</b>		<b>107</b>	<b>4 (3.6%)</b>	<b>111</b>

**11. Rates of attrition:** No data were made available.

**12. Recruitment targets for female personnel:** No official target for the recruitment of women into the armed forces exists. In practice, however, approximately 10% of the candidates enrolled during each recruitment period are women.

**13. Vetting procedure for GBV:** Recruits undergo a “morality investigation” and must provide an extract of their criminal records. Additional information was not available.

**14. Positions/units where female or male personnel cannot serve:** None. Nonetheless, there are currently no women within the parachute commands.<sup>81</sup>

**15. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**16. Female staff associations:** None. Staff associations are not allowed in the armed forces.

**17. Infrastructure/facilities for male and female personnel:** Separate bathrooms and different uniforms exist for men and women in the armed forces. No data were made available concerning the accommodation facilities.

## TRAINING

**18. Gender training:** Generally, no specific gender training is offered by the armed forces, though military personnel have been permitted to participate in gender training organised by external actors. In 2003, for example, under an agreement between Mali and the government of Canada supported by the Canadian International Development Agency, some 40 officers, including 10 women, participated in gender training in preparation for peacekeeping operations. The training focused on “Awareness Raising of the Armed and Security Forces concerning Gender Issues during Peacekeeping Operations.”<sup>82</sup>

**19. Mainstreaming gender into training:** None. However, the military training centres currently offer human rights and international humanitarian law training.<sup>83</sup> It is not clear if such training covers gender aspects.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Armed Forces and Services Inspectorate is responsible for investigating and enforcing the rules and regulations of the armed forces, as well as the rights of personnel. The National Gendarmerie and National Guard are covered by the General Inspectorate of the Security Services (see Police #21). The gendarmerie also has its own inspectorate.<sup>84</sup>

**21. External oversight mechanisms/bodies:** As with the police service, the main external oversight bodies are the Ombudsperson, the National Human Rights Commission and the Office of the Auditor General (see Police #22).<sup>85</sup> In the case of the gendarmerie, the public prosecutor decides on criminal proceedings. In this capacity, it has effective control over both the police service and the gendarmerie (as part of the criminal police force).<sup>86</sup> The armed forces are subordinate to the judicial authority of a military tribunal.<sup>87</sup>

**22. Civil society oversight:** There are no formal oversight mechanisms. However, civil society organisations are sometimes invited to discuss oversight issues at seminars or workshops.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No data were made available.



## IV. JUSTICE SYSTEM INDICATORS



The Malian justice system, which is currently undergoing a reform process, falls under the responsibility of the Ministry of Justice. According to the constitution, the judiciary is independent.<sup>88</sup> The formal justice institutions include the Supreme Court, the Constitutional Court and the High Court of Justice.<sup>89</sup> Another key judicial organ is the High Council of the Judiciary, which safeguards the position and independence of the judges and takes disciplinary measures against them if necessary.<sup>90</sup> Criminal investigation services are under the authority of the Office of the Auditor General.<sup>91</sup> The National Human Rights Commission, whose president is a woman, has existed since 2006, but it is still not widely known to the public.<sup>92</sup> There have reportedly been many complaints about corruption among judges. The Malian justice system has mainstreamed gender issues to a greater extent than the police service and the armed forces (including the gendarmerie and National Guard). Notably, it falls under the gender policy of the Ministry of Justice, which has a gender focal point. Its ratio of female personnel is relatively strong, especially among judges of the higher courts: 38.89% of Supreme Court judges and 33.33% of Constitutional Court judges are women. This ratio is much lower among the total number of judges (10.77%) and chief registrars (16.18%), while it is higher among some lower-level positions, such as registrars (56.59%) and secretaries (90.73%). Strategies have been adopted to increase the number of women in the justice system. Efforts to increase access to justice for both women and men have been largely driven by civil society organisations, which collaborate with the justice sector on an informal basis. However, the justice sector has not developed policies and procedures to deal with discrimination, sexual harassment and GBV committed by its staff. While gender training for personnel is not offered at an institutional level, some has been provided by external actors. Finally, although procedures for internal and external oversight exist, no information could be found on how they function or the degree to which they adequately address gender issues.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** The Policy for Equality between Women and Men in the Ministry of Justice was finalised in December 2008, following the establishment of a gender committee within the ministry. The gender policy notes that what is at stake in mainstreaming gender in the justice system is the enjoyment of rights of all citizens and their access to justice, the credibility of the justice system and sustained development. It includes an analysis of justice needs, quality of services, and representation of women and men in the justice system. The policy outlines specific actions and timelines for the establishment of 4 principle goals. These goals are (1) to revise existing laws to address the specific justice needs of men and women, (2) to improve the quality of service delivery taking into account the needs of women and men, (3) to raise awareness on legal rights and access to justice as well as new justice services and procedures and (4) to achieve a balanced representation of men and women in the justice system.<sup>93</sup>

**2. Human resources policies:** The General Statute of Civil Servants (see Police #2) and the General Statute for the Justice Sector determine the human resources policies of the justice sector. No further information on these policies could be accessed by the researchers.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** Codes of professional ethics exist for the different professions within the justice system (judges, lawyers, etc.), but they do not specifically address gender issues.

**5. Procedures for prosecuting cases of GBV:** None other than the provisions of the Penal Code, which criminalise some forms of GBV, including human trafficking.

### INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** A specialised gender structure within the Ministry of Justice, called the Advisory Committee for Gender Issues, has existed since 2008. Its mandate is twofold: to attain equality between women and men employed in the judicial apparatus; and to improve justice services for both women and men.<sup>94</sup>

**7. Specialised structures for service recipients:** The Ministry of Justice has endeavoured to facilitate access to justice for both women and men. Statistics showed that women submitted only 12% of all legal complaints. Hence, with the support of the government of Canada, the Advisory Committee for Gender Issues has undertaken a project for 2008–2011 to amend this situation by improving access to information, orientation and legal support services.<sup>95</sup> Moreover, civil society organisations are providing legal aid to women and minors through “legal clinics.” Such organisations include the Association of Female Malian Jurists (AJM) and the Association for the Progress and Defence of Women’s Rights.

**8. Collaboration mechanisms:** The Ministry of Justice collaborates with the Ministry for the Promotion of Women, Children and Families. Collaboration with women’s and human rights organisations is informal (see Justice #7).

### PERSONNEL

**9. Number of female and male personnel:** The number of women in the justice sector increased from 27% to 43% of the total staff between 2004 and 2008. Yet the biggest increase was among secretaries (from 43% to 91%) and registrars (from 34% to 57%), while the percentage of female chief registrars and judges increased only slightly or decreased (from 12% to 16% and from 12% to 11%, respectively). In 2008 the presence of women and men in the justice sector staff was as follows.<sup>96</sup>

- Judges: 46 women out of a total 418 (10.77%)
- Registrars: 206 women out of 364 (56.59%)
- Chief registrars: 11 women out of 68 (16.18%)
- Secretaries of notaries and prosecutors: 186 women out of 205 (90.73%)<sup>97</sup>

Other legal professionals include:

- lawyers: 24 women out of 284 (8.45%)
- notaries: 8 women out of 36 (22.22%)
- bailiffs: 3 women out of 71 (4.23%)
- judicial auctioneers: 5 women out of 22 (22.73%)<sup>98</sup>

#### 10. Number of male and female judges:

- Supreme Court: 7 of the 18 judges are women (38.89%). The president of the Supreme Court judicial section is a woman (the Supreme Court has a judicial and an administrative section).
- Constitutional Court: 3 of the 9 judges are women (33.33%).
- Apart from the juvenile court, no tribunals are presided over by a woman, nor are there any female prosecutors, although there have been in the past.

**11. Recruitment targets for female personnel:** None.

**12. Vetting procedure for GBV:** No information.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** In order to increase the number of women within the justice system a mentorship programme was developed mainly for female law students during their university studies. This project aimed at preparing them to produce better test results and facilitating their access to legal professions (judges, lawyers, notaries, etc.). It was the product of collaboration between the National Institute for Judicial Training and women's civil society organisations (AJM and the Malian section of Women in Law and Development in Africa). Fifty students (45 female and 5 male) followed the programme in September 2009 in Bamako.<sup>99</sup> Further measures are planned to ensure better access for women to more senior positions, notably through professional training.

**14. Female staff associations:** The AJM is a professional association of female jurists. Created in 1988, its main activities are:

- awareness-raising among women and men of their rights and duties
- legal aid to women and minors with limited financial resources

- action-oriented research to identify gaps and discriminatory laws and propose alternatives that are in line with Mali's Constitution and international obligations
- training of legal practitioners to sensitise them to women's rights, in order to encourage them to favour the implementation of regional and international standards in this area, which are often more extensive than national legislation

## TRAINING

**15. Gender education or training:** Gender training is not part of the formal training curriculum of the National Institute for Judiciary Training. However, external actors sometimes provide gender training for legal practitioners (see Justice #14). No information was available on either the frequency of this training or the number of legal practitioners involved.

**16. Mainstreaming gender into training or education:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** According to the constitution, the High Council of the Judiciary can take disciplinary measures against judges if necessary.<sup>100</sup> Within the Ministry of Justice there is also the Judicial Services Inspectorate. This body has the mandate to:

- "Ensure the smooth functioning of legal services and all other services under the Ministry in charge of justice;
- Contribute to improving the working methods of magistrates and personnel of the public justice system;
- Inspect traditional services, with a view to improving the functioning of various institutions; and
- Carry out, on the request of the minister in charge of justice, any investigations or specific missions within the framework of its attributions."<sup>101</sup>

**18. External oversight mechanisms:** The justice sector is subject to the scrutiny of the Ombudsperson's Office and the National Human Rights Commission. No data were made available to indicate whether this mechanism has proven to be effective.

**19. Civil society oversight:** No formal mechanisms exist. However, civil society organisations collaborate with the justice sector on an informal basis (see Justice #14).

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No information was available.

## V. PENAL SERVICES INDICATORS



The Malian penal services are placed under the Ministry of Justice and are subject to the authority of the ministry's National Directorate of Penal Services and Monitored Education. This body is responsible for the formulation of penal services policy at national level and the coordination and control of associated services.<sup>102</sup> As previously mentioned, the National Guard also plays a role in the prison services.<sup>103</sup> As of 2002, Mali operated 58 prisons.<sup>104</sup>

Although the penal services do not have a specific institutional gender policy or gender structure, the prisons they administer come under the gender policy of the Ministry of Justice and its gender focal point. There are rules stipulating that female and juvenile prisoners are to be held separately from male prisoners. This is respected in a special detention centre for women and minors in Bamako, which has only female prison guards. Outside the capital, however, women and juveniles are said to be held in separate sections within mixed prisons. Female prisoners are a clear minority (2.99%) of the total prison population. This percentage increases for female juveniles: female inmates constitute only 0.57% of adult prisoners, but 16.18% of juvenile prisoners. Approximately 15.00% of penal services staff and 12.28% of prison guards are women. There are no specific policies and procedures to deal with discrimination, sexual harassment or GBV committed by penal services staff. No gender training has been delivered, but there is a plan to integrate gender aspects into existing training. Oversight mechanisms are generally the same as for the other security sector institutions mentioned previously, and their effectiveness is unknown.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** The penal services are subject to the gender policy of the Ministry of Justice (see Justice #1). This policy outlines specific actions for penal services, including a needs assessment for reform, appointing female guards to women's prison blocks, awareness-raising on prisoners' rights and the restructuring of internal oversight mechanisms.

**2. Human resources policies:** The penal services have no specific human resources policy and are subject to the provisions of the General Statute of Civil Servants (see Police #2).<sup>105</sup>

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** Every prison or detention centre has its own internal rules and regulations that establish what is considered as correct behaviour.

**5. Procedures for interaction between males and females:** There is a policy of separating female and male prisoners, as well as adult male and juvenile prisoners, but this is fully applied

only in the Bollé detention centre in Bamako, where there are separate detention quarters for women and juveniles. Outside the capital, female prisoners are held in a separate section of the prison. In all cases, staff guarding female prisoners must also be female.

**6. Procedures for family and conjugal visits:** These procedures are dependent on the respective prison regulations. Additional information was not available.

**7. Procedures regarding prisoner pregnancy, nursing and children:** In the Bollé detention centre in Bamako, young children can stay with their mothers and there is a nursery.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** The prison regulations determine the level of sanctions. Additional information was not available.

### INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None exist within the penal services. The Advisory Committee for Gender Issues within the Ministry of Justice covers gender considerations to some extent, although this body appears to focus more on the justice sector (see Justice #6).

**10. Separate prisons for males/females and juveniles/adults:** See Penal #5. In some regions there are separate sections for juveniles. As of 2009, 24 female juveniles were staying with 87 female adults at the Bollé detention centre in Bamako,<sup>106</sup> while the Bollé juvenile detention centre hosted 87 male minors and no female minors. Outside the capital, female juveniles and female adults were also staying in the separate sections for women.

**11. Specialised education, training and rehabilitation:** Specialised courses and training are conducted for prisoners to prepare them for social reintegration. No additional data was made available.

**12. Specialised health and drug treatment:** Prisons have sickbays, but their staff are generally poorly trained and the facilities poorly equipped. No data were made available concerning gender-specific treatment.

**13. Collaboration mechanisms:** Some civil society organisations conduct activities in the prisons, notably linked to rehabilitation, reintegration and legal aid.

## PERSONNEL

### 14. Number of juvenile/adult male and female prisoners:

- Adult males: 4,625 (93.51%)
- Adult females: 148 (2.99%)
- Male juveniles: 145 (2.93% of all prisoners and 83.82% of all juvenile prisoners)
- Female juveniles: 28 (0.57% of all prisoners and 16.18% of all juvenile prisoners)<sup>107</sup>

**15. Number of female and male personnel:** 118 of the total 787 staff are women (15%).

### 16. Rank/level of male and female personnel:

- Prison guards: 76 women out of 619 (12.28%)
- Controllers: 3 women out of 172 (1.74%)
- Social workers: 0 women out of 72 (0%)
- Gendarmes: 0 women out of 1 (0%)
- Psychologists: 0 women out of 2 (0%)
- Teachers: 0 women out of 3 (0%)
- Inspectors: 12 men out of 12 (0%)<sup>108</sup>

**17. Rates of attrition:** No data were made available.

**18. Recruitment targets for female personnel:** None. However, a human resources information management system has produced reports on the representation of female personnel (a first report was produced in May 2008). Moreover, the Advisory Committee for Gender Issues has made a number of recommendations on how to increase the number of female staff within the Ministry of Justice in general.

**19. Vetting procedure for GBV:** Recruits undergo a “morality investigation” and must provide an extract of their criminal records. Additional information was not available.

**20. Positions/wards where female or male personnel cannot serve:** Men are not allowed to work in the detention centre for women and minors in Bollé. In other prisons the guards are mixed. In principle, however, only female staff are authorised to guard female prisoners.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**22. Female staff associations:** No data were available.

**23. Infrastructure/facilities for male and female personnel:** Separate infrastructure and facilities exist for male and female staff at the Bollé detention centre, but this is not always the case elsewhere. Male and female guards usually have different uniforms.

## TRAINING

**24. Gender training:** None.

**25. Mainstreaming gender into training:** Currently none; however, it is foreseen that the Commission for the Control of Detention Conditions will integrate gender aspects into general staff training on prisoners’ rights.<sup>109</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The Commission for the Control of Detention Conditions exists, but no information was available regarding its exact activities and effectiveness. The National Directorate of Penal Services and Monitored Education also oversees conditions in both individual prison facilities and the penal services as a whole.

**27. External oversight mechanisms:** The penal services are subject to the scrutiny of the Ombudsperson’s Office and the National Human Rights Commission. No additional information was available.

**28. Civil society oversight:** There are no formal mechanisms for civil society control and oversight of the penal services. Nonetheless, non-governmental organisations that operate inside prison facilities regularly denounce bad detention conditions, for example through the publication of reports.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** None has been reported by the government. However, such cases have allegedly been detailed in reports by civil society groups, but the researchers were not able to access these reports.

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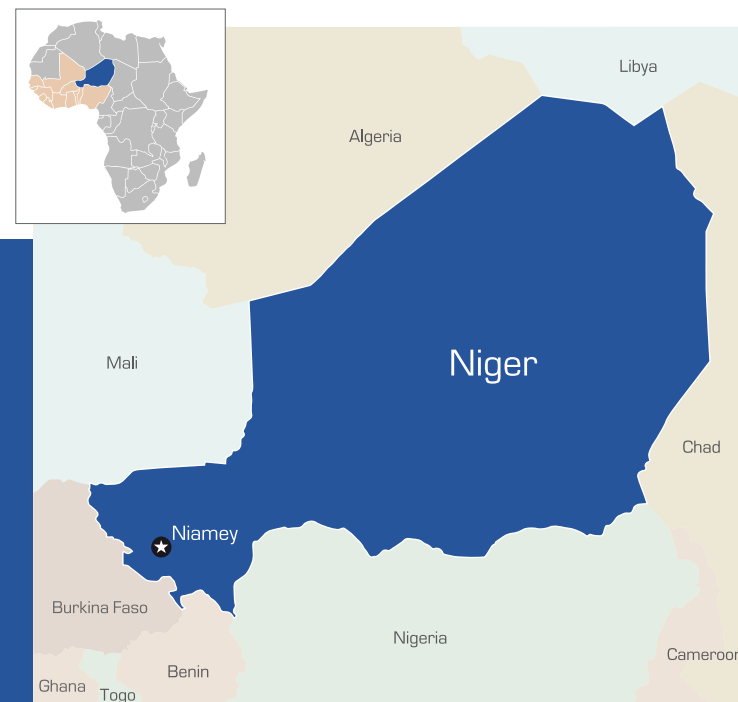
# Niger



Diallo Boubacar  
Anki Sjöberg

## QUICK FACTS<sup>1</sup>

- Population: 11,060,291; 49.88% male, 50.12% female (2001)
- Population below the poverty line: 65.9% living on less than 1 USD/day (2005)
- Lifespan: 50.3 men, 52.0 women (life expectancy at birth, 2005–2010)
- Literacy rate: 42.9% men, 15.1% women (2005)
- Fertility rate: 7.0 children per woman (2007)
- Human Development Index rank: 167 out of 169 (2010)
- Percentage GDP spent on defence: 0.0% (2005)
- Perception of corruption rank: 123 out of 180 (2010)



**Editor's note:** The military coup of February 2010 meant that a transitional government was in place at the time of research in March–April 2010. Efforts have been made to ensure the accuracy and timeliness of information, and additional desk research has been conducted to provide updates where available.

## INTRODUCTION\*

Since gaining independence from France in 1960, Niger has made significant progress in democratising its governance structures, particularly as of 1990.<sup>2</sup> Despite this, the country faces a number of political, social, economic and security challenges.<sup>3</sup> Not only is Niger one of the least developed countries in the world,<sup>4</sup> but it has also suffered significant political unrest, including a number of military coups.<sup>5</sup> The most recent coup took place in February 2010, when then president Mamadou Tandja took steps to extend his powers beyond a second term, dissolving both the Constitutional Court and Parliament. Consequently, he was overthrown by a military junta. A new constitution<sup>6</sup> was passed in November 2010, and free presidential and parliamentary elections were held in January 2011, with the second round of the presidential elections scheduled for March 2011.<sup>7</sup> Niger has also faced armed insurgency, most notably a Tuareg insurrection in the north. Peace treaties were signed in 1995 and again in 2009, but implementation has been weak and the northern region remains marginalised.<sup>8</sup>

• A number of institutions in Niger have a legal mandate to utilise force to protect territorial integrity, ensure the security of the population, maintain public order and protect the environment. Forces with military status, such as the National Armed Forces<sup>†</sup> and National Gendarmerie, fall under the authority of the minister of national defence. Forces with civilian status, such as the police service, are under the authority of the minister of internal security.<sup>9</sup> Security sector reform has been identified as a necessary step in order to eradicate “the culture of *coup d'états* within the Nigerien armed forces” and address the issue of indiscipline within the sector.<sup>10</sup> There are reportedly instances in which state security actors have abused authority, for example by conducting illegal arrests and detentions, harassing civilians and engaging in bribery and other forms of corruption.<sup>11</sup> At present, the armed forces have a significantly larger budget than other security sector institutions (SSIs), notably when compared to the justice sector, whose budget has been deemed by many as insufficient.<sup>12</sup> Informal security providers such as rebel movements,

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

† The author has translated institution names into English. These are not official translations.

self-defence and neighbourhood watch groups and private security companies<sup>13</sup> have proliferated as a consequence of the state's failure to provide security and protection.<sup>14</sup> Sources of insecurity in the northern and southern desert areas include the presence of landmines, insurgency, foreign armed groups and trafficking in drugs and human beings.<sup>15</sup> Reintegration of ex-combatants also remains an open challenge.<sup>16</sup>

The 2010 Constitution includes, in addition to the principle of non-discrimination, the principle of the elimination of all forms of discrimination against women and a commitment of the Nigerien state to combat violence against women in both public and private spheres.<sup>17</sup> Still, physical, verbal and psychological violence against women and girls is a widespread and tolerated reality in Niger,<sup>18</sup> where their social status is considered subordinate to that of men and boys.<sup>19</sup> Niger has filed a series of reservations to the UN Convention on the Elimination of Discrimination against Women and has been lagging in implementing national legislation, notably with respect to the punishment of perpetrators of abuses against women.<sup>20</sup> Prevalent forms of gender-based violence (GBV) include domestic violence,<sup>21</sup> child marriage,<sup>22</sup> female genital mutilation (FGM)<sup>23</sup> and trafficking of women and children.<sup>24</sup> Despite being illegal and prohibited by the constitution, women and girls continue to be the victims of slavery in Niger.<sup>25</sup> Crimes of slavery and domestic violence are generally committed with impunity, with some pointing out that "[w]omen can report violence to customary or official courts, but seldom do. Many women are unaware of the laws in place; others fear being stigmatised by society or repudiated by their husbands. Families intervene in the most severe cases."<sup>26</sup>

Nonetheless, Niger's SSIs have made some notable advances in gender mainstreaming. A national gender policy has been adopted, and steps have been taken to improve legislation in order to combat violence against women and girls. Quotas to increase female participation in the political sphere have already had some positive impact. Despite these advances, there remain some significant barriers to integrating gender-responsive policies and services in the security sector. The armed forces' interventions in politics have slowed the democratisation of the security sector. Additionally, women are scarcely represented within SSIs, and women's participation in parliamentary oversight of the security sector is low. According to available data, the police service has the highest female representation at approximately 5.00%, compared to 3.71% in the National Gendarmerie and 2.00% in the armed forces. Most female personnel occupy low ranks and serve in administrative and support functions. Insufficient data made it impossible to compile a gender profile for the justice sector. Available data on the penal services did not provide sufficient information on the number of female staff.

The armed forces have limitations on how and where women can serve. This is not the case within the National Police, the National Gendarmerie or the penal services. All security institutions offer maternity leave, and the gendarmerie has especially favourable conditions for breastfeeding mothers. However, they all lack gender policies, structures and procedures, and specialised service provision for victims of GBV is absent or limited. In the penal services, male and female prisoners are in principle supposed to be separated, but this is often not the case in practice. Overcrowding and limited resources have meant that the rights of pregnant prisoners and women who have recently given birth are rarely respected. While limited gender training has been

given in the armed forces and penal services, it has not been conducted in the police service. Some *ad hoc* collaboration takes place with civil society, especially on the part of armed forces' and gendarmerie female staff. Most SSIs have mechanisms for internal oversight, and external oversight mechanisms exist for some.

## I. NATIONAL GOVERNANCE INDICATORS



Authority over security sector policy and governance has been centralised in the office of the president, who heads the armed forces. The president appoints high-level military officers, recommended by the minister of defence and the High Council on National Defence, an advisory body. The High Council is chaired by the president and comprises the National Assembly president, the prime minister, the ministers responsible for security and defence and the chief of defence staff, among others. In 2009 a woman joined the High Council in her capacity as president of the Constitutional Court. The ministers of interior and finance also play a role in security management.<sup>27</sup> Some decentralisation of oversight is expected when the Constitution of the Seventh Republic, passed in November 2010, is implemented.

A number of policy documents and institutions have been put in place to promote women and combat violence against women and girls. Improved legislation in this respect has been introduced, although the Family Code still discriminates against women and girls. A notable success has been the establishment of quotas to overcome the under-representation of women in the political sphere. This led to an increase in female participation in government from 8% in 1999 to 25% in 2008<sup>28</sup> and in Parliament from 1.2% in 1999 to 12.4% in 2004.<sup>29</sup> Female

### NIGER SECURITY SECTOR INSTITUTIONS\*

#### Service delivery

*Police Nationale*  
*Garde Nationale*  
*Forces Armées Nigériennes*  
*Gendarmerie Nationale*  
*Système judiciaire*  
*Administration Pénitentiaire et des Grâces*  
*Organisations de la société civile*

#### Oversight

*Ministère de l'Intérieur, de la Sécurité, de la Décentralisation et des Affaires Religieuses*  
*Ministère de la Défense Nationale*  
*Ministère de la Justice*  
*Ministère de la Promotion de la Femme et de la Protection de l'Enfant*  
*Conseil Supérieur de la Défense Nationale*  
*Commission Nationale des Droits de l'Homme et des Libertés Fondamentales*  
*Système judiciaire*  
*L'Assemblée Nationale*

- *Réseau des Parlementaires Nigériens sur les Questions du Genre*

*Organisations de la société civile*

\* Only those included in this country profile, not a comprehensive list.



representation within the public service has reached 20% in the higher ranks and 31% overall.<sup>30</sup> The level of women's participation in parliamentary oversight of the security sector is unknown, but generally parliamentary participation in security governance is estimated to be low.

Niger is party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** Researchers could not access any security or defence-related documents. Since the military coup of February 2010, the central policy for the security sector is the November 2010 Constitution, the final version of which could not be accessed by researchers. The legal basis for the division of work between the different security sector bodies is specified in government decrees and the respective regulations of each security sector institution.<sup>31</sup>

## 2. National gender laws/policies:

- **Constitution of the Seventh Republic of Niger (2010):** The principle of non-discrimination on the basis of sex is established in Article 2, which also prohibits cruel, inhuman and degrading treatment as well as slavery. Moreover, it introduces the commitment of the government to combat all forms of discrimination and violence against women and girls, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (Article 22). Finally, the constitution foresees specific policies that aim to guarantee the access of “certain categories of citizens” (notably women) to public institutions through specific legal measures, such as “the national gender policy and the respect for quotas” (Article 10).<sup>32</sup>
- **National Gender Policy (2008):** Provides a summary of Nigerien gender indicators and statistics and proposes a strategic and institutional framework for implementing the policy. One of its 4 strategic axes specifically aims at reinforcing the rights of women and young girls and fighting violence against them.<sup>33</sup>
- **Health and Reproduction Law (2006):**<sup>34</sup> Prohibits violence against women and girls in general, such as FGM (Article 7) and human exploitation and trafficking (Article 19).
- **Amendment of the Penal Code (2003):**<sup>35</sup> Modifications to the Penal Code in favour of women and girls were introduced in June 2003 (valid as of 2004). They include strengthened prohibitions related to FGM (Articles 232.1–232.3), sexual harassment (Article 281.1) and rape (Articles 283–284).
- **Family Code:** The new Family Code has been under elaboration since 1976, but strengthened protection and reforms have so far been blocked by conservative elements within Nigerien society, who want family matters such as marriage, divorce, child custody, inheritance rights and issues of sexuality regulated according to traditional customary law.<sup>36</sup>

In spite of these advances, there are still gaps in the law, as well as inadequacies in its implementation.<sup>37</sup>

**3. Parliamentary security committees:** The role of the Nigerien Parliament in security governance is limited, although it has grown since 1991<sup>38</sup> to include: ratification of defence agreements, authorisation of declarations of war or the engagement of national troops abroad, and approval of the defence budget as part of the national budget.<sup>39</sup> The Parliamentary Standing Committee on Defence and Security is tasked with making enquiries and putting questions to the concerned ministers about security policy and implementation, and examining the budget.<sup>40</sup> No data were made available on the membership of this committee. Parliament remains reluctant to address security issues, while the government resists submitting security reports to parliament, whose capacity is limited.<sup>41</sup> The 2010 Constitution introduced a 2-chamber parliament, though this system has yet to be implemented.<sup>42</sup>

**4. Male and female representation in parliament:** As results of Niger's 31 January 2011 election were pending confirmation at the time of writing, data on female representation in parliament were not available.<sup>43</sup>

There is the Nigerien Parliamentarians' Network on Gender Issues.<sup>44</sup> Moreover, female parliamentarians reportedly play an important lobbying role on gender issues within parliament and the government related, for example, to relevant legislation, the implementation of gender policies and associated budget allocations.<sup>45</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** The Ministry for the Promotion of Women and Child Protection was created in 1989.<sup>46</sup> This ministry within the transitional government is led by a woman. Its mandate is to define and implement policies and national strategies for the promotion of women. For this purpose, it has the Directorate for the Promotion of Women, which constitutes the general operational coordination mechanism. The ministry also has the National Observatory for the Promotion of Women that monitors implementation, ministerial focal points and gender advisers to the president and prime minister.<sup>47</sup> Moreover, a number of steps have been taken to accelerate the implementation of gender-focused activities in Niger, such as mapping exercises and analyses of the situation of women and children (2009),<sup>48</sup> the introduction of gender quotas (National Assembly 10%, government 25%, diplomatic missions 25%, central administration 25% and state offices and companies 25%)<sup>49</sup> and campaigns to prevent violence against women (2006–2009, 2010).<sup>50</sup> However, the ministry is not directly involved in security sector oversight.

## II. POLICE SERVICE INDICATORS



Civilian security forces in Niger include the National Police and the National Intervention and Security Forces, also known as the National Guard.<sup>51</sup> Placed under the Ministry of Interior, the National Police is answerable to the director-general of the National Police. Its largest department is that of public security. It also has departments for criminal investigations, territorial surveillance and general intelligence.<sup>52</sup> The National Police is deployed within urban and semi-urban centres, while rural areas are the responsibility of the National Gendarmerie.<sup>53</sup> The police service is governed by a clear legislative framework,<sup>54</sup> but irregularities – such as non-compliance with the legal period of custody and the physical and moral abuse of detainees – are known to occur in remote areas where supervision is minimal.<sup>55</sup> The National Guard, which outnumbers the National Police (10,000 as compared to 8,500 members), is deployed as a back-up force that provides security to authorities and public buildings, maintains law and order mainly in rural areas and provides guard services in prisons. It was established after the 1997 peace agreement between the government and different rebel movements, and it integrates former rebel fighters. Though the National Guard is officially considered a civilian force, it is fully autonomous from the police, under the command of a senior army officer. Its members receive the same training as the military. Formally, its mandate does not compete with those of the police and the gendarmerie, and includes sporadic military-style missions such as area control and territorial defence.<sup>56</sup> Aside from this information, data on the National Guard are limited. Consequently, the indicators below focus on the National Police.

Data on the National Police are scarce. Approximately 5% of its members are women, compared to roughly 3% in the 10,000-strong National Guard. About 90% of female personnel in the police service occupy low-ranking positions. Reportedly, there are no policy restrictions on where and how women can serve within the police. However, data on human resources, gender and GBV policies and structures, service provision and gender training are too limited to determine the level of gender mainstreaming within the National Police. Established mechanisms exist for internal oversight, but little is known about the availability and functioning of external oversight (including by civil society).

### POLICIES AND PROCEDURES

- 1. Institutional gender policy:** None could be identified.
- 2. Human resources policies:** No data were made available.
- 3. Sexual harassment policy:** No data were made available.
- 4. Gender-sensitive code of conduct:** A code of conduct reportedly exists, but no data were made available to indicate whether it is gender-sensitive.

**5. Standard operating procedures in response to GBV:** No data were made available on whether special operating procedures exist to address cases of GBV. However, police work on criminal issues is based on the Penal Code, and is therefore subject to the rules of the Code of Criminal Procedure and carried out under the authority of the public prosecutor.<sup>57</sup> Rape, sexual harassment and FGM are all prohibited under the Penal Code (see National #2).

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** No data were made available.

### INSTITUTIONAL STRUCTURE

- 7. Internal gender structures:** No data were made available.
- 8. Specialised structures for service recipients:** No data were made available.
- 9. Collaboration mechanisms:** No data were made available.

### PERSONNEL

#### 10. Number of female and male personnel:

- National Police: One source estimates that there are 8,500 police officers, 5% or 425 of whom are women.<sup>58</sup> However, other estimates put the total number of officers at 6,000 in 2010 and female representation at 2.18% (131 officers), compared to 120 female officers in 2009.<sup>59</sup>
- National Guard: This force has approximately 10,000 members, 3% of whom are women (300 female personnel).<sup>60</sup>

**11. Rank/level of male and female personnel:** In 2008 the police service comprised about 40 police commissioners, 120 officers and 300 inspectors.<sup>61</sup> According to the lower estimations mentioned above (total staff: 6,000), of the 120 female personnel in 2009, only 1 was a senior officer and 2 were police commissioners. In 2010 there were also 11 female inspectors, while the remaining 118 female personnel were rank-and-file officers (90.1%).<sup>62</sup>

**12. Rates of attrition:** No data were made available.

**13. Recruitment targets for female personnel:** No data were made available.

**14. Vetting procedure for GBV:** No data were made available.

**15. Positions/units where female or male personnel cannot serve:** Women are reportedly not excluded from any positions within the National Police. No data were made available for the National Guard.<sup>63</sup>

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None. However, women within the police service reportedly now face fewer restrictions than in the past in terms of “employment and access to positions of responsibility.”<sup>64</sup>

**17. Female staff associations:** No data were made available.

**18. Infrastructure/facilities for male and female personnel:** No data were made available.

## TRAINING

**19. Gender training:** No data were made available.

**20. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** Internal oversight is the task of the National Police Inspectorate Division. In addition to monitoring for internal wrongdoing, the inspectorate is in charge of reviewing complaints filed by victims of alleged police abuse. Complaints are limited, and the inspectorate reportedly acts as a deterrent. Sanctions are imposed according to the law and the police code of conduct. The National Guard does not have an inspectorate division.<sup>65</sup>

**22. External oversight mechanisms/bodies:** Ministry of the Interior.

**23. Civil society oversight:** Various Nigerien human rights associations work on security issues. The 2 main actors are the Collective of Organisations for the Protection of Human Rights and Democracy and the National Human Rights League.<sup>66</sup> No data were made available specifically on their oversight work.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No data were made available.

## III. ARMED FORCES AND GENDARMERIE INDICATORS



The Nigerien defence forces include the National Armed Forces, the National Gendarmerie<sup>67</sup> and the Presidential Guard. The National Armed Forces consist of the army and the air force.<sup>68</sup> Given their numerous interventions in the country’s history through military coups, the armed forces have a reputation for politicisation, and several mutinies attest to discipline problems.<sup>69</sup> The National Armed Forces are governed internally by Ordinance 99-62 of 20 December 1999, which established the armed forces’ personnel statute and that of the National Gendarmerie. Both the armed forces and the gendarmerie are under the authority of the Ministry of Defence. The gendarmerie, in addition to its mandate to maintain public order,<sup>70</sup> especially in rural areas, also serves as the military police. It has had an independent command structure since 1993, directly under the authority of the minister of defence.<sup>71</sup> In contrast to the armed forces, it has never been involved in military coups. It is considered an elite corps, but less well armed than the Presidential Guard. The latter’s mission is to protect the president.<sup>72</sup> Data on the Presidential Guard are too limited for it to be covered in this section.

Women are poorly represented within the National Armed Forces (2.00%), and only slightly less so within the National Gendarmerie (3.71%). Women hold mostly administrative, support and subordinate functions in both these institutions. Human resources polices, notably within the gendarmerie, provide for maternity leave and the right to lighter duty while breastfeeding. No gender polices or information concerning internal gender structures could be accessed. Furthermore, no specific procedures were identified for dealing with issues of sexual harassment, discrimination or GBV perpetrated by members of the armed forces. Some *ad hoc* collaboration takes place with civil society, especially on the part of female personnel. A handful of women have participated in peacekeeping operations. There are no known recruitment targets for women, although both the armed forces and the gendarmerie seem to encourage female recruitment. Reportedly, there are some limitations on where women can serve within the armed forces, but not within the gendarmerie. Separate infrastructure and facilities for women and men exist to a certain extent. There has also been limited gender training, but only within the armed forces. Internal and external oversight mechanisms exist.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** Neither the National Armed Forces nor the National Gendarmerie has a gender policy. However, policies exist to integrate women into the armed forces, notably into the health services, administration and the different peacekeeping missions in which Niger participates.<sup>73</sup> Some sources note that Niger takes UN Security Council Resolution 1325 into account when forming peacekeeping missions. Researchers were not able to access any policy document to confirm this claim. Other sources report that there are policies within the armed forces that discriminate against women.

## 2. Human resources policies:

Armed forces:

- **Marriage:** The military statute foresees that a specific period of time (unspecified) must elapse after recruitment before personnel can marry.
- **Maternity leave:** Female personnel are entitled to maternity leave, according to the general labour regulations.<sup>74</sup>
- **Paternity leave:** None.

Gendarmerie:

- **Marriage:** 1 week of leave for both female and male personnel.
- **Pregnancy and maternity leave:** Female personnel are entitled to 14 weeks of maternity leave. Staff may be authorised to wear civilian clothes during advanced stages of pregnancy.
- **Paternity leave:** None.
- **Breastfeeding:** While breastfeeding, staff may be allowed to reduce their working hours (full-time is 40 hours/week).
- **Healthcare:** 80% of healthcare costs are reportedly covered by the state.
- **Retirement:** Same terms for women and men, with pension paid by a retirement fund.<sup>75</sup>

**3. Sexual harassment policy:** None apart from the Penal Code (see National #2).

**4. Gender-sensitive code of conduct:** None, but there are generic codes of conduct and moral behaviour.<sup>76</sup>

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** In addition to the prohibition in the Penal Code (see National #2) and the Code of Criminal Procedure, there is also a code of military justice as well as general disciplinary regulations.<sup>77</sup> No information was found to indicate whether any of these codes and regulations have gender-sensitive or GBV-specific elements. Reportedly, however, the hierarchy takes cases of sexual harassment and violence seriously.<sup>78</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** No data were made available on whether the armed forces have a gender desk or focal point. There is, however, a service of social action that reportedly treats “gender issues and even other social cases.”<sup>79</sup> The gendarmerie does not have any gender structures.

**7. Collaboration mechanisms:** Armed forces’ female staff collaborate with non-governmental organisations (NGOs) in celebrations to mark International Women’s Day. The gendarmerie also partners with NGOs, UN agencies and the Ministry for the Promotion of Women and Child Protection.<sup>80</sup>

## PERSONNEL

### 8. Number of female and male personnel:

- **Armed forces:** Some estimates place the total at 12,000, with women accounting for about 2% of that number. Other estimates are substantially lower, citing a total of 10,943, including only 41 women (0.41%).<sup>81</sup> There are no women in the 1,000-strong air force.
- **Gendarmerie:** Recent estimates state 5,395, including about 200 women (3.71%).<sup>82</sup> Other figures are slightly lower: 3.33% women.<sup>83</sup>

### 9. Rank of male and female personnel:

Armed forces:

- Reportedly, the majority of the 240 women within the armed forces occupy “administrative and support positions.”<sup>84</sup>
- Figures from 2003 indicate that of the 10,000 members of the armed forces, about 5% were officers, 28% non-commissioned officers and 67% other ranks.<sup>85</sup>
- Current estimates put the number of women officers at 8 out of a total of 661 (1.21%), and that of non-commissioned officers at approximately 33 out of a total of 2,846 (1.16%).<sup>86</sup>

Gendarmerie:

- Reportedly, most of the roughly 200 women within the gendarmerie are “confined to administrative and subordinate positions.”<sup>87</sup> No further data were made available.

**10. Number of female and male personnel in peacekeeping missions:** Nigerien contingents of the National Armed Forces and the National Police have participated in UN, African Union and ECOWAS peacekeeping operations.<sup>88</sup> As of February 2011, Nigerien troop contributions to peacekeeping missions were as follows.<sup>89</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	51	4 (7.27%)	55
	<b>Total MINUSTAH</b>	<b>51</b>	<b>4 (7.27%)</b>	<b>55</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	25	7 (21.88%)	32
	Experts on mission	16	0	16
	<b>Total MONUSCO</b>	<b>41</b>	<b>7 (14.58%)</b>	<b>48</b>
UNAMID (Darfur)	Individual police	25	1 (3.85%)	26
	<b>Total UNAMID</b>	<b>25</b>	<b>1 (3.85%)</b>	<b>26</b>
UNMIL (Liberia)	Experts on mission	2	0	2
	<b>Total UNMIL</b>	<b>2</b>	<b>0</b>	<b>2</b>
UNOCI (Côte d'Ivoire)	Individual police	36	0	36
	Experts on mission	5	0	5
	Contingent troop	382	5 (1.29%)	387
	<b>Total UNOCI</b>	<b>423</b>	<b>5 (1.17%)</b>	<b>428</b>
<b>Total Niger troop and police contributions</b>		<b>542</b>	<b>17 (3.04%)</b>	<b>559</b>

**11. Rates of attrition:** None within the armed forces,<sup>90</sup> and approximately 0.010% for women and 0.002% for men in the gendarmerie.<sup>91</sup>

**12. Recruitment targets for female personnel:** There are no specific quotas in the armed forces,<sup>92</sup> but in 2010 the military academy in the capital Niamey specifically opened up its entry tests to young women, and increasing numbers of women are now being recruited. The gendarmerie reportedly has a quota for women according to Law No. 2009-03 of February 2009.<sup>93</sup> The quota is set at 10%, so for each of the 1,000 new recruits per year, 100 are women.<sup>94</sup>

**13. Vetting procedure for GBV:** Although the gendarmerie has a more selective recruitment process than the armed forces,<sup>95</sup> all “defence forces” require that recruits have a clean criminal record, and “morality” checks are conducted on prospective candidates.<sup>96</sup> No data were made available on the extent to which GBV is specifically a part of the vetting procedure.

**14. Positions/units where female or male personnel cannot serve:** Reportedly, there are some limitations on where women can serve within the armed forces.<sup>97</sup> Currently women are only employed within the army health and administration services, and do not serve in combat units. There are no women in the air force,<sup>98</sup> but no data were made available to indicate if this is based on policy or practice. The gendarmerie has no restrictions on where women and men can serve.<sup>99</sup>

#### 15. Specific measures for the recruitment, retention and advancement of female personnel:

Aside from the increased recruitment of women (see Armed Forces #12), the gendarmerie has different physical tests for male and female recruits. It also bases its internal promotion system on written tests, which has supposedly made the process more even for men and women. In an effort to retain female gendarmerie, daycare and nursery facilities have been made available to new mothers. “Although this programme is only available in the capital city of Niamey, the positive outcome of the initiative – the majority of the 30 women in the gendarmerie there use the service – has resulted in plans to expand the service to all regions of the country. The service is also available to men if they wish to take advantage of it. Colonel Koré added that discussion has begun about offering mothers flexible working hours, with the possibility to work part-time.”<sup>100</sup>

**16. Female staff associations:** None. Staff associations are not permitted.<sup>101</sup>

**17. Infrastructure/facilities for male and female personnel:** Both the armed forces<sup>102</sup> and the gendarmerie have some specific infrastructure and materials for female members (unspecified). Uniforms are the same, except for combat attire.<sup>103</sup>

## TRAINING

**18. Gender training:** Awareness-raising seminars on sexual harassment and sexual abuse are reportedly held within the armed forces.<sup>104</sup> The seminars last 3 to 4 days and are frequently repeated. The gendarmerie does not have specific gender training.<sup>105</sup>

**19. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Armed Forces Inspectorate Division, headed by the inspector-general, is under the direct authority of the minister of national defence.<sup>106</sup> A military code of justice has existed since 2003 targeting indiscipline and mutinies within the armed forces. As such, there is a military tribunal composed of civilian judges and military assessors, which has relatively limited jurisdiction in peacetime. The military justice system in Niger is known to be active in prosecuting military offenders.<sup>107</sup>

**21. External oversight mechanisms/bodies:** Ministry of National Defence.

**22. Civil society oversight:** None.

**23. Number of cases of sexual harassment/GBV perpetrated by armed forces:** No data were made available.

## IV. JUSTICE SYSTEM INDICATORS



*Researchers were unable to compile sufficient data to complete this section.*

## V. PENAL SERVICES INDICATORS



The penal services in Niger are under the authority of the Ministry of Justice. The prison administration, called the Penitentiary Administration and Pardons, is currently led by a woman. As of 2006, Niger operated 37 prisons.<sup>108</sup> These include 1 high-security prison, 2 vocational rehabilitation centres and a corrections centre for minors. Detention facilities are reportedly in poor condition and overpopulated, and escapes are frequent. Sanitary conditions are inadequate, and detainees often suffer from malnutrition and lack of healthcare. Prison guards are members of the National Guard. They are not specifically trained to guard or interact with prisoners.<sup>109</sup>

Data on the Nigerien penal services are limited; however, they lack the formal means, such as a gender policy and internal structures and procedures to address discrimination, sexual harassment and GBV committed by penal services staff. The exact number of female staff is not known, but they work exclusively with female prisoners, who are supposed to be held separately from males. Such separation is not respected in many instances, and both female and juvenile prisoners are held with male adults. Some specific services exist for pregnant prisoners and women who have just given birth. Female prisoners are believed to account for 3.2% of the prison population. Certain facilities are reserved for female staff, and limited gender training has taken place within the framework of other training. Local prison surveillance committees comprising local government, justice sector and civil society representatives normally exercise an active oversight role, although these committees are currently not functional.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None could be identified.

**2. Human resources policies:** Female prison staff are entitled to maternity leave and to wear civilian clothes during advanced stages of pregnancy. Both female and male staff are allowed to marry. Additional information was not available.

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** No data were made available.

**5. Procedures for interaction between males and females:** There are rules for the separation of male, female and juvenile prisoners. In principle, there should be 3 separate areas within a prison: 1 for adult males, 1 for juvenile males and 1 for adult and juvenile females. Male prisoners are guarded and searched by male staff, while female prisoners are guarded and searched by female staff. Reportedly, however, this separation is not implemented, and “all categories of individuals are held together, including juveniles and women, with hardly any separation among them.”<sup>110</sup>

**6. Procedures for family and conjugal visits:** Family visits are allowed subject to authorisation. No data were made available concerning conjugal visits.

**7. Procedures regarding prisoner pregnancy, nursing and children:** Pregnant women may be placed in a separate cell during the last 2 months of pregnancy, should they so wish. They are also allowed to stay in this separate lodging for 40 days after delivery. During this period a female family member may assist them. Reportedly, children may stay with their mothers until they reach the age of 7. Given the situation of overcrowding and limited resources, it is unknown whether such policies are regularly implemented.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** All forms of violence or discrimination by prison staff against detainees are formally prohibited. Non-compliance with the regulations may result in sanctions ranging from a warning to arrest. In the case of violence between detainees or by a detainee against someone else, internal disciplinary sanctions may be imposed without resorting to the Penal Code. No information was available on specific procedures for sexual harassment or GBV. In addition to the general disciplinary regulations that apply to all staff, there are specific disciplinary rules that apply to female staff (Article 32 of the internal regulations). Additional information on the latter was not available.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** No data were made available.

**10. Separate prisons for males/females and juveniles/adults:** There is a correction centre specifically for juvenile males,<sup>111</sup> but juvenile females are housed with adult females in a specialised quarter built in Niamey by an international NGO. Otherwise, separation based on sex should be respected within the same prison, although this is reportedly not the case in practice (see Penal #5).

**11. Specialised education, training and rehabilitation:** Juvenile prisoners benefit from literacy courses provided by the UN Children’s Fund. No specialised education or training exists for adult prisoners; a sewing and knitting workshop for women is no longer functional due to the lack of resources.

**12. Specialised health and drug treatment:** An infirmary provides basic healthcare to prisoners. In emergency or complicated cases, prisoners are brought to a hospital and their expenses are covered by the state. Other sources allege that “detainees suffer from malnutrition and lack of health care.”<sup>112</sup>

**13. Collaboration mechanisms:** Formal collaboration exists on certain issues. For example, there is a committee that fights juvenile delinquency, comprising NGOs, traditional leaders, the judge for juveniles and the Ministry for the Promotion of Women and Child Protection.

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** In 2006 there were 5,709 prisoners nationwide in Niger, about 76% of whom were pre-trial detainees.<sup>113</sup> Of the 5,709 prisoners, about 3.2% were believed to be female.<sup>114</sup>

**15. Number of female and male personnel:** No exact data were made available, but there is a minority of female prison staff, who are responsible for securing the areas where female inmates reside.

**16. Rank/level of male and female personnel:** No data were made available.

**17. Rates of attrition:** No data were made available.

**18. Recruitment targets for female personnel:** No data were made available.

**19. Vetting procedure for GBV:** None.

**20. Positions/wards where female or male personnel cannot serve:** None apart from the sex-segregated sections of the prisons (i.e. male guards for male prisoners and female guards for female prisoners).

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None.

**22. Female staff associations:** None. Staff associations are not allowed.

**23. Infrastructure/facilities for male and female personnel:** There are separate lodgings and bathrooms for male and female personnel. Uniforms are the same for women and men.

## TRAINING

**24. Gender training:** No data were made available.

**25. Mainstreaming gender into training:** Training sessions on human rights include gender issues.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** No information was made available.

**27. External oversight mechanisms:** Although not currently functional, there are prison surveillance committees that work to improve detention conditions by monitoring the facilities, hygiene conditions, detainees’ work, prison records and the conduct of prison staff. Each prison is supposed to have such a committee, comprising the mayor of the commune/county where the prison is located, the public prosecutor and the sector judge or deputy judge, as well as representatives of human rights and other civil society organisations.<sup>115</sup> In addition, the National Human Rights Commission sometimes surveys detention conditions. The Ministry of Justice also holds an oversight role.

**28. Civil society oversight:** Detention conditions are assessed on an *ad hoc* basis by a number of human rights and women’s organisations, as well as by the International Committee of the Red Cross. Notably, the National Human Rights League is quite active in this regard (see Penal #27).

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No data were made available.

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- Anonymous, "Niger," in *Perspectives on Security Sector Governance in Francophone West Africa*, ed. Alan Bryden and Boubacar N'Diaye (Geneva: DCAF 2011 Forthcoming).
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- In 2007-2008 it ranked 174<sup>th</sup> out of 177 countries in terms of its human development index. As mentioned in Ministry for the Promotion of Women and Child Protection, *Politique Nationale Genre*, (Republic of Niger: Ministry for the Promotion of Women and Child Protection, May 2008), 12.
- Niger is currently under the rule of the seventh republic, with each of the previous 6 republics indicating a different rule, generally under a different constitution: the first republic (1960-1974); the second republic (1974-1989); the third republic (1993-1996); the fourth republic (1996-1999); the fifth republic (1999-2009); the sixth republic (2009-2010); and, finally, the seventh republic (25 November 2010-currently). See Boubacar Issa Abdourhamane, "Niger," in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin (Geneva: DCAF, 2008) 229, 234; Fédération internationale des ligues des droits de l'Homme (FIDH) and Association nigérienne pour la défense des droits de l'Homme (ANDDH), *Niger: Le respect des droits fondamentaux comme feuille de route des nouvelles autorités* (Paris : FIDH and ANDDH, January 2011, no 555), 5; Anonymous, "Niger."
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- BBC News, "Niger Country Profile."
- Ibid.
- Anonymous, "Niger."
- Ibid.; Abdourhamane, "Niger," 234.
- Anonymous, "Niger."
- Abdourhamane, "Niger," 236.
- Ibid., 228. Some of the self-defence militia groups were encouraged and supported by the government as a way of combating the rebels. Anonymous, "Niger."
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- As argued in afrol News, "AFROL Gender Profiles: Niger," Wife beating is reportedly common, even in upper social classes. Families often intervene to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so, due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations report that prostitution is often the only economic alternative for a woman who wants to leave her husband.
- A 2004 UN report estimated that 62% of girls between 15 and 19 years of age were married, divorced or widowed. Girls as young as 10-12 are also frequently married in some rural areas. Organisation for Economic Co-operation and Development (OECD) Development Centre, "Gender Equality and Social Institutions in Niger," Social Institutions & Gender Index, <http://genderindex.org/country/niger>. According to the government, the median age of marriage is 15 and 36% of the 15 to 19-year-old are already married or pregnant. Ministry for the Promotion of Women and Child Protection, *Politique Nationale Genre*, 18. See also FIDH et al., *Niger*, 12.
- Although the figures are relatively low from a regional perspective: about 2.2% (2006). However, some ethnic groups are more affected than other (e.g. 65.9% among the Gourmantché ethnic group). Ministry for the Promotion of Women and Child Protection, *Politique Nationale Genre*, 18. See also FIDH et al., *Niger*, 12.
- FIDH et al., *Niger*, 12.
- OECD Development Centre, "Gender Equality." See also FIDH et al., *Niger*, 12.
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- Ministry for the Promotion of Women and Child Protection et al., *Analyse*, 234.
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- Both figures for 2007. Ministry for the Promotion of Women and Child Protection et al., *Analyse*, 235-236.
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- Abdourhamane, "Niger," 227.
- Anonymous, "Niger."
- Notably the rules of the code of criminal procedure and Decree n°66-082/PRN of 9 March 1966. Anonymous, "Niger."
- Ibid.
- Anonymous, "Niger;" Abdourhamane, "Niger," 226.
- Anonymous, "Niger."
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- Interview with Chief Superintendent Assoumane Rachidou (Human Resources Department), 12 May 2010.
- Anonymous, "Niger." 2008 estimates were much lower: some 3,200 persons. Abdourhamane, "Niger," 226.
- Abdourhamane, "Niger," 227.
- Interview with Chief Superintendent Assoumane Rachidou (Human Resources Department), 12 May 2010.
- Anonymous, "Niger."
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65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Ibid. One of the biggest crises within the armed forces was a mutiny that took place in July 2002, which led to the death of some 225-250 soldiers and as many arrested and detained. Abdourhamane, "Niger," 234.
70. Abdourhamane, "Niger," 224-226.
71. Anonymous, "Niger."
72. Abdourhamane, "Niger," 224-226.
73. Interview with Colonel Seidou Zada (Head of Personnel Office, Joint General Staff of the Armed Forces), 7 June 2010.
74. Ibid.
75. Data provided by Colonel Mounkaïla Issa (High Commander, National Gendarmerie), received 8 June 2010.
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109. Anonymous, "Niger." See also Abdourhamane, "Niger," 226.
110. Anonymous, "Niger."
111. Ibid.
112. Ibid.
113. King's College London, "Prison Brief for Niger." Other estimations have put the total slightly higher: 7,000 prisoners for a capacity of 2,500. Anonymous, "Niger."
114. King's College London, "Prison Brief for Niger."
115. Anonymous, "Niger."

# Nigeria

Plangsat Bitrus Dayil and the CLEEN Foundation  
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## QUICK FACTS<sup>1</sup>

- Population: 140,431,790; 50.8% male, 49.2% female (2006)
- Population below the poverty line: 64.4% living on less than 1 USD/day (2004)
- Lifespan: 47.3 men, 48.3 women (life expectancy at birth, 2005–2010)
- Literacy rate: 78.2% men, 60.1% women (2004)
- Fertility rate: 5.3 children per woman (2007)
- Human Development Index rank: 142 out of 169 (2010)
- Percentage GDP spent on defence: 0.0% (2008)
- Perception of corruption rank: 134 out of 180 (2010)



## INTRODUCTION\*

Nigeria is Africa's most populous country with more than 140 million inhabitants, over 250 ethnic groups and even more linguistic variety. In spite of its rich oil and natural gas resources, a vast majority of Nigerians live below the poverty line. After gaining independence from the United Kingdom in 1960, the country experienced a number of military coups which led it into a vicious cycle of human rights violations, corruption and mismanagement. Moreover, a civil war (known as the Biafran War) raged between 1967 and 1970. A democratic transition initiated in 1999<sup>2</sup> has been marred by election-related violence.

The Ministries of Defence, Internal Affairs, Justice and Police Affairs manage the security sector institutions (SSIs) in Nigeria. The absence of an overall policy framework and coordination, coupled with the federal nature of the state, has resulted in a certain duplication of functions and responsibilities. Responsibility for defence and security (armed forces, police service, prison services) lies with the central federal government, centralised to some degree in

- the Office of the President. The federal and state governments share responsibility for the justice sector. Each of the 36 states can issue laws and, to some extent, set up its own justice mechanisms.<sup>3</sup>
- The armed forces (army, air force and navy) have approximately 77,000 personnel, while the police service has 291,095 staff members.<sup>4</sup> In response to growing insecurity, the role of alternative security providers, such as private security companies, militia groups and community vigilante groups, has grown.<sup>5</sup> As a consequence, "the state has lost a significant portion of its monopoly on the use of force as well as some degree of legitimacy as a security provider."<sup>6</sup> In fact, some Nigerian states are employing ethnic militias to provide policing services.<sup>7</sup> Yet Nigeria's gravest problem in terms of security sector reform may be linked to insufficient accountability and oversight of the military, stemming from a tradition of military intervention in politics.<sup>8</sup> Corruption (including among high-ranking officers)<sup>9</sup> and insufficient resources and training are other serious problems, especially in the police service.<sup>10</sup>

\* Ms Dayil undertook initial research for this country profile. CLEEN Foundation researchers, under the guidance of Kemi Okenyodo, provided additional research for the country profile. All information that is not separately referenced in this country profile is the responsibility of Ms Dayil.

Nigerians face various threats to their security and justice. Violent communal conflicts are frequent.<sup>11</sup> There is also a so-called Taliban rebel movement in the northeast,<sup>12</sup> and a variety of insurgent groups in the Niger Delta. Other security threats include small arms proliferation and violence – mainly armed robbery.<sup>13</sup> In addition, the government points to the burden of refugees, widespread diseases (notably HIV/AIDS), environmental degradation and transnational criminal activities as security problems.<sup>14</sup> According to the Nigerian government, women additionally face discriminatory norms and practices related to issues such as “widowhood rites, inheritance rights, the land tenure system, female genital mutilation/female genital circumcision (FGM/FGC) and early marriage.”<sup>15</sup> It also notes that domestic violence and rape, as well as the vulnerability of women and girls to HIV/AIDS, are widespread.<sup>16</sup> The Organisation for Economic Co-operation and Development has raised concerns about the inadequacy of the current legal regimes to address these threats:

Only one Nigerian state has a law in place to address violence against women, and the country’s Penal Code grants husbands permission to beat their wives, provided the violence does not result in serious injury. Domestic violence is common, particularly in polygamous families, and affects one-fifth of couples. Rape is punishable by life imprisonment in Nigeria, but there are no sanctions in the Penal Code against spousal rape.<sup>17</sup>

The 1999 Constitution of the Federal Republic of Nigeria provides legal protection against discrimination on the basis of sex. However, this protection is not reflected in federal law, such as Penal and Family Codes, or the customary and religious legal systems, all of which often discriminate against women and girls.<sup>18</sup> According to the African news agency AFROL, women also face discrimination “particularly in access to employment, promotion to higher professional positions, and in salary inequality,” and often face a “get pregnant, get fired” policy.<sup>19</sup>

While Nigeria has made some advances at national level – with the Federal Ministry of Women Affairs and Social Development, the National Gender Policy, a strategic implementation framework and plan for the gender policy and legislation banning human trafficking – appropriate legislation is still lacking or inadequate. This is partially due to the complexity of the federal system and the coexistence of common, customary and Shari’a law. In response, the government has established the National Committee on the Reform of Discriminatory Laws against Women, which is working to abolish all forms of legal discrimination against women.<sup>20</sup> Women’s rights groups are also active on this issue, mostly in the south.<sup>21</sup> Regarding participation, women are under-represented on a national level, accounting for about 24% of civil servants and holding less than 14% of management-level positions.<sup>22</sup>

At the institutional level, the Nigerian police force has recently made some advances towards gender mainstreaming. The proportion of female police officers has increased in the last two decades to 12.41%. However, this has not been reflected within the higher ranks, where only 5.00% of senior officers are women compared to 8.03% in 1993. Nonetheless, with the support and advocacy of civil society organisations (CSOs), the police force is the one SSI that has

## NIGERIA SECURITY SECTOR INSTITUTIONS\*

### Service delivery

Nigeria Police Force

- Anti-Human Trafficking Unit
- Police community relations offices

Armed forces

- Army
- Air force
- Navy

National Agency for Prohibition of Traffic in Persons and Other Related Matters

Justice system

- National level: Supreme Court, Court of Appeal, Federal High Court
- State level: High Courts, Shari’a Courts of Appeal, Customary Courts of Appeal

Prisons Service

Civil society organisations

- Associations of female lawyers and judges
- Wives’ associations of police officers, armed forces personnel and prison personnel

### Oversight

Ministry of Police Formation and Command

Ministry of Interior

Ministry of Defence

Ministry of Justice

Ministry of Women Affairs and Social Development

Inter-Ministerial Committee on Gender and Peace

President

Police Service Commission

Nigerian Police Council

National Security Council

National Defence Council

National Judicial Council

National Human Rights Commission

National Committee on the Reform of

Discriminatory Laws against Women

Justice system – formal and customary

House of Assembly

- Committees: Defence; National Security and Intelligence; Internal Security; Justice; Judiciary; Police Affairs

Senate

- Committees: Judiciary, Human Rights and Legal Matters; Defence and Army; Police Affairs; Security and Intelligence
- Civil society organisations

\* Only those included in this country profile, not a comprehensive list.

established both specialised structures for service recipients and procedures for dealing with gender-based violence (GBV), and is drafting a gender policy. It has also introduced a recruitment target for women and is reviewing its internal regulations in order to counter discriminatory provisions. Furthermore, its personnel benefit from gender training. However, many challenges remain. For instance, with the exception of the justice sector, all security institutions examined have institutionalised discrimination against women, such as banning the recruitment of married women and dismissing pregnant non-married women, among other practices.

The Nigerian armed forces have adopted procedures to respond to GBV perpetrated by their staff, and have separate infrastructure for male and female staff. However, the military has no gender policy, gender-sensitive code of conduct or specialised gender structures, and as far as is known has not benefited from any gender training. Women account for 3% of military personnel and are banned from combat units. The few high-ranking female officers are mostly within the medical units, and female participation in peacekeeping is very limited.

Data on the Nigerian justice sector are limited. The sector has no gender policy or gender-sensitive code of conduct. Customary practices limit the response to domestic violence. The Ministry of Justice had a gender focal point in 2008, but no specialised structures for service recipients. Active female legal staff associations provide specialised services to women and girls. Women are said to represent up to 40% of lawyers, but constitute only about 1% of senior judges.

The Nigerian penal services have strict rules for the separation of female and male detainees and for limiting female and male interaction in prisons. Female prisoners are supervised exclusively by female guards or in their presence, but the rules for segregating juvenile prisoners are not always respected. Women account for 23.1% of prison staff. Only a few have reached top positions. Female prisoners, about 1.5% of the total, are entitled to special healthcare during pregnancy. The penal services have no institutional gender policy, nor any procedures to respond to harassment and GBV perpetrated by staff members.

## I. NATIONAL GOVERNANCE INDICATORS



Nigeria has no national security policy. Its key policy is the National Defence Policy, which reflects a military-centric perspective of security. As commander-in-chief of the Armed Forces of the Federation,<sup>23</sup> the Nigerian president chairs the core federal security and defence coordinating bodies: the National Security Council and National Defence Council. The responsibility of the National Security Council is to “advise the President on matters relating to public security including matters relating to any organisation or agency established by law for ensuring the security of the Federation.” In addition to the president and vice-president, its membership includes representatives from the defence staff, the Ministries of Internal Affairs, Defence and Foreign Affairs, the national security adviser, the inspector-general of police and other persons appointed

by the president.<sup>24</sup> The National Defence Council also has an advisory function, specifically on “the defence of the sovereignty and territorial integrity of Nigeria.”<sup>25</sup> No information indicates whether the two councils have any female members.

With respect to gender issues, Nigeria has enacted the National Gender Policy and an accompanying strategic implementation framework and plan, as well as legislation against human trafficking. The implementation framework and plan include specific mandates for SSIs focused on GBV and security, peace and conflict management. However, essential legislation, for instance laws criminalising domestic violence, including physical and sexual violence, is still lacking. Furthermore, integrating existing national laws and policies into state-level legal systems and ensuring their implementation remain challenging tasks. Both the executive and parliament have established institutions/committees on gender issues. The executive has set goals to increase female representation in the public administration to 30% and create gender desks or units within all public institutions. However, implementation of those goals is lagging, especially within the security sector.

Nigeria is party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

**1. National security laws/policies:** Nigeria has no comprehensive national security policy. The National Defence Policy, dating from 2006, outlines Nigeria’s security environment, threats and strategic responses, and describes defence management and organisation.<sup>26</sup> This policy recognises the need for both women and men to participate in promoting national defence, notably in the armed forces.<sup>27</sup>

### 2. National gender laws/policies:

- **Strategic Implementation Framework and Plan (2008):** Covering a 5-year period, this document was developed for the implementation of the gender policy and is a detailed and action-oriented tool with a strategic development and results-based framework, as well as timelines, baseline indicators and a budget. GBV, security, peace and conflict management are among its 16 target areas. Its strategic implementation envisions changes in national law and the administration of justice; gender mainstreaming within the National Legal Aid structure; prohibition of harmful practices against women and children; responses to sexual and gender-based violence; and the promotion of women’s political and social participation. It sets a goal for women to represent 30% of ministers, commissioners, permanent secretaries and directors in all public ministries/institutions by December 2010.<sup>28</sup> The plan also states that “[a]ll sector ministries at the Federal and States’ level would be required to establish a Unit/Desk/Gender Focal Office, of not less than 4 people and headed by a person of no lower rank than an Assistant Director.”<sup>29</sup> This system would replace the gender focal persons that previously existed within

a number of government agencies.<sup>30</sup> The order for implementation of this recommendation was issued in February 2010, but a few months later compliance was reportedly very low in the security sector.

- **National Gender Policy (2006):** Replacing the earlier National Policy on Women, the National Gender Policy includes an analysis of the status of gender equality and women in Nigeria, and outlines specific policy objectives.
- **Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003, amended in 2005):** This law provides a legal framework for the protection of the rights of victims of trafficking through their access to justice and rehabilitation. It also establishes a national-level body to fight trafficking: the National Agency for Prohibition of Traffic in Persons and Other Related Matters. This body works in 4 areas: investigation, prosecution, counselling and rehabilitation and public awareness.<sup>31</sup>
- **Constitution of the Federal Republic of Nigeria (1999):** Sections 15 and 42 (of Chapter II) prohibit discrimination on the basis of sex in general, and Section 17 stipulates equal pay for equal work.

Federal legislation is still far from being an effective instrument for the protection of women and girls. Even in cases where a law passes at national level it is not always translated into law at state level. For instance, the 2003 Child Rights Law (national replication of the International Convention on the Rights of the Child) has still only been passed in 24 of the 36 states (67%). Draft legislation prohibiting violence against women and girls was still pending at the time of writing. The different planned reforms of the Criminal, Penal and Family Codes have also not been finalised. Instead, a number of laws exist at state level.<sup>32</sup>

**3. Parliamentary security committees:** Nigeria has a bicameral parliamentary system (House of Assembly and Senate). The two chambers have the following committees on security and defence issues.<sup>33</sup>

House of Assembly:

- Defence: 25 male and 0 female members
- National Security and Intelligence: 14 male and 0 female members
- Internal Security: 10 male and 2 female members, including the vice-chair (16.7%)
- Justice: 18 male and 2 female members (10.0%)
- Judiciary: 21 male and 2 female members, including the vice-chair (8.7%)
- Police Affairs: 21 male and 3 female members (12.5%)

Senate:

- Judiciary, Human Rights and Legal Matters: 8 male and 0 female members
- Defence and Army: 10 male members, 1 female vice-chair (9.09%)
- Police Affairs: 11 male members, 1 female (8.33%)
- Security and Intelligence: 7 male members, 1 female (12.50%)

**4. Male and female representation in parliament:** In the House of Assembly, 25 of 358 representatives (7.0%) are women and 333 (93.0%) are men. In the Senate, 9 of 109 representatives (8.3%) are women and 100 (91.7%) are men.<sup>34</sup>

The Senate Committee on Women and Youth has 9 members, 4 women and 5 men, with a female chair and vice-chair (44.44%). The House Committee on Women Affairs has 3 male and 11 female members (78.57%), including a female chair and vice-chair. There is also the House Committee on Women in Parliament, with 24 male and 8 female members (25%), including a female chair and vice-chair.<sup>35</sup> The Gender Implementation Policy Office, established in 2006, is headed by a woman, but no data were made available on its membership or functions. Finally, female parliamentarians in the House of Assembly reportedly come together to gain internal and external support for anti-GBV legislation.<sup>36</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** The Federal Ministry of Women Affairs and Social Development is not a member of the National Security Council or the National Defence Council.<sup>37</sup> However, in September 2007 the Inter-Ministerial Committee on Gender and Peace was established within that ministry, and includes membership from the military, paramilitary, police, government ministries and CSOs. "The aim was to bring together representatives from civil society, the national gender machinery and SSIs to implement UN SCR 1325 and 1820, and Article 2 of the African Union Solemn Declaration on Gender Equality."<sup>38</sup> This initiative has reportedly led to an increase in the participation of women's organisations in security sector reform and peacebuilding processes, and to improved dialogue between the government and civil society.

## II. POLICE SERVICE INDICATORS



According to the 1956 Police Act, the duties and responsibilities of the Nigerian police are: "Prevention and detection of crime; apprehension of offenders; preservation of law and order; protection of life and property; due enforcement of all laws and regulations which they are directly charged; the performance of such military duties within and without Nigeria as may be required of them under the authority of the police act."<sup>39</sup> As the main state provider of internal law and order in Nigeria, the police service remains a federal body because the constitution does

not allow local or regional police forces.<sup>40</sup> Yet non-state security providers, such as private security companies, militia and community vigilante groups, are increasingly present and even collaborate with the police as service providers.<sup>41</sup> In spite of a regional coordination structure, decision-making at regional level is centralised in the person of the state commissioner of police, who takes orders directly from the national inspector-general of the police, who in turn reports directly to the president.<sup>42</sup> The inspector-general is appointed by the president. This hierarchical functioning effectively bypasses the responsible government bodies, namely the Ministries of Justice and Police Affairs, and thus may render them irrelevant.<sup>43</sup>

The police service grew rapidly in the early years of the democracy to almost 300,000 officers. This growth underscored the existing challenges in terms of both training quality and insufficient resources and structures (arms and other equipment, accommodation, transportation, communication networks, etc.).<sup>44</sup> Under democratic rule the quality of the services provided also seems to have deteriorated. In addition to the mainly material gaps mentioned, challenges facing the police service include overturning a reputation for politicisation, brutality, corruption and arbitrariness.<sup>45</sup>

The Nigerian police service first established its Women's Police Branch in the 1950s. By 1962 there were 170 policewomen.<sup>46</sup> Currently the police service offers both good practices and examples of discrimination against female employees. Human resources policies have been especially discriminatory, but are not the only aspect of this problem. As stated by the government in 2006:

Female police officers are not accorded the same degree of respect as their male counterparts. They are often treated as second-class officers, regardless of their rank, and are seldom awarded strategic career postings, thus limiting their opportunities for professional advancement. With respect to recruitment and training, women are often prevented from participating in full drill training, thereby limiting their capacity to effectively perform their duties.<sup>47</sup>

Moreover, married women are barred from joining the service and unmarried pregnant women are dismissed from service. Yet maternity leave for married women is relatively generous (84 days). Women constitute some 12.41% of total police service personnel, including 12.90% of junior officers and 5.00% of senior officers. This is a clear increase since 1993, when women constituted about 5.01% of the police service and 4.09% of junior officers. Conversely, the percentage of women in senior positions appears to have decreased from 8.03% in 1993. The police service has established both specialised structures for service recipients (mainly through its Anti-Human Trafficking Unit) and procedures for dealing with GBV perpetrated by police officers and external offenders, but it does not have a gender unit. It has introduced a 20% recruitment target for women. Furthermore, it is reviewing the Police Act and Police Regulations to address discriminatory provisions against women and is drafting a gender policy. Its collaboration with civil society appears to be fruitful, for example in providing gender and human rights training. The systems for internal, external and civil society oversight seem to be comprehensive and robust. It should be noted that the Police Service Commission (a key actor in external oversight) includes among its members a representative of women's interests.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. However, a gender policy is reportedly under development with support from the UN Development Fund for Women (UNIFEM, now part of UN Women), to be finalised in 2011.<sup>48</sup> Current rules and practices are discriminatory against women. As argued by the government through the Federal Ministry of Women Affairs and Social Development, the existing Police Act and Police Regulations (1990) view and treat women "as not on an equal standing with men."<sup>49</sup> For example, within the police service "no woman can take a convict on bail."<sup>50</sup> Furthermore, there is discrimination in terms of employment and the right to get married and have children (see Police #2).

**2. Human resources policies:** Human resources policies are regulated by the Police Act and Police Regulations, which discriminate against women in several ways, including by excluding them from training and limiting the range of duties for policewomen.<sup>51</sup>

- Marriage: Married women are prohibited from enlistment and there are strict regulations applicable to when, how and who a policewoman may marry. For example, the regulations state that female officers have to complete at least 3 years of service before being allowed to marry, although a study conducted by the CLEEN Foundation found that in practice the requisite period is 2 years. In addition, background checks are reportedly only made on future spouses of female officers, not on those of male officers. Until recently it was also not possible for female police officers to live with a civilian husband in police barracks.
- Pregnancy: Unmarried pregnant women are dismissed.
- Maternity leave: There is entitlement to full maternity leave (84 working days<sup>52</sup>), but women are requested to forgo their annual leave for the year they take maternity leave.
- Paternity leave: None.
- Breastfeeding: Women are allowed up to 2 hours a day for breastfeeding.<sup>53</sup>

**3. Sexual harassment policy:** There is conflicting information on whether there is a sexual harassment policy. Some interviewees stated that such a policy exists and that anti-harassment is also integrated into the Police Regulations,<sup>54</sup> while other interviewees were unsure.

**4. Gender-sensitive code of conduct:** A police code of conduct exists,<sup>55</sup> and the Nigerian police service also reportedly abides by the UN code of conduct for police officers. Research could not establish whether the code of conduct is gender-sensitive, but discussions to revise it are under way.<sup>56</sup> Police officers are also bound by a general code of conduct for public servants, focused on anti-corruption, but without specific gender considerations.<sup>57</sup>

**5. Standard operating procedures in response to GBV:** Standard operating procedures for GBV are formalised in the police guiding principles. The Penal and Criminal Codes and their procedural codes are the guiding procedures in dealing with domestic violence and rape cases.

Victims are expected to report crimes immediately to the police. The procedures call for an environment conducive to enabling victims to talk freely about the incidents, and also require that victims undergo medical examinations and have access to a safe refuge shelter. The police service works closely with the National Agency for Prohibition of Traffic in Persons and Other Related Matters, especially the Anti-Human Trafficking Unit based at the police headquarters.<sup>58</sup> In 2006 the CSOs CLEEN Foundation and Project Alert on Violence against Women issued a “tool book” for addressing GBV, aimed at both non-state and state actors, notably the police.<sup>59</sup> In spite of these good practices, the police force has been criticised for being unwilling to intervene in the protection of women and girls in “domestic disputes,” especially in “more traditional areas of the country” and in cases where “the level of alleged abuse does not exceed customary norms in the areas.”<sup>60</sup>

#### 6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:

The victim is expected to report without delay to the most senior officer of the police formation or section. If this officer is the alleged offender, the victim is expected to report to the higher supervising authority. Once filed, the complaint is documented, referred for investigation and reviewed by the most senior police officer in that jurisdiction. The following actions may be taken.

- If the offender is a junior officer: the officer will be immediately suspended and detained ahead of trial, to ensure non-interference with the process.
- If the offender is a senior officer: the officer will be questioned by the commissioner of police and, where applicable, detained while a disciplinary board is set up for further investigation.

If it is established beyond doubt that the accused officer committed the offence, he or she will be dismissed from the police service and tried in court.<sup>61</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None. At headquarters level the Anti-Human Trafficking Unit often takes on the role of a gender desk.

**8. Specialised structures for service recipients:** The Anti-Human Trafficking Unit deals with cases of trafficking, sexual harassment, child abuse, domestic violence and other issues often related to women. It is headed by a woman and 37.5% of its staff are women. There is also the Juvenile Welfare Centre, which, among others, deals with rape cases. The Anti-Human Trafficking Unit was established in 2004, while the Juvenile Welfare Centre was created in 1958. Some police stations have private interview areas for victims of violence, such as the Ilupeju station in Lagos state. Under the Police Reform Agenda, the Ministry of Police Affairs is building “model police stations” equipped with such facilities in selected cities in different geopolitical zones.<sup>62</sup> Yet according to interviews, the police lack sensitivity towards GBV survivors.<sup>63</sup> In addition to the state services, non-governmental organisations (NGOs) provide legal and psychosocial counselling as well as shelters.<sup>64</sup>

**9. Collaboration mechanisms:** CSOs collaborate with the police service, including on gender-specific activities such as providing training. Starting in 2006, the Police Service Commission began holding consultations with NGOs and development partners, which resulted in an inter-agency committee comprising CSOs and the Police Service Commission. The committee made a number of recommendations to the commission, such as to prioritise the investigation of extrajudicial killings, torture and rape by police officers. The commission accepted those recommendations.<sup>65</sup> The police service is also part of the Inter-Ministerial Committee on Gender and Peace (see National #5).

## PERSONNEL

### 10. Number of female and male personnel:

- The Nigerian police service has grown substantially over the years, although the numbers reported vary greatly. In 1993 there were 137,734 officers, 6,900 of whom were women (5.01%).<sup>66</sup> By early 2007 the total number had risen to an estimated 320,000, with less than 2% of the station, command, division and area commands headed by women. In 2009 the police service had a total strength of 345,023 members,<sup>67</sup> while estimates for 2010 put the size of the force at some 360,000 police officers.
- In contrast, data provided to the CLEEN Foundation by UNIFEM (now part of UN Women) for July 2010 gave a lower total of police officers (291,095), and stated the number of female officers to be 36,128 (12.41%).<sup>68</sup>
- In some units, such as the Anti-Human Trafficking Unit, the percentage of women is significantly higher (3 of its 8 members are women: 37.50%).<sup>69</sup>

### 11. Rank/level of male and female personnel:

- Data provided to the CLEEN Foundation by UNIFEM for July 2010 estimated that there were 35,192 female junior officers (12.90%) and that 936 of the 18,745 senior officers were women (5.00%). The same data source indicated that 97.41% of female staff occupied low ranks, compared to 93.02% of their male colleagues.<sup>70</sup>
- In spite of the overall increase in female officers (see Police #10) there has been no equivalent increase in their accession to higher ranks since 1993, when women constituted about 8.03% of senior officers and 4.09% of junior officers.<sup>71</sup>
- At the time of research, the police service had 1 female assistant inspector-general of POLICE, WHO WAS IN CHARGE OF THE Abuja area command. She is also the first female assistant inspector-general to head a command.<sup>72</sup>

Nigerian Police by Sex and Rank – July 2010

	RANK	MALE	%	FEMALE	%	TOTAL
<b>SENIOR OFFICERS</b>	Inspector-general	1	100.00	0	0.00	1
	Deputy inspector-general	6	100.00	0	0.00	6
	Assistant inspector-general	17	95.50	1	5.50	18
	Commissioner	84	98.80	1	1.20	85
	Deputy commissioner	129	94.16	8	5.83	137
	Assistant commissioner	367	94.59	21	5.41	388
	Chief superintendent	970	94.36	58	5.64	1,028
	Superintendent	1,550	92.76	121	7.24	1,671
	Deputy superintendent	3,088	95.37	150	4.63	3,238
	Assistant superintendent I	6,951	94.80	381	5.20	7,332
	Assistant superintendent II	4,646	95.97	195	4.03	4,841
	<b>TOTAL SENIOR OFFICERS</b>	<b>17,809</b>	<b>95.00</b>	<b>936</b>	<b>5.00</b>	<b>18,745</b>
<b>JUNIOR OFFICERS</b>	Inspector	23,217	95.84	1,007	4.16	24,224
	Sergeants	39,764	91.06	3,904	8.94	43,668
	Corporals	53,227	86.92	8,013	13.08	61,240
	Constables	120,950	84.45	22,268	15.55	143,218
	<b>TOTAL JUNIOR OFFICERS</b>	<b>237,158</b>	<b>87.10</b>	<b>35,192</b>	<b>12.90</b>	<b>272,350</b>
<b>TOTAL POLICE OFFICERS</b>	<b>254,967</b>	<b>87.60</b>	<b>36,128</b>	<b>12.40</b>	<b>291,095</b>	

Source: Nigerian Police Head Quarters, Abuja: July, 2010

**12. Rates of attrition:** No sex-disaggregated data were made available.

**13. Recruitment targets for female personnel:** In 2004, a few years after research carried out by the CLEEN Foundation on gender relations and discrimination in the Nigeria police force,<sup>73</sup> the police service established a 20% recruitment target for women. In its guidelines for appointment the Police Service Commission added a 10% recruitment quota for women.<sup>74</sup> One of the objectives of the appointment guidelines is to “[p]romote fair representation of the federating units of Nigeria and gender in the Nigeria Police Force.”<sup>75</sup>

**14. Vetting procedure for GBV:** None specifically for GBV. Nevertheless, “character” is one of the recruitment criteria and the applicant must not have been convicted of any criminal offence (except those considered minor by the inspector-general).<sup>76</sup>

**15. Positions/units where female or male personnel cannot serve:** The Police Act and Police Regulations (sections 121–123) include some limitations on where women can serve. In practice, however, these limitations are not observed. As argued by the CLEEN Foundation, “events have overtaken the provisions of the Act so there are female mobile police officers, a woman has been appointed State Commissioner of Police etc.”<sup>77</sup> The Police Act and Police Regulations are currently being reviewed in order to address provisions that discriminate against women (sections 121–125 and 127–128).<sup>78</sup> To date, very few women have risen to the highest ranks, and no woman has ever been appointed inspector-general.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None aside from the recruitment target (see Police #13).

**17. Female staff associations:** According to certain interviewees, female officers are allowed to join the Police Officers Wives Association. Created in 1964, this association engages in humanitarian and charitable work and liaises and cooperates with other women’s groups both locally and internationally.<sup>79</sup> However, generally speaking, staff organisations within the security sector are only allowed after retirement.<sup>80</sup>

**18. Infrastructure/facilities for male and female personnel:** Some separate facilities, such as bathrooms and housing, have existed since the renovation campaign for stations and barracks in 2009, when separate sanitary facilities were built. Police stations not yet renovated have joint facilities. Uniforms are the same for women and men, with the addition of skirts for women, although they may not be worn during parades.<sup>81</sup>



## TRAINING

**19. Gender training:** It is difficult to assess the number of police personnel who have undergone gender training. Such training often tends to be provided by CSOs for senior personnel.<sup>82</sup> In 2009, as part of the Policing Vulnerable Groups project, the CLEEN Foundation provided training on “Policing Women and Children in Nigeria” for 150 police officers in 4 state commands, Federal Capital Territory and the states of Abuja, Borno, Kano and Plateau. Officers were mostly selected on the basis of their job descriptions and were mainly general duty officers.<sup>83</sup> The content of the training is outlined below.

<i>Training: Policing Women and Children in Nigeria</i> <sup>84</sup>	
Section One: Responding to GBV	
Chapter 1: Introduction	
Chapter 2: Forms of GBV	
Chapter 3: Legal Framework	
Chapter 4: Practical Steps by GBV Victims	
Chapter 5: Response by State Actors: Police	
Chapter 6: Response by Non-State Actors	
Chapter 7: Conclusion	

**20. Mainstreaming gender into training:** None is provided by the police service.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Nigerian police service has a multilayered internal accountability process. First there is the Police Public Complaints Bureau, under the authority of the police public relations officer at the state commands. Its mandate is to receive and investigate complaints from members of the public on police misconduct, and it is supervised by the inspector-general of police at federal level and by the commissioner of police at state level. Second there is the Office of the Force Provost Marshall, which specifically handles cases of misconduct by junior police officers. Third, complaints against senior officers are addressed by the Force Disciplinary Committee, under the Office of the Force Secretary. The latter body also liaises with the Police Service Commission (see Police #22) on matters such as appointments, promotions, discipline and deployments.<sup>85</sup> No information was made available regarding how these internal mechanisms address sexual harassment or other forms of GBV.

**22. External oversight mechanisms/bodies:** External oversight of the Nigerian police service is also multilayered. The Police Service Commission was established by the constitution<sup>86</sup> as a civilian body, but remained largely ineffective during the 30 years of military rule.<sup>87</sup> It comprises the following.

- 1 chair, who acts as the chief executive of the commission
- 1 retired justice of the Supreme Court or the Court of Appeal
- 1 retired police officer not below the rank of commissioner
- One representative each from:
  - » women’s interest
  - » the Nigerian press
  - » Nigerian human rights NGOs
  - » organised private sector
- 1 secretary

The commission currently has 3 female members (women’s interest, Nigeria press and the commission secretary).<sup>88</sup> Among others, the commission is in charge of disciplinary issues, such as the following.

- Dismissals and disciplinary control of all officials (with the exception of the inspector-general).
- Formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers.
- Identifying factors undermining discipline in the police service.<sup>89</sup>

The constitution also establishes another body for the external control of the police service: the Nigeria Police Council.<sup>90</sup> Chaired by the president, this council integrates all federal state governors, the ministers of interior and police affairs, the chairperson of the Police Service Commission and the inspector-general.<sup>91</sup>

Individual police officers who abuse their powers are liable to civil and/or criminal proceedings, depending on the nature of the abuse and the findings of internal investigations. Sections 341 and 374 of the Police Regulations clearly specify the liability of individual officers for abuse of power. In the case of criminal liability, either the Nigerian police service or the attorney general of a state or of the Federation will invoke a civil or criminal process.<sup>92</sup>

Finally, the police service also responds to the National Human Rights Commission (NHRC). Since its creation in 1995, the NHRC has had a mandate to monitor human rights violations by organisations in the country, notably SSIs. Through annual reports it has highlighted the unsatisfactory conditions of the police and prison services. The NHRC only has an advisory role and it cannot prosecute individuals or organisations that violate human rights.<sup>93</sup>

**23. Civil society oversight:** Since 1999 the police service has encouraged the establishment of police community relations offices in as many neighbourhoods as possible. These offices help the police in gathering intelligence and serve as a liaison between the police and the community. Membership is drawn from the community and members are tasked with the responsibility of assisting the police. There are also other non-state actors, such as informal policing groups, private security outfits and even vigilante groups that work closely with the police.<sup>94</sup> CSOs are also occasionally invited to the different internal police briefings. Attendance of all officers is compulsory at these meetings.<sup>95</sup>

In addition to these community initiatives, several CSOs monitor and publish reports on the activities of the police service, such as the CLEEN Foundation, the Civil Liberties Organisation, the Constitutional Rights Project, Access to Justice, Human Rights Monitor, the League of Human Rights and the Nigerian Bar Association, among others.<sup>96</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** As previously mentioned, there have been cases of GBV, including rape, perpetrated by police officers, which the police service has recognised as a problem (see Police #9).<sup>97</sup> Exact numbers were not available,<sup>98</sup> but estimates reach hundreds of cases. Such cases are rarely reported and, when they are, tend to be solved via mediation rather than in court.<sup>99</sup> No data were made available on the number of cases concerned. In 2008 there were 3,201 police defaulters: 518 were dismissed, while none were suspended (many cases were still pending at the time of writing).<sup>100</sup>

### III. ARMED FORCES INDICATORS



The Nigerian armed forces have approximately 77,000 personnel, divided between the army, air force and navy. Armed forces personnel grew significantly during the years of military rule. A priority during the transition to democratic rule has been to downsize the armed forces and increase the strength of the police. Under the authority of the Ministry of Defence, the armed forces are mandated to defend Nigeria from external aggression, maintain the country's territorial integrity, secure its borders and suppress insurrection, as well as assist civilian authorities in restoring order.<sup>101</sup> The military has enjoyed both a better reputation<sup>102</sup> and more resources than the police service, which reportedly has produced "tensions between the two national forces."<sup>103</sup> Still, the armed forces suffer from a public "credibility deficit," with many Nigerians blaming military intervention in politics for "the mess the country is in."<sup>104</sup> Politicisation<sup>105</sup> of the armed forces and the difficult balancing act between ethnic groups and regional interests are other continuous challenges.<sup>106</sup>

Women account for around 3-10% of total personnel in the armed forces. They are excluded from combat units and all women holding senior ranks serve in medical units. Female participation in peacekeeping operations is very limited. Human resources policies are discriminatory against women, and include provisions to dismiss unmarried female staff if they become pregnant. No gender policy, gender-sensitive code of conduct or specialised gender structure exists. There are, however, procedures for dealing with GBV perpetrated by members of the armed forces, and a non-disclosed recruitment target for women may exist. Female members of the armed forces have access to some separate infrastructure. No gender training has been reported. As stated by one interviewee, "[t]he armed forces do not tend to teach gender equality so as not to be seen as teaching women's rights in the forces."<sup>107</sup> Oversight mechanisms exist, but their effectiveness is unknown. There have been cases of discrimination, sexual harassment or GBV perpetrated by armed forces, but no statistical data were available in this regard.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** The armed forces' conditions of service regulate staffing arrangements in compliance with overall military policy.<sup>108</sup> The researchers were unable to access the relevant document, but other documents and interviews revealed the following human resources policies.

- Recruitment: The armed forces discriminate against married women: only single women are eligible for recruitment.
- Marriage: A newly recruited staff member, male or female, is expected to remain unmarried for the first 2 years of service (recently reduced from 3 years). Thereafter she or he can marry with prior authorisation from the armed forces hierarchy, generally the immediate superior. In the event of marriage between 2 military officers, one of them has to resign.<sup>109</sup>
- Pregnancy, breastfeeding and maternity/paternity leave: There are no institutional policies on paternity leave, breastfeeding or reduced working hours for nursing mothers. Unmarried women are dismissed from the force if they become pregnant.<sup>110</sup> Married women are entitled to 3 months of maternity leave, as are all civil servants. Sometimes they are allowed to take their 30 days of annual leave consecutively.<sup>111</sup>
- Healthcare: The National Defence Policy states that "[t]he provision of full medical services to all members of the Armed Forces and their families shall be a priority of the government."<sup>112</sup>
- Housing: In the past, a married female officer was not allowed to live in the armed forces barracks with her civilian husband and family. Such discrimination is now less common.

**3. Sexual harassment policy:** None. Nevertheless, it was stated that “the military does not accept or entertain physical assault even though there is no separate policy.”<sup>113</sup>

**4. Gender-sensitive code of conduct:** The armed forces have a general code of conduct. Researchers were not given access to the relevant document and could not determine whether it is gender-sensitive.<sup>114</sup>

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** As stated in the Military Law, an officer found guilty of “rape and carnal knowledge” must serve 14 years of prison. Complaints are adjudicated by a court martial comprised of senior officers, the defendant and prosecutor.<sup>115</sup> No data were made available on the effectiveness of this procedure for prosecuting cases of sexual harassment and GBV.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Collaboration mechanisms:** The Civil-Military Unit at Defence Ministry headquarters and other military command posts is mandated to strengthen the relationship between the military and civilians.<sup>116</sup>

## PERSONNEL

**8. Number of female and male personnel:** The total number of armed forces personnel is estimated at 77,000.<sup>117</sup> No exact number was provided for women in the armed forces, but interviewees gave estimates ranging from 3% to 10% of total military personnel.<sup>118</sup>

**9. Rank of male and female personnel:** The percentage of women holding senior ranks is reportedly about 1%, while they make up some 5% of entry-level positions. Female members of the armed forces are mostly found in the medical unit, transport and logistics and the administration department. High-ranking women also serve mostly in the medical section, as is the case for the current 5 female brigadier-generals, and was the case for 1 former female major-general. The navy has 3 female commodores and the air force 2 female air commodores.<sup>119</sup>

**10. Number of female and male personnel in peacekeeping missions:** The first female peacekeeper was deployed in 1994. Nigerian female peacekeepers are usually senior in rank and not assigned to combat units. As of February 2011, Nigerian personnel contributions to UN peacekeeping missions were as follows.<sup>120</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINURSO (Western Sahara)	Experts on mission	8	0	8
	<b>Total MINURSO</b>	<b>8</b>	<b>0</b>	<b>8</b>
MINUSTAH (Haiti)	Individual police	2	5 (71.43%)	7
	Formed police units	103	37 (26.43%)	140
	<b>Total MINUSTAH</b>	<b>105</b>	<b>42 (28.57%)</b>	<b>147</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	2	0	2
	Experts on mission	22	2 (8.33%)	24
	<b>Total MONUSCO</b>	<b>24</b>	<b>2 (7.69%)</b>	<b>26</b>
UNAMID (Darfur)	Individual police	188	30 (13.76%)	218
	Formed police units	233	47 (16.79%)	280
	Experts on mission	9	1 (10.00%)	10
	Contingent troop	3,149	171 (5.15%)	3,320
	<b>Total UNAMID</b>	<b>3,579</b>	<b>249 (6.50%)</b>	<b>3,828</b>
UNMIL (Liberia)	Individual police	24	7 (22.58%)	31
	Formed police units	99	20 (16.80%)	119
	Experts on mission	13	2 (13.33%)	15
	Contingent troop	1,443	120 (7.68%)	1,563
	<b>Total UNMIL</b>	<b>1,579</b>	<b>149 (8.62%)</b>	<b>1,728</b>
UNMIS (Sudan)	Individual police	34	26 (43.33%)	60
	Experts on mission	13	1 (7.14%)	14
	Contingent troop	5	0	5
<b>Total UNMIS</b>	<b>52</b>	<b>27 (34.12%)</b>	<b>79</b>	
UNMIT (Timor-Leste)	Individual police	33	4 (10.81%)	37
	<b>Total UNMIT</b>	<b>33</b>	<b>4 (10.81%)</b>	<b>37</b>
UNOCI (Côte d'Ivoire)	Experts on mission	6	1 (14.29%)	7
	<b>Total UNOCI</b>	<b>6</b>	<b>1 (14.29%)</b>	<b>7</b>
<b>Total Nigeria troop and police contributions</b>		<b>5,386</b>	<b>474 (8.09%)</b>	<b>5,860</b>

**11. Rates of attrition:** No information was made available.

**12. Recruitment targets for female personnel:** There are no public recruitment targets for female personnel. Some interviewees indicated that there is a female recruitment quota, but that the figure could not be shared due to considerations of national security.<sup>121</sup>

**13. Vetting procedure for GBV:** The official vetting procedures for the armed forces were not shared with researchers. Some interviewees assured that there is a vetting procedure through an internal questionnaire and a review of criminal records. Concrete information could not be shared due to considerations of national security.<sup>122</sup>

**14. Positions/units where female or male personnel cannot serve:** The data on this issue were inconsistent: while some sources indicated that no segregation existed in the armed forces and women could serve in all units, including the airborne training force,<sup>123</sup> others said that women were not allowed to serve in combat units. This may reflect subjective perceptions rather than formal policies or rules.<sup>124</sup> As stressed by one interviewee: “No, we do not have any special unit/policy to handle women issues but women are everywhere as you can see in the armed forces; the only thing is that we try to avoid posting them to sensitive departments.”<sup>125</sup>

**15. Specific measures for the recruitment, retention and advancement of female personnel:** None could be identified.

**16. Female staff associations:** Staff associations are not allowed. However, there are 3 organisations of wives of military officers – the Naval Wives Association, the Nigeria Army Wives Association and the Nigeria Air Force Wives Association. They have a social and charitable mission, focused on providing for women (especially widows) and children of military officers.<sup>126</sup>

**17. Infrastructure/facilities for male and female personnel:** Separate facilities exist for women and men within the armed forces, such as toilets and sleeping quarters – not always in separate blocks, but always in separate rooms. Women may wear skirts, especially if they are pregnant, except during parades.<sup>127</sup>

## TRAINING

**18. Gender training:** None.

**19. Mainstreaming gender into training:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Ministry of Defence in general, and the defence headquarters in particular, are the main internal oversight bodies. Each of the armed forces branches also has an internal department, which evaluates the training and services provided.<sup>128</sup>

**21. External oversight mechanisms/bodies:** The main external oversight mechanism is the National Human Rights Commission (see Police #22). The House and Senate Committees on Defence also play a role in this regard. There are additional mechanisms to address corruption, such as the Economic and Financial Crimes Commission, headed at the time of writing by a woman, and the Independent Corrupt Practice Commission. No information was available regarding how these mechanisms have addressed discrimination or gender-based violence.

**22. Civil society oversight:** There are no formal mechanisms for civil society oversight, but it may be possible for CSOs to provide feedback through the armed forces Civil-Military Unit (see Armed Forces #7).<sup>129</sup>

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** No data were made available, although interviewees acknowledged the existence of such cases.

## IV. JUSTICE SYSTEM INDICATORS



The Nigerian justice sector is highly complex, with shared responsibility between the Ministry of Justice at federal level and the state governments. The main courts and bodies at national level are the Supreme Court of Nigeria, the Court of Appeal, the Federal High Court<sup>130</sup> and the National Judicial Council.<sup>131</sup> There are also regional courts: High Courts, Shari’a Courts of Appeal and Customary Courts of Appeal.<sup>132</sup> Consequently, each of the 36 states may enact legislation and decide on its own mechanisms for the administration of justice.<sup>133</sup> This has led to parallel systems of federal, regional and customary law, as well as Shari’a law in some of the northern states. Reforms of the systems have been slow and incomplete. Gaps in the justice system include lack of accountability, oversight, access, due process, effectiveness, efficiency and representation.<sup>134</sup>

Information on the Nigerian justice sector is limited. Although active female legal staff associations exist, other gender-mainstreaming measures are lacking. There is no gender policy, gender-sensitive code of conduct or specific human resources policy. Cases of domestic violence are mostly adjudicated in customary courts or according to customary norms, exposing women and girls to further discrimination. The Ministry of Justice had a gender focal point in 2008, but no specialised structures for service recipients. CSOs or female lawyers provide specialised services.

No reliable data were made available on staff figures. One unconfirmed estimate indicated that women represent around 40% of lawyers and about 1% of higher-level judges. While no specific gender training has reportedly taken place, some of the training has included generic gender elements. Oversight mechanisms appear to be in place, but information on their functioning was not made available.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None could be identified.

**2. Human resources policies:** Human resources policies, including provisions for maternity leave and retirement benefits, are regulated by the conditions of service, which are the same for all civil servants. For example, married women in the service are allowed to get pregnant and are entitled to 3 months of maternity leave.<sup>135</sup>

**3. Sexual harassment policy:** None could be identified.

**4. Gender-sensitive code of conduct:** The Code of Conduct for Judicial Officers bans membership in “any society or organization that practises invidious discrimination on the basis of race, sex, religion or ethnic origin,” and bans individuals from “engaging in sexual harassment.”<sup>136</sup>

**5. Procedures for prosecuting cases of GBV:** None could be identified. Some interviewees stressed that rape investigations are hindered by the fact that Nigeria has only 1 forensic laboratory (located in Lagos). In “more traditional areas of the country” courts are reportedly “reluctant” to deal with issues of domestic violence unless the level of alleged abuse exceeds local customary norms.<sup>137</sup> Moreover, interviewees highlighted the prevalence of highly discriminatory practices against women and girls among some legal practitioners, including judges.<sup>138</sup>

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** In 2008 the Ministry of Justice had a gender focal point, as did the National Human Rights Commission, among 17 other agencies.<sup>139</sup> No updated information was made available.

**7. Specialised structures for service recipients:** None could be identified. Domestic violence cases are frequently adjudicated in customary courts, which often fall short of meeting international standards of protection for women and girls, especially those embodied in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. In its 2008 gender policy implementation plan, the Nigerian government enacted legal and justice reforms to improve compliance with those 2 conventions and mainstream gender within the National Legal Aid structure.<sup>140</sup> No information was made available on progress

achieved to date in this regard. CSOs such as the International Federation of Female Lawyers (FIDA) provide legal aid to women through state chapters across the federation. They are also involved in advocacy and raising public awareness of issues affecting women.

**8. Collaboration mechanisms:** No formal mechanisms could be identified. However, informal collaboration exists with CSOs such as FIDA (see Justice #7).

## PERSONNEL

**9. Number of female and male personnel:** No specific data were made available, but 1 interviewee estimated the percentage of female lawyers at about 40%.<sup>141</sup> This information could not be independently verified, nor were data available for other justice sector staff.

**10. Number of male and female judges:** No specific data were made available, but 1 interviewee estimated the percentage of senior-level female judges at around 1%.<sup>142</sup> No information was available on the overall percentage of female judges.

**11. Recruitment targets for female personnel:** None could be identified.

**12. Vetting procedure for GBV:** No information was made available.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None could be identified.

**14. Female staff associations:** There are a number of women’s professional organisations in Nigeria.

- FIDA: Its membership is open to all practising female lawyers countrywide. No data were made available on its membership size. Founded in 1986, FIDA works to improve the situation of women from legal and policy perspectives, to interpret government policies for the benefit of women and to promote the rights of women and children, notably widows, orphans, divorcees and rape victims.
- Association of Women in the National Judicial Institute: Open to all female lawyers, this association focuses on the promotion of gender equality and tracking the government’s commitment to international conventions.
- Association of Female Judges: The association emphasises the promotion of gender equality and professional ethics. It also encourages the mentoring of young female lawyers.

## TRAINING

**15. Gender education or training:** None could be identified.

**16. Mainstreaming gender into training or education:** The judicial ethics training manual for the Nigerian judiciary makes several references to gender in the context of prohibited discriminatory practices.<sup>143</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The Federal Judicial Service Commission investigates issues related to discrimination, harassment and professional ethics. The National Judicial Council also has disciplinary powers over its members and staff.

**18. External oversight mechanisms:** Various mechanisms exist for combating corruption (see Armed Forces #21).<sup>144</sup> The National Human Rights Commission monitors human rights violations by security sector institutions. No further information was made available.

**19. Civil society oversight:** None could be identified.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



Overseen by the Ministry of Internal Affairs, the Nigerian Prisons Service is under “the general charge and superintendence” of the controller-general.<sup>145</sup> It is exclusively operated by the federal authorities, with no prisons at state level. Nigeria has some 145 prisons and 83 so-called “satellite prison camps.”<sup>146</sup> The prisons face many challenges, notably limited resources, overcrowding, insufficient sanitary conditions<sup>147</sup> and corruption.<sup>148</sup>

There are strict rules for the separation of female and male prisoners and for regulating female and male interaction inside prison facilities. Female prisoners are monitored exclusively by female guards or at least in their presence. Rules also exist for the separation of juvenile prisoners, although they are not always respected. Female prisoners are entitled to pre-natal healthcare, and their newborns can stay with them until the age of 18 months. No specific institutional gender policy exists, nor policies or procedures to address harassment and GBV perpetrated by staff. Female staff account for 23.1% of total penal system personnel and have separate facilities. Female prisoners represent

around 1.5% of the prison population. Discrimination against female staff is institutionalised, notably with respect to recruitment, marriage and pregnancy. No gender training has taken place. Mechanisms for oversight exist, but no information was available on their functioning.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. Women’s specific needs are addressed within the different regulations, such as the 1990 Prison Regulations in the Prisons Act Cap 366 and the Standing Order 1961 version. Rules prohibit the whipping of female prisoners – allowed for male prisoners<sup>149</sup> – and the handcuffing of female prisoners during moves or while on death row, unless they are considered a security risk.<sup>150</sup>

**2. Human resources policies:** There are some discriminatory policies in the 1961 Standing Order. For example, high-ranking officers (senior warden grade I and above) carry a baton, except if they are women.<sup>151</sup>

- Marriage: Married women are not recruited as prison guards. Female prison guards or “wardresses” with less than 6 months’ service are not allowed to marry, and after the initial 6 months’ service they require permission to do so from the director of prisons. The Standing Order stipulates: “Recruit wardresses either marrying or becoming pregnant will be discharged as unlikely to become efficient.”
- Pregnancy: Unmarried wardresses who become pregnant during the first 6 years of employment are liable to be dismissed.
- Maternity leave: Maternity leave is granted only to married permanent wardresses.<sup>152</sup>
- Breastfeeding: Some sources indicate that nursing mothers benefit from a certain degree of worktime flexibility.<sup>153</sup>

**3. Sexual harassment policy:** None could be identified.

**4. Gender-sensitive code of conduct:** None could be identified.

**5. Procedures for interaction between males and females:** Strict rules and procedures regulate interaction between women and men inside prisons. The regulations clearly stipulate the following.

- Male and female prisoners shall be confined to separate parts of the prison.
- Prisoners shall be searched on admission by staff of their own sex, and separated from other prisoners during the search process.
- Female prisoners shall be searched by female officers only and escorted by female officers during moves. Male officers are prohibited from searching female inmates and vice versa.<sup>154</sup>

- Female prisoners are under the exclusive responsibility of wardresses. Male officers who enter the female wards or cells for inspection must be accompanied by a female prison guard if female prisoners are present.<sup>155</sup>
- Female prisons are headed by female superintendents.<sup>156</sup>

Women can work in prisons as administrative staff even if there are no female prisoners.<sup>157</sup>

**6. Procedures for family and conjugal visits:** Inmates receive visits in the presence of a prison officer,<sup>158</sup> except in the case of a visit from their lawyer.<sup>159</sup> Currently only the Kaduna prison allows conjugal visits.<sup>160</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** Pregnant prisoners are entitled to special treatment by the medical officer and must be under constant surveillance; for example, they share a cell with at least 2 other female prisoners who can call for help if needed. The delivery takes place in the labour ward, if available, or in a civilian hospital. The prison must facilitate breastfeeding. Children of prisoners are vaccinated as soon as indicated after birth.<sup>161</sup> Despite these provisions, facilities for imprisoned nursing mothers are limited.<sup>162</sup> Newborns may accompany their mothers in prison if they are being breastfed until they are 18 months old.<sup>163</sup> After that age the child has to be handed over to family members outside the prison.<sup>164</sup>

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** No data were made available.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.

**10. Separate prisons for males/females and juveniles/adults:** According to prison regulations, “if feasible” prisoners should be segregated by sex, by pre-trial/conviction status and by age groups of under and over 16 years,<sup>165</sup> and debtors and other non-criminal prisoners should be separated from criminal inmates.<sup>166</sup> Interviewees stressed that the separation between female and male inmates is strict.<sup>167</sup> The Kirikiri prison in the Apapa district of Lagos is the only place of detention exclusively reserved for female prisoners. Elsewhere, female prisoners are held in a separate enclosure within the general prison. The Kirikiri prison is headed by a woman and has exclusively female staff.<sup>168</sup> There are 3 prisons reserved for juveniles located in Abeokuta (also for male adults), Ilorin and Kaduna.<sup>169</sup> However, an Amnesty International investigation in 2007 found that children (boys as young as 11 and 12) were being held together with adults in at least 4 of the largest prisons.<sup>170</sup>

**11. Specialised education, training and rehabilitation:** According to the Nigerian Prisons Service, it provides some training for detainees, such as “agro-based vocations,” and specialised

training for juvenile inmates.<sup>171</sup> There are workshops for sewing, carpentry, electronic/electrician training, tailoring, weaving and knitting, shoemaking and hairdressing.<sup>172</sup> Women are mostly engaged in tailoring and hairdressing training.<sup>173</sup>

**12. Specialised health and drug treatment:** Specialised healthcare services are free for inmates.<sup>174</sup> The services are more basic and limited than those provided by a regular hospital, but efforts are reportedly being made to improve them.<sup>175</sup> No data were made available concerning gender-specific health treatment, apart from that reported under Penal #7.

**13. Collaboration mechanisms:** Collaboration with CSOs is mostly informal. A number of NGOs, including women’s and religious organisations, provide assistance to prisoners, including food items, clothes and training kits.<sup>176</sup> Organisations such as Prisons Rehabilitation and Welfare Action raise awareness among inmates and staff about prisoners’ rights.<sup>177</sup>

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** An April 2010 report estimated the number to be about 46,000, with pre-trial prisoners representing some 65.2% of the total.<sup>178</sup> As of January 2007, female and juvenile prisoners constituted an estimated 1.5% and 2.0% of the total respectively.<sup>179</sup>

**15. Number of female and male personnel:** Overall prison staff (including administrative staff) number 26,000, including approximately 6,000 women (23.1%).<sup>180</sup> No data were made available on the number of female prison guards.

**16. Rank/level of male and female personnel:** Only 2 of the 36 state prison controllers are women (6.2%).<sup>181</sup> There has been 1 female deputy controller-general.<sup>182</sup>

**17. Rates of attrition:** No data were made available.

**18. Recruitment targets for female personnel:** None.

**19. Vetting procedure for GBV:** None could be identified.

**20. Positions/wards where female or male personnel cannot serve:** Women cannot guard male prisoners; male guards cannot serve in female wards except at the gates.<sup>183</sup>

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None could be identified.

**22. Female staff associations:** There is the Prison Officers Wives Association for the wives of high-level officers, and the Prison Inspectors Wives Association for the wives of lower-level prison staff. Female staff can join these associations on condition that their husbands work at a prison (i.e. in their capacity as wives). These organisations are mandated to alleviate poverty among officers' families, especially those of officers who die in active service.<sup>184</sup> Staff associations are not banned for prison personnel.

**23. Infrastructure/facilities for male and female personnel:** Separate bathrooms and lodgings exist for male and female staff.<sup>185</sup> According to the prison regulations, female prison guards can wear gowns as well as standard uniforms.<sup>186</sup> In practice, however, sources report that uniforms are the same for women and men.<sup>187</sup>

## TRAINING

**24. Gender training:** None.

**25. Mainstreaming gender into training:** None.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The internal oversight office has 6 directorates: administration, operations, medical, housing and welfare, finance and budgeting. The deputy controller-general is in charge of implementing appropriate disciplinary measures, and s/he must be a barrister.<sup>188</sup> The controller-general conducts sporadic inspections and receives reports directly from the officers in charge.

**27. External oversight mechanisms:** External oversight is the responsibility of the Ministry of Interior and the Civil Defence, Immigration and Prison Service Board, and focuses on promotion policy, discipline and well-being.<sup>189</sup> According to the Prison Act Cap 366, the chief justice of Nigeria and the other Supreme Court justices are prison visitors *ex officio* for all prisoners. Other judges (Court of Appeal, Federal High Court, Shari'a courts, as well as the interior minister and persons authorised by the controller-general) are entitled to visit prisoners in their areas of jurisdiction.<sup>190</sup> Finally, the National Human Rights Commission has drawn attention to the unsatisfactory conditions of the prison services.<sup>191</sup>

**28. Civil society oversight:** There is no formalised mechanism for civil society oversight. However, civil society is involved in work aimed at ensuring prisoners' welfare and may report on abuses. External civil society organisations such as Amnesty International have been allowed to monitor directly and report on prison conditions.<sup>192</sup>

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No data were made available.



## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?q=fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=human+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. Based on J. 'Kayode Fayemi and 'Funmi Olonisakin, "Nigeria," in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin (Geneva: DCAF, 2008), 244.
3. Fayemi and Olonisakin, "Nigeria," 246-247.
4. Data provided to CLEEN Foundation by UNIFEM for July 2010. The 2009 Annual Police Report indicates a total figure of some 360,000 police officers, as cited also by CLEEN Foundation. This report will use the lower number, as it is supported by a detailed breakdown.
5. Militia groups include notably the Odua People's Congress, Bakassi Boys and Hizba Corps. Fayemi and Olonisakin, "Nigeria," 245. For a mapping of some of the Nigerian armed groups, the small arms and armed violence situation, see Eric G. Berman and Nicolas Florquin, "Nigeria," in *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region*, ed. Nicolas Florquin and Eric G. Berman (Geneva: Small Arms Survey, 2005) and Jennifer M. Hazen with Jonas Horner, "Small Arms, Armed Violence, and Insecurity in Nigeria: The Niger Delta in Perspective," *Small Arms Survey Occasional Paper 20* (Geneva: Small Arms Survey, 2007).
6. Fayemi and Olonisakin, "Nigeria," 246.
7. *Ibid.*, 260.
8. The former problem was initially affronted (with little success) by president Obasanjo's engagement of Military Professional Resources Incorporated, a US security training firm. Nevertheless, the initiative failed due to the lack of ownership of military leaders. Hazen and Horner, "Small Arms," 102. There is also a lack of constitutional clarification regarding the accountability of the security agencies to parliament. Fayemi and Olonisakin, "Nigeria," 243 and 253. See also *Constitution of the Federal Republic of Nigeria* (1999), Section 315.
9. Even the inspector-general of the police has been arrested for corruption, as well as senior navy officers. Fayemi and Olonisakin, "Nigeria," 261.
10. Hazen and Horner, "Small Arms," 103-104.
11. Notably between Christians and Muslims in Jos in 2001, leaving some 1,000 dead and more recently in January and March 2010, leaving several hundreds of people dead.
12. Fayemi and Olonisakin, "Nigeria," 265.
13. Hazen and Horner, "Small Arms," 103-104. It has been noted that the weapons in circulation are sometimes of superior quality to the weapons carried by the police. Fayemi and Olonisakin, "Nigeria," 259.
14. Federal Government of Nigeria, *National Defence Policy* (Abuja: Federal Government of Nigeria, 2006), 10.
15. Federal Ministry of Women Affairs and Social Development, *National Gender Policy* (Abuja: Federal Ministry of Women Affairs and Social Development, 2007), 7.
16. Estimations are that 60% of the new HIV/AIDS infections were among women and girls aged between 15 and 25 Federal Ministry of Women Affairs and Social Development, *National Gender Policy*, 5, 7.
17. Organisation for Economic Co-operation and Development (OECD) Development Centre, "Gender Equality and Social Institutions in Nigeria," Social Institutions and Gender Index, <http://www.genderindex.org/country/Nigeria>. As argued by the government, according to Section 55 of the penal code, wife beating is allowed as long as it does not amount to "grievous hurt," exemplified in Section 241 of the code with different types of permanent damages, such as the loss of sight or the loss of a limb. Federal Ministry of Women Affairs and Social Development, *National Gender Policy*, 8. See also *afrol News*, "AFROL Gender Profiles: Nigeria," *afrol News*, [http://www.afrol.com/Categories/Women/profiles/nigeria\\_women.htm](http://www.afrol.com/Categories/Women/profiles/nigeria_women.htm). In terms of rape, for example, crime statistics from CLEEN Foundation (based on police data), indicated that there were 1,359 reported cases of "rape and indecent assault" in 2008. CLEEN Foundation, "Crime Statistics Spread Sheet," CLEEN Foundation, <http://www.cleen.org/Summary%20of%20crime%20statistics%20in%20Nigeria%202008.pdf>.
18. Some of the legislation of the federal states; however, is in favour of women's rights. *afrol News*, "AFROL Gender Profiles: Nigeria;" OECD Development Centre, "Gender Equality." See also *Constitution of the Federal Republic of Nigeria*, Section 42.
19. *afrol News*, "AFROL Gender Profiles: Nigeria."
20. OECD Development Centre, "Gender Equality."
21. *afrol News*, "AFROL Gender Profiles: Nigeria."
22. Federal Ministry of Women Affairs and Social Development, *National Gender Policy*, 4-5.
23. *Constitution of the Federal Republic of Nigeria*, Section 130.
24. *Ibid.*, Sections 25-6.
25. Members are: the president and the vice-president, the minister of defence, the chiefs of staff of defence, army, naval and air staff, and other persons, as appointed by the president. *Constitution of the Federal Republic of Nigeria*, Sections 16-7.
26. Federal Government of Nigeria, *National Defence Policy*.
27. For example, in the foreword the then president addresses the "men and women of the Armed Forces." Also, chapter 6 (47) stresses the need for: "joint operations and joint training and regular social interactions among different cadres of *servicemen and women* between one service and another." Federal Government of Nigeria, *National Defence Policy*, v, 63 (emphasis added).
28. Federal Ministry of Women Affairs and Social Development, *National Gender Policy: Strategic Implementation Framework and Plan* (Abuja: Federal Ministry of Women Affairs and Social Development, 2008), 3, 12-15.
29. *Ibid.*, 33.
30. *Ibid.*, 56.
31. "Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003" and "National Agency for Prohibition of Traffic in Persons and Other related Matters (NAPTIP)," available at the United Nations Division for the Advancement of Women, "Nigeria," The UN Secretary-General's Database on Violence against Women, <http://webapps01.un.org/vawdatabase/countryInd.action?countryId=976>.
32. For example prohibiting widowhood rites (Anambra, Edo and Ekiti states), domestic violence (Cross Rivers state), dehumanizing and harmful traditional practices (Rivers state), FGM (Rivers and Cross Rivers states) and girl marriage (Cross Rivers state). See United Nations Division for the Advancement of Women, "Nigeria."
33. National Assembly of Nigeria website, <http://www.nassnig.org/nass/committees.php>.
34. Inter-Parliamentary Union (IPU), "Women in national parliaments: Situation as of 31 January 2011," IPU, <http://www.ipu.org/wmn-e/classif.htm>.
35. National Assembly of Nigeria website, <http://www.nassnig.org/>.
36. Data provided by CLEEN Foundation, received 26 November 2010.
37. *Ibid.*
38. Miranda Gaanderse, *Security for All: West Africa's Good Practices on Gender in the Security Sector*, Ed. Kristin Valasek (Geneva: DCAF, 2010), 26.
39. Fayemi and Olonisakin, "Nigeria," 252.
40. Hazen and Horner, "Small Arms," 31. See also *Constitution of the Federal Republic of Nigeria*, Section 214.
41. Fayemi and Olonisakin, "Nigeria," 245.
42. *Constitution of the Federal Republic of Nigeria*, Section 215.
43. Fayemi and Olonisakin, "Nigeria," 246-247.
44. *Ibid.*, 252; Hazen and Horner, "Small Arms," 103-104.
45. Fayemi and Olonisakin, "Nigeria," 258.
46. Etannibi E.O. Alemika and Austin O. Agugua, *Gender Relations and Discrimination in Nigeria Police Force* (Lagos: CLEEN Foundation, 2001), 44-45.
47. Federal Ministry of Women Affairs and Social Development, *National Gender Policy*, 9.
48. Data provided by CLEEN Foundation, received 26 November 2010.
49. Federal Ministry of Women Affairs and Social Development, *National Gender Policy*, 9.
50. Interview with Inspector Nanchwang D.P (Abuja Area Command), 5 April 2010.
51. Alemika and Agugua, *Gender Relations and Discrimination*, 9.
52. Interview with interview Jos Police Superintendent, 25 May 2010.
53. Data provided by CLEEN Foundation, received 26 November 2010.
54. *Ibid.*
55. Established in *Police Act and Police Regulations* (1990), Section 339. Etannibi Alemika, "Enhancing Police Accountability Systems in Nigeria:

- The Missing Link" in *Enhancing Accountability Systems in the Nigeria Police Force: Conference Proceedings*, Monograph Series No 8 (Lagos: CLEEN Foundation, 2010), 17.
56. Data provided by CLEEN Foundation, received 26 November 2010.
  57. *Constitution of the Federal Republic of Nigeria*, Section 172.
  58. Data provided by CLEEN Foundation, received 26 November 2010.
  59. CLEEN Foundation and Project Alert on Violence against Women, *Responding to Gender Based Violence: A Tool Book* (Lagos: CLEEN Foundation and Project Alert on Violence against Women, 2006), 16.
  60. afrol News, "AFROL Gender Profiles: Nigeria."
  61. Data provided by CLEEN Foundation, received 26 November 2010, based on information provided by a police officer. No data were made available on the number of cases concerned.
  62. Data provided by CLEEN Foundation, received 26 November 2010.
  63. A GBV survivor has stated that the police officer that received her said that she had enjoyed the rape, so why was she pretending. Data provided by CLEEN Foundation, received 26 November 2010, based on an interview with a GBV survivor in Tudun Wada, 10 April 2010.
  64. CLEEN Foundation and Project Alert on Violence against Women, *Responding to Gender Based Violence*, 17-18.
  65. Data provided by CLEEN Foundation, received 26 November 2010.
  66. Alemika and Agugua, *Gender Relations and Discrimination*, 42.
  67. Data provided by CLEEN Foundation, received 26 November 2010, based on the Police Annual Report 2009.
  68. Data provided by CLEEN Foundation, received 26 November 2010. Other estimations have been significantly higher: about 30%, but could not be verified. Interview with a female inspector at the Police Headquarters in Abuja, 25 May 2010.
  69. Data provided by CLEEN Foundation, received 26 November 2010.
  70. Ibid.
  71. Alemika and Agugua, *Gender Relations and Discrimination*, 42.
  72. Data provided by CLEEN Foundation, received 26 November 2010, based on interview with Olori Ojonwo (retired Deputy Inspector-General, ECOWAS Secretariat), April 2010.
  73. Alemika and Agugua, *Gender Relations and Discrimination*.
  74. Data provided by CLEEN Foundation, received 26 November 2010.
  75. Police Service Commission, "Guidelines for Appointment, Promotion and Discipline in the Nigeria Police Force," (abstract) <http://www.psc.gov.ng/node/61>.
  76. Data provided by CLEEN Foundation, received 26 November 2010.
  77. Ibid.
  78. Data provided by CLEEN Foundation, received 26 November 2010, based on an interview conducted by CLEEN Foundation, 18 November, 2010.
  79. Data provided by CLEEN Foundation, received 26 November 2010.
  80. Data provided by researcher.
  81. Data provided by CLEEN Foundation, received 26 November 2010.
  82. Data provided by CLEEN Foundation, received 26 November 2010, based on interview with senior police officer, 2010.
  83. Data provided by CLEEN Foundation, received 26 November 2010.
  84. Ibid.
  85. Ibid. For more information on police accountability and internal and external oversight mechanisms, see CLEEN Foundation (ed.), *Enhancing Accountability Systems in the Nigeria Police Force: Conference Proceedings*, Monograph Series No 8 (Lagos: CLEEN Foundation, 2010).
  86. *Constitution of the Federal Republic of Nigeria*, Section 215.
  87. DIG Olori Abimbola Ojomo (Rtd), "Historical Reflections on Internal Control Systems in the Nigerian Police" in *Enhancing Accountability Systems in the Nigeria Police Force: Conference Proceedings*, Monograph Series No 8 (Lagos: CLEEN Foundation, 2010), 27.
  88. Data provided by CLEEN Foundation, received 26 November 2010. See also Alemika, "Enhancing Police Accountability," 15.
  89. Data provided by CLEEN Foundation, received 26 November 2010.
  90. Alemika, "Enhancing Police Accountability," 13.
  91. Ojomo, "Historical Reflections," 27.
  92. Alemika, "Enhancing Police Accountability," 16.
  93. Ibid., 16.
  94. Data provided by CLEEN Foundation, received 26 November 2010.
  95. Ibid.
  96. As listed in Alemika, "Enhancing Police Accountability," 17.
  97. Data provided by CLEEN Foundation, received 26 November 2010.
  98. Ibid.
  99. One interviewee mentioned the figure of over 300 cases nationally between mid/late 2009 until early 2010. Data provided by researcher.
  100. CLEEN Foundation, "Police Discipline: Discipline Statistics 2008," <http://www.cleen.org/summary%20for%20police%20discipline%20in%202008.pdf>.
  101. *Constitution of the Federal Republic of Nigeria*, Section 217. See also Fayemi and Olonisakin, "Nigeria," 248.
  102. Fayemi and Olonisakin, "Nigeria," 258.
  103. Hazen and Horner, "Small Arms," 103-104.
  104. Fayemi and Olonisakin, "Nigeria," 257.
  105. Ibid., 251-252.
  106. Ibid., 245.
  107. Interview with Brigadier Amosu (National Institute of Policy and Strategic Studies), 2010.
  108. Data provided by CLEEN Foundation, received 26 November 2010.
  109. Ibid.
  110. Ibid.
  111. Ibid.
  112. Federal Government of Nigeria, *National Defence Policy*, Chapter 6 (19).
  113. Data provided by CLEEN Foundation, received 26 November 2010.
  114. The document is reportedly classified. Ibid.
  115. *Military Law under the Armed Forces*, Act CAP 20 (Laws of the Federation), Section 77, "Rape and Carnal Knowledge." Data provided by CLEEN Foundation, received 26 November 2010.
  116. Data provided by CLEEN Foundation, received 26 November 2010.
  117. Fayemi and Olonisakin, "Nigeria," 245. In 2007 these were divided as follows (of a higher total of 85,000): army 67,000, air force 10,000, and navy and coast guard 8,000. The International Institute for Strategic Studies 2007, quoted in "Hazen and Horner, "Small Arms," 26.
  118. Interview with Brigadier Amosu (National Institute of Policy and Strategic Studies), 2010. A second source has given higher estimations: slightly less than 10 %. Interview with Colonel Mampak (Prison Staff School Kaduna), 27 May 2010.
  119. Ibid.
  120. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations, [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
  121. Data provided by CLEEN Foundation, received 26 November 2010.
  122. Ibid.
  123. Ibid.
  124. Data provided by researcher.
  125. Interview with Colonel Chris O. Iloga (Assistant Director Training, Defence Headquarters), 10 June 2010 (emphasis added).
  126. Data provided by CLEEN Foundation, received 26 November 2010.
  127. Ibid.
  128. Data provided by CLEEN Foundation, received 26 November 2010, based on interview with Colonel Y.M. Abubakar (Administrative Department, Defence Headquarters, Federal Capital Territory), Abuja, 16 November 2010.
  129. Data provided by CLEEN Foundation, received 26 November 2010.
  130. *Constitution of the Federal Republic of Nigeria*, Sections 230, 237, 249, 255, 260, 265.
  131. Ibid., Section (I)21 of Part 1.
  132. Ibid., Sections 270, 275, 280.
  133. Fayemi and Olonisakin, "Nigeria," 246-247.
  134. Ibid., 260-261.
  135. Data provided by CLEEN Foundation, received 26 November 2010.
  136. Federal Republic of Nigeria Code of Conduct for Judicial Officers, <http://www.nigeria-law.org/CodeOfConductForJudicialOfficers.htm>.
  137. afrol News, "AFROL Gender Profiles: Nigeria."
  138. For example one interviewee recalled a case of bail application concerning a man in his late sixties who had raped a 13-year-old girl. During a session in court, the male judge asked the female lawyers why they were so passionate about the case, since it was not strange for a man to rape a woman, "after all that's what women are made for." Interview with Barr Olivia Milaham (Ministry of Justice), Jos, 7 June 2010.
  139. Federal Ministry of Women Affairs and Social Development, *Strategic Implementation Framework and Plan*, 56.
  140. Ibid., 3, 12-15.
  141. Interview with Barr Olivia Milaham (Ministry of Justice), Jos, 7 June 2010.
  142. Interview with Barr Rifkatu Yusuf (Ministry of Justice), Kaduna, 25 April 2010.
  143. United Nations Office on Drugs and Crime (UNODC) and National Judicial Institute of Nigeria, *Judicial Ethics Training Manual for the Nigerian Judiciary* (UNODC and National Judicial Institute, 2007), [http://www.unodc.org/documents/corruption/publications\\_unodc\\_judicial\\_training.pdf](http://www.unodc.org/documents/corruption/publications_unodc_judicial_training.pdf).
  144. *Constitution of the Federal Republic of Nigeria*, Sections (I)21 of and E(12) of Part 1.
  145. *Prisons Act Cap 366*, Law of the Federation of Nigeria, (Nigerian Prisons Service, 1990), 1.
  146. These satellite prison camps serve as intermediate prisons in areas with courts that are far from the main prisons. The Nigerian Prisons Services website, "About the Nigerian Prisons Service," Nigerian Prisons Services, <http://www.prisons.gov.ng/about.php>.
  147. Amnesty UK, "Nigeria: Prison Conditions 'Appalling' - New Findings," Amnesty UK, [http://www.amnesty.org.uk/news\\_details.asp?NewsID=17432](http://www.amnesty.org.uk/news_details.asp?NewsID=17432).

148. Next, "State of Nigerian Prisons," Next, <http://234next.com/csp/cms/sites/Next/Home/5250407-146/story.csp>.
149. "Prison Regulations" in *Prisons Act Cap 366*, Article 50.
150. *Standing Order 1961 Version* (Federation of Nigeria, Prison Department, 1961), Article 108; "Prison Regulations," Articles 34, 75.
151. *Standing Order*, Article 697.
152. *Ibid.*, Article 730.
153. Data provided by CLEEN Foundation, received 26 November 2010.
154. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010 and Data provided by CLEEN Foundation, received 26 November 2010, based on Interview with a superintendent, Prison Headquarters (undated).
155. For all the above see "Prison Regulations," Articles 3, 15, 115 and 117; *Standing Order*, Articles 12, 108, 533-536.
156. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010 and Data provided by CLEEN Foundation, received 26 November 2010, based on Interview with a superintendent, Prison Headquarters (undated).
157. Data provided by CLEEN Foundation, received 26 November 2010.
158. "Prison Regulations," Article 42.
159. *Standing Order*, Articles 187-188.
160. Data provided by CLEEN Foundation, received 26 November 2010.
161. *Standing Order*, Articles 417-420.
162. Data provided by CLEEN Foundation, received 26 November 2010.
163. *Prisons Act Cap 366*, Article 11.
164. Data provided by CLEEN Foundation, received 26 November 2010.
165. An Amnesty International investigation in 2007 found that children (boys as young as 11 and 12) were held together with adults in at least four of the largest prisons. Amnesty UK, "Nigeria: Prison Conditions."
166. "Prison Regulations," Article 16.
167. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010
168. *Ibid.*; Data provided by CLEEN Foundation, received 26 November 2010.
169. Data provided by CLEEN Foundation, received 26 November 2010; Nigerian Prisons Service website, "About;" Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010.
170. Amnesty UK, "Nigeria: Prison Conditions."
171. Nigerian Prisons Service website, "About."
172. Data provided by researcher and by the CLEEN Foundation, received 26 November 2010.
173. Data provided by CLEEN Foundation, received 26 November 2010.
174. *Ibid.*
175. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010
176. *Ibid.*
177. Data provided by CLEEN Foundation, received 26 November 2010.
178. King's College London (KCL), "Prison Brief for Nigeria," World Prison Brief, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=38](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=38). Other estimations have been lower: 41, 000. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010 and Interview with superintendent Clement Kums (Jos Prisons), 20 May 2010.
179. KCL, "Prison Brief for Nigeria." Other estimations for female prisoners have been significantly higher: be close to 5% (2,050). Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010 and Interview with superintendent Clement Kums (Jos Prisons), 20 May 2010.
180. Interview with Commandant Captain Momoh (Prisons Staff School), Kaduna, 11 June 2010
181. *Ibid.*
182. Data provided by CLEEN Foundation, received 26 November 2010.
183. *Ibid.*
184. *Ibid.*
185. *Ibid.*
186. "Prison Regulations," Article 80; *Standing Order*, Article 682.
187. Data provided by CLEEN Foundation, received 26 November 2010.
188. *Ibid.*
189. *Ibid.*
190. *Prisons Act Cap 36*, Article 11.
191. Alemika, "Enhancing Police Accountability," 16.
192. Amnesty UK, "Nigeria: Prison Conditions."

# Senegal



Alliance for Migration, Leadership and Development  
Audrey Reeves

## QUICK FACTS<sup>1</sup>

- Population: 9,555,346; 48.89% male, 51.11% female (2002)
- Population below the poverty line: 33.5% living on less than 1 USD/day (2005)
- Lifespan: 53.9 men, 57.0 women (life expectancy at birth, 2005–2010)
- Literacy rate: 51.1% men, 29.2% women (2002)
- Fertility rate: 5.0 children per woman (2007)
- Human Development Index rank: 144 out of 169 (2010)
- Percentage GDP spent on defence: 1.6% (2008)
- Perception of corruption rank: 105 out of 180 (2010)



## INTRODUCTION\*

Unlike many neighbouring countries, Senegal has experienced no coup d'état since it gained independence from France in 1960. The country has retained many institutional structures from the French colonial period. However, following a manifestation of widespread popular discontent towards the police in 1987, the force was disbanded.<sup>2</sup> It underwent a thorough restructuring in the 1990s, with the creation of a municipal police service, and was still undergoing a modernisation programme in 2010. High levels of secrecy and confidentiality surround defence and security issues, and there is little space for parliamentary and civil society oversight of the security sector.<sup>3</sup> Statutory security institutions in Senegal face important challenges linked to impunity with regard to human rights violations committed by members of security forces,<sup>4</sup> insufficient human and material resources, corruption and regaining the trust of the population.<sup>5</sup> Moreover, the security environment is characterised by the presence of non-state security and justice providers, such as private security companies and neighbourhood militias. Finally, since 1982 an internal conflict in southern Senegal has been waged between the separatist Movement of Democratic Forces of Casamance and the government of Senegal.

While Senegal has achieved important progress in recent years with respect to assuring equal access to justice and security for women and men, many gaps remain. Customary law and

practices, especially in rural areas, take precedence over state law in matters such as age of marriage and land inheritance, and perpetuate women's economic dependence on men.<sup>6</sup> Certain forms of violence affecting primarily women, such as domestic violence, are widespread: as of 2006, 60% of Senegalese women (and 25% of men) claimed to have been victims of domestic violence. Female genital mutilation (FGM), however, has been curbed since the end of the 1990s.<sup>7</sup>

All security sector institutions (SSIs) are currently undergoing key changes with the growing integration of female staff. The introduction of quotas and targets for female staff is transforming the landscape of SSIs, requiring the adaptation of human resources policies and infrastructure (see table below). But progress towards gender balance has yet to be accompanied by a systematic integration of gender issues in the planning and provision of security and justice services. Gender is only marginally addressed in justice and security policy, usually separately from "hard" security issues. Gender training is rarely mainstreamed in core training, and is provided through *ad hoc* seminars or informal talks, often organised by civil society organisations (CSOs). A number of CSOs are active in the field of gender and security – especially in gender-sensitive justice reform. Recent initiatives, such as the ongoing development of a national action plan to implement UN Security Council Resolution 1325, indicate that further progress is to be expected.

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

Representation of women in security sector institutions in Senegal (2010)<sup>†</sup>

Security sector institution	Percentage of women (total)	Percentage of women (recent or current recruitment)
Police forces	5	17
Armed forces	4	35
Gendarmerie	–	11
Judiciary administration	5	–
Magistracy	14	–
Penal services	14	–

## I. NATIONAL GOVERNANCE INDICATORS



Senegal does not have a national security policy. Since 1999 a number of laws and policies have been enacted to address gender inequality, including amendments to the Penal Code and the National Strategy for Gender Equity and Equality 2015. However, as seen in the figures below, women remain largely under-represented in formal political institutions, especially when it comes to decision-making on defence and security issues. The creation of the National Observatory of Women's Rights in 2008 may spur initiatives to promote women's equal access to decision-making in the realm of security and justice.

Senegal is party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

## SENEGAL SECURITY SECTOR INSTITUTIONS\*

## Service delivery

*Police Nationale*

- *Brigade des Mœurs*
- *Brigade des Mineurs*

*Service Social*

*Forces armées*

- *Agence pour la Réinsertion Sociale des Militaires*
- *Système judiciaire – formel et coutumière*
- *Contrôle des Services Juridiques*
- *Direction de l'Éducation Surveillée et de la Protection Sociale*
- *l'École Nationale d'Administration et de Magistrature*

*Administration pénitentiaire*

*Organisations de la société civile*

- *Association des Juristes Sénégalaises*
- *Amicale des Femmes de l'Administration Pénitentiaire*

## Oversight

*Ministère de l'Intérieur*

*Ministère des Forces Armées*

*Ministère de la Justice*

*Système judiciaire*

*Ministère de la Famille, des Groupements Féminins et de la Protection de l'Enfance*

*Direction de l'Inspection des Services de Sécurité*

*Haut Commissariat aux Droits de l'Homme*

*Observatoire National des Droits de la Femme*

*Comité National de Réflexion sur les Violences Faites aux Femmes et aux Enfants*

*Sénat*

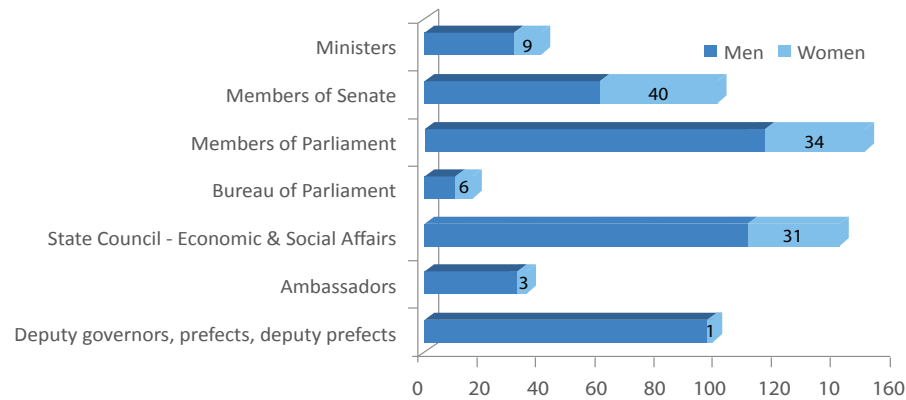
*Assemblée Nationale*

- *Commission de la Défense et de la Sécurité*
  - *Commission des Lois, du Travail, de la Décentralisation et des Droits Humains*
- Organisations de la société civile*

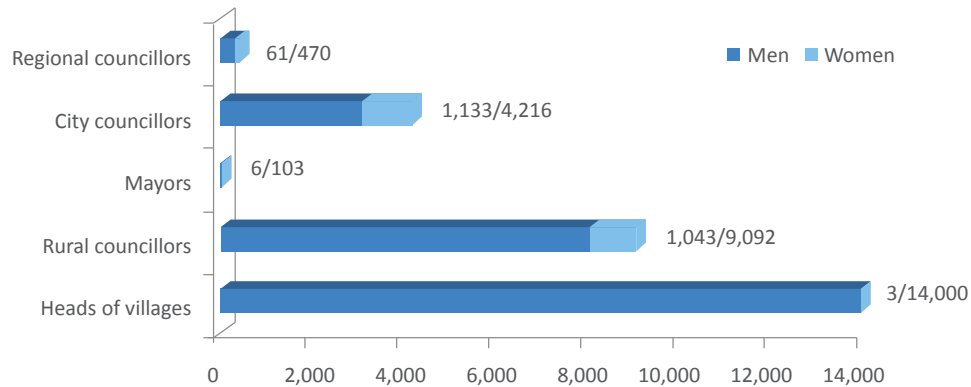
\* Only those included in this country profile, not a comprehensive list.

<sup>†</sup>The author has translated institution names into English. These are not official translations.

### Formal political participation of men and women at the national level (2006–2007)<sup>8</sup>



### Formal political representation of men and women at the community level (2006–2007)<sup>9</sup>



### Formal political participation of men and women in Senegal (2006–2007)<sup>10</sup>

Position	Men		Women	
	N	%	N	%
<b>Ministers</b>	31	77.5	9	22.5
<b>President's advisers</b>	–	80.0	–	20.0
<b>Prime minister's advisers</b>	–	74.0	–	26.0
<b>Members of Senate</b>	60	60.0	40	40.0
<b>Members of Parliament</b>	116	77.3	34	22.7
<b>Bureau of Parliament</b>	11	65.0	6	35.0
<b>State Council on Economic and Social Affairs</b>	110	78.0	31	22.0
<b>Ambassadors</b>	32	91.4	3	8.6
<b>Deputy governors</b>	98 (in total) <sup>11</sup>		1	
<b>Prefects<sup>12</sup></b>			1	
<b>Deputy Prefects</b>			1	
<b>Regional councillors</b>		409	87.0	61
<b>Presidents of regional councils</b>	10	90.9	1	9.1
<b>City councillors</b>	3,083	73.1	1,133	26.9
<b>Mayors</b>	97	94.1	6	5.8
<b>Rural councillors</b>	8,049	88.5	1,043	11.5
<b>Heads of villages</b>	≈14,000	99.98	3	0.02

1. **National security laws/policies:** None.<sup>13</sup>

2. **National gender laws/policies:** Over the last decade, Senegal has amended and adopted legislation and policies to improve women's legal status and address gender issues.

## National gender laws/policies

2010	<ul style="list-style-type: none"> <li>● A new action plan to quicken the elimination of FGM was established for the period 2010–2015.<sup>14</sup></li> <li>● A ministerial council on the topic of human trafficking led to a declaration of intent to create the Human Trafficking Response Unit, directed by the Office of the Prosecutor. The unit will be responsible for education, sensitisation, the prosecution of perpetrators and the protection of victims.</li> </ul>
2009	<ul style="list-style-type: none"> <li>● Senegal adopted the National Strategy for Gender Equity and Equality 2015 and its associated action plan.</li> </ul>
2008	<ul style="list-style-type: none"> <li>● An amendment removed a requirement that stipulated that recruits to certain paramilitary bodies, such as the gendarmerie, must have completed military service. The amendment legalised women's equal access to the armed forces, making them eligible for any position.<sup>15</sup></li> </ul>
2005	<ul style="list-style-type: none"> <li>● Senegal adopted a law implementing the additional protocol to the UN Convention against Transnational Organized Crime. The law addresses specifically the question of the exploitation of children through organised begging, which is widespread in Senegal, and authorises civil society organisations and government agencies to represent child victims of trafficking in court.<sup>16</sup></li> </ul>
2004	<ul style="list-style-type: none"> <li>● Senegal ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).<sup>17</sup></li> </ul>
2003	<ul style="list-style-type: none"> <li>● Senegal ratified the UN Convention against Transnational Organized Crime, which seeks to prevent, repress and punish human trafficking, especially of women and children, and its additional protocol.<sup>18</sup></li> </ul>
2000	<ul style="list-style-type: none"> <li>● Senegal ratified the additional protocol to the Convention on the Elimination of all Forms of Discrimination against Women.<sup>19</sup> It had already ratified the convention without reservations in 1985.</li> <li>● Senegal approved UN Security Council Resolution 1325 on Women, Peace and Security as one of the non-permanent Security Council members.<sup>20</sup></li> </ul>
1999	<ul style="list-style-type: none"> <li>● A law introduced notions of “domestic violence,” “rape,” “paedophilia” and “incest” into the Senegalese Penal Code. These crimes are now considered distinct from “bodily harm.” The law also addresses the protection of minors from sexual violence.<sup>21</sup></li> </ul>
1980–1998	<ul style="list-style-type: none"> <li>● Senegal formalised a two-week annual event for women and the Head of State Great Prize for the Promotion of Senegalese Women.<sup>22</sup></li> </ul>

**3. Parliamentary security committees:** The Parliamentary Committee for Defence and Security has 5 women among its 30 members (16.7%).

**4. Male and female representation in parliament:** In the Senegalese National Assembly, 34 of 150 representatives (22.7%) are women and 116 (77.3%) are men. In the Senate, 40 of 100 representatives (40.0%) are women and 60 (60.0%) are men.<sup>23</sup>

There is no specific committee dedicated to gender/women. However, in both Parliament and the Senate, other committees such as the Committee on Legislation, Labour, Devolution and Human Rights occasionally address gender issues. At parliamentary level, certain individuals are mandated to address gender issues.<sup>24</sup> There is a network of female parliamentarians, which includes members of both Parliament and the Senate. It is currently not operational.

**5. Ministry for gender/women's affairs in security sector oversight:** The National Observatory of Women's Rights was created in 2008 to act as a watchdog organisation for women's rights.<sup>25</sup> Additional structures and mechanisms have been established by the Ministry of Family to address gender issues, including:

- Family Affairs Office
- National Consultative Committee on Women's Affairs
- Credit Project for Women
- Gender Capacity-Building Project
- National Assistance and Training Centre for Women, which has regional chapters throughout Senegal

No data were made available regarding the National Observatory or Ministry of Family's role in overseeing the security sector.

## II. POLICE SERVICE INDICATORS



Even though women have been part of the Senegalese police service since the 1980s, their participation remains marginal (around 5%). The official policy of the police is one of “gender-neutrality.” Some of the policewomen interviewed interpret this attitude as a sign that women are treated as equals to men in the police. This “same treatment” approach results in limited institutional support for the Association of Policewomen and the absence of internal policies and rules on issues that disproportionately affect women. Prominent among these are sexual harassment and family/work balance. Interviewees expect change in the near future, as a growing number of women are recruited into the force. On the other hand, the capacity of the police to integrate gender-sensitive approaches systematically into its daily work is limited. While training exists on violence against women and human trafficking, the opportunities for police personnel to develop gender expertise are limited and informal, as are mechanisms of collaboration with civil society.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>26</sup> The integration of women takes place with a view to assure “gender-neutrality” whereby women and men are treated “without any difference.”<sup>27</sup>

**2. Human resources policies:** Human resources policies are regulated by Senegalese employment laws.

- Maternity leave: 14 weeks, and 3 additional weeks in case of illness resulting from the pregnancy or delivery.<sup>28</sup>
- Breastfeeding: For 15 months following delivery, the mother can take up to 1 hour a day to breastfeed her child.
- Mothers (but not fathers) are allowed 1 additional paid vacation day per year per child under 14 years old.<sup>29</sup>
- Anecdotal evidence indicates a lack of internal regulations regarding female officers’ assignments during pregnancy. One police officer stayed assigned to the night shift for 6.5 months into her pregnancy. Her supervisor agreed to reassign her temporarily only after her doctor insisted she be restricted to less physically demanding work for the remainder of her pregnancy.<sup>30</sup>

**3. Sexual harassment policy:** None.<sup>31</sup>

**4. Gender-sensitive code of conduct:** None.<sup>32</sup>

**5. Standard operating procedures in response to GBV:** None.<sup>33</sup>

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** Internal policies and statutes do not address the issue. The Penal Code establishes that if a civilian is assaulted by a police officer, the Prosecutor’s Office is responsible for investigating the case. For cases of sexual harassment or abuse among police officers, the Security Services Inspection Board must investigate and can refer the case to the human resources director or the director general, who then may create an *ad hoc* investigation council. Sanctions range from demotion to expulsion, depending on the gravity of the act.<sup>34</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** No formal institutional structure dedicated to gender issues exists.<sup>35</sup> There is a social service which, among other things, can support police officers who are victims of harassment or sexual abuse.<sup>36</sup>

**8. Specialised structures for service recipients:** The Brigade of Moral Affairs is in charge of combating “immorality” by addressing issues of illegal prostitution, homosexuality – which is illegal in Senegal – and sexual abuse of minors, among other things. It is unclear whether or

how this brigade provides support to victims of violent acts. In practice, police officers rely on colleagues who have developed expertise on issues such as domestic violence or sexual violence.<sup>37</sup> In addition, heads of department can establish *ad hoc* structures to address cases of GBV.

**9. Collaboration mechanisms:** Informal collaboration exists between civil society organisations and certain police units, notably the Brigade of Moral Affairs and the Brigade of Juvenile Affairs. There is no collaboration reported with the Ministry of Family.

## PERSONNEL

**10. Number of female and male personnel:** As of May 2010, the number of female police personnel was estimated at around 200, 5% of the total force totalling slightly under 5,000 individuals.<sup>38</sup>

**11. Rank/level of male and female personnel:** Detailed statistics were not available. Among about 100 superintendents, there are 4 female superintendents and 3 female “divisionary superintendents of exceptional standing,” who are the highest-ranking female officers (7%).<sup>39</sup> At the time of writing, women headed 2 police stations covering some of the most challenging sectors in Dakar.

Legally, women and men have equal access to appointments and promotions. Accounts differ on whether this is true in practice. According to one high-ranking female police officer, men and women have equal opportunities for promotion and advancement.<sup>40</sup> However, based on anecdotal evidence, women seem to suffer discrimination in practice. For example, a female officer was still an assistant 3 years after the male officer with the worst ratings of her class had been promoted to a responsible position. According to her, the police establishment is generally reluctant to assign responsibilities to women, who are systematically assigned to “softer” areas. These practices seem to be becoming less frequent, which interviewees attribute to new leadership.

**12. Rates of attrition:** Though specific numbers are not available, rates of attrition for women in the police are said to be low to nonexistent.<sup>41</sup>

**13. Recruitment targets for female personnel:** Women were first integrated into the police in the early 1980s,<sup>42</sup> occupying middle-ranking positions only.<sup>43</sup> Following the dismantling of the service in 1987,<sup>44</sup> women were virtually absent in police academies until the year 2000. During this period, quotas for female recruits were removed and no women met the entry requirements, which were the same for men and women.<sup>45</sup> In the mid-2000s quotas were reintroduced, and, at the time of research, it was expected that in 2010 50 of 300 recruits (17%) would be women.<sup>46</sup>

**14. Vetting procedure for GBV:** Candidates must provide a certificate of “good conduct and good moral character” and a clean criminal record. Perpetrators of human rights violations are filtered in so far as they have been convicted.<sup>47</sup>

**15. Positions/units where female or male personnel cannot serve:** None. Women are even present in the “intervention mobile unit,” which intervenes on the ground. In 1999 the police hierarchy also allowed the participation of policewomen in UN peacekeeping missions, with



the first Senegalese policewoman deployed to the UN Mission for the Referendum in Western Sahara.<sup>48</sup> Since then, policewomen have been deployed elsewhere (see Armed Forces #10).

#### 16. Specific measures for the recruitment, retention and advancement of female personnel:

In addition to quotas, occasional media coverage features high-ranking female police officers.<sup>49</sup>

**17. Female staff associations:** In 2002 the Association of Policewomen in Senegal was established by a “divisionary superintendent of exceptional standing” who had participated in events organised by the International Association of Women Police. In the Senegalese association’s early days, a few meetings were held requiring the prior agreement of the director general of the police. Changes in the police leadership have slowed the development of the association.

The statutes of the police service do not allow policewomen to join civilian women’s organisations, in line with the binding “duty of discretion” for police officers.<sup>50</sup> For this reason, and also because non-governmental organisations (NGOs) are often reluctant to work with security sector institutions, it is hard for policewomen to create connections with civil society. An interviewee stated “[policewomen] are under the impression that [they] are not concerned by the women’s issues addressed by NGOs ... which deal mainly with development [and rarely with] security issues.”<sup>51</sup>

**18. Infrastructure/facilities for male and female personnel:** Women generally have access to separate infrastructure. In training barracks women have their own dormitories, kitchens and bathrooms. However, in police offices restrooms are the same for men and women. Different uniforms are available for men and women. At the request of a high-ranking female police officer, both men and women now wear trousers.<sup>52</sup> However, some women would prefer to have the choice of wearing a skirt.<sup>53</sup>

## TRAINING

**19. Gender training:** During both initial training and continuing education, seminars and training modules are dedicated to the issue of violence against women. Training sessions consist of an overview of relevant laws and documents plus expert input on themes such as psychological violence, the causes of violence against women and legal medical procedures relevant to such cases. As of May 2010, around 50 men and women of all ranks had taken part in such training sessions.<sup>54</sup> In 2009 the Senegalese police led a comprehensive study and organised a 1-month training seminar for 25 police officers on the topic of investigation techniques and procedures in cases of human trafficking.<sup>55</sup>

**20. Mainstreaming gender into training:** Initial training lasts 1 year and is the same for men and women. It includes human rights courses delivered in partnership with NGOs such as the Institute for Human Rights and Peace, associated with the Department of Political Science and Law of the University of Dakar.<sup>56</sup> No information is available on whether gender is mainstreamed in these courses.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Security Services Inspection Board is in charge of addressing individual complaints concerning police officers (see Police #6), and of internal oversight more generally. Research was unable to identify whether gender issues are addressed by the office.

**22. External oversight mechanisms/bodies:** None could be identified.

**23. Civil society oversight:** None could be identified.

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** No data were made available by official sources. However, anecdotal evidence indicates that GBV has indeed occurred in the past in the police services.

- One former female police employee reported receiving an inappropriate night-time visit by her supervisor while on mission in the countryside. When the policewoman later reported this incident to the wife of one of her supervisors, it was trivialised and no action was taken.<sup>57</sup>
- Amnesty International has reported that, on 19 December 2008, 9 men were arrested in Dakar after being targeted by anonymous accusations relating to their sexual life.<sup>58</sup> According to Amnesty International, the men reported homophobic assaults and comments on the part of policemen and prison guards.

## III. ARMED FORCES AND GENDARMERIE INDICATORS



The Senegalese Armed Forces comprise the army, the navy, the air force, the military health school, the national officer training school, the national non-commissioned officer training school and the gendarmerie (including its “special intervention unit”), as well as the civil protection service and the intelligence services. Military service in Senegal is not compulsory.<sup>59</sup>

In a spirit similar to that found in the police force, gender was originally not considered an important dimension of military life. In the gendarmerie, addressing gender issues has not been considered an important dimension of the integration of female staff, at least in the first stages of integration. As stated in 2008 by the commander of the company of female non-commissioned officers undergoing training, “we are training military personnel; we are not interested in knowing if [recruits] are men or women.”<sup>60</sup> In 2010 the minister for armed forces declared that he could not conceive of the idea of male and female gendarmes, and that, as far as he was concerned, there were “only gendarmes.”<sup>61</sup> The armed forces’ approach is similar. The head of management at the Dakar-Bango military school where female recruits are trained stated: “In the army, there is no distinction between girls and boys.” As the presence of female personnel increased, the military command started reviewing its internal policies and procedures in this regard, as evidenced by recruitment quotas, measures to adapt physical tests for women and a policy of positive discrimination for women in re-enlistment to the armed forces.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. However, the armed forces are seeking ways to institutionalise the adaptation of the military to female personnel through a formal gender policy.

**2. Human resources policies:** The Ministry of Armed Forces has recently undertaken a review of legislation and policies to adapt them to the needs of female and male staff.<sup>62</sup> Female recruits express most concern about measures targeting work and family balance.<sup>63</sup>

- Pregnancy: In the gendarmerie, as of 2006 a presidential decree stated that female non-commissioned officers in training found to be pregnant would be immediately dismissed.<sup>64</sup>
- Marriage: A male private may marry a civilian after 5 years of service and a male officer may do so after 3 years, while a female private must complete 4 years of service before she can marry.<sup>65</sup> As of May 2010, the question of marriage among military personnel, and especially among military personnel of different ranks, remained unresolved.<sup>66</sup>
- Maternity leave: The same regulations apply to female personnel as to other civil servants (see Police #2). Some officers interviewed did not know about the law.
- Paternity leave: None.

**3. Sexual harassment policy:** A policy on discrimination, harassment and sexual abuse and exploitation was under development in 2010 in both the gendarmerie and the armed forces.<sup>67</sup> Although the medical corps began accepting women in 1984, when women first joined the armed forces as troops in 2008, the military guidelines were updated to define acceptable behaviour towards female personnel. These guidelines reportedly contain provisions against sexual abuse of female staff. According to one high-ranking officer, military personnel are often briefed about what constitutes appropriate behaviour towards female colleagues and women in general, and on the issue of sexual abuse.<sup>68</sup>

**4. Gender-sensitive code of conduct:** No information was made available.

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** At the end of 2008 the army command issued service notes and reminders to “remind [military staff] of measures to take with regards to the behaviour of male staff towards female staff,”<sup>69</sup> and emphasise that men are banned from access to women’s barracks.<sup>70</sup> Moreover, informal talks are organised at the sickbay, where the “objective is to remind [everyone] of the consequences resulting from cases of harassment or exploitation of female staff.”<sup>71</sup>

Regarding the response to actual cases of sexual harassment or GBV, interviewed officers refer to the Armed Forces Internal Regulations and to legislation relevant to the military.<sup>72</sup>

According to the Code of Military Justice, charges against members of security forces are subject to the veto of the ministries concerned (either the Armed Forces Ministry or Interior Ministry). Amnesty International reports that it is common for ministries to block or delay judiciary procedures in such cases.<sup>73</sup> When accusations are brought against military staff, the accused individual is in most cases reassigned to a different region rather than suspended.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.<sup>74</sup>

**7. Collaboration mechanisms:** None.<sup>75</sup> See Armed Forces #22.

## PERSONNEL

### 8. Number of female and male personnel:

#### Armed forces

- In 2007 the Senegalese Armed Forces opened recruitment to women. Before then, since 1984 women were only admitted in military medical units.<sup>76</sup>
- As of 2010, women accounted for:
  - » 11 % of about 300 military medical staff<sup>77</sup>
  - » 41% of medical officers in training<sup>78</sup>
  - » 35% of the recruits in 2008 and 2009
  - » 4% of the army’s total military staff
- In addition, there is 1 woman in the air force and another in the navy, both of whom are undergoing training abroad.<sup>79</sup>

#### Gendarmerie

- In June 2006 a presidential decree authorised the “exceptional and temporary” recruitment of female personnel in the gendarmerie.<sup>80</sup> In October 2006 the first 50 female recruits started training at the National Gendarmerie Academy of Ouakam, in Dakar.<sup>81</sup> They accounted for 9% of students of their class. In 2008 they finished their training and were assigned to land units in Dakar, Kaolack, Saint-Louis and Thiès.<sup>82</sup> New female contingents of 50 recruits each started their training in 2008 and 2009.

### Number of female recruits in the Senegalese Armed Forces (2008–2009)<sup>83</sup>

Date of recruitment	Female recruits	%
2008 (1st term)	119	–
2008 (2nd term)	107	–
2008 (3rd term)	96	–
2009 (1st term)	44	–
2009 (2nd term)	46	–
2009 (3rd term)	47	–
<b>Total</b>	<b>459</b>	<b>35</b>

**9. Rank of male and female personnel:** As of 2010 the only senior female officers were medical officers: among the 32 female medical officers, the highest ranking was a lieutenant-colonel promoted to that level on 1 October 2009;<sup>84</sup> there were also 7 female majors, 13 female captains and 11 female lieutenants (see table below).<sup>85</sup> Outside the medical corps, the highest-ranking females were corporals.<sup>86</sup>

Among the 198 officers in training, there were 3 women (1.5%) undergoing training in Italy, Morocco and the United States. The first 2 cadets will graduate in 2012, the third in 2014.<sup>87</sup>

Women's recent integration into the armed forces makes it premature to assess whether they have equal access to high-ranking positions. Women gained access to the officer corps and the National Academy for Non-Commissioned Officers in 2008. The current 10 female students account for 20% of their class and will graduate in 2011 or 2012.<sup>88</sup> Similar recruitment quotas are expected to continue.<sup>89</sup> In 2011 the armed forces also intend to recruit female students in the National Academy for Officers.

### Female officers in the Senegalese Armed Forces (2010)

Status	Institution	Total staff	Number of women	% of women
Current officers	Medical officers <sup>90</sup> ● Lieutenant-colonel ● Major ● Captain ● Lieutenant	300	32 ● 1 ● 7 ● 13 ● 11	11.0
	Medical officers in training	–	–	41.0
Officers in training	National Academy for Non-Commissioned Officers (class of 2011–2012) <sup>91</sup>	50	10	20.0
	National Academy of Commissioned Officers, as of 2010 <sup>92</sup>	198	3	1.5

In the gendarmerie, as of 2010, 2 women were registered as non-commissioned officers at the Officer Academy.<sup>93</sup>

**10. Number of female and male personnel in peacekeeping missions:** In April 2010 none of the 1,605 Senegalese troops deployed in UN peacekeeping operations<sup>94</sup> were women, apart from those in the medical corps (see Armed Forces #14).<sup>95</sup> According to the Senegalese army, Senegal may deploy female peacekeepers in the future<sup>96</sup> in compliance with the National Action Plan on UN Security Council Resolution 1325, which Senegal began developing in October 2010.<sup>97</sup>

Senegal already deploys female police officers on peacekeeping missions. One high-ranking female police officer shared her experience in delivering training sessions to Congolese police officers on policing procedures. Acknowledging that there were many problems relating to the situation of policewomen in the Democratic Republic of the Congo, Senegalese peacekeepers organised a day of discussion on International Women's Day. Congolese policewomen revealed that they were subject to harassment, especially when they tried to obtain a promotion or job-related benefits. The Senegalese police tried to sensitise Congolese officers to the need to hire more policewomen and address issues connected to their situation. However, these efforts were met with reluctance, and interpreted by Congolese policemen as Senegalese police officers trying to teach them how to do their job.<sup>98</sup>

As of February 2011, no female Senegalese military personnel participated in UN peacekeeping missions (see table below).<sup>99</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
BNUB (Burundi)	Experts on mission	1	0	1
	<b>Total BNUB</b>	<b>1</b>	<b>0</b>	<b>1</b>
MINUSTAH (Haiti)	Individual police	29	0	29
	Formed police units	140	0	140
	<b>Total MINUSTAH</b>	<b>140</b>	<b>0</b>	<b>169</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	26	2 (7.14%)	28
	Formed police units	250	0	250
	Experts on mission	20	0	20
	<b>Total MONUSCO</b>	<b>296</b>	<b>2 (0.67%)</b>	<b>298</b>
UNAMID (Darfur)	Individual police	16	3 (15.79%)	19
	Formed police units	277	0	277
	Experts on mission	9	0	9
	Contingent troop	997	0	997
	<b>Total UNAMID</b>	<b>1,299</b>	<b>3 (0.23%)</b>	<b>1,302</b>
UNMIL (Liberia)	Experts on mission	1	0	1
	Contingent troop	1	0	1
	<b>Total UNMIL</b>	<b>2</b>	<b>0</b>	<b>2</b>
UNMIT (Timor-Leste)	Individual police	7	0	7
	<b>Total UNMIT</b>	<b>7</b>	<b>0</b>	<b>7</b>
UNOCI (Côte d'Ivoire)	Individual police	19	0	19
	Experts on mission	12	0	12
	Contingent troop	526	0	526
	<b>Total UNOCI</b>	<b>557</b>	<b>0</b>	<b>557</b>
<b>Total Senegal troop and police contributions</b>		<b>2,331</b>	<b>5 (0.21%)</b>	<b>2,336</b>

**11. Rates of attrition:** Between 2008 and 2010 no woman resigned from training or deserted.<sup>100</sup> The high retention rate is attributed to the great personal motivation of women.<sup>101</sup>

**12. Recruitment targets for female personnel:** There are quotas in place for the recruitment of women in both the armed forces and the gendarmerie.

Since 2006 the gendarmerie has recruited 50 women out of a total of 500 students (10%).<sup>102</sup> The first 50 recruits were selected in 2006, among 2,700 candidates who had finished middle school, following physical, written, medical and psychological examinations and an interview.<sup>103</sup>

In the armed forces, among the thousands who volunteered in 2007 during the first recruitment campaign open to women, 520 women and 2,100 men aged 18–22 years old were selected following medical and psychological tests, all administered by men.<sup>104</sup> Some women who were turned down complained of the lack of transparency of recruitment procedures, a claim contested by the authorities.<sup>105</sup> Overall, the women recruited tend to be more educated than male recruits, having finished secondary studies and sometimes started post-secondary studies. Like the men, they were subject to “good conduct enquiries,” which include an investigation to determine whether female recruits, who must be single, are hiding a child conceived outside of marriage.

**Recruitment of women in the Senegalese Armed Forces per region, October–December 2007<sup>106</sup>**

Region	Population of region as % of total population	Female candidates (number and % of total female candidates)		Quotas (number and % of total quota)		Recruited (number and % of total women recruited)	
		Number	%	Number	%	Number	%
Dakar	21.08	4,182	49.51%	100	33.33%	209	40.19%
Diourbel	10.72	750	8.88%	15	5.00%	30	5.77%
Fatick	6.20	716	8.48%	20	6.67%	34	6.54%
Kaolack	10.70	670	7.93%	25	8.33%	42	8.08%
Kolda	8.18	123	1.46%	20	6.67%	30	5.77%
Louga	6.78	190	2.25%	10	3.33%	15	2.88%
Matam	4.27	6	0.07%	5	1.67%	3	0.58%
Saint-Louis	7.03	150	1.18%	15	5.00%	30	5.77%
Tambacounda	6.15	106	1.26%	25	8.33%	35	6.73%
Thiès	13.17	1,055	12.49%	40	13.33%	62	11.92%
Ziguinchor	5.72	498	5.90%	25	8.33%	30	5.77%
<b>Total</b>	<b>100</b>	<b>8,446</b>	<b>100%</b>	<b>300</b>	<b>100%</b>	<b>520</b>	<b>100%</b>

**13. Vetting procedure for GBV:** “Good conduct enquiries” are performed upon recruitment on men and women. It is unclear whether these enquiries cover GBV.

**14. Positions/units where female or male personnel cannot serve:** As of 2010, no legislation has excluded women from any position in the Senegalese Armed Forces.<sup>107</sup> In practice, women have not been integrated into combat units.

**15. Specific measures for the recruitment, retention and advancement of female personnel:**

- The gendarmerie includes pictures of men and women in its public information material, including on its website.<sup>108</sup>
- Specific measures to increase the recruitment of women into the armed forces are judged unnecessary.<sup>109</sup> Since unemployment is high in Senegal,<sup>110</sup> the armed forces never lack candidates for recruitment. When recruitment campaigns opened up to women, more than 8,000 young women applied.<sup>111</sup>
- Measures are taken during training to adapt the obstacle courses to the physical capacities of young women, resulting in “an increased and more active participation of women to the different [training] activities.”<sup>112</sup> Moreover, men and women are evaluated according to criteria adapted to their “physical specificities.”<sup>113</sup>
- In the armed forces, women’s salaries are slightly higher than men’s, since their living expenses are expected to be higher, for instance due to personal healthcare costs.<sup>114</sup>
- Authorities make efforts to highlight the contribution of female personnel in national defence. During the 2007 Independence Day Parade in Dakar, the presence of women wearing the uniforms of different military and paramilitary corps was conceived as a tribute to the new female recruits, and praised by the president, who stated that national defence could no longer be considered “only a men’s thing.”<sup>115</sup>
- The armed forces have adopted a positive discrimination policy regarding the re-enlistment of women. At the end of their 2-year military training, 20% of women were offered re-enlistment against 5% of men. Of those not re-enlisting, some are recruited in paramilitary corps, such as the gendarmerie, the firefighter squads or as customs agents.<sup>116</sup> These security sector institutions have all recently instituted quotas for women in their recruitment campaigns.<sup>117</sup> The Agency for Social Reinsertion of Military Personnel has designed special programmes for demobilised women. For instance, 12 female privates demobilised on 30 April 2010 received a 10-day training course in June 2010 on fruit and vegetable processing at the Food Technology Institute.<sup>118</sup>
- With regard to measures taken to promote women, see Armed Forces #9.

**16. Female staff associations:** None. The creation of such an association is not encouraged, as it is perceived as something that could limit the integration of women as partners equal to men within the armed forces.<sup>119</sup>

**17. Infrastructure/facilities for male and female personnel:**

- Female gendarmes have different uniforms at their disposal. They can choose to wear trousers or skirts. Female military staff wear fatigues.
- In the armed forces men and women have separate dormitories and bathrooms. Non-commissioned officers responsible for supervision in women’s dormitories are exclusively women. In the absence of female non-commissioned officers during the first year women were recruited, 12 non-commissioned officers from the gendarmerie were responsible for supervision.<sup>120</sup>
- Women are provided with everything they require in barracks so they do not need to leave the barracks for purposes other than training.<sup>121</sup> However, the officer interviewed expects that women and men will eventually have the same freedom to come and go.
- During the incorporation of women into the military, little time and resources were allotted to logistical adjustments.<sup>122</sup> Resulting delays in the construction of women’s barracks forced the military to cut women’s quotas by half in 2008 and 2009 as compared to 2007.<sup>123</sup>

## TRAINING

**18. Gender training:** No information was made available.

**19. Mainstreaming gender into training:** No information was made available. However, the military academy leadership stated that “there is no difference in the training [for men and women] to the extent that we sometimes forget we have female personnel in our ranks.” The objective is to “exclude all discrimination” and ensure “that everyone gets the same opportunities.”<sup>124</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** In response to individual complaints, a commission of inquiry may be set up. Internal Military Security also investigates cases related to the military and the protection of military staff.<sup>125</sup>

**21. External oversight mechanisms/bodies:** None identified aside from the Ministry of Armed Forces.<sup>126</sup>

**22. Civil society oversight:** None. The idea of civil society oversight is unwelcome among the interviewed officers. According to one officer, “the army would lose its reason to be if we accept for civil society to intervene in [military business].”<sup>127</sup>

**23. Number of cases of discrimination, sexual harassment/GBV perpetrated by armed forces:** No data were made available. Some interviewed officers argued that harassment is nonexistent,<sup>128</sup> others stated that “military misdemeanour is commonplace,” but that “we cannot disclose” the military sanctions taken in such cases.<sup>129</sup> Anecdotal evidence indicates that grave acts of violence were perpetrated on a number of women during hazing rituals at the Military Medical School.<sup>130</sup>



## IV. JUSTICE SYSTEM INDICATORS

The government of Senegal is currently working on the reform of the justice and penal systems. It has elaborated a 10-year programme of justice reform (2003–2013). This plan concerns the justice system, the penal system and juvenile offender rehabilitation, which fall under the Ministry of Justice. While gender is not a central dimension of this reform, the government has recently launched a number of gender-sensitive initiatives. The Association of Female Jurists of Senegal has been especially proactive in advocating the adoption of gender-sensitive legislation, as well as in organising activities to improve women's access to justice, notably for female detainees.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>131</sup>

**2. Human resources policies:** Maternity leave is guaranteed by Senegalese law (see Police #2), which states that all public institutions should have a dedicated space for breastfeeding; however, this law is rarely applied.<sup>132</sup>

**3. Sexual harassment policy:** None could be identified; the interviewee referred to the Penal Code (see #5).<sup>133</sup>

**4. Gender-sensitive code of conduct:** None; the interviewee referred to the statutes of magistracy, which are considered gender-neutral.<sup>134</sup>

**5. Procedures for prosecuting cases of GBV:** These procedures are addressed in the Penal Code and the Penal Procedure Code.<sup>135</sup>

- The Penal Code forbids sexual harassment. However, the term is narrowly defined: the presumed perpetrator, man or woman, must be in a position of authority *vis-à-vis* the presumed victim, who must demonstrate that this authority allowed the perpetrator to force the victim against his or her will.<sup>136</sup>
- In May 2010 procedures were being introduced to allow non-governmental organisations to seek civil compensation in criminal cases against perpetrators of GBV prosecuted by the state.<sup>137</sup>
- No specific procedures exist to support or interview presumed rape victims.<sup>138</sup>
- Sanctions for recognised perpetrators of rape have been made more severe. However, they differ from one jurisdiction to another.<sup>139</sup>

### INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** In December 2008 the Ministry of Justice set up a dedicated committee for the prevention of violence against women.<sup>140</sup>

**7. Specialised structures for service recipients:** The Office for Juvenile Offender Rehabilitation and Social Protection deals with children and youth in conflict with the law or at risk of abuse or exploitation, including by providing shelter and education. According to one staff member, girls and boys are supported in similar ways. However, as of 2008 more boys than girls were admitted (4,215 boys and 2,335 girls – 34%).<sup>141</sup>

Service delivery staff comprise 122 women (48%) and 132 men.<sup>142</sup> Women are over-represented in secretarial, laundry and cleaning positions (over 90.0%) and under-represented among specialised educators (38.3%).<sup>143</sup> As of April 2010, the human resources director stated that more and more women were being given responsible positions.<sup>144</sup>

As of 2009, 33 boys (and no girls) were admitted after committing sexual assault, while 12 girls (and no boys) were admitted after being raped.<sup>145</sup> If cases of paedophilia and other sexual crimes are also included, about 5% of the children admitted had been involved in acts of sexual violence, either as victims or as perpetrators.<sup>146</sup>

**8. Collaboration mechanisms:** The Ministry of Justice collaborates with a number of organisations working on issues related to the status of women, including the Association of Female Jurists of Senegal and the Ministry of Family. In 2008 the Ministry of Justice, in partnership with the Ministry of Family and civil society, established the National Committee of Reflection on Violence against Women and Children.<sup>147</sup>

### PERSONNEL

**9. Number of female and male personnel:** Women are represented in the judiciary administration only to a very limited extent (5%). As of 2008 there were 38 women among 307 lawyers (12%).<sup>148</sup>

**10. Number of male and female judges:** In the magistracy there were 61 women out of 418 judges (15%) as of February 2008.<sup>149</sup> Since 1997 the number of female judges has grown from 27 to 61, but the proportion (15%) has remained the same.<sup>150</sup> Several women have occupied high-level positions in the Court of Cassation, which until 2008 was the highest court in Senegal,<sup>151</sup> and in the Supreme Court and the Constitutional Court.

**11. Recruitment targets for female personnel:** None could be identified.<sup>152</sup>

**12. Vetting procedure for GBV:** None.<sup>153</sup>

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None.<sup>154</sup>

**14. Female staff associations:** The Association of Female Jurists of Senegal was founded in 1974, with the mandate to “contribute to the development of the law, particularly regarding women and children's rights.”<sup>155</sup> It gathers female judges, attorneys, inspectors, legal councillors and law students. Over the last decades the association has mobilised to improve the legal status

of Senegalese women.<sup>156</sup> It has worked for the modification of laws regarding the repudiation of wives, fiscal regulations for mothers and fathers (2008),<sup>157</sup> the right of women to accept leadership positions in labour unions without their husband's consent<sup>158</sup> and the transfer of responsibility to a working mother if her husband or children need healthcare (2006). As of 2010, the association has been working on the issue of joint and equal parental authority and on reforming the Penal Code to secure better medical and legal support for female victims of sexual violence.<sup>159</sup> It also advocated the right to abortion and free access to caesareans and psychological support for girls who have been sexually abused. Furthermore, the association provides legal counselling services to men and women. In the case of women in situations of domestic violence or sexual abuse, the association puts the victim in contact with a female lawyer. Finally, members of the association organise days of free legal consultations several times a year in different towns, in collaboration with community dispute resolution centres. During one such event on 10 February 2007, at the Dakar Chamber of Commerce, 28 women and 73 men came to consult legal experts.<sup>160</sup> The association collaborates with the Ministry of Family and the National Observatory of Women's Rights.

## TRAINING

**15. Gender education or training:** Meetings on gender issues are often held by the Ministry of Justice and the National School of Management and Magistracy.<sup>161</sup> Lectures and training sessions on women's rights, sexual violence and domestic violence are given in the gendarmerie, the police and faculties of law and medicine in collaboration with women's organisations, such as Women in Law and Development in Africa.<sup>162</sup>

**16. Mainstreaming gender into training or education:** Gender is mainstreamed to a certain extent; for instance, violence against women in armed conflicts is covered in training on international law.<sup>163</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** While there are general oversight mechanisms, such as the Judiciary Services Oversight, no special measure appears to have been taken with regard to gender.<sup>164</sup>

**18. External oversight mechanisms:** An ombudsperson and a high commissioner for human rights as well as the Ministry of Justice exercise this role.<sup>165</sup>

**19. Civil society oversight:** The Association of Female Jurists of Senegal plays an important role in oversight. Since 2004 it has an official consultative status to the presidency. Other organisations, for instance the Committee for Action against Violence against Women, perform informal oversight activities.<sup>166</sup>

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice sector personnel:** No information was made available.

## V. PENAL SERVICE INDICATORS



Senegal is facing a difficult situation with regard to the management of its penal service. No detention centre has been built in the country since it became independent in 1960,<sup>167</sup> and infrastructure is both insufficient and dilapidated. As of 2007 Senegal operated 37 prisons.<sup>168</sup> The theoretical total capacity of penitentiary facilities countrywide is about 3,000 prisoners; however, as of June 2010 there were about 7,550 persons in detention.<sup>169</sup> The overcrowding of detention facilities is due partly to the slowness of the judicial system – about half of the prisoners are pre-trial detainees<sup>170</sup> – and also to the lack of application of non-custodial measures, even though the Penal Code has encouraged their use since 2000.<sup>171</sup> About a third of all detainees are released less than a month after their imprisonment;<sup>172</sup> others can stay up to 10 years in jail before they are judged.<sup>173</sup> In April 2010 Senegalese media reported on a broad reform of the penal system with a 2013 horizon.<sup>174</sup> Authorities have committed to improve penitentiary infrastructure and rehabilitation programmes.<sup>175</sup>

The Code of Penal Procedure provides for basic gender-sensitive regulations, such as the separation of male prisoners from female prisoners (3.7% of the total prison population), the supervision of female inmates by female personnel – currently 13.8% of all prison staff – and special detention conditions for pregnant women and nursing mothers. However, it is unclear whether or how these procedures are implemented in practice. No specific policies exist with regard to sexual harassment and sexual exploitation and abuse. Finally, collaboration with civil society organisations is relatively fluid and common, but it remains informal and *ad hoc*.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** A policy of gender balance exists in different positions and ranks in the statutes of penal system personnel. New statutes to be adopted soon will better address gender issues.<sup>176</sup> Policies regarding maternity leave and other issues are the same as those applicable to all civil servants (see Police #2).<sup>177</sup>

**3. Sexual harassment policy:** No information was made available.

**4. Gender-sensitive code of conduct:** None.<sup>178</sup>

**5. Procedures for interaction between males and females:** According to the Code of Penal Procedure, only female guards may supervise female inmates<sup>179</sup> and body searches must be performed by a guard of the same sex as the detainee.<sup>180</sup>

**6. Procedures for family and conjugal visits:** The Code of Penal Procedure provides for the delivery of “communication permits” for close relatives of prisoners. Visits are authorised on Sundays, Wednesdays and public holidays, and last between 15 minutes and 3 hours.

They occur in the presence of a prison guard who must be able to hear conversations and prevent any exchange of money or objects; objects must first transit through the prison manager.<sup>181</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** According to the Code of Penal Procedure, during the last 2 months of pregnancy and the first 2 months following delivery, women should be placed in a separate room. Children can stay with their mothers up to the age of 3 years.<sup>182</sup>

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** Internal sanctions are said to exist, but details are not available.<sup>183</sup>

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.<sup>184</sup>

**10. Separate prisons for males/females and juveniles/adults:** There are 37 functional prisons in Senegal, 2 of which are for women only (Dakar Liberté VI and Rufisque) and 1 for minors only, also in Dakar (Hann – former Fort B).

The low number of women in prison in rural areas is the reason why there are no separate prisons for men and women outside city centres.<sup>185</sup> However, the Code of Penal Procedure requires detention centres to be organised in a way that does not allow communication between women's and men's quarters. Minors must be separated from other inmates Code of Penal Procedure. While authorities claim this is indeed the case,<sup>186</sup> the Senegalese media say otherwise.<sup>187</sup> Overall, women's penal facilities are less crowded than men's. For instance, as of May 2008 there were 71 women at Dakar's Liberté VI women's prison, which has a capacity to accommodate 100 detainees.<sup>188</sup>

**11. Specialised education, training and rehabilitation:** Education and social services are becoming available in all detention centres.<sup>189</sup> Their staff work on reinsertion in collaboration with national associations, such as Ci-Biti Air Libre and the National Organisation for Human Rights, and international NGOs, such as the International Committee of the Red Cross (ICRC).<sup>190</sup> As of May 2010, 14 of the 37 detention facilities (37.8%) had a functioning education and social service centre.<sup>191</sup>

Different professional workshops are organised to prepare prisoners for reinsertion. Female detainees can learn tailoring, sewing, embroidery, dyeing, hairdressing, handicrafts and silkscreen printing, and also have access to literacy workshops. Except for literacy and silkscreen printing workshops, women's professional training options differ from men's, who have the opportunity to learn carpentry, bookbinding, farming, butchery, soldering, medical plant growing and various sports.<sup>192</sup>

**12. Specialised health and drug treatment:** In each building there is a medical and social service.<sup>193</sup> However, according to the Senegalese media, sanitary conditions are in general precarious, epidemics are common and care is insufficient.<sup>194</sup> The prevention of sexually

transmitted infections such as HIV/AIDS is a challenge, and prison officials disagree on how to prevent the spread of infection. For instance, the director of the women's detention centre in Dakar (Liberté VI) declared in 2010 that she was opposed to the distribution of condoms in the detention centres.<sup>195</sup>

**13. Collaboration mechanisms:** Collaboration mechanisms exist with both the Ministry of Family and women's organisations and other NGOs. NGOs contact the detention centres, which usually respond favourably.<sup>196</sup> Ci-Biti Air Libre provides important support to prepare inmates for reinsertion into social and professional life (see Penal #11).<sup>197</sup> The ICRC is active with regard to healthcare.<sup>198</sup> The penal administration is also planning to consolidate its partnership with the National Committee against AIDS.<sup>199</sup>

On 5 July 2008 a delegation of 16 members of the Association of Female Jurists of Senegal organised a visit to inmates in the Rufisque detention centre for a day of legal consultations. The visit was an opportunity for the jurists to offer 2 hours of free legal consultations to around 60 female inmates and distribute basic food and care items.<sup>200</sup> The inmates asked for and received advice on matters of rape, domestic violence, divorce and land disputes.

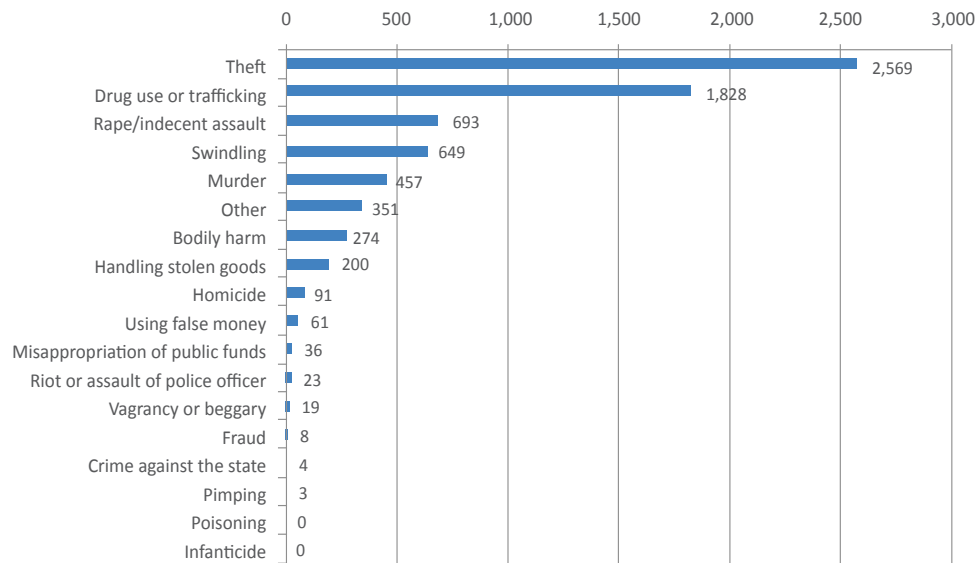
## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** As of June 2010 there were 7,550 inmates in Senegal, 280 of whom were women (3.70%).<sup>201</sup> This is a slight proportional decrease compared to 2009, when there were 7,361 inmates, 280 of whom were women (3.80%). As of 31 December 2009 there were 145 minors (1.92% of all detainees), 4 of whom were girls (2.76% of minor detainees).<sup>202</sup>

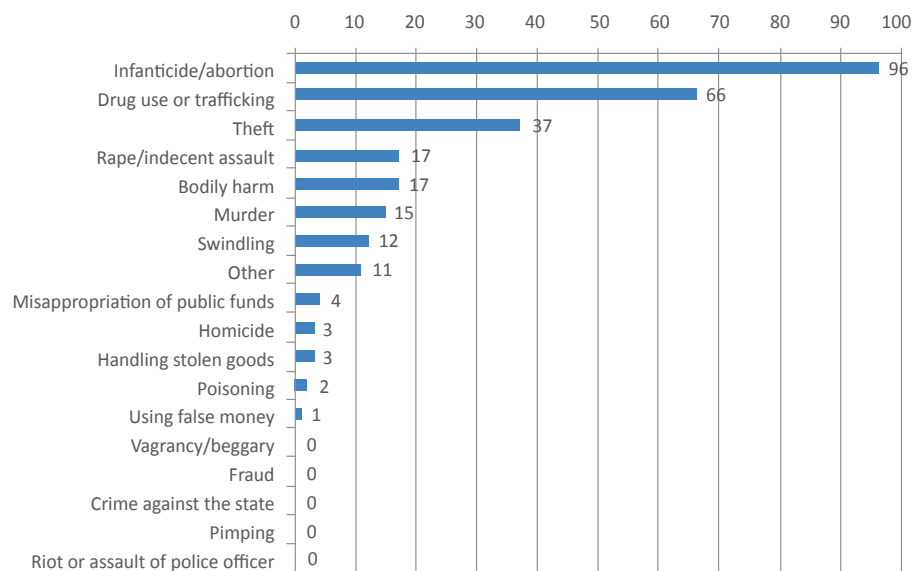
While men are primarily incarcerated for theft, many women are imprisoned for infanticide or abortion (96 women in 2009, or 30% of female detainees). This proportion has not changed since the early 2000s (see tables below).<sup>203</sup>



### Main reasons for detention among male inmates (2009)<sup>204</sup>



### Main reasons for detention among women (2009)<sup>205</sup>



**15. Number of female and male personnel:** 6 women were hired in the penal system for the first time in 1984.<sup>206</sup> As of 2009 there were around 209 female employees (13.68%) out of a total of 1,520 prison staff.<sup>207</sup>

**16. Rank/level of male and female personnel:** There are around 200 supervisory staff; no women are among the 21 highest-ranking staff.<sup>208</sup> At the second-highest level (head of detention centre) there are 38 individuals in total, including 4 women (11%).<sup>209</sup> These 4 women are supervising the women's detention centres in Rufisque and Dakar, the detention centre for male and female minors in Dakar (Hann)<sup>210</sup> and, since 2009, the detention centre of Mbour,<sup>211</sup> where both men and women are detained.<sup>212</sup>

### Rank of penal system personnel (2009)

RANK (from highest to lowest)	MALE	FEMALE	TOTAL
Director	1	0	1
Doctor	1	0	1
Inspector (high-level management)	21	0	21
<i>Contrôleur</i> (head of detention centre)	34	4 (10.52%)	38
Commissioned <i>contrôleur</i>	2	6 (75.00%)	8
Administrative officer	92	14 (13.20%)	106
Commissioned administrative officer	5	5 (50.00%)	10
Prison guard	1,155	173 (13.07%)	1,328
Commissioned prison guard	0	5 (100.00%)	5
Non-commissioned agent	1	1 (50.00%)	2
<b>Total</b>	<b>1,312</b>	<b>208 (13.68%)</b>	<b>1,520</b>

**17. Rates of attrition:** In the last 10 years only 2 women resigned.<sup>213</sup>

**18. Recruitment targets for female personnel:** As of 2010 a plan was launched to recruit 550 agents over 3 years, but no specific recruitment targets for women could be identified.<sup>214</sup>

**19. Vetting procedure for GBV:** None, though candidates are screened for "good moral conduct."<sup>215</sup>

**20. Positions/wards where female or male personnel cannot serve:** According to the Code of Penal Procedure, male guards cannot supervise female inmates, and *vice versa*.<sup>216</sup> However, in principle men and women can work in any position.<sup>217</sup>

**21. Specific measures for the recruitment, retention and advancement of female personnel:** Advertisements were published in the press, posted in police stations and broadcast on the radio.<sup>218</sup> However, such advertisement campaigns had ceased at the time of writing; starting in 2014 only military personnel having completed their 2 years of training will be able to become prison guards.<sup>219</sup> Women are always represented in recruitment committees.<sup>220</sup>

**22. Female staff associations:** There is a women's association in the penal services.<sup>221</sup>

**23. Infrastructure/facilities for male and female personnel:** Sanitation facilities are separate and the uniforms are different: women can wear trousers or skirts.<sup>222</sup>

## TRAINING

**24. Gender training:** Gender training is available only for staff interacting with both male and female inmates.<sup>223</sup> Further information was not made available.

**25. Mainstreaming gender into training:** Gender is mainstreamed in the training programmes for penal staff.<sup>224</sup> Further information was not made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** A council for disciplinary inquiry may investigate disciplinary gender issues.<sup>225</sup> Oversight of detention centres is also exercised by different judges, who can visit detention centres at will.<sup>226</sup> Finally, there is a surveillance committee for each institution.<sup>227</sup> However, these different mechanisms do not issue public reports and complaints of human rights violations have not been followed up.<sup>228</sup> There is no structure dedicated to gender issues.<sup>229</sup>

**27. External oversight mechanisms:** The consultative committee for sentencing guidelines is chaired by the judge responsible for implementation of sentences.<sup>230</sup> The Parliamentary Committee for Defence and Security has recently taken interest in conditions of detention in prisons. Members of the committee visited detention centres in 2008. The main focus of their enquiry was to find strategies to shorten periods of pre-trial incarceration.

**28. Civil society oversight:** No formalised mechanism for oversight exists.<sup>231</sup> However, when NGOs organise activities for inmates, they visit the prisons and hear inmates' concerns. Amnesty International has published reports on Senegalese prisons.<sup>232</sup>

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No information was made available. See Police #24 regarding violations of human rights of homosexual inmates.

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34. Ibid.
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# Sierra Leone



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## QUICK FACTS<sup>1</sup>

- **Population: 4,976,871; 48.63% male, 51.37% female (2004)**
- **Population below the poverty line: 53.4% living on less than 1 USD/day (2003)**
- **Lifespan: 46.1 men, 48.7 women (life expectancy at birth, 2005–2010)**
- **Literacy rate: 46.7% men, 24.2% women (2004)**
- **Fertility rate: 5.2 children per woman (2007)**
- **Human Development Index rank: 158 out of 169 (2010)**
- **Percentage GDP spent on defence: 2.3% (2008)**
- **Perception of corruption rank: 134 out of 180 (2010)**

## INTRODUCTION\*

In 1787 a settlement of freed American slaves was established in West Africa with the support of a British abolitionist company. This expanding settlement, and surrounding areas inhabited by the Limba, Mende, Sherbro and Temne, among others, became a British protectorate in 1896. After decades of British rule, Sierra Leone gained independence in 1961. Since then, the country has seen 6 general elections and 5 military coups. Between 1991 and 2002 Sierra Leone suffered a civil war which caused over 50,000 deaths and the displacement of 300,000–400,000 people.<sup>2</sup> The war was characterised by extreme violence against civilians, the pervasive use of child soldiers and a shadow economy partially fuelled by blood diamonds.<sup>3</sup> The United Nations Children's Fund estimates that over 250,000 women were raped during the war.<sup>4</sup> After 4 failed peace agreements and interventions by a Nigerian-led Economic Community of West African States Monitoring Group, the British army and the United Nations Mission in Sierra Leone, a joint declaration of end of war was signed in 2002.<sup>5</sup>

The Sierra Leonean security sector was considerably influenced by the legacy of the British colonial era. Colonial authorities established the police in order to protect British interests and contain resistance through suppression of the local population. After independence, the security sector remained highly politicised and based on ethnic and patrimonial alliances. In addition, "inadequate and irregular remuneration exacerbated corruption and abuses of office."<sup>6</sup> During the armed conflict both the police and armed forces committed human rights violations – leading to a deep distrust of security sector institutions (SSIs). Moreover, Sierra Leone's infrastructure was heavily damaged, including buildings and records. Thus after the war the government of Sierra Leone, with external support, struggled to establish basic security across the country while "simultaneously restructuring basically non-existent intelligence and security systems."<sup>7</sup>

Externally supported security sector reform (SSR) initiatives began in earnest in 1999 and continue today. In fact, the cluster of reform initiatives in Sierra Leone has become known as "the example of SSR."<sup>8</sup> Largely supported by the United Kingdom (UK) and the United Nations (UN), initial

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

reforms prioritised the police and the armed forces through the establishment of the British-led International Military Assistance Training Team (IMATT) and the Commonwealth Community Safety and Security Programme.<sup>9</sup> In addition, a national security structure was set up comprising the National Security Council, the Office of National Security and provincial and district security committees. The Sierra Leone Security Sector Reform Programme, funded by the UK Department for International Development, focused on supporting the development of the Ministry of Defence, building the capacity of the Office of National Security and rebuilding the Central Intelligence and Security Unit. In parallel, the Special Court for Sierra Leone and the Truth and Reconciliation Commission were established to address transitional justice and reconciliation.<sup>10</sup> From 2003 to 2005 the Office of National Security spearheaded a security sector review process which identified key security actors and threats and provided SSR policy direction. In recent years the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery has placed greater emphasis on providing gender-sensitive support for justice and prison reform as well as targeting the armed forces and police. In addition, the number of international, regional and national actors involved in the SSR process has multiplied. The SSR process in Sierra Leone is frequently cited as a “best practice” model. However, it has been criticised for its top-down, externally imposed approach, potential unsustainability<sup>11</sup> and failure to support the reform of key SSIs such as the Ministry of Interior and the Sierra Leone Prison Service.<sup>12</sup>

Emerging from 11 years of devastating civil war, Sierra Leoneans were faced with many threats to their security and ability to access justice. In 2003 a participatory threat analysis was conducted as part of the Sierra Leone security sector review coordinated by the Office of National Security. It identified 22 key threats, 8 of which were categorised as security related, namely the existence of a weak and uncoordinated security system, indiscipline and lawlessness, ill-equipped and poorly paid security forces and institutions, porous borders, regional instability, subversion and coups, terrorism and organised crime, and uncontrolled immigration.<sup>13</sup> Another survey of perceived security threats was conducted in 2008 with 250 respondents from 4 districts in Sierra Leone. It identified numerous threats: rape, gender-based violence (GBV), street violence, drug use, youth unemployment, armed robbery, unlawful allocation of land, town mining, the misallocation of land by chiefs, inadequate coverage of security forces, too few police night patrols, bribery of security forces, lack of screening of security personnel, use of ex-combatants as security personnel, a poor judicial system, inadequate conditions of service for security personnel, low levels of education, political interference, predominance of small arms and smuggling, criminal activity related to drugs, and the trafficking of people, especially children.<sup>14</sup> These threats affect Sierra Leonean men and women differently. For instance, women are faced with the threat of female genital mutilation (FGM) – up to 90% of Sierra Leonean women have undergone FGM.<sup>15</sup> Rates of domestic and sexual violence are also high. According to an unpublished Human Rights Watch study, in the period 1998–2000, 70% of urban women interviewed reported being beaten by their male partner and over 50% reported being forced to have sexual intercourse.<sup>16</sup>

The SSR process in Sierra Leone has just begun to address these security and justice needs. In 2007 groundbreaking national legislation was adopted that provides a platform for SSIs to prevent domestic violence and respond to cases adequately. The 2010 Sierra Leone National Action Plan on UN Security Council Resolutions 1325 and 1820 contains specific mandates for the Ministry of

## SIERRA LEONE SECURITY SECTOR INSTITUTIONS\*

### Service delivery

#### Sierra Leone Police

- Family Support Units
- Community Relations Department
- Police Training School

#### Chiefdom Police

#### Republic of Sierra Leone Armed Forces

- Military Police

#### Central Intelligence and Security Unit

#### Justice system – formal and customary

- Special Court for Sierra Leone
- Truth and Reconciliation Commission

#### Sierra Leone Prison Service

#### Civil society organisations

- Women in Security Sector – Sierra Leone
- Female staff associations of parliament, police, armed forces and prison personnel
- Lawyers Centre for Legal Assistance

### Oversight

#### Ministry of Defence

#### Ministry of Internal Affairs, Local Government and Rural Development

#### Ministry of Justice

#### Ministry of Social Welfare, Gender and Children’s Affairs

#### Office of National Security

#### National Security Council

#### National Security Council Co-ordinating Group

#### National Police Council

#### Provincial and district security committees

#### National Committee on Gender-Based Violence

#### Anti-Corruption Commission

#### Human Rights Commission

#### Office of the Ombudsman

#### Executive

#### Justice system – formal and customary

#### Parliament

- Committee on Defence, Internal and Presidential Affairs
- Committee on Internal Affairs, Local Government and Rural Development
- Committee on Human Rights

#### Civil society organisations

\* Only those included in this country profile, not a comprehensive list.



Justice and all SSIs to reduce impunity for GBV and increase the recruitment and retention of female personnel. The Sierra Leone Police has led the way with comprehensive integration of gender issues, from establishing Family Support Units and adopting policies on gender mainstreaming and sexual harassment to frequent gender training. Since 2008 the Republic of Sierra Leone Armed Forces have begun to address gender issues, including first rounds of gender training, the development of a gender (equal opportunities) policy and the recent establishment of the Gender and Equal Opportunities Office of the assistant chief of defence staff. The formal justice system has also benefited from *ad hoc* training on gender issues, and numerous international organisations and national civil society organisations provide free legal aid and support to victims of GBV. With regards to female personnel, the Sierra Leone Prison Service has the highest rate at 20.71%, while the Sierra Leone Police has 16.26%. The Sierra Leone Armed Forces have a relatively low rate at 3.92%. A driving force behind change within the police, armed forces and prisons has been their female staff associations, including the recently established sector-wide association Women in Security Sector – Sierra Leone.

Notwithstanding these gains, gaps and challenges to the integration of gender issues in the Sierra Leonean security sector remain. National security and defence policies fail to mention GBV as a threat to national security and continue to use discriminatory language. The police Family Support Units are overstretched and under-resourced. Clear reporting procedures for sexual harassment and other forms of GBV perpetrated by police, armed forces, justice and prison staff have yet to be developed and implemented. With the exception of the police, internal capacity to develop and support gender initiatives remains limited. For instance, the justice sector seems to lack clear procedures for trying GBV cases and access to justice remains limited for women in Sierra Leone. The prison service also lacks capacity, with inadequate reproductive healthcare, no gender training and no internal gender structures.

## I. NATIONAL GOVERNANCE INDICATORS



Sierra Leone's national laws and policies on gender contain multiple mandates for the security sector. The Domestic Violence Act (2007) includes clear procedures for police and court response to victims of domestic violence. In addition, the Sierra Leone National Action Plan on UN Security Council Resolutions 1325 and 1820 calls for affirmative action measures in SSIs to increase the number of female personnel and workshops/training on GBV for parliamentarians and Ministry of Justice personnel. In contrast, national security policies fail to mention GBV as a threat to internal security and do not use gender-sensitive language – consistently referring to the president and other national security actors as “he” or “men and officers.” The Defence White Paper, however, does include one paragraph addressing equal opportunities and uses the phrase “service men and women” once. Regarding the involvement of women and gender experts in national security decision-making, there are only between 1 and 3 female parliamentarians on each of the 16-person committees responsible for oversight of the security sector. The Ministry of Social Welfare, Gender

and Children's Affairs does not participate in the National Security Council. However, the Sierra Leone Female Parliamentary Caucus has the potential to advocate for the integration of gender issues in national security policies.

Sierra Leone is also party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

### 1. National security laws/policies:

- **Report of the Sierra Leone Security Sector Review (2005):** This 2-year review process was coordinated by the Office of National Security in order to assess the current threats, formulate a comprehensive national security architecture and recommend key actions to be taken. GBV is not mentioned as a security threat, though mass unemployment of youth and women is, as well as the social marginalisation of women. The report calls for the transformation of the judicial system to respond to human rights issues and inequalities and for speedy implementation of the Women Action Plan.
- **National Security and Central Intelligence Act (2002):** The objective of this act is to provide for the internal and external security of Sierra Leone through the establishment of the National Security Council, provincial and district security committees, the Central Intelligence and Security Unit, the Office of National Security and a complaints tribunal. There is no mention of women or gender issues.
- **Sierra Leone Government Defence White Paper (2002):** The aim of the Defence White Paper is to “share with the people of Sierra Leone the way in which their government's plans for defence are developing and to stimulate debate on this vital issue.” The paper describes the security environment and charts past and future reforms of the Ministry of Defence and the Republic of Sierra Leone Armed Forces (RSLAF). It does not mention GBV as a security issue. However, it does include a short equal opportunities policy which states that “The Ministry of Defence together with the RSLAF is committed to recruiting and retaining high calibre personnel irrespective of tribe, region, gender... We are committed to ensuring that within the RSLAF a culture of zero tolerance of any form of discrimination or harassment exists... We are also committed to developing an equal opportunities strategy through education and by providing strong leadership at all levels. The government does not only view equality as a moral issue, but also an operational imperative.”

### 2. National gender laws/policies:

- **National Gender Strategic Plan 2010–2013 (2010):** Developed by the Ministry of Social Welfare, Gender and Children's Affairs, the plan aims to achieve gender equality, particularly in legislation, representation, empowerment and the distribution of resources. It also serves

as a tool for advocacy, resource mobilisation, coordination and monitoring and evaluation. It calls for 30% women's representation in politics and governance as well as increased gender training for legal officers.

- **Sierra Leone National Action Plan for the Full Implementation of UN SCR 1325 & 1820 (SiLNAP) (2010):** In addition to addressing SSR, the police service and the armed forces in the context section, SiLNAP mandates specific activities related to gender and SSR. These include improving the legal environment for women's rights and security through workshops with the Ministry of Justice and parliamentarians in order to pass the Sexual Offences Bill; providing logistical and financial support to lawyers prosecuting GBV; and increasing the recruitment and retention of women in SSIs through developing affirmative action measures, reviewing recruitment and promotion criteria and providing training.
- **Registration of Customary Marriage and Divorce Act (2009):** This act sets the legal age of consent to marriage at 18, as well as requiring consent from both parties for the marriage to be lawful. It also requires that all customary marriages and divorces be registered.
- **Domestic Violence Act (2007):** This law sets out a broad definition of domestic violence, including economic and psychological abuse, and makes it a criminal offence. "A police officer shall respond promptly to request by any person for assistance from domestic violence..." Marital rape is criminalised. The law also sets out a clear procedure for police response to domestic violence complaints, and establishes court protection orders and a procedure for out-of-court settlement. According to the act, the minister of social welfare, gender and children's affairs may make regulations providing for the training of police and court officials on domestic violence, public education on domestic violence and social welfare services and free medical treatment for victims of domestic violence.
- **Devolution of Estates Act (2007):** Rather than having marital property revert back to the husband's family, which often results in the wife and children being evicted from the family home, this act decrees that husbands and wives inherit from each other equally and surviving spouses are entitled to remain in the family home. Male and female children also inherit equally when a parent dies without leaving a will.
- **Anti-Human Trafficking Act (2005)**
- **Sierra Leone National Policies on the Advancement of Women and Gender Mainstreaming (2000)**

**3. Parliamentary security committees:** The Parliamentary Committee on Defence, Internal and Presidential Affairs, which provides oversight over the Ministry of Defence and the Republic of Sierra Leone Armed Forces, comprises 16 members, 1 of whom is a woman (6.25%); the chair and deputy chair of the committee are men. The Parliamentary Committee on Internal Affairs, Local Government and Rural Development, which has oversight of the Sierra Leone police and prison services, has 16 members, including 2 women (12.50%). The Parliamentary Committee on Human Rights, which has oversight on justice issues, has 16 members, 3 of whom are women (18.75%), including the chair.<sup>17</sup>

**4. Male and female representation in parliament:** Of the 121 members of Sierra Leone's Parliament, 16 (13.2%) are women and 105 (86.8%) are men.<sup>18</sup>

The Sierra Leone Female Parliamentary Caucus was established in May 2009 and has 16 members. Its objectives include promoting solidarity among women parliamentarians across party lines, setting up a common advocacy agenda for the integration of women and children's issues in all parliamentary processes, strengthening female parliamentarians' capacity with regard to legislative and parliamentary processes, and enhancing women's access to political and economic spheres.<sup>19</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** The Ministry of Social Welfare, Gender and Children's Affairs does not participate in the National Security Council.

## II. POLICE SERVICE INDICATORS



Originally established in 1894, the Sierra Leone Police (SLP) is one of the oldest police forces in West Africa. Prior to the war, the SLP was highly politicised and had been used by successive regimes to target political opponents and quell popular dissent.<sup>20</sup> During the war the police had little to no logistic support and were considered to be unprofessional, corrupt and disregarding human rights.<sup>21</sup> The armed wing of the police, the Operational Support Division, fought alongside the armed forces during the war. In November 1999 President Tejan Kabbah appointed a retired UK police officer as inspector-general of police (IGP) in order to launch a police reform process. Reforms included trimming the number of ranks from 22 to 10, creating an executive management board to reduce the power of the IGP, restructuring the Operational Support Division and establishing new SLP departments in response to post-war security needs. These new departments included the Family Support Units (FSUs); the Major Incident Support Team; the Complaints, Discipline and Internal Investigation Department; the Community Relations Department; the Media and Public Relations Unit; and the Corporate Services Unit.<sup>22</sup> The government also developed the Sierra Leone Policing Charter, emphasising equal opportunity, professionalism, local needs policing and respect for human rights.<sup>23</sup> Police divisions were restructured, police stations constructed, local policing partnership boards established and the Police Training School was refurbished. In addition, national and international training programmes for SLP personnel were instituted, and vehicles and communication equipment was provided.<sup>24</sup> The UN Mission in Sierra Leone, the UNDP and the Justice Sector Development Programme have supported these reform efforts. In 2008 the SLP had around 9,500 personnel, a majority of whom were unarmed (70%).<sup>25</sup> The Ministry of Internal Affairs, Local Government and Rural Development oversees the SLP. Despite these reforms, the SLP continues to face allegations of corruption and involvement in criminal activities<sup>26</sup> as well as resource constraints. In addition to the SLP, the Chiefdom Police and other informal actors provide internal security, but due to information constraints this section focuses solely on the SLP.<sup>27</sup>

The SLP is a leader in the region when it comes to the integration of gender issues. In 2005 SLP officers were requested to provide training and support to the Liberian National Police in order to export their model of FSUs. As a result, the Liberian National Police established the Women and Children Protection Section.<sup>28</sup> In addition to setting up specific units responsible for responding to and investigating all forms of domestic violence, in 2008 the SLP adopted a gender mainstreaming policy and a policy on sexual exploitation, sexual abuse and sexual harassment. These two policies provide a solid framework for the integration of gender issues at the institutional level and include the requirement of quarterly progress reports on implementation. The FSU Training Manual and the Domestic Violence Act (2007) provide standard operating procedures for police prevention and response to GBV. As of March 2010, 16.26% of SLP personnel were women. Despite having no strategic target in place for female recruitment, a number of measures have been taken to increase female representation, including a graduate recruitment scheme and leadership training for female officers. There is also the Sierra Leone Police Wives Association, which seeks to unite female SLP staff and assist them in acquiring new policing skills and knowledge. In 2009 SLP staff benefited from 6 training courses on various gender-related issues, ranging from GBV to SLP gender policy training for police trainers. Despite these good practices, there is still room for improvement. Information could not be obtained to confirm if a focal point and complaints procedure, which is specified in the sexual exploitation/abuse/harassment policy, has been established. The perpetration of discrimination, harassment and other forms of GBV by police personnel remains under-reported. In addition, FSUs are overstretched and under-resourced and there is a need for all SLP staff – not only FSU personnel – to be trained to respond to cases of GBV.<sup>29</sup>

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** In April 2008 the SLP adopted a gender mainstreaming policy. Developed with the support of the UNDP, the SLP executive management board issued the policy “with the aim of promoting equality of opportunity for women and men in the Sierra Leone Police, and eliminating unlawful gender based discrimination, harassment and abuse within the SLP force. The policy covers provisions for gender equality and support for women employees of the SLP in recruitment, training, deployment/transfers, promotions, representation/leadership.” These provisions include recruitment drives targeting women through the local media, and women in secondary and tertiary educational institutions; ensuring proportionate numbers of women and men on all recruitment panels; annual training on equal opportunities and gender equality for all SLP personnel; scholarships for female officers seeking further educational qualifications; a mentoring programme to support the development of junior female staff; active measures to achieve equal representation of women and men in SLP decision-making structures; and the appropriate allocation of human and financial resources to facilitate full implementation of the policy. The assistant inspector-general of professional standards is tasked with submitting quarterly progress reports to the SLP executive management board on implementation of the policy.

**2. Human resources policies:** These are included in the terms and conditions of service.

- Maternity and paternity leave: “Females and males are entitled to maternity and paternity leave. Female staff are entitled to maternity leave on full salary for a period of fourteen weeks, normally six weeks before and eight weeks following delivery upon presentation of a certificate from a qualified doctor. A female member of staff at the time of confinement shall be entitled to her annual leave and shall at her request also be granted special leave without pay for the other days of absence from work. A staff member shall be entitled to three working days paternity leave on full pay at the time of his wife’s confinement” (Para 4.9).<sup>30</sup>

**3. Sexual harassment policy:** In April 2008 the SLP adopted the policy on sexual exploitation, sexual abuse and sexual harassment. It prohibits all SLP personnel, including contractors, consultants and volunteers, from committing or condoning acts of sexual exploitation, abuse and harassment against colleagues and the general public whether on or off duty. These acts are defined as serious misconduct and grounds for disciplinary measures, including summary dismissal. The policy states that the executive management board shall put in place a complaints procedure, including the appointment of a focal point to receive complaints and an *ad hoc* committee of qualified personnel to review complaints. Anyone filing a complaint is “entitled to request a single-gender panel in disciplinary hearings” and to protection from retaliation and discrimination. The deputy inspector-general is responsible for the implementation of the policy, while the assistant inspector-general of professional standards is tasked with submitting quarterly reports to the executive management board. SLP officers/commanders/supervisors/heads are responsible for creating and maintaining an environment that prevents these forms of misconduct, and all SLP personnel are responsible for reporting any incidents of which they are aware.

**4. Gender-sensitive code of conduct:** The Police Disciplinary Regulations (2001) serve as a code of conduct for the SLP. Additional information was not available.

**5. Standard operating procedures in response to GBV:** The Domestic Violence Act (see National #2) includes standard operating procedures for police response to a complaint of domestic violence, comprising 7 steps: interview the parties and witnesses, including children; record the complaint in detail and provide the victim with an extract of the complaint upon request; assist the victim in obtaining medical treatment, if necessary; assist the victim to a place of safety; provide protection to enable the victim to retrieve personal belongings; assist and advise the victim to preserve evidence; and assist and advise the victim as to his/her rights and available services. The FSU Training Manual provides SLP officers with additional guidance for responding to complaints of GBV.

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** The policy on sexual exploitation, sexual abuse and sexual harassment (2008) calls for the establishment of a complaints procedure (see Police #3). The procedure is generically described as submitting a complaint to the designated focal point (above the rank of superintendent).

The assistant inspector-general of professional standards has the task of setting up an *ad hoc* committee of qualified personnel to review the complaint and taking action. The policy specifies that all cases should be handled in a confidential manner and that “all personnel and the general public should be made aware of the role of the focal point and how to contact them.” In practice, the SLP first conducts an interview to determine whether an offence has been committed and statements are obtained from witnesses. Following the interviews, cases are referred to the Complaints, Discipline and Internal Investigations Department for disciplinary action, and/or to the FSUs to press charges against the offending police officer.

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** Research revealed no internal institutional gender structures such as gender focal points or equal opportunity offices. Though the policy on sexual exploitation, sexual abuse and sexual harassment (2008) calls for the establishment of a designated focal point for submitting complaints, it is unclear whether or not one exists.

**8. Specialised structures for service recipients:** FSUs were established in 2001 with the mandate to respond to and investigate all forms of domestic violence. There are a total of 43 FSUs nationwide, staffed by 178 men and 139 women (43.85%). The FSUs have a memorandum of understanding with the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), which is supposed to station trained social workers at every FSU. As of July 2006, due to the MSWGCA’s lack of capacity, social workers were only present at 30% of the FSUs. The FSUs work in partnership with the Lawyers’ Centre for Legal Assistance to provide free legal aid to victims. FSU staff also undertake community outreach work on domestic violence issues. However, FSUs do not have a mandate to respond to cases of GBV that occur outside the home, and continue to be overstretched and lacking in basic office materials and transport.<sup>31</sup> All FSUs receive logistical and training support from donors and partners, including the Justice Sector Development Programme, the UN Children’s Fund, the UNDP, the UN Population Fund, the International Rescue Committee, Action Aid and the government of Sierra Leone.

**9. Collaboration mechanisms:** The National Committee on Gender-Based Violence is co-chaired by the MSWGCA and the SLP assistant inspector-general for crime services. It meets regularly and is composed of representatives from government institutions, UN agencies and national and international organisations. In addition, the MSWGCA has established regional GBV committees/taskforces to work on the Sierra Leone National Action Plan for the Full Implementation of UN SCR 1325 and 1820 (SiLNAP). These committees/taskforces are composed of civil society organisations and traditional and religious leaders.<sup>32</sup> There is also a referral system mentioned in the FSU Training Manual.

## PERSONNEL

**10. Number of female and male personnel:** As of March 2010, the composition of the SLP was 83.74% male and 16.26% female.<sup>33</sup>

**11. Rank/level of male and female personnel:** No information was made available.

**12. Rates of attrition:** No information was made available.

**13. Recruitment targets for female personnel:** None. However, the gender mainstreaming policy (2008) states: “The SLP shall aim to increase the total numbers of women within the police force each year through improved recruitment and retention, so that the number of female officers adequately reflects the population.” SiLNAP (2010) also specifically calls for the SLP to “develop affirmative action mechanisms – targeting, quotas.”

**14. Vetting procedures for GBV:** The vetting procedure includes a review of possible human rights violations.

**15. Positions/units where female or male personnel cannot serve:** None. However, prior to the SLP restructuring process in 2003, women were not allowed to serve in certain divisions, in particular the Operational Support Division. This was established in 1998 to provide support during riots, demonstrations and other forms of public disorder; provide security to VIPs and diplomats; and perform escort duties.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** The gender mainstreaming policy (2008) mandates specific measures to increase the recruitment and retention of female SLP personnel (see Police #1). In addition, a graduate recruitment scheme was approved and introduced by the Police Council in 2006 to encourage female graduates from universities and tertiary institutions to join the SLP. The objectives of the scheme are to create a competitive workforce, to have women occupy key administrative and operational positions and to ensure adequate representation of female officers in key areas of policing; 10 female graduates are currently undergoing training at the Police Training School. Furthermore, a capacity-building programme has been introduced to increase the number of women in supervisory and leadership roles. In August 2008 40 female officers participated in a 1-week leadership training programme at the Institute of Public Administration and Management. Training modules included understanding leadership and leadership styles, principles of management, ethics and accountability, overcoming barriers in organisations, communication skills, performance management, professional and personal development, building personnel leadership and theories of leadership.

**17. Female staff associations:** The Sierra Leone Police Wives Association was established in 2006. It is open to all female SLP personnel and seeks to unite female staff and explore

opportunities for female officers to acquire skills and knowledge in various areas of policing. The association holds consultations with female SLP personnel to identify challenges they face and provide support to overcome them.<sup>34</sup> Female SLP personnel can also become members of the SSI-wide association Women in Security Sector – Sierra Leone (see Armed Forces #16).

**18. Infrastructure/facilities for male and female personnel:** The SLP has different infrastructure and facilities for female and male staff, including separate bathrooms. Male and female staff wear the same style of uniform adapted to male or female physiques.

## TRAINING

**19. Gender training:** In 2009 the SLP Training Directorate conducted the following gender-related training.

Course	Date	Sponsor	Duration	Male	Female	Total	% Female
Gender-based Laws	15/7/09 – 18/7/09	IRC	4 days	247	153	400	38.25
Gender-based Violence	24/8/09 – 16/10/09	GTZ	1 week	85	165	250	66.00
Sexual Violence Prosecution Advocacy Course	3/11/09– 6/11/09	IRC	4 days	9	6	15	40.00
Training of Trainers on Sexual Exploitation/Abuse/Harassment and Gender Mainstreaming Policies	06/09	UNIPSIL	4 days	10	15	25	60.00
Regional Training on Sexual Exploitation/Abuse/Harassment and Gender Mainstreaming Policies	6/11/09 – 14/11/09	SLP	2 weeks	200	250	450	55.56
Human Trafficking	18/5/09 – 16/6/09	Faith Alliance Against Slavery & Trafficking	1 month	70	50	120	41.67

**20. Mainstreaming gender into training:** No data were made available.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The Complaints, Discipline and Internal Investigations Department is mandated through the Police Disciplinary Regulations (2001) to investigate discrimination, sexual harassment and abuse within the SLP. Among departmental staff nationwide, there are 53 male and 20 female personnel (27.4%).

**22. External oversight mechanisms/bodies:** The Office of the Ombudsman and the Human Rights Commission of Sierra Leone exercise external oversight. The Police Council, an advisory body to the president, and the Ministry of Internal Affairs, Local Government and Rural Development also play an oversight role.<sup>35</sup>

**23. Civil society oversight:** The local policing partnership boards were established in 2000 with the mandate to complement police operations, particularly in intelligence gathering and sharing. They also provide a forum for community members to input into policing activities. Civil society representation on these boards includes the paramount chiefs, tribal heads, councillors, religious bodies, youth organisations, women’s groups, non-governmental organisations (NGOs), business communities, school principals and teachers. The SLP also created its Community Relations Department to provide information to the public regarding police activities.<sup>36</sup> In addition, provincial and district security committees have been established to bring together security sector representatives, local government, traditional leaders and civil society at the local level to identify and discuss security issues. The Office of National Security provides coordination and support to the committees.<sup>37</sup>

**24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police:** In 2009 there was only 1 reported case, but no evidence was produced. “Another two [police officers] were dismissed for raping a suspect in custody and charged in court.”<sup>38</sup>

### III. ARMED FORCES INDICATORS



The Royal Sierra Leone Military Forces (RSLMF) was established with Sierra Leonean independence in 1961. The RSLMF resembled the British military model, and up until 1991 it was a largely ceremonial and politicised 3,500-strong army. During the armed conflict, the army was badly equipped, poorly led and lacked any recruitment criteria. Armed forces personnel committed gross human rights violations during the conflict, including beatings, rape and the killing of civilians.<sup>39</sup> At the end of the war in 2002 the reform and restructuring of the armed forces was prioritised and the official name was changed to the Republic of Sierra Leone Armed Forces (RSLAF). In the same year, a new Ministry of Defence was inaugurated and charged with developing the Sierra Leone Defence White Paper. The white paper states that “The RSLAF’s primary role and mission is to defend Sierra Leone’s territorial integrity against external aggressors.” The UK-led International Military Assistance Training Team (IMATT) spearheaded donor assistance to the defence reform process. IMATT’s mission is to support the government of Sierra Leone in developing effective, democratically accountable and affordable armed forces. Reforms included a military integration programme linked to the disarmament, demobilisation and reintegration process, building barracks, three phases of right-sizing, vetting, training, establishing administration and logistics, and creating a single unified command structure and civilian oversight through parliament and the Ministry of Defence.<sup>40</sup> In addition, a memorandum of understanding was signed between the RSLAF and the Sierra Leone Police (SLP) delineating army-police responsibilities. Currently, the RSLAF is composed of an army and a navy totalling 8,529 personnel.

The Ministry of Defence and the RSLAF have recently begun to take steps towards the integration of gender issues. After a series of gender workshops with senior Defence Ministry and RSLAF personnel, the Gender (Equal Opportunities) Policy was launched in December 2009. The first of its kind in West Africa, the policy aims to achieve gender-balanced and gender-mainstreamed armed forces. In accordance with the policy, in November 2010 the Gender and Equal Opportunities Office was established. In addition, with the ongoing support of the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), the Women Peace and Security Network Africa (WIPSEN-Africa), the UN Development Fund for Women (UNIFEM) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), provisions in the policy are being implemented, including the development and delivery of gender training. The security sector-wide female staff association, Women in Security Sector – Sierra Leone (WISS-SL), has also played a strong role in advocating for the integration of gender issues, as well as holding mentoring and coaching sessions with female RSLAF recruits. However, the rate of female RSLAF personnel remains low – at 3.92% as of August 2010. No strategic quotas for female recruitment and retention exist. Moreover, no sexual harassment/sexual exploitation and abuse policy or procedures have been developed. Discriminatory human resources policies, such as no paternity leave and a 5-year service requirement before marriage or pregnancy is allowed, remain in place. The Gender (Equal Opportunities) Policy lacks concrete directives and the researcher was unable to determine if the accompanying implementation framework and checklist for monitoring and evaluation have been developed. While internal resources and capacity for gender mainstreaming remain low, senior-level political will is strongly behind the implementation of the policy.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** The Ministry of Defence and the RSLAF launched the institutional Gender (Equal Opportunities) Policy in December 2009. The policy aims to “achieve and maintain a gender balanced Armed Forces... incorporate gender mainstreaming across MoD/RSLAF operations... [and] identify gender specific needs and institute appropriate action” in order to obtain operational effectiveness and ensure that the RSLAF’s composition is adequately representative and the military embodies republican values. The policy was developed through a consultative process and contains an introduction, a rationale, areas of engagement and a framework for implementation. The framework includes guidance on leadership, budgeting, monitoring and implementation and policy review. Accompanying documents are listed as an implementation framework, a gender training manual and a checklist for monitoring and evaluation. The Gender (Equal Opportunities) Policy specifically mandates the following.

- The establishment of an equal opportunities structure at headquarters level that will report directly to the chief of defence staff, or potentially to an assistant chief of defence staff for equal opportunities.
- A gender reference group formed of high-level staff, including the chief of defence staff, to monitor implementation of the Gender (Equal Opportunities) Policy.
- The appointment of gender focal persons and the creation of a specialised gender unit in all battalions and at brigade levels.
- The inclusion of the gender policy as a chapter in the revised Sierra Leone Defence White Paper.
- A goal of 10% female RSLAF personnel participation in peacekeeping missions.

Challenges to the implementation of the policy include budget constraints, high levels of female illiteracy and the need to build the skills of female RSLAF members.<sup>41</sup>

### 2. Human resources policies:

- Marriage: Men or women must have served a minimum of 5 years before being allowed to apply for marriage. RSLAF personnel married to each other cannot serve in the same unit. RSLAF officers are not allowed to marry non-commissioned RSLAF personnel without first resigning.
- Pregnancy: Female personnel must serve a minimum of 5 years before pregnancy is allowed.
- Maternity leave: Female personnel are entitled to 3 months’ maternity leave.
- Paternity leave: There is no regulation granting paternity leave.
- Breastfeeding: After the period of maternity leave, female soldiers are only permitted to breastfeed their babies outside of working hours.
- Healthcare: Health services are available to all RSLAF personnel free of charge.

- Working hours: All serving personnel work 9-hour days, from 8am to 5pm.
- Retirement: The retirement age for all serving personnel is 55 years.
- Other benefits: Transport, housing and tax allowances are granted to all personnel.

**3. Sexual harassment policy:** None. However, the Gender (Equal Opportunities) Policy states: “Practice zero tolerance for Sexual and Gender based discrimination and violence, and institute mechanisms that punish perpetrators.”

**4. Gender-sensitive code of conduct:** None could be identified.

**5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** None. Such cases fall within the regular complaints process, whereby the Joint Provost Unit (Military Police) conducts a preliminary investigation. The case file is then sent to the RSLAF legal adviser, who decides if the case should be dealt with by the immediate commander or brought to a court martial hearing (see Armed Forces #3).

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** In October 2010 the Gender and Equal Opportunities Office of the assistant chief of defence staff was established in accordance with the Gender (Equal Opportunities) Policy. In addition, a gender reference group is chaired by the chief of defence staff. Both are located in the Ministry of Defence.

**7. Collaboration mechanisms:** The Ministry of Defence and the RSLAF have collaborated with the regional women’s organisation WIPSEN-Africa, Urgent Action Fund, UNIFEM, DCAF and the MSWGCA in developing the Gender (Equal Opportunities) Policy. The Defence Ministry has a memorandum of understanding with WIPSEN-Africa to support implementation of the policy. There is also ongoing informal collaboration with the MSWGCA and DCAF.

## PERSONNEL

**8. Number of female and male personnel:** As of August 2010, there were 334 RSLAF female personnel out of a total of 8,529 recruits (3.92%).<sup>42</sup>

**9. Rank of male and female staff:** The following is a breakdown of female RSLAF personnel according to rank as of April 2010, when there were 324 women serving in the armed forces. The information obtained only accounts for the rank of 199 female personnel.

RANK	NUMBER OF WOMEN
Brigadier	1
Lieutenant-colonel	5
Major	13
Captain	5
Lieutenant	13
Officer cadet	1
Warrant officer class I	5
Warrant officer class II	9
Staff sergeant	4
Sergeant	21
Corporal	28
Lance-corporal	69
New recruit	25

**10. Number of female and male personnel in peacekeeping missions:** Female RSLAF personnel (rank of major or below) participate in peacekeeping operations and currently account for 4.7% of RSLAF staff deployed on such missions.

As of February 2011, Sierra Leone's personnel contribution to UN peacekeeping operations was as follows.<sup>43</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
UNAMID (Darfur)	Individual police	174	70 (28.69%)	244
	Experts on mission	8	0	8
	Contingent troop	124	7 (5.34%)	131
	<b>Total UNAMID</b>	<b>306</b>	<b>77 (20.10%)</b>	<b>383</b>
UNIFIL (Lebanon)	Contingent troop	3	0	3
	<b>Total UNIFIL</b>	<b>3</b>	<b>0</b>	<b>3</b>
UNMIS (Sudan)	Experts on mission	5	0	5
	Contingent troop	1	0	1
	<b>Total UNMIS</b>	<b>6</b>	<b>0</b>	<b>6</b>
UNMIT (Timor-Leste)	Experts on mission	1	0	1
	<b>Total UNMIT</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Total Sierra Leone troop and police contributions</b>		<b>316</b>	<b>77 (19.59%)</b>	<b>393</b>

**11. Rates of attrition:** No data were made available.

**12. Recruitment targets for female personnel:** None.

**13. Vetting procedures for GBV:** No data were made available.

**14. Positions/units where female or male personnel cannot serve:** There are currently 4 female combat officers. It is unclear whether female officers will be deployed in combat positions.<sup>44</sup>

**15. Specific measures for the recruitment, retention and advancement of female personnel:** The Gender (Equal Opportunities) Policy "proposes the development of measures that create a level playing field to attract and retain young recruits, especially women, in the armed forces." The WISS-SL association has conducted awareness-raising activities profiling women in the RSLAF as well as mentoring and coaching sessions with female RSLAF recruits.

**16. Female staff associations:** The RSLAF Wives Co-operative Society was founded in 1986. It is "a family support organisation and exclusively for spouses of RSLAF personnel." It exists nationwide and undertakes activities including HIV/AIDS sensitisation in partnership with the United Nations Population Fund and running a primary school, skills centre and adult literacy programme for

members; it is in the process of establishing an information communication centre. The society fundraises to support its activities and does not receive funding from the RSLAF or Ministry of Defence.<sup>45</sup> Female RSLAF personnel have also formed the RSLAF Servicewomen's Association.<sup>46</sup> In addition, WISS-SL was founded in July 2008 with the mission "to bring together women in the security institutions, act collectively for their common good and empowerment and for the good of the institutions they serve." Membership is open to all women serving in SSIs, including the Office of National Security, the RSLAF, the SLP, the National Fire Force, the Sierra Leone Prison Service, the justice system and private security companies. There are currently 86 active members. In recent years WISS-SL has participated in awareness-raising activities on gender and security issues related *inter alia* to UN SCR 1325, maternal mortality, women within SSIs, mentoring and coaching new female recruits and advocating for gender mainstreaming in SSIs.<sup>47</sup>

**17. Infrastructure/facilities for male and female personnel:** Bathrooms and lodging quarters are separate for female and male RSLAF personnel. Uniforms are the same for both.

## TRAINING

**18. Gender training:** Gender training has been provided by external actors, including WIPSEN-Africa and DCAF.

- In November 2008 WIPSEN-Africa facilitated a train-the-trainers course on gender and security with 33 RSLAF participants.
- On 22–23 July 2009 DCAF and WIPSEN-Africa facilitated a gender awareness seminar for Ministry of Defence and RSLAF senior management: 25 ministry and RSLAF personnel participated, including the minister of defence and the chief of defence staff. The seminar included interactive training sessions on gender and defence reform; a case study on South Africa; entry points for the integration of gender into the Ministry of Defence and the RSLAF; a presentation on SLP gender policies; an exercise on integrating gender into defence policies; and the development of a roadmap towards an institutional gender policy.
- In February 2011 WIPSEN-Africa conducted gender training for RSLAF personnel covering basic gender concepts; sexual violence and GBV; international, regional and national laws protecting women in Sierra Leone; mainstreaming gender and women's issues in the RSLAF; decentralising security structures and entry points for women's active participation; and conflicts, conflict resolution and conflict management.
- As specified in the Gender (Equal Opportunities) Policy, a gender training manual has been developed. There are both detailed and simplified versions.

**19. Mainstreaming gender into training:** No data were made available.



## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** The Military Police and the Legal Defence Unit exercise internal oversight. There is only 1 female officer in the Military Police.<sup>48</sup> The Court Martial Board was re-established in 2009.

**21. External oversight mechanisms/bodies:** Ministry of Defence.

**22. Civil society oversight:** None could be identified.

**23. Number of cases of sexual harassment/GBV perpetrated by armed forces:** None reported. This is because cases of GBV within the RSLAF are rarely reported. There are, however, cases of domestic violence committed by male military officers against their wives. These cases are mostly handled by the Military Police, and very few are brought to the Legal Defence Unit. Instead, cases are referred to dispute resolution mechanisms.<sup>49</sup>

## IV. JUSTICE SYSTEM INDICATORS



Three different legal systems currently coexist in Sierra Leone. General law, based on the British colonial-era system, is administered through a formal court system comprising the Supreme Court, the Court of Appeal, the High Court of Justice and magistrates' courts. Customary law, consisting of unwritten traditional codes and practices, is protected in the constitution and administered by local/chieftaincy courts. An estimated 85% of the population falls under the jurisdiction of this form of law. Finally, statutes in Islamic law concerning marriage, divorce and inheritance are also locally applied.<sup>50</sup> The limited infrastructure of the formal court system was mostly destroyed during the war. In order to address the crimes committed during the war, the Truth and Reconciliation Commission of Sierra Leone and the Special Court for Sierra Leone were established in 2002. International organisations and donors did not initially prioritise support to the post-conflict justice reform process. However, in 2005 the UK-supported Justice Sector Development Programme began to support the refurbishment of courts, the provision of training/education opportunities for judges, the development of a code of conduct for judicial officers and the recruitment of registrars.<sup>51</sup> The UNDP Access to Justice Programme, established in 2008, along with efforts by international and local NGOs, has also increased the capacity and oversight of the judiciary and the provision of legal aid. However, serious deficiencies persist in the formal justice system, including "extortion and bribe-taking by officials; insufficient numbers of judges, magistrates and prosecuting attorneys; absenteeism by court personnel; and inadequate remuneration for judiciary personnel. In 2009, some 90% of prisoners lacked any legal representation."<sup>52</sup>

Access to the formal justice system for victims of sexual and domestic violence has increased. Both the Sierra Leonean Special Court and the Truth and Reconciliation Commission have a mandate to address sexual violence and have instituted specific procedures for hearing female victims of sexual violence. The 2007 Domestic Violence Act establishes a procedure for obtaining a court-mandated protection order for victims of domestic violence. In addition, numerous international and national NGOs provide free legal aid to victims of sexual and domestic violence. UNDP, the UN Development Fund for Women and the International Rescue Committee have all provided training to justice sector personnel on GBV issues. The chief justice of Sierra Leone is currently a woman and 7 of the 21 judges (33.33%) are women. However, specific procedures for trying cases of GBV in the formal court system seem to be lacking. Between 2003 and 2005 only 30 cases of rape were successfully prosecuted. Efforts made in 2005 to fast-track GBV cases in the courts were largely unsuccessful due to limited capacity and a reluctance to prosecute. There is currently a severe backlog of cases.<sup>53</sup> In addition, no training on gender-related laws and procedures is included in Sierra Leonean law schools. No data were made available on the number of justice sector personnel accused of gender discrimination, sexual harassment or other forms of GBV. Even with numerous initiatives under way, access to justice remains limited for women in Sierra Leone. A vast majority of the population (85%) rely on local or informal courts operating under customary law, which is often discriminatory towards women.<sup>54</sup>

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>55</sup>

**2. Human resources policies:** The public service human resource policy applies to all civil servants, including justice sector personnel. Additional information was not available.<sup>56</sup>

**3. Sexual harassment policy:** None.

**4. Gender-sensitive code of conduct:** The Code of Conduct for Judicial Officers of the Republic of Sierra Leone was launched by the chief justice of Sierra Leone in September 2005. Its purpose is to establish standards of ethical conduct for judicial officers. Sections 7, 8 and 9 provide guidelines on equality, impartiality and impropriety.<sup>57</sup> "The Code of Conduct makes specific emphasis for Judicial Officers to regulate their demeanour so as to ensure equality of all persons in accordance with the law."<sup>58</sup>

**5. Procedures for prosecuting cases of GBV:** None is in place in the formal court system. The Special Court for Sierra Leone (see Justice #7) has procedures for trying perpetrators of sexual violence, including developing a prosecution plan for sexual violence crimes; assigning 2 experienced female investigators (out of a team of 10) to investigate sexual violence crimes; adopting gender-sensitive interview methods; and emphasising witness protection. The Truth and Reconciliation Commission of Sierra Leone also had a mandate to pay "special attention to the

subject of sexual abuses.” Special hearings were organised for female victims of sexual violence, who were interviewed exclusively by female commissioners.<sup>59</sup> The Domestic Violence Act (2007) establishes the court procedure for obtaining protection orders for victims of domestic violence.

## INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** None.

**7. Specialised structures for service recipients:** A growing number of initiatives by the Sierra Leonean government, the UN, international organisations, associations and national NGOs are focusing on gender issues and access to justice, including the following.

- The Special Court for Sierra Leone was established in 2002 with the mandate to “try persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law” during the war, including sexual violence. This is a potential avenue for the over 250,000 women who were raped during the civil war to seek justice.<sup>60</sup>
- The Rainbo Centres, established in Freetown in March 2003 by the International Rescue Committee, provide free, holistic services to victims of sexual assault – including medical evaluation, psychosocial counselling and advice regarding the police and justice system. The centres provide support to victims during court procedures as well as conducting home visits and family and community mediation.<sup>61</sup>
- Numerous Sierra Leonean associations and NGOs provide legal aid services to victims of GBV. They include the Lawyers Centre for Legal Assistance, which has a gender research and advocacy unit that provides free legal advice and representation on sexual and domestic violence cases, particularly on behalf of victims below the age of 18. It also takes on cases involving issues such as child support, divorce and child abuse.<sup>62</sup> Legal Access through Women Yearning for Equality Rights and Social Justice (L.A.W.Y.E.R.S.) is another NGO that provides free legal support to poor women, including in cases of domestic violence or abuse against female prisoners.<sup>63</sup>

**8. Collaboration mechanisms:** The National Committee on Gender-Based Violence is one such mechanism (see Police #9). Informal collaboration also takes place with civil society organisations (see Justice #7).

## PERSONNEL

**9. Number of female and male personnel:** No data were made available.<sup>64</sup>

**10. Number of male and female judges:** 7 of the 21 judges are women (33.33%).<sup>65</sup> The current chief justice of Sierra Leone, the Honourable Umu Hawa Tejan-Jalloh, is female and was sworn in in January 2008. Additional information was not available.

**11. Recruitment targets for female personnel:** No data were made available.

**12. Vetting procedure for GBV:** A vetting procedure exists for judges through the Judicial and Legal Service Commission in consultation with the chief justice. A vetting process also exists for magistrates, but there are no clear policies on its functioning.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None could be identified.

**14. Female staff associations:** None could be identified.

## TRAINING

**15. Gender education or training:** Gender education or training does not exist in the law schools. The Domestic Violence Act (2007) states that the minister of social welfare, gender and children’s affairs may make a regulation providing for the training of court officials on domestic violence. The joint Bureau for Crisis Prevention and Recovery/UNDP Access to Justice Programme work plan for 2010–2011 includes developing a prosecutorial training manual on sexual and gender-based violence (SGBV); training judges at magistrate and local court levels to be SGBV sensitive; promoting awareness of SGBV and related national legislation among paramount, section and town chiefs; and training workshops for media personnel on SGBV legal matters.<sup>66</sup> Additionally, organisations such as the International Rescue Committee and UNIFEM have provided training for female lawyers and magistrates, generally lasting 1–2 days.<sup>67</sup> On 28–29 August 2008 DCAF and WIPSEN-Africa provided gender and SSR training for members of the Justice Sector Coordination Office in the Ministry of Justice. The training included sessions on justice sector reform and gender; mapping SSR actors; Sierra Leonean laws on gender issues; gaps and challenges to gender and justice reform; and developing an action plan to integrate gender into the Justice Sector Coordination Office.

**16. Mainstreaming gender into training or education:** Other education or training courses, such as on international human rights law or victim protection, do not include information on gender issues.

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The Judicial and Legal Service Commission exercises oversight along with the Judicial Ethics Committee, which was established with the adoption of the code of conduct (see Justice #4). The Judicial Ethics Committee comprises the most senior justice of the Supreme Court as chairperson, the most senior justice of the Court of Appeal and the most senior judge of the High Court, who acts as secretary. Its meetings are currently convened by the female chief justice. Section 6.4 of the code of conduct states:

- a) Any person who has a complaint relating to conduct of a Judicial officer, other than the Chief Justice, in respect of the officers conduct may send the complaint in writing to the Chief Justice who shall, after determining whether there is merit in the complaint, refer it to the committee for investigation.
- b) Where the complaint is in respect of the conduct of the Chief Justice, the complaint in writing may be sent to the most senior Justice of the Supreme Court.

**18. External oversight mechanisms:** None could be identified.

**19. Civil society oversight:** There are no formal mechanisms for involvement of civil society organisations (CSOs). However, CSOs such as the Centre for Accountability and Rule of Law (CARL) exercise an explicit oversight function. CARL is an independent monitoring organisation that focuses on rule of law institutions such as the national courts, the Anti-Corruption Commission, the Truth and Reconciliation Commission and the Special Court. CARL's vision is "A just Sierra Leone free from corruption and devoted to the protection of human rights, the rule of law and gender equity." CSOs also advocate for laws promoting gender equality.<sup>68</sup>

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



The mission of the Sierra Leone Prison Service (SLPS) is "as part of an integrated justice system [to contribute] to the protection of all members of society by providing reasonable, safe, secure and human custody of offenders in accordance with universally accepted standards, while encouraging and assisting them in their rehabilitation, reformation and social reintegration as law abiding citizens." Placed under the Ministry of Internal Affairs, Local Government and Rural Development, the SLPS currently comprises 1,236 personnel with responsibility for 2,269 prisoners. As of 2009 there were 16 prison facilities.<sup>69</sup> Conditions remain very poor in the prisons, with extreme overcrowding, lack of access to food, unhygienic conditions and insufficient medical attention.

For example, Freetown Central Prison, the largest in Sierra Leone, currently holds 1,257 prisoners despite being designed to hold 350.<sup>70</sup> The Justice Sector Development Programme, an initiative by the government of Sierra Leone funded by the UK Department for International Development (DFID), has assisted with infrastructure improvements, establishing a records management centre, launching prison literacy classes and developing a strategic plan and a prisoner classification and security assessment system.<sup>71</sup> Additional prison facilities have been built, including separate cells for women and men. However, conditions remain dire and juveniles continue to be imprisoned with adults. On the policy side, the only two instruments regulating the operations of the SLPS are the Prison Ordinance of 1960, which addresses staff and staffing-related matters, and Prison #2 Rules 1961, which addresses the management of prisoners.

The SLPS management has begun to show interest in integrating gender issues. At policy level, the Prison Ordinance and Prison #2 Rules clearly provide for the separation of male, female and juvenile prisoners and for same-sex prison officers. However, there are no clear policies or procedures related to sexual harassment, sexual violence or other forms of GBV. This also seems to be the case regarding pregnant and nursing mothers, many of whom have given birth in their cells due to lack of adequate reproductive healthcare. The SLPS has a comparatively high rate of female personnel, at 20.71%, the vast majority of whom are concentrated in the three lowest ranks (86.72%). Staff do not receive gender-related training and no official gender focal points or other internal gender structures exist. However, the Prison Women Association and the Sierra Leonean NGOs AdvocAid and Prison Watch Sierra Leone have promising initiatives to support both female SLPS personnel and female prisoners.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None. The present female chief superintendent has stated that the SLPS is working on including gender perspectives in the prison service policy, as reflected in the Strategic Development Plan 2007–2009. She also mentioned that the director of the SLPS has yet to set up a committee to develop a gender policy.<sup>72</sup>

**2. Human resources policies:** The Prison Ordinance does not specifically address issues of marriage, pregnancy and maternity or paternity leave.<sup>73</sup>

**3. Sexual harassment policy:** None. However, when such incidents occur the Standing Disciplinary Committee (see Penal #26) investigates and submits its findings and recommendations to the director of prisons for appropriate follow-up action.

**4. Gender-sensitive code of conduct:** None. However, the Prison Ordinance (1960) includes disciplinary regulations.<sup>74</sup>

**5. Procedures for interaction between males and females:** Male prison staff are assigned to male prisoners and female prison staff to female prisoners, though on a few occasions female staff have worked in male-only prisons. Prison Ordinance Part IV, Rule 36(3) states that “a prisoner shall be searched only by a prison officer of the same sex.” In every prison with female prisoners there has to be a female prison officer to attend to and supervise these prisoners and take responsibility for their discipline. Part XI, Rule 138 further states that in every women’s prison there should be a female prison officer with the same responsibilities and duties as a discipline officer.<sup>75</sup>

**6. Procedures for family and conjugal visits:** Prisoners do not have the right to conjugal visits. All prisoners have the right to correspond with and receive visits from family members, but with certain reservations. For instance, the right to correspond with and receive visits from family members may, at the discretion of the officer in charge, be temporarily suspended at any time in case of misconduct, but cannot be forfeited. Visits for prisoners undergoing punishment may be deferred to a suitable time (Prison #2, Rule 56), and not more than 3 persons are allowed to visit a prisoner at any one time (Prison #2, Rules 56, 58).<sup>76</sup>

**7. Procedures regarding prisoner pregnancy, nursing and children:** No specific procedures exist. Pregnant and nursing mothers are housed with the general prison population. The only difference in treatment is in access to medical services, where pregnant women are taken to outpatient services for treatment. Prison #2, Part VI, Rule 20 30(3) states that the “infant child of a female prisoner may be received into prison with its mother and may be supplied with clothing and necessaries at public expenses.” A report from 2007 stated that women are frequently forced to give birth in their cells.<sup>77</sup>

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** Prison Ordinance Part V, Rule 16 strictly forbids assault, insult and threatening remarks by prison officers against prisoners, and imposes a fine of 50 pounds or a jail term not exceeding 6 months. However, assault is vaguely defined and fails to mention GBV specifically. There is also no clear procedure for reporting these crimes. However, the Prison Ordinance dates from the 1960s and is currently under review, and the Standard Disciplinary Committee is now planning to develop methods to address gender discrimination and harassment.<sup>78</sup>

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** None.<sup>79</sup> However, the assistant director of the SLPS stated that, currently, the most senior ranking woman in the SLPS, a chief superintendent, is informally responsible for gender issues.<sup>80</sup>

**10. Separate prisons for males/females and juveniles/adults:** Prison Ordinance Part VI, Rule 38 states that “male and female prisoners shall be confined in a separate prison or in such [a] manner as to prevent, as far as practicable, their seeing or conversing or holding any intercourse

with each other.” A few separate prisons exist for males and females, but in certain provinces they share common facilities.<sup>81</sup> There are only 3 juvenile homes in the entire country, and juveniles are held in almost every prison together with adult prisoners.<sup>82</sup>

**11. Specialised education, training and rehabilitation:** Prison #2 Rules, Part V Rule 64(1) states “The officer in charge shall take all steps that he considers practicable to arrange evening educational classes for leisure time to study by means of courses approved and arranged by him and to practice handicrafts. Special attention should be paid to education of illiterate persons.” Current skills training programmes include arts and crafts, carpentry, weaving, upholstery, bread making, tailoring and agriculture. However, there are numerous challenges to the programme, namely a lack of resources for programme management and shrinking donor funding, which has meant that machines and equipment are out of date, in disrepair or no longer functioning.<sup>83</sup>

**12. Specialised health and drug treatment:** Few prisoners have access to adequate medical facilities, and prison clinics lack supplies and medical personnel. Only emergency cases are allowed to visit clinics outside the assigned schedule. Pregnant women are treated as outpatients or referred to local hospitals for care. However, prisoners are often refused treatment or receive inferior care from doctors and nurses in these hospitals because of the social stigma surrounding them. Hospitals exist in the maximum-security prisons, but their specialisation is limited to the treatment of common diseases. Serious or complicated cases are referred to the government hospital. Monitoring reports state that 231 health-related cases were reported among prisoners between 2008 and 2009.<sup>84</sup>

**13. Collaboration mechanisms:** No formal collaboration exists, though DFID and NGOs such as Prison Watch provide support.<sup>85</sup> AdvocAid, a Sierra Leonean NGO established to support female prisoners, also facilitates access to legal representation and organises legal education workshops.

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** As of 27 January 2010 the number of prisoners as follows.

	CONVICTED	REMAND	TRIAL	CONDEMNED	FOREIGN NATIONAL	TOTAL
MALE	923	817	372	12	66	<b>2,190</b>
FEMALE	27 (2.84%)	33 (3.88%)	14 (3.63%)	3 (20.00%)	2 (2.94%)	<b>79 (3.48%)</b>
TOTAL	950	850	386	15	68	<b>2,269</b>

**15. Number of female and male personnel:** In 2010, of the total 1,236 penal service staff, 980 were male and 256 were female (20.71%).

**16. Rank/level of male and female personnel:** No woman has ever held the position of director or assistant director of prisons. Currently, the most senior-ranking woman is a chief superintendent; 204 of the 256 female staff are positioned in the three lowest ranks, namely as recruit, third-class and second-class prison officers (79.69%).

RANK	MALE	FEMALE	TOTAL
Director of prisons	1	-	1
Deputy director	1	-	1
Assistant director	2	-	2
Chief superintendent	3	1 (25.00%)	4
Superintendent	9	-	9
Deputy superintendent	5	2 (28.57%)	7
Assistant superintendent	15	1 (6.25%)	16
Chief officer class one	12	2 (14.29%)	14
Chief officer class two	39	17 (30.36%)	56
Principal officer	40	11 (21.57%)	51
First class prison officer	65	18 (21.69%)	83
Second class prison officer	112	34 (23.29%)	146
Third class prison officer	269	82 (23.36%)	351
Recruit prison officer	407	88 (17.78%)	495
<b>TOTAL</b>	<b>980</b>	<b>256 (20.71%)</b>	<b>1,236</b>

**17. Rates of attrition:** Attrition rates for 2009, compiled on 27 January 2010, were as follows.

	MALE	FEMALE
Death	9	5
Voluntary retirement	2	0
Medical board	3	1
Retired at age limit	18	3
<b>Total</b>	<b>32</b>	<b>9 (21.95%)</b>

**18. Recruitment targets for female personnel:** None. A majority of new recruits are male owing to the higher number of male prisoners.

**19. Vetting procedure for GBV:** None could be identified.

**20. Positions/wards where female or male personnel cannot serve:**<sup>86</sup> Men may not serve in positions dealing directly with female prisoners and vice versa. All other positions, such as in the area of administration, are open to both men and women.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** The 2008 recruitment period saw 88 new female recruits out of a total of 307 (28.66%), which is more than in previous years. This increase has been credited to a targeted outreach programme to women through the print and mass media, community involvement and the commitment of the director of prisons to recruit more women. In terms of retaining women in the service, due consideration is given to accessibility to family when postings/transfers are effected.<sup>87</sup>

**22. Female staff associations:** The Prison Women Association (PRIWA) was established in 2001. It includes both female SLPS personnel and wives of male personnel. It currently has a membership of 300 women. PRIWA's aim is to foster unity amongst women, empower them to become self-reliant, and to train female inmates in life skills and adult literacy. Recent activities include granting micro-credit loans and involving female inmates in arts and crafts, and dress and soap making. PRIWA also acts as an advocacy group *vis-à-vis* the government.<sup>88</sup> Female SLPS officers can also join Women in Security Sector – Sierra Leone (WISS-SL – see Armed Forces #16).

**23. Infrastructure/facilities for male and female personnel:** Separate facilities exist for female and male staff.

## TRAINING

**24. Gender training:** None. No formal gender training or gender training manual exists. The Justice Sector Development Programme is currently setting up a gender capacity-building programme for the SLPS.<sup>89</sup> However, guest lecturers are invited to speak to male and female officers during muster parades, including on gender issues. In addition, 4 WISS-SL executive members met with female SLPS recruits in October 2009 for an experience-sharing forum on gender-related matters. Furthermore, a few officers, as part of WISS-SL, have participated in workshops on gender issues. The current administration has indicated a willingness to integrate gender issues at all levels of training.

**25. Mainstreaming gender into training:** None. The UN Integrated Office in Sierra Leone and the Office of the High Commissioner for Human Rights, in collaboration with the Ministry of Internal Affairs, organised a 4-day training programme on a human rights approach to prison management, which was replicated in 3 other regions in the country. Training manuals on this approach were distributed to all trainees. However, this training did not specifically address gender issues, and the majority of prison officers have yet to receive training on human rights.<sup>90</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** The Standard Disciplinary Committee has responsibility for enforcing the Prison Ordinance (1960) and Prison #2 Rules (1961). However, it is not statutory and was set up by the director of prisons. Although it does not have a specific mandate to investigate sexual harassment or GBV, it plans to work on these issues.<sup>91</sup>

**27. External oversight mechanisms:** The Office of the Ombudsman was established by the Ombudsman Act in 1997. It draws its powers from Section 146 of the Constitution and is empowered to investigate “any action taken or omitted to be taken by or on behalf of any department or ministry of government; any statutory corporation or institutions of higher learning, set up entirely or partly out of public funds.” The Human Rights Commission also provides oversight. It was established to protect and promote human rights in Sierra Leone, including through investigating or inquiring on its own initiative, or in response to a complaint by any person regarding any allegation of human rights violations, and to record details thereof in writing. These 2 bodies have unfettered access to prisons and monitor prevailing conditions there. Though neither institution has an explicit mandate to investigate sexual harassment or other forms of GBV, it is implicit that they can investigate such cases and report on them. In addition, Part VI makes provisions for ministers of religion to visit prisons and investigate and listen to prisoners’ complaints.<sup>92</sup>

**28. Civil society oversight:** No formal mechanisms for oversight exist. However, the SLPS has a working relationship with certain NGOs. PRIWA provides informal oversight and other groups such as Prison Watch Sierra Leone and AdvocAid regularly work with the SLPS.<sup>93</sup> AdvocAid carries out regular monitoring activities.

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** No official documentation exists.<sup>94</sup>

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84. A figure for 2010 was not yet available at the time of research.
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86. The researcher also reported, based on interviews with SLSP personnel, "Women working as prison officers are not discriminated against. They are often protected from their male counterparts and placed in administrative positions depending on their performance."
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# Togo



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## QUICK FACTS<sup>1</sup>

- **Population: 2,719,567; 48.74% male, 51.26% female (1981) (5,731,000 (2009 est.))**
- **Population below the poverty line: 38.7% living on less than 1 USD/day (2006)**
- **Lifespan: 60.7 men, 64.2 women (life expectancy at birth, 2005–2010)**
- **Literacy rate: 68.7% men, 38.5% women (2000)**
- **Fertility rate: 4.3 children per woman (2007)**
- **Human Development Index rank: 139 out of 169 (2010)**
- **Percentage GDP spent on defence: 2% (2008)**
- **Perception of corruption rank: 134 out of 180 (2010)**

## INTRODUCTION\*

Togo is one of the most militarised countries in Africa, with a rate of 1 soldier per 300 inhabitants in 2008<sup>2</sup> and military spending reaching an estimated 25% of the state budget.<sup>3</sup> In addition to being one of the poorest countries in the region, with an estimated 61.7% of the population living under the poverty line, Togo has a stained human rights record acquired during the authoritarian regime of General Gnassingbe Eyadema (January 1967–February 2005). General Eyadema established strict personal control over the security sector, favouring the armed forces<sup>4</sup> and the use of paramilitary forces<sup>5</sup> at the expense of other security sector actors, such as the police. The key ministries concerned with the security sector in Togo are the Ministry of the Interior and Security and the Ministry of Justice.<sup>†</sup> The military has had a dominant position within the Togolese society and security institutions; for example, the ministers of interior (and other civilian positions) have often been recruited from the military.<sup>6</sup> There has been little civilian management of and control over the security sector.<sup>7</sup> After the death of General Eyadema and the takeover of his son, Faure

- Gnassingbe, Togo initiated modest democratic and security sector reforms,<sup>8</sup> although the March 2010 presidential elections (won by Faure Gnassingbe) were marred by accusations of fraud.<sup>9</sup>
- Togo, like other countries in the region, is greatly affected by small arms trafficking<sup>10</sup> and general insecurity following a number of wars and regime volatility in neighbouring countries. Inside Togo, the state has been accused of using both formal and informal security sector actors to suppress political opposition and calls for democratisation. Faced with a situation of increased insecurity, Togolese citizens have taken justice into their own hands.<sup>11</sup> The formation of self-defence militias and anti-crime forces has been especially common in the south of Togo, prompted perhaps by the fact that the country's armed forces are dominated by northerners and are therefore not representative of Togolese society as a whole either geographically or ethnically.<sup>12</sup> This follows General Eyadema's ideology favouring the north at the expense of the south in retaliation for what he saw as discrimination against northerners during colonialism.<sup>13</sup>

\* All information that is not separately referenced in this country profile is the responsibility of the researcher.

† The author has translated institution names into English. These are not official translations.

In spite of the work of women's organisations,<sup>14</sup> including legal advances, women and girls are still subject to discriminatory practices. Customary law, which continues to be practised, discriminates against women and girls.<sup>15</sup> As summarised by the OECD:

Women's physical integrity is not sufficiently protected in Togo and violence against women is a serious problem. To date, there is no specific legislation to address domestic violence. Reliable data is unavailable, but it seems that a significant percentage of Togolese women have been beaten by their husbands. Most women are unaware of the legal mechanisms available to protect them and the police rarely intervene in domestic matters.<sup>16</sup>

Other security threats facing women and girls are rape, including marital rape, which is not legally recognised; sexual harassment at the workplace and in educational institutions;<sup>17</sup> and female genital mutilation (FGM).<sup>18</sup> According to government data FGM is still widely practised in some regions<sup>19</sup> despite a legal ban introduced in 1998, and its prevalence among certain ethnic groups ranges from 40% to 98%. However, most of the larger Togolese ethnic groups do not practise FGM, and the national prevalence rate has been estimated to be about 12% and decreasing.<sup>20</sup> Girls are also especially vulnerable to human trafficking, with young girls targeted for prostitution and domestic work,<sup>21</sup> and forced and early marriage. The legal age for marriage is 17 for women and 20 for men,<sup>22</sup> but girls often marry earlier.<sup>23</sup> Rates for domestic violence, which are difficult to estimate, range from 10% (of married women)<sup>24</sup> to 50%.<sup>25</sup>

Togo has in recent years taken important steps towards gender mainstreaming in the government and the security sector. There is a national gender policy and a gender action plan, and the government has decided to establish gender focal points within ministries. National laws provide for maternity leave and time off for nursing mothers. The government has taken measures to increase the representation of female personnel, and in some professions there are more women in higher ranks than in the lower ones. Nevertheless, there are relatively few women working in security sector institutions (SSIs), and separate facilities and equipment for women are lacking, especially within the police and armed forces. Formal legal reform has taken place to combat gender-based violence (GBV), though with limited enforcement: customary laws that are discriminatory against women and girls continue to be practised with little interference from the government or the security sector. SSIs, notably the police, have few policies or mechanisms that respond to the specific needs of victims of GBV. Moreover, gender training has been sporadic at best, as has action on the part of oversight mechanisms.

## TOGO SECURITY SECTOR INSTITUTIONS\*

### Service delivery

*La Police*

- *Ecole de Police*
- *l'Inspection Générale des Services de Police*

*Forces Armées*

*Système judiciaire – formel et coutumier*

*Direction de l'Administration Pénitentiaire et de la Réinsertion*

*Les organisations de la société civile*

### Oversight

*Ministère de la Sécurité et de la Protection Civile*

*Ministère de la Justice*

*Ministre de l'Action sociale, de la Promotion de la Femme, de la Protection de l'Enfant et des Personnes Agées*

*Conseil Interministériel Genre et Développement*

*Comité Technique de Coordination et de Suivi-évaluation*

*L'Observatoire National Genre et Développement*

*Commission Nationale des Droits de l'Homme*

*Médiateur de la République*

*Système judiciaire – formel et coutumier*

*Assemblée Nationale*

- *Commission de la Défense et de la Sécurité*
- *Commission des Lois Constitutionnelles et de la Législation et de l'Administration Générale*
- *Commission des Droits de l'Homme*

*Les organisations de la société civile*

\* Only those included in this country profile, not a comprehensive list.

## I. NATIONAL GOVERNANCE INDICATORS



In Togo, security sector oversight is in general limited and key documents such as security policies are not public. Consequently, the constitution is the only publicly accessible national security policy. In contrast, Togo has multiple gender-related laws and policies including the National Policy for Equity and Gender Equality. Specific government bodies have been established to work on gender issues, including implementation of this policy. However, the Ministry of Social Action, the Promotion of Women and the Protection of Children and the Elderly does not exercise oversight of the security sector.

Togo is party to international and regional laws and instruments that call on SSIs to strengthen their efforts to ensure gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Security Council resolutions on Women, Peace and Security (2000–2010); the African Union Protocol on the Rights of Women in Africa (2003); and the ECOWAS Conflict Prevention Framework (2008). For more information see Summary and Analysis of Findings, page 12.

According to its own 2004 assessment, the Togolese government suffers from under-representation of women in various fields, including the diplomatic service, parliament, municipal councils, the armed forces, the gendarmerie and the police.<sup>26</sup> In fact, it has classified the latter 3 as almost exclusively male, with “a few women” beginning “to enter these services, especially the police and the army.”<sup>27</sup> As stated in the government assessment, only 44 of the 855 deputies elected in the different legislative elections between 1958 and 2007 were women (5.15%).<sup>28</sup> In the last legislative elections (2007) 9 of the 81 parliamentarians elected were women (11.11%).<sup>29</sup> It should also be noted that the Togo Parliament is known to be under-resourced and exercises little control over SSIs.<sup>30</sup>

**1. National security laws/policies:** The key document for Togo’s security policy is the Constitution of the Fourth Republic (14 October 1992, amended in 2002), which stipulates that “the mission of security and police forces, under the authority of government, shall be to protect the free enjoyment of rights and freedoms and guarantee the security of citizens and their property.”<sup>31</sup> No security policy or strategy exists in the public domain. However, there is a classified internal policy and strategy document that analyses principal threats.

### 2. National gender policies/laws:

- **National Policy for Equity and Gender Equality in Togo (December 2008, hereafter National Gender Policy):** Aims to promote, in the medium and long term, gender equality, the emancipation of women and their effective participation in decision-making at all levels of development processes in Togo. Its fourth strategic objective is the “promotion of the egalitarian participation of men and women in the administration of power, the respect for the law and the suppression of violence.”<sup>32</sup>

- **National Action Plan for Equity and Gender Equality in Togo 2009–2013 (December 2008, hereafter National Gender Action Plan):**<sup>33</sup> Includes a 4-year budget and a matrix with actions, expected results, indicators, deadlines and responsibilities.<sup>34</sup> However, it does not explicitly mention the involvement of SSIs.
- **Law No 2006-010 of 13 December 2006 Labour Code of the Republic of Togo (December 2006):** Includes a chapter on female workers and their right to non-discrimination and maternity leave.<sup>35</sup> Article 40 prohibits the firing of workers who refuse sexual advances at the workplace.<sup>36</sup> Yet the Labour Code does not explicitly prohibit sexual harassment at the workplace.<sup>37</sup>
- **Law No 2005-009 of 3 August concerning the Trafficking of Children in Togo (August 2005):** Prohibits human trafficking, including of young girls.<sup>38</sup>
- **The Constitution of the Fourth Republic (14 October 1992, amended in 2002):** Article 2 assures equality and prohibits discrimination on the basis of ethnicity, regional or family origin, sex, religion, social or economic status, or personal, political or other convictions. Article 11 explicitly proclaims the equality “in dignity and rights” between the sexes, as well as their equal standing before the law. Article 37 asserts the principle of non-discrimination at the workplace on the basis of sex, origin, beliefs or opinions.
- **Prohibition of Female Genital Mutilation (Law 98-016 of 17 November 1998):** Prohibits FGM<sup>39</sup> and foresees sanctions such as jail sentences and fines for breaches of this law.<sup>40</sup> However, implementation has been weak and by the end of 2002 the government had not brought any cases to court.<sup>41</sup>
- **Penal Code (13 August 1980):** Article 87 establishes that perpetrators of rape face between 5 and 10 years’ imprisonment, which can be extended to 20 years in the case of multiple rapes, rape resulting in pregnancy or disease, rape that prevents the victim from working for over 6 weeks, or rape committed against a person below the age of 14.<sup>42</sup>

### 3. Parliamentary security committees:

- The Defence and Security Committee addresses the general organisation of defence and national security, as well as staffing issues (civilian personnel, armed forces, gendarmerie, military justice, police, etc.). It has 9 members, all of whom are men.
- The Constitutional Law and General Administrative Legislation Committee is in charge of issues related to the constitution and fundamental laws and justice, among others. It has 11 members, including 1 woman (9.10%).
- The Human Rights Committee has 9 members, 2 of whom are women (22.22%), including the president.<sup>43</sup>

**4. Male and female representation in parliament:** Of the 81 members of Togo’s Parliament, 9 (11.1%) are women and 72 (88.9%) are men.<sup>44</sup>

**5. Ministry for gender/women's affairs in security sector oversight:** In 1977 Togo created its first institution dedicated to gender issues.<sup>45</sup> Currently, the key institution in charge of formulating and implementing the National Gender Policy and National Gender Action Plan is the General Directorate for the Advancement of Women (DGPF)<sup>46</sup> within the Ministry of Social Action, the Promotion of Women, and the Protection of Children and the Elderly. There is also the Inter-Ministerial Council on Gender and Development, the Technical Coordination and Monitoring-Evaluation Committee and the National Observatory for Gender and Development.<sup>47</sup> The DGPF is not usually involved in oversight of the security sector, but it is included in the Organisational Plan of Emergency Aid, which addresses situations of natural disasters.

## II. POLICE SERVICE INDICATORS



The Togolese police service is under the Ministry of the Interior and Security. Its position is traditionally weak and subordinate to the armed forces and the gendarmerie, with some overlapping functions between police and gendarmerie.<sup>48</sup> The General Police Directorate has 5 departments: public security, criminal investigation, general intelligence, territorial surveillance and joint service.<sup>49</sup>

Although no specific gender policies exist, there are established procedures applicable to all female civil servants for maternity leave and the facilitation of breastfeeding. Women constitute almost 7% (238 out of 3,559) of police officers in the service, and have stronger representation in the higher ranks, where 9.10% of police commissioners are women. No procedures exist for dealing with GBV and sexual harassment either inside or outside the police service: a general perception prevails that the police do not like to intervene in situations of domestic violence. Finally, gender training has been limited, while internal oversight is weak and external oversight absent.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.

**2. Human resources policies:** There are no specific institutional human resources policies. The police service follows general civil servant regulations. Maternity leave is also granted in the Labour Code.<sup>50</sup>

- **Marriage:** When recruited into the police service, personnel have to wait 3 years before they are permitted to marry. Both men and women benefit from 5 days of leave when they marry.<sup>51</sup>
- **Pregnancy:** When recruited into the police service, women must wait 3 years before they are permitted to become pregnant.

- **Maternity leave:** 6 weeks before and 8 weeks after delivery, with full pay. If after that period the woman is unable to resume work, she may take sick leave.<sup>52</sup>
- **Paternity leave:** 3 days.
- **Breastfeeding:** A female civil servant with a baby under 15 months is entitled to 1 hour of leave per day, which can be used for breastfeeding, as well as 1 extra day of leave per year. This applies only to married women.
- **Retirement:** No special conditions exist for women and men within the police service; both benefit from pensions amounting to 60–80% of their monthly salary, as do all public servants.

**3. Sexual harassment policy:** None could be identified.

**4. Gender-sensitive code of conduct:** A police code of conduct exists, but is reportedly not gender-sensitive. The researchers could not access this document.

**5. Standard operating procedures in response to GBV:** None could be identified. It has been noted that “the police rarely intervene in domestic violence cases.”<sup>53</sup> Such crimes often remain unreported. As explained by the Togolese government:

All forms of domestic violence are prohibited under Togolese law. Every person who commits an act of violence is liable to a penalty under the Code of Criminal Procedure. Every victim of domestic violence or sexual aggression may bring her case to the traditional community authority, the system of justice, the police or the Gendarmerie.

As a practical matter, women who are victims of violence tend to be afraid to lodge a complaint, or are unwilling, out of modesty, to reveal details, especially personal details, of their private lives. There are few women who are sufficiently courageous to seek help ... A woman who does gather the courage to go to the police will usually ask the local constables not to forward the case to the Office of the Public Prosecutor, in accordance with regulations, but simply to put pressure on her husband to make him pay the medical expenditure occasioned by his violence against her. It seems that police regulations do not require any record of complaints of this kind. Consequently, the local constables will sometimes simply send the woman back home.<sup>54</sup>

**6. Procedures for responding to cases of sexual harassment/GBV perpetrated by police:** A non-permanent disciplinary council meets when a case of sexual harassment/GBV perpetrated by police personnel is brought to its attention. It comprises a delegate from each of the 4 police bodies.<sup>55</sup> The delegates are generally men.<sup>56</sup>

## INSTITUTIONAL STRUCTURE

**7. Internal gender structures:** None could be identified. However, according to a decree issued by the prime minister in 2008, all ministerial departments should have a gender unit or focal point.<sup>57</sup> These focal points are in charge of integrating gender into all aspects of the implementation of the respective departmental policies.<sup>58</sup> No data were made available on whether or not the police service has a gender focal point or is under the responsibility of a focal point within the Ministry of Interior and Security.

**8. Specialised structures for service recipients:** None could be identified.

**9. Collaboration mechanisms:** None could be identified.

## PERSONNEL

**10. Number of female and male personnel:** 238 of the 3,559 officers are women (6.69%).<sup>59</sup> Of the 615 newly recruited officers in 2006, 68 were women (11.10%), indicating that the number of women might be increasing over time.<sup>60</sup> Moreover, there have been calls for the Togolese police service to hire more officers, both male and female.<sup>61</sup>

### 11. Rank/level of male and female personnel:

- Women first held police commissioner posts in 2006.<sup>62</sup> Data from April 2010 showed that 10 of the 110 police commissioners were women (9.10%).
- Of the 59 inspectors, 1 is a woman (1.69%).
- Of the 411 deputy inspectors, 36 are women (8.76%).
- Of the 2,979 rank-and-file officers, 191 are women (6.41%).<sup>63</sup>

These numbers show that women's representation is stronger in some of the higher-ranking categories – e.g. police commissioner and deputy inspector posts.

**12. Rates of attrition:** No reliable information.

**13. Recruitment targets for female personnel:** None.

**14. Vetting procedure for GBV:** There was no information on procedures for background checks of prospective recruits.

**15. Positions/units where female or male personnel cannot serve:** None.

**16. Specific measures for the recruitment, retention and advancement of female personnel:** None at present. However, between 2005 and 2007 the government of President Faure Gnassingbe piloted a recruitment policy that was successful in attracting women to both the police service and the gendarmerie, with female police personnel increasing by no less than 178 officers. The impact of the policy was first felt in 2006, when women constituted 11.10% of new recruits. Allegedly, this signalled a return to a former policy of recruiting women, which had been abandoned in 1985 “when female police officers were the first to experience a fall in their numbers following the implementation of structural adjustment plans.”<sup>64</sup>

**17. Female staff associations:** None in Togo, but some female police officers are members of the International Association of Women Police.

**18. Infrastructure/facilities for male and female personnel:** Separate infrastructure and facilities do not exist for male and female officers. Bathrooms and housing are shared, which has been raised as a problem by women police officers (for example when they work long hours without the possibility to have a shower in a women-only area). There is only one type of uniform, but women are authorised to wear skirts too,<sup>65</sup> although these are not provided.

## TRAINING

**19. Gender training:** On 27 January 2010 the Zonta International Club of Lomé organised an awareness-raising session on domestic violence for some 30 police officers and civil servants. Additional information was not available.

**20. Mainstreaming gender into training:** Within one of the courses at the Police Academy, entitled “Civil Rights,” one chapter deals with “respect for the person” and covers different forms of discrimination on the basis of gender. The general training modules at the Police Academy also include international humanitarian law. No information was found on whether or not gender elements are included in the training.

## INTERNAL AND EXTERNAL OVERSIGHT

**21. Internal oversight mechanisms/bodies:** The main body for internal oversight and control is the Inspector General of the Police Service.

**22. External oversight mechanisms/bodies:** The Ministry of Interior and Security.

**23. Civil society oversight:** In general “only a very small part of civil society is informed or educated about security sector reform,”<sup>66</sup> a fact that negatively influences its capacity to exercise oversight. No formal or informal mechanisms of civil society oversight could be identified.

## 24. Number of cases of discrimination, sexual harassment or GBV perpetrated by police: No data were made available.

### III. ARMED FORCES AND GENDARMERIE INDICATORS



The constitution establishes that the Togolese Armed Forces “are a national, republican and apolitical army ... entirely under the established constitutional political authority.”<sup>67</sup> However, Togo has no separate Ministry of Defence, and though the armed forces officially fall under the Ministry of Interior and Security, national defence has long been under the direct control of the presidency. Any type of public and civilian control over the security apparatus, and especially the armed forces, has been difficult.<sup>68</sup> Furthermore, the gendarmerie’s mandate often overlaps with that of the police service, although generally its jurisdiction is over rural areas. The gendarmerie carries out administrative police functions and criminal investigation, but also serves as a military police force. Normally the gendarmerie is placed under the armed forces, but it is also attached to the Ministry of Interior and Security and the Ministry of Justice, as well as to the Attorney-General’s Office,<sup>69</sup> leading to confusion. The original mandate of the gendarmerie was to be an auxiliary service to the justice system. A reform to bring it closer to this original mandate failed in 1991.<sup>70</sup> Overall, the armed forces are criticised for being overstuffed and some have called for a freeze on its recruitment of soldiers.<sup>71</sup> There is also a strong ethnic bias within the armed forces with an over-representation of northerners (77%), especially from the Kabye ethnic group (10–12% of general population and 54% of armed forces staff).<sup>72</sup> Recent figures place the number of armed forces personnel at 11,561.

There is no gender structure or specific gender policy within the armed forces, nor standard procedures for dealing with sexual harassment or GBV. An active recruitment policy has increased the number of women in the military, but their numbers remain low (369 out of 11,561, or 3.20%), especially among Togolese peacekeeping forces (1 woman out of 800 peacekeepers – 0.13%). In contrast to the police service, female armed forces personnel do have access to separate infrastructure. While there appears to be a fast track to accelerate the promotion of women, they nevertheless continue to be under-represented among the higher ranks: only 12 out of 626 high-ranking officers are women (1.92%). Available data do not indicate if gender training is provided to the armed forces, while internal oversight is limited and external oversight seemingly nonexistent.

## POLICIES AND PROCEDURES

- 1. Institutional gender policy:** None could be identified.
- 2. Human resources policies:** The armed forces are subject to the same general civil servant regulations as the police (see Police #2). Male and female armed forces personnel may only marry after completion of at least 3 years’ service.
- 3. Sexual harassment policy:** None, but the general disciplinary rules reportedly prohibit discriminatory practices and harassment. The researchers could not access the relevant documents.
- 4. Gender-sensitive code of conduct:** None could be identified.
- 5. Procedures for responding to cases of sexual harassment/GBV perpetrated by armed forces:** None could be identified. There are, however, general disciplinary rules within the army and a code of military justice.

## INSTITUTIONAL STRUCTURE

- 6. Internal gender structures:** None could be identified. However, all ministerial departments should have a gender focal point (see Police #7). No data were made available on whether or not the armed forces have one or if they fall under the responsibility of another gender focal point.
- 7. Collaboration mechanisms:** None could be identified.

## PERSONNEL

- 8. Number of female and male personnel:** Among 11,561 armed forces personnel, 369 (3.20%) were women.<sup>73</sup>
- 9. Rank of male and female personnel:** As of May 2010, among the 626 higher-ranking military personnel, 12 (1.92%) were women.<sup>74</sup>
- 10. Number of female and male personnel in peacekeeping missions:** As of February 2011, Togolese participation in peacekeeping missions was as follows.<sup>75</sup>

UN MISSION	STAFF CATEGORY	MALE	FEMALE	TOTAL
MINUSTAH (Haiti)	Individual police	1	0	1
	<b>Total MINUSTAH</b>	<b>1</b>	<b>0</b>	<b>1</b>
MONUSCO (Democratic Republic of the Congo)	Individual police	13	0	13
	<b>Total MONUSCO</b>	<b>13</b>	<b>0</b>	<b>13</b>
UNAMID (Darfur)	Individual police	1	0	1
	Formed police units	139	1 (0.71%)	140
	Experts on mission	7	0	1
	<b>Total UNAMID</b>	<b>147</b>	<b>1 (0.70%)</b>	<b>148</b>
UNMIL (Liberia)	Experts on mission	2	0	2
	Contingent troop	1	0	1
	<b>Total UNMIL</b>	<b>3</b>	<b>0</b>	<b>3</b>
UNOCI (Côte d'Ivoire)	Individual police	13	0	13
	Experts on mission	7	0	7
	Contingent troop	515	1 (0.19%)	516
	<b>Total UNOCI</b>	<b>535</b>	<b>1 (0.19%)</b>	<b>536</b>
<b>Total Togo troop and police contributions</b>		<b>699</b>	<b>2 (0.29%)</b>	<b>701</b>

**11. Rates of attrition:** None recorded in 2010.

**12. Recruitment targets for female personnel:** There is an informal recruitment target of 10%.<sup>76</sup>

**13. Vetting procedure for GBV:** None. Reportedly, no background checks are made on prospective armed forces candidates.

**14. Positions/units where female or male personnel cannot serve:** None identified.

**15. Specific measures for the recruitment, retention and advancement of female personnel:** President Faure Gnassingbe's 2005–2007 recruitment policy increased the number of women in the gendarmerie significantly – by 90 officers.<sup>77</sup> A bill was also adopted in February 2007 on the status of military personnel, which recognised the need to include women in the military.<sup>78</sup> Currently, there is an informal policy of favouring women in training for advancement in the ranks earlier in their careers as compared to their male colleagues. For example, the policy of waiting 3 years after basic training before such additional training is not applicable to female personnel.

**16. Female staff associations:** None.

**17. Infrastructure/facilities for male and female personnel:** The armed forces provide separate infrastructure for female soldiers (bathrooms, dormitories, etc.), as well as materials (notably uniforms).

## TRAINING

**18. Gender training:** No data were made available.

**19. Mainstreaming gender into training:** Training modules used during basic military training included international humanitarian law and child protection. No information was found on whether or not training includes gender elements. An increasing number of Togolese soldiers are taking part in peacekeeping operations and training preparations, such as those led by France.<sup>79</sup> Again, researchers were unable to determine if this training covers gender aspects.

## INTERNAL AND EXTERNAL OVERSIGHT

**20. Internal oversight mechanisms/bodies:** Within the Togolese High Command there is a human resources division with 31 staff members, 1 of whom is a woman (3.23%). This body can participate in cases of a disciplinary nature, report on such cases and pronounce the corresponding sanctions.

**21. External oversight mechanisms/bodies:** Ministry of Interior and Security.

**22. Civil society oversight:** None.

**23. Number of cases of discrimination, sexual harassment or GBV perpetrated by armed forces:** None reported.

## IV. JUSTICE SYSTEM INDICATORS



The Togolese justice sector falls under the Ministry of Justice, which is currently led by a male minister. According to the constitution,<sup>80</sup> the judiciary is independent from the executive and legislative powers. Yet it has long suffered from a lack of independence and, consequently, legitimacy. For example, the Togolese National Human Rights Commission (CNDH), created in 1987 as a “non-judicial mechanism for the protection and promotion of human rights,”<sup>81</sup> enjoyed freedom of action until 1992, when the government took direct control of it.<sup>82</sup> Reportedly, “although a national human rights commission was created by the Head of State in June 1987 and restructured in December 1996, it does not enjoy any real autonomy. The same may be said of the Supreme Court and the Constitutional Court, the highest courts of the land.”<sup>83</sup> General Eyadema appointed many of his followers to posts within the justice sector and they reportedly took control of strategic positions within the structure, such as the Supreme Court, the Constitutional Court and the Higher Council of the Judiciary.<sup>84</sup> In addition to these bodies, the key institutions within the judiciary are the trial courts, 2 courts of appeal and 18 courthouses in the prefectures. There are also specialised courts for youth and labour issues, but only in the capital, Lomé.<sup>85</sup> It should be noted that the life of Togolese women and girls is largely ruled by customary laws, which generally are more unfavourable to them than formal state laws.<sup>86</sup>

The Togolese justice sector has seen very little gender mainstreaming. It has no specific gender policy, gender-sensitive code of conduct or special operational procedures for sexual harassment (internally) or GBV (externally). It does have a gender unit, although it is not operational. Human resources policies are in line with those of the police and armed forces, and hence grant maternity leave and other benefits to staff. Of the 137 judges, 11 are women (8.03%). Women also form an important part of justice sector staff, notably among notaries (50%). No specific quotas or policies exist for increasing the number of female staff, but women and girls do have access to law studies (constituting 27.03% of all law students in 2002). Gender training has been limited and *ad hoc*. This also seems to be the case regarding both internal and external oversight.

### POLICIES AND PROCEDURES

**1. Institutional gender policy:** None could be identified.

**2. Human resources policies:** As civil servants, the conditions are the same as for the police service and the armed forces (see Police #2).

**3. Sexual harassment policy:** None could be identified. However, internal texts on professional ethics are reportedly under review.<sup>87</sup>

**4. Gender-sensitive code of conduct:** None could be identified.

**5. Procedures for prosecuting cases of GBV:** None could be identified. Such cases fall within the provisions of national law related to issues such as domestic violence and human trafficking. Some laws are still being elaborated and improved, such as the Penal Code.<sup>88</sup> The current revision of the Penal Code is expected to take into consideration specific gender issues. Its current form allows human rights associations to take up a case and become the “plaintiff” in the place of the victim, should the latter be reluctant to take on that role for social reasons.<sup>89</sup>

### INSTITUTIONAL STRUCTURE

**6. Internal gender structures:** A gender focal point or unit (comprising 3 members – 2 women and 1 man, and led by the latter) exists within the Ministry of Justice, in compliance with the ministry’s obligation, but reportedly has not been operational and has no budget.<sup>90</sup>

**7. Specialised structures for service recipients:** There are few juvenile courts,<sup>91</sup> and no specific judicial structures were identified for women. A system of legal aid is foreseen, but is not yet formally functional.<sup>92</sup> Women’s organisations provide support in this respect (see Justice #8).

**8. Collaboration mechanisms:** No formal structure could be identified. However, informal collaboration exists between the justice sector and traditional justice institutions and civil society, especially in cases of minors and pregnant women.<sup>93</sup> Such collaboration is mainly with women’s organisations, often through the facilitation of female judges who themselves form part of these associations.<sup>94</sup>

### PERSONNEL

**9. Number of female and male personnel:** Women’s representation in justice sector personnel is as follows.

- Chancellery: 2 out of 7 staff (28.57%)
- Bar association: 15 of the 141 lawyers and staff (10.64%)
- Administrative staff: 3 out of 7 (42.86%)
- Notaries: 39 out of 78 (50%)
- Auctioneers: 12 men and no women (0%)
- Bailiffs (legal officers): 11 out of 126 (8.73%)<sup>95</sup>
- CNDH: 2 out of 19 members (10.53%)<sup>96</sup>



**10. Number of male and female judges:** The number of female judges is as follows.

- Judges: 11 out of 137 (8.03%)<sup>97</sup>
- Supreme Court: 1 out of 16 (6.25%)
- Constitutional Court: 1 out of 9 (11.11%)<sup>98</sup>

**11. Recruitment targets for female personnel:** None. However, according to government data women and girls represented 27.03% of all law students in 2002.<sup>99</sup>

**12. Vetting procedure for GBV:** None.

**13. Specific measures for the appointment, retention and advancement of female judges and prosecutors:** None could be identified.

**14. Female staff associations:** An association of female judges and lawyers is in the process of being created. Some female judges also belong to women's associations and facilitate collaboration through these connections.

## TRAINING

**15. Gender education or training:** Seminars are often organised for justice sector staff on various topics, which have included gender elements.<sup>100</sup> No further information was available.

**16. Mainstreaming gender into training or education:** None. However, requests have been made to integrate a gender component into general training.<sup>101</sup>

## INTERNAL AND EXTERNAL OVERSIGHT

**17. Internal oversight mechanisms:** The Higher Council of the Judiciary can regulate judicial power by "assisting the President of the Republic in his constitutional role as the guarantor of the independence of the judiciary," as well as by acting as an internal disciplinary body. It also provides an opinion on nominees proposed for appointment as judges to the courts. The council has 9 members and is chaired by the president of the Supreme Court.<sup>102</sup> No additional information was available.

**18. External oversight mechanisms:** There is an ombudsperson's office, but the post is currently vacant. The CNDH also serves as an external oversight function for the court system, but no information was found regarding the extent of its involvement. However, it should be noted that the CNDH has been active in promoting awareness of the rights of women and children nationwide, alongside its human rights work.<sup>103</sup>

**19. Civil society oversight:** None could be identified.

**20. Number of cases of discrimination, sexual harassment or GBV perpetrated by justice personnel:** No data were made available.

## V. PENAL SERVICES INDICATORS



In Togo the penal services, like the justice system, fall under the responsibility of the Ministry of Justice. As of 1998, 12 prisons existed in Togo.<sup>104</sup> Little information is available on the structure of the penal services, though it is known that they have no gender policy or established gender-sensitive procedures. Female prisoners and minors are normally held separately from male prisoners, although not in separate prisons. As part of the Ministry of Justice, the penal services fall under the responsibility of the ministry's gender focal point, but this does not appear to be active (see Justice #6). There are currently no female prison guards, but a new strategy aimed at ensuring that women represented 26% of all guards recruited in 2010. Female personnel outnumber men in the penal services, comprising 71 of the 119 total staff (59.66 %).<sup>105</sup> At the time of research there was no information to indicate that gender training had been conducted, although 1 such training session was in the planning phase. The penal services are under the external oversight of the National Human Rights Commission (CNDH), but internal oversight mechanisms are not known to exist.

## POLICIES AND PROCEDURES

**1. Institutional gender policy:** None.<sup>106</sup>

**2. Human resources policies:** As civil servants the conditions are the same as for the police service, armed forces and justice sector personnel (see Police #2).

**3. Sexual harassment policy:** Prison policies are being developed. In the meantime, the Penal Code applies, though it is unclear how it is applied to prisoners and personnel respectively.

**4. Gender-sensitive code of conduct:** None.

**5. Procedures for interaction between males and females:** Currently, there are only male prison guards and no clear procedures govern the interaction between prison guards and male and female prisoners.<sup>107</sup>

**6. Procedures for family and conjugal visits:** There are separate visiting rooms for male and female prisoners. No data were made available on conjugal visits.

**7. Procedures regarding prisoner pregnancy, nursing and children:** None.

**8. Procedures for responding to cases of sexual harassment/GBV perpetrated by prison personnel:** None identified.

## INSTITUTIONAL STRUCTURE

**9. Internal gender structures:** Though there is a gender unit within the Ministry of Justice, it is reportedly not operational and does not have a budget (see Justice #6).<sup>108</sup>

**10. Separate prisons for males/females and juveniles/adults:** Reportedly, there are separate detention centres for women and men, or they are held in separate quarters within the same prison. In Lomé and Atakpamé there are quarters for minors where girls are separated from boys. However, human rights organisations have stated that “children are jailed with adults.”<sup>109</sup> In 2007 the CNDH also signalled that while there was separation by sex and age in most cases, some minors were being held with adults.<sup>110</sup>

**11. Specialised education, training and rehabilitation:** Activities are mainly provided by different non-governmental organisations, and include literacy courses for minors, bag weaving, gardening, carpentry and husbandry.

**12. Specialised health and drug treatment:** None. Officially there are infirmaries in all prisons with health services available to all prisoners; however, the CNDH reported that all prisons visited suffered from poor sanitary conditions and a lack of health infrastructure.<sup>111</sup> No mention was found of gender-specific health needs.

**13. Collaboration mechanisms:** No formal mechanisms could be identified, but civil society organisations such as Prisoners without Borders and Famille Togo are active, for example in providing training to current and former prisoners.

## PERSONNEL

**14. Number of juvenile/adult male and female prisoners:** According to data from April 2010, the breakdown was as follows.

- Pre-trial: 1,591, including 65 women (4.09%)
- Convicts: 1,355, including 14 women (1.03%)
- Defendants on trial: 892, including 24 women (2.69%)
- Minors: 32, including 2 girls (6.25%)<sup>112</sup>

**15. Number of female and male personnel:** Togolese prisons currently have no female prison guards, although a strategy exists to recruit them (see Penal #18).<sup>113</sup> Within the Directorate of Prison Services and Reinsertion, 71 of the 119 staff are women (59.66 %).<sup>114</sup>

**16. Rank/level of male and female personnel:** Women account for 9 of the 29 high-ranking directorate personnel (31.03%) and 62 of the 91 lower-ranking personnel (68.13%).<sup>115</sup>

**17. Rates of attrition:** The directorate noted that 1 male staff member had left, whereas no female staff had done so.

**18. Recruitment targets for female personnel:** Since June 2010 a project has been under way to recruit 500 prison guards, including 130 women (26%).<sup>116</sup>

**19. Vetting procedure for GBV:** None.

**20. Positions/wards where female or male personnel cannot serve:** None; there are currently no female guards.

**21. Specific measures for the recruitment, retention and advancement of female personnel:** None apart from the 2010 recruitment project (see Penal #18).

**22. Female staff associations:** None.

**23. Infrastructure/facilities for male and female personnel:** None; there are currently no female guards.

## TRAINING

**24. Gender training:** No specific training exists, but at the time of research 1 training session was being prepared with the support of the European Union.

**25. Mainstreaming gender into training:** None could be identified.

## INTERNAL AND EXTERNAL OVERSIGHT

**26. Internal oversight mechanisms:** None.

**27. External oversight mechanisms:** The CNDH exercises external oversight of the prison service. Its mandate includes the protection and defence of human rights in Togo.<sup>117</sup> As part of this work it conducts visits to prisons and other detention facilities. The researchers had access to a report from a mission undertaken by the commission on 22–26 January 2007.<sup>118</sup> The minister of justice himself also seems to have an oversight function, at least when it comes to the cases discussed in Penal #29 below.

**28. Civil society oversight:** Other external organisations that monitor prison conditions are the Red Cross, the UN Office of the High Commissioner for Human Rights and the Togolese League of Human Rights. These organisations have special agreements to visit the prisons and prisoners.<sup>119</sup>

**29. Number of cases of discrimination, sexual harassment or GBV perpetrated by prison personnel or prisoners:** All reports are sent to the minister of justice, who follows up on cases. No additional information was available.

## ENDNOTES

1. United Nations Statistics Division, Department of Economic and Social Affairs, "Population and Vital Statistics Report," United Nations Statistics Division, <http://unstats.un.org/unsd/demographic/products/vitstats/serATab2.pdf>; United Nations Statistics Division, Department of Economic and Social Affairs, "Millennium Development Goals Indicators," United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/Data.aspx>; United Nations Statistics Division, Department of Economic and Social Affairs, Population Division, "World Population Prospects: The 2008 Revision Population Database," United Nations Statistics Division, <http://esa.un.org/unpp/index.asp?panel=2>; United Nations Statistics Division, "Gender Info 2007," United Nations Data Retrieval System, <http://data.un.org/Data.aspx?q=adult+literacy&d=GenderStat&f=inID%3a49>; The World Bank, "The World Bank Development Indicators 2009," United Nations Data Retrieval System, [http://data.un.org/Data.aspx?fertility+rate&d=WDI&f=Indicator\\_Code%3aSP.DYN.TFRT.IN](http://data.un.org/Data.aspx?fertility+rate&d=WDI&f=Indicator_Code%3aSP.DYN.TFRT.IN) and [http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator\\_Code%3aMS.MIL.XPND.GD.ZS](http://data.un.org/Data.aspx?q=military+expenditure&d=WDI&f=Indicator_Code%3aMS.MIL.XPND.GD.ZS); United Nations Development Programme, "Human Development Indices: A statistical update 2010," United Nations Data Retrieval System, <http://data.un.org/DocumentData.aspx?q=human+development+index&id=227>; Transparency International, "Corruption Perceptions Survey 2010 Ranking," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
2. Comi M. Toulabor, "Togo," in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden, Boubacar N'Diaye and Funmi Olonisakin (Geneva: DCAF, 2008), 304.
3. Comi M. Toulabor, "Togo," in *Perspectives on Security Sector Governance in Francophone West Africa*, ed. Alan Bryden and Boubacar N'Diaye (Geneva: DCAF, 2011 forthcoming).
4. Reportedly particularly the presidential guard, the parachute regiment, the gendarmerie and the rapid intervention force. Toulabor, "Togo" (2011).
5. Toulabor notes that the paramilitary forces in favour of General Eyadema have notably been (real or fake) students' associations and unions, such as the High Council of Students' Associations and Movements (HACAME) that appear "not only as an armed group with military supervision, but also as an organic branch of the FAT [Togolese Armed Forces]." Ibid.
6. Toulabor, "Togo" (2008), 315. See also Toulabor, "Togo" (2011).
7. Toulabor, "Togo" (2008), 309.
8. Based on Toulabor, "Togo" (2011).
9. See for example BBC News, "Togo President Faure Gnassingbe Wins Re-Election," BBC News, 6 March 2010, <http://news.bbc.co.uk/2/hi/africa/8553955.stm>.
10. As argued by the Small Arms Survey "The country is a vital transshipment route for illegal arms smuggling among Benin, Ghana, Nigeria, and Côte d'Ivoire." Eric G. Berman and Nicolas Florquin, "Togo," in *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region*, ed. Nicolas Florquin and Eric Berman (Geneva: Small Arms Survey, 2005), 381. Trafficking in small arms is also mentioned in Toulabor, "Togo" (2008), 314.
11. As argued by Toulabor, this has included public killings. Toulabor, "Togo" (2011).
12. As explained in detail by Toulabor, 77% of the personnel are from the northern part of the country. Out of these, 70% are Kabye, who only represent between 10 and 12% of the population. Toulabor, "Togo" (2011).
13. Toulabor, "Togo" (2011). See also Toulabor, "Togo" (2008), 304.
14. Such as the research and advocacy group Femme, démocratie et développement/Centre de recherche d'information et de formation pour la femme. Toulabor, "Togo" (2011).
15. afrol News, "Togolese anti-FGM legislation shows results," afrol News, [http://www.afrol.com/News2002/tog010\\_fgm\\_laws.htm](http://www.afrol.com/News2002/tog010_fgm_laws.htm).
16. Organisation for Economic Development and Co-operation (OECD) Development Centre, "Gender Equality and Social Institutions in Togo," Social Institutions and Gender Index, <http://genderindex.org/country/togo>.
17. Noel Tadegnon notes that many girls have been abandoning their studies due to "poor grades or pregnancies which can be traced to instances of sexual harassment." Noel Tadegnon, "Sexual Harassment Bill Proposed in Togo," afrol News, [http://www.afrol.com/Categories/Women/wom022\\_togo\\_sexbill.htm](http://www.afrol.com/Categories/Women/wom022_togo_sexbill.htm).
18. OECD Development Centre, "Gender Equality."
19. Such as the Central (55%), Savanes (32.4%) and Kara (25.8%). Data from 2008, as quoted in the *National Gender Policy* (December 2008), 21.
20. afrol refers the 12% average to a national survey carried out by the *Unité de Recherche Démographique* in 1996. In terms of the downward trend, other studies show that older women (over 40) are more likely to have been excised than younger women, hence indicating a decrease in the practice. afrol News, "Togolese anti-FGM legislation."
21. afrol News, "AFROL Gender Profiles: Togo," [http://www.afrol.com/Categories/Women/profiles/togo\\_women.htm](http://www.afrol.com/Categories/Women/profiles/togo_women.htm).
22. Government of the Republic of Togo, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Togo, Combined Initial, Second, Third, Fourth and Fifth Periodic Reports on States Parties," CEDAW/C/TGO/1-5 (New York: CEDAW, 2004), 16.
23. A 2004 UN report estimated that 20 % of the women and girls between 15 and 19 years to be either married, divorced or widowed. As cited in OECD Development Centre, "Gender Equality."
24. afrol News, "AFROL Gender Profiles: Togo."
25. According to a study realised by WILDAF – TOGO, as quoted in WILDAF – TOGO/editorial committee, *Rapport alternatif sur la mise en œuvre de la convention sur l'élimination de toutes les formes de discrimination à l'égard de la femme (CEDEF) au Togo* (October 2005), 5.
26. Togo, "Consideration of reports," 35.
27. Ibid., 83.
28. *National Gender Policy*, 20.
29. *Gender Action Plan*, 5.
30. Toulabor, "Togo" (2011).
31. Translation from Toulabor, "Togo" (2011). See *Constitution of the Fourth Republic* (14 October 1992), Article 49.
32. *National Gender Policy* (December 2008).
33. *National Action Plan for Fairness and Gender Equality in Togo 2009-2013* (December 2008). Hereafter 'Gender Action Plan.'
34. Totalling of 10,790,000,000 CFA Franc or approximately 21,630,770 USD. See *Gender Action Plan*, 12.
35. See Article 3 and all of Chapter 3 of *Law No 2006-010 of 13 December 2006 Labour Code of the Republic of Togo* (December 2006).
36. Ibid., Article 40.
37. Togo, "Consideration of reports," 82.
38. *Law No 2005 – 009 of 3 August Concerning the Trafficking of Children in Togo* (August 2005).
39. Togo, "Consideration of reports," 34-35.
40. OECD Development Centre, "Gender Equality."
41. afrol News, "Togolese anti-FGM legislation."
42. *Penal Code* (amended 2000).
43. Interview with Dr Ing. Ayitou Singo (President, Defence and Security Commission), 5 May 2010.
44. Inter-Parliamentary Union (IPU), "Women in national parliaments: Situation as of 31 January 2011," IPU, <http://www.ipu.org/wmn-e/classif.htm>.
45. *National Gender Policy*, 8.
46. *National Gender Policy*, 27; Togo, "Consideration of reports," 130. Sometimes also called the "Status of Women Directorate."
47. See *Gender Action Plan* 9.
48. Toulabor, "Togo" (2011).
49. Ibid.
50. See *Labour Code*, Chapter 3.
51. See *General Civil Service Regulations*, Article 56.
52. Togo, "Consideration of reports," 88. See *Executive Order No 1 of 4 January 1968 constituting General Civil Service Regulations* (1968), Articles 64-65.
53. afrol News, "AFROL Gender Profiles: Togo." This is also stressed in OECD Development Centre, "Gender Equality."
54. Togo, "Consideration of reports," 45.
55. The delegates are from each of the following bodies: the police commissioners, the police inspectors, the deputy inspectors and the rank-and-file officers.
56. Interview with Police Commissioner Potcholi, (Commissioner in charge, WITTI police station), 7 April 2010.
57. See *Decree No 2008-094/PMRT concerning the Creation of Gender Focal Points within the Ministerial Departments* (2008).
58. *National Gender Policy*, 27-28.
59. Interview with Police Commissioner Potcholi, (Commissioner in charge, WITTI police station), 7 April 2010. According to Toulabor the total number is slightly lower: about 2,300 to 3,000 police officers, and some 400 prefectural guards and 130 forest rangers. Toulabor, "Togo" (2011).
60. Kanny Sokpoh-Diallo, "Declaration du Dr Kanny Sokpoh-Diallo, Ministre de la population, des affaires sociales et de la promotion féminine devant la 34ème session du comité sur l'élimination de discrimination à l'égard des femmes" (New York, 18 January 2006), 6.
61. Toulabor, "Togo" (2011).
62. Kanny Sokpoh-Diallo, "Declaration," 6.
63. Interview with Police Commissioner Potcholi, (Commissioner in charge, WITTI police station), 7 April 2010.
64. Toulabor, "Togo" (2011).
65. Interview with Police Commissioner Potcholi, (Commissioner in charge, WITTI police station), 7 April 2010.
66. Toulabor, "Togo" (2008), 316.
67. Not an official translation. *Constitution of the Fourth Republic* (1992), Article 147.
68. Toulabor, "Togo" (2011).
69. Ibid.
70. Ibid.
71. Ibid.
72. The same is valid for the senior positions, where Northerners constitute 250 out of 300 officers (83.33%), of which 200 (or 66.67%) Kabye. Toulabor, "Togo" (2008), 305.

73. Interview with Commander Inoussa Djibril (Head of Communication and External Relations, Togolese Armed Forces), 7 May 2010.
74. Ibid.
75. Department of Peacekeeping Operations and Department of Public Information, "UN Mission's Summary Detailed by Country," United Nations, [http://www.un.org/en/peacekeeping/contributors/2011/feb11\\_3.pdf](http://www.un.org/en/peacekeeping/contributors/2011/feb11_3.pdf).
76. Interview with Commander Inoussa Djibril (Head of Communication and External Relations, Togolese Armed Forces), 7 May 2010.
77. Toulabor, "Togo" (2011).
78. Ibid.
79. Ibid.
80. *Constitution of the Fourth Republic*, Article 113.
81. Togo, "Consideration of reports," 31.
82. Toulabor, "Togo" (2011).
83. Toulabor, "Togo" (2008), 310.
84. Toulabor, "Togo" (2011).
85. Togo, "Consideration of reports," 30.
86. As argued for example in OECD Development Centre, "Gender Equality" and *National Gender Policy*, 20-21.
87. Interview with Ms Hohouéto (Head of Section, Modernisation of Justice), 13 April 2010.
88. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010.
89. Interview with Ms Hohouéto (Head of Section, Modernisation of Justice), 13 April 2010.
90. Interview with Ms Suzanne Soukoude (First Deputy Procurator, Lomé Appeal Court and Member of the Superior Magistrate Council, Ministry of Justice), 2010.
91. This was highlighted in afrol News, "AFROL Gender Profiles: Togo."
92. It was stressed that such a system is already in function informally, with lawyers and judges intervening in favour of the disadvantaged. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010.
93. Ibid.
94. Interview with Ms Hohouéto (Head of Section, Modernisation of Justice), 13 April 2010.
95. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010.
96. Earlier figures have been slightly higher: 2 out of 17 (11.76%). Togo, "Consideration of reports," 54.
97. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010. 2007 data had a slightly higher percentage of female judges: 15 out of 140 (10.71%). *Gender Action Plan*, 5.
98. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010.
99. *National Gender Policy*, 13.
100. Interview with Judge Agbetome (Inspector General, Judicial and Penal Services), 6 April 2010.
101. Ibid.
102. Toulabor, "Togo" (2011).
103. Ibid.
104. Kings College London, "Prison Brief for Togo," World Prison Brief, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=49](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=49).
105. Interview with Mr Garba (Head, Direction for Prison Services and Reinsertion), 7 April 2010.
106. Ibid.
107. Ibid.
108. Interview with Ms Suzanne Soukoude (First Deputy Procurator, Lomé Appeal Court and Member of the Superior Magistrate Council, Ministry of Justice), 2011.
109. afrol News, "AFROL Gender Profiles: Togo."
110. CNDH, "Rapport de visites de prisons et autres lieux de détention du 22 au 26 janvier 2007" (CNDH: Lomé, undated), 14.
111. CNDH, "Rapport," 14.
112. Interview with Mr Garba (Head, Direction for Prison Services and Reinsertion), 7 April 2010. It can be noted, however, that a written document issued by the same institution, entitled "Effectif des détenus" (April 2010) showed the same numbers, except for concerning the minors, who in the written document totalled only 10, with no girls among them.
113. Interview with Mr Garba (Head, Direction for Prison Services and Reinsertion), 7 April 2010.
114. Ibid.
115. Ibid. Please note that there is a discrepancy of two persons between these figures and the total staff of 119, as mentioned in indicator 15.
116. Ibid.
117. *Fundamental Law No 96-12 of 11 December 1996, Modified and Complemented by Fundamental Law No 2005-004 of 9 February 2005 concerning the Composition, Organisation and Functioning of the National Human Rights Commission*.
118. CNDH, "Rapport."
119. Ibid.

# Annex I: Data Collection Template

## I. NATIONAL GOVERNANCE INDICATORS



1. Existence of national security policies or white papers on defence or security issues. *Please list title(s) and date(s) of policies and attach copies.*
2. Existence of national policies or laws on gender issues that includes mandates regarding the police, armed forces and gendarmerie, justice system or penal services. For example, policies or laws or national action plans on domestic or sexual violence, women's rights or UN Security Council Resolution 1325 – such as a national action plan on violence against women, a law on domestic violence or a national policy on the prevention of human trafficking. *Please list title(s) and date(s) of policies and attach copies.*
3. Existence of parliamentary committees focused on security issues. Please list the names of the committees that oversee the armed forces and gendarmerie, police service, justice system and penal services. How many male and female parliamentarians are on these committees and is the chair and deputy-chair male or female?
4. Male and female representation in parliament. Number and percentage of men and women serving as elected representatives and existence of women's parliamentary networks/caucuses.\*
5. Does the ministry responsible for gender/women's affairs participate in any security sector oversight mechanisms/bodies? For instance in a national security committee? *Please describe the security sector oversight mechanism/body including its powers/mandate.*

\* This indicator was added by the authors based on desk research and, where available, information provided by researchers.

## II. POLICE SERVICE INDICATORS



### POLICIES AND PROCEDURES

1. Existence of an institutional gender policy and/or policies that specifically address the different needs of male and female police staff and the different security needs of women, men, boys and girls (service recipients). Does it have a budget attached? *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
2. Human resources policies on marriage, pregnancy, maternity and paternity leave, breastfeeding, health care, working hours, retirement and other benefits for male and female staff and their families. *Please describe each one in detail making note of any differences for male and female staff and attach copies if possible.*
3. Existence of a sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for police staff. *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
4. Existence of a gender-sensitive code of conduct. *Please list title and date of the code of conduct and attach a copy. If a copy can not be attached, please describe in detail.*
5. Existence of standard operating procedures for responding to cases of human trafficking, domestic violence or sexual assault/violence. *Please describe in detail and attach copies if possible.*

6. Existence of procedures for reporting, investigating and penalising discrimination, sexual harassment or other gender-based violence perpetrated by police staff against co-workers and members of the public. *Please describe.*

## INSTITUTIONAL STRUCTURE

7. Existence of internal institutional gender structures such as gender focal points, equal opportunity offices, etc. *Please describe the mandate and human and material resources (budget) allocated to existing structures.*
8. Existence of specialised services/structures for male and female service recipients such as special units to respond to cases of domestic violence or violence against women, women's police stations, private areas for interviewing victims of violence, etc. *Please describe the mandate and human and material resources (budget) allocated to existing services/structures.*
9. Existence of formal or informal collaboration mechanisms with women's non-governmental organisations or ministry responsible for gender/women's affairs, for instance through an established referral system or a joint taskforce on gender-based violence. *Please describe in detail.*

## PERSONNEL

10. Number (or percentage) of male and female police staff. *Please include what year this data are from and try to get the most recent data possible.*
11. Number and percentage of male and female senior-level vs entry-level staff, including rank and unit if possible.
12. Rates of attrition (drop out) for male vs female personnel.
13. Existence of numerical or percentage recruitment targets for women. *Please describe in detail including date of adoption.*
14. Existence of vetting procedure that includes vetting for past perpetration of human rights violations against women, such as domestic violence or sexual assault. *Please describe.*
15. Any positions/units that women or men are not allowed to serve in, or where it is institutional practice that women or men do not serve in that position/unit.
16. Existence of specific measures in place to increase the recruitment, retention and advancement of women. For instance, developing recruitment materials that show pictures of women, accelerated high school diploma training for women, female recruitment staff, public information campaigns, different recruitment criteria, lateral entry schemes, mentoring programmes, reviewing recruitment and promotion criteria, on-the-job career training for women, etc. *Please describe.*

17. Existence of a female staff association or a women's section of a staff association. *Please include information on size of membership, year established, mandate and current activities.*
18. Existence of different infrastructure and facilities for female and male staff such as separate bathrooms, different uniforms or separate lodgings.

## TRAINING

19. Existence of gender training, such as specific training sessions on gender-awareness, sexual harassment, sexual exploitation and abuse, domestic violence, sexual assault or human trafficking. *Please describe length and content of the training sessions, whether or not it is mandatory and who provides the training. Number and type of personnel that has undergone this training?*
20. Do other training sessions, such as on human rights or rule of law or codes of conduct include information on gender issues? *Please describe.*

## INTERNAL AND EXTERNAL OVERSIGHT

21. Existence of internal oversight mechanisms/bodies such as boards of inquiry or a conduct and discipline unit with a mandate to investigate gender issues within the police service such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of activities. Number of male and female staff within the internal oversight body?*
22. Existence of external oversight mechanisms/bodies (such as ombudsoffices or human rights commissions) with a mandate to investigate gender issues within the police service such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of the activities. Number of male and female staff within the external oversight body?*
23. Existence of formal mechanisms for involvement of civil society organisations in oversight such as a local police board or community security committees. *Do external oversight mechanisms/bodies include civil society organisations and more specifically women's organisations?*
24. Number of reports to internal and/or external oversight mechanisms of discrimination, sexual harassment or other gender-based violence in the last year or most recent data available. *Please specify who they were reported to. How many of these reports were investigated? Who investigated? Number of staff penalised for sexual harassment or other gender-based violence in the last year. How were they penalised?*

### III. ARMED FORCES AND GENDARMERIE INDICATORS



#### POLICIES AND PROCEDURES

1. Existence of an institutional gender policy. Does it have a budget attached? *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
2. Human resources policies on marriage, pregnancy, maternity and paternity leave, breastfeeding, health care, working hours, retirement and other benefits for male and female staff and their families. *Please describe each one in detail making note of any differences for male and female staff and attach copies if possible.*
3. Existence of a sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for armed forces personnel. *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
4. Existence of a gender-sensitive code of conduct. *Please list title and date of the code of conduct and attach a copy. If a copy can not be attached, please describe in detail.*
5. Existence of procedures for reporting, investigating and penalising discrimination, sexual harassment or other gender-based violence perpetrated by armed forces or gendarmerie personnel against co-workers and civilians. *Please describe.*

#### INSTITUTIONAL STRUCTURE

6. Existence of internal institutional gender structures such as gender focal points, equal opportunity offices, etc. *Please describe the mandate and human and material resources (budget) allocated to existing structures.*
7. Existence of formal or informal collaboration/communication mechanisms with women's non-governmental organisations or ministry responsible for gender/women's affairs, for instance through consultation processes on defence policy or public liaison offices. *Please describe in detail.*

#### PERSONNEL

8. Number (or percentage) of male and female armed forces personnel. *Please include what year this data are from and try to get the most recent data possible.*
9. Number and percentage of male and female senior-level vs entry-level staff, including rank and unit if possible.

10. Number of male and female staff participating in peacekeeping missions including rank and type of position (for instance civilian vs military vs police).
11. Rates of attrition (drop out) for male vs female personnel.
12. Existence of numerical or percentage recruitment targets for women. *Please describe in detail including date of adoption.*
13. Existence of vetting procedure that includes vetting for past perpetration of human rights violations against women, such as domestic violence or sexual assault. *Please describe.*
14. Any positions/units that women or men are not allowed to serve in, or where it is institutional practice that women or men do not serve in that position/unit.
15. Existence of specific measures in place to increase the recruitment, retention and advancement of women including pre-recruitment sensitisation. For instance, developing recruitment materials that show pictures of women, accelerated high school diploma training for women, female recruitment staff, public information campaigns, different recruitment criteria for women, lateral entry schemes, mentoring programmes, reviewing recruitment and promotion criteria, on-the-job career training for women, etc. *Please describe.*
16. Existence of a female staff association or a women's section of a staff association. *Please include information on size of membership, year established, mandate and current activities.*
17. Existence of different infrastructure and facilities for female and male staff such as separate bathrooms, different uniforms or separate lodgings.

#### TRAINING

18. Existence of gender training, such as specific training sessions on gender-awareness, sexual harassment or sexual exploitation and abuse. *Please describe length and content of the training sessions, whether or not it is mandatory and who provides the training. Number and type of personnel that has undergone this training?*
19. Do other training sessions, such as on human rights or rule of law or codes of conduct include information on gender issues? *Please describe.*

#### INTERNAL AND EXTERNAL OVERSIGHT

20. Existence of internal oversight mechanisms/bodies such as boards of inquiry with a mandate to investigate gender issues within the armed forces and gendarmerie such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of activities. Number of male and female staff within the internal oversight body?*



21. Existence of external oversight mechanisms/bodies (such as ombudsoffices or human rights commissions) with a mandate to investigate gender issues within the armed forces and the gendarmerie such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of the activities. Number of male and female staff within the external oversight body?*
22. Existence of formal mechanisms for involvement of civil society organisations in oversight. *Do external oversight mechanisms/bodies include civil society organisations and more specifically women's organisations such as human rights commissions?*
23. Number of reports to internal and/or external oversight mechanisms of discrimination, sexual harassment or other gender-based violence in the last year or most recent data available. *Please specify who they were reported to. How many of these reports were investigated? Who investigated? Number of staff penalised for sexual harassment or other gender-based violence in the last year. How were they penalised?*

## IV. JUSTICE SYSTEM INDICATORS



### POLICIES AND PROCEDURES

1. Existence of an institutional gender policy and/or policies in the Ministry of Justice that specifically address the different needs of male and female staff and justice service recipients. Does it have a budget attached? *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
2. Human resources policies on marriage, pregnancy, maternity and paternity leave, breastfeeding, health care, working hours, retirement and other benefits for male and female justice sector staff and their families (including judges, court personnel, office of the prosecutor, public legal aid services, etc). *Please describe each policy in detail making note of any differences for male and female staff and attach copies if possible.*
3. Existence of a sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for justice sector staff (including judges, court personnel, office of the prosecutor, public legal aid services, etc). *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
4. Existence of a gender-sensitive code of conduct or ethical guidelines for judges, prosecutors and/or lawyers. *Please list title and date of the code of conduct and attach a copy. If a copy can not be attached, please describe in detail.*

5. Existence of specific procedures for trying cases on human trafficking, domestic violence, sexual assault/violence, or sexual exploitation and abuse. For instance procedures for victim and witness protection or rules of evidence and procedures concerning testimony or admissibility of evidence. *Please describe in detail and attach copies if possible.*

### INSTITUTIONAL STRUCTURE

6. Existence of internal institutional gender structures such as gender focal points or equal opportunity offices that justice sector staff could turn to. *Please describe the mandate and human and material resources (budget) allocated to existing structures.*
7. Existence of specialised services/structures for male and female service recipients such as 'access to justice' programmes for women, courts on domestic violence and/or sexual assault, legal aid services for women, screens or private rooms to interview victims of violence, etc. *Please describe the mandate and human and material resources (budget) allocated to existing services/structures.*
8. Existence of formal or informal collaboration mechanisms with women's non-governmental organisations, human rights organisations or the ministry responsible for gender/women's affairs, for instance through an established referral system or joint victim services centers. *Please describe in detail.*

### PERSONNEL

9. Number (or percentage) of male and female justice sector staff including judges, court personnel, office of the prosecutor, lawyers and public legal aid services. *Please include what year this data are from and try to get the most recent data possible.*
10. Number and percentage of male and female judges in the most senior courts (e.g. High Court, Constitutional Court) broken down by level of seniority and types of courts that they preside in.
11. Existence of numerical or percentage recruitment targets for women in law schools, as lawyers, prosecutors or as judges. *Please describe in detail including date of adoption.*
12. Existence of vetting procedure for judges and prosecutors that includes vetting for past perpetration of human rights violations against women, such as domestic violence or sexual assault. *Please describe.*
13. Existence of specific measures in place to increase the appointment, retention and advancement of female judges and prosecutors. *Please describe.*
14. Existence of associations for female judges or female lawyers. *Please include information on size of membership, mandate, year established and current activities.*

## TRAINING

15. Existence of gender education or training in law schools, lawyers' professional training or training for judges. For example training sessions or courses on gender-awareness, laws on women's rights or domestic violence, or evidentiary requirements in rape cases. *Please describe the length and content of the training sessions/courses and who provides the training. How many lawyers/judges have undergone this training?*
16. Do other education or training courses, such as on international human rights law or victim protection - include information on gender issues? *Please describe.*

## INTERNAL AND EXTERNAL OVERSIGHT

17. Existence of internal oversight mechanisms/bodies such as boards of inquiry with a mandate to investigate gender issues within the justice service such as discrimination, harassment and gender-based violence perpetrated by judges, prosecutors or lawyers. *Please describe the mandate and give an overview of activities. Number of male and female staff within the internal oversight body?*
18. Existence of external oversight mechanisms/bodies (such as an ombudsoffices or human rights commissions) with a mandate to investigate gender issues within the justice system such as discrimination, harassment and gender-based violence in the justice sector. *Please describe the mandate and give an overview of the activities. Number of male and female staff within the external oversight body?*
19. Existence of formal mechanisms for involvement of civil society organisations, including women's organisations, in the oversight of the justice sector.
20. Number of reports to internal and/or external oversight mechanisms of discrimination, sexual harassment or other gender-based violence in the justice sector in the last year or most recent data available. *Please specify who they were reported to. How many of these reports were investigated? Who investigated? Number of justice sector personnel penalised for sexual harassment or other gender-based violence in the last year. How were they penalised?*

## V. PENAL SERVICES INDICATORS



### POLICIES AND PROCEDURES

1. Existence of an institutional gender policy and/or policies that specifically address the different needs of male and female staff within the penal services and men and women within the penal population (including prisoners, people released on bail or on probation, serving community service, etc.). Does it have a budget attached? *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
2. Human resources policies on marriage, pregnancy, maternity and paternity leave, breastfeeding, health care, working hours, retirement and other benefits for male and female staff and their families. *Please describe each one in detail making note of any differences for male and female staff and attach copies if possible.*
3. Existence of a sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for penal service staff including standard operating procedures for responding to cases of sexual assault/violence or harassment. *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
4. Existence of a gender-sensitive code of conduct. *Please list title and date of the code of conduct and attach a copy. If a copy can not be attached, please describe in detail.*
5. Existence of clear procedures for interaction between male and female prison staff and prisoners (for instance male prison staff should never search women prisoners or be permitted in areas where female prisoners dress and/or take showers). *Please describe in detail and attach copies if possible.*
6. Existence of clear policies and procedures for male and female prisoners regarding family and conjugal visits. *Please describe in detail making note of any differences for male and female prisoners and attach copies if possible.*
7. Existence of clear policies and procedures regarding pregnant prisoners, nursing mothers and children of prisoners. *Please describe in detail making note of any differences for male and female prisoners and attach copies if possible.*
8. Existence of procedures for reporting, investigating and penalising discrimination, sexual harassment or other gender-based violence perpetrated by prison staff against co-workers and prisoners or by prisoners against prisoners. *Please describe.*

## INSTITUTIONAL STRUCTURE

9. Existence of internal institutional gender structures such as gender focal points, equal opportunity offices, etc. *Please describe the mandate and human and material resources (budget) allocated to existing structures.*
10. Existence of separate prisons for male and female prisoners and for male and female juveniles and adults.
11. Existence of specialised education, training and rehabilitation services/structures for male and female prisoners juvenile and adult prisoners. *Please describe the services and their availability.*
12. Existence of specialised health and drug treatment services/structures for male and female juvenile and adult prisoners (including access to reproductive and mental health care). *Please describe the services and their availability.*
13. Existence of formal or informal collaboration mechanisms with women's non-governmental organisations or ministry responsible for gender/women's affairs, for instance through joint prisoner rehabilitation programmes or NGO activities within prisons. *Please describe in detail.*

## PERSONNEL

14. Number (or percentage) of male and female juvenile and adult prisoner (pre-trial and post-trial) and people under non-custodial measures (i.e. released on bail or on probation or serving community service). *Please include what year this data are from and try to get the most recent data possible.*
15. Number (or percentage) of male and female penal service staff. *Please include what year this data are from and try to get the most recent data possible.*
16. Number and percentage of male and female senior-level vs entry-level staff.
17. Rates of attrition (drop out) for male vs female staff.
18. Existence of numerical or percentage recruitment targets for female prison staff. *Please describe in detail including date of adoption.*
19. Existence of vetting procedure that includes vetting for past perpetration of human rights violations against women, such as domestic violence or sexual assault. *Please describe.*
20. Any positions/wards that women or men are not allowed to serve in, or where it is institutional practice that women or men do not serve in that position/unit. For instance if men are not allowed to work in the women's prisons and vice versa.

21. Existence of specific measures in place to increase the recruitment, retention and advancement of female prison staff. For instance, developing recruitment materials that show pictures of women, sensitisation campaigns, mentoring programmes, reviewing recruitment and promotion criteria, on-the-job career training for women, etc. *Please describe.*
22. Existence of a female staff association or a women's section of a staff association. *Please include information on size of membership, year established, mandate and current activities.*
23. Existence of different infrastructure and facilities for female and male staff such as separate bathrooms, different uniforms or separate lodgings.

## TRAINING

24. Existence of gender training, such as specific training sessions on gender-awareness, sexual harassment, rape prevention or sexual exploitation and abuse. *Please describe length and content of the training sessions, whether or not it is mandatory and who provides the training. Number and type of personnel that has undergone this training?*
25. Do other training sessions, such as on international human rights or codes of conduct include information on gender issues? *Please describe.*

## INTERNAL AND EXTERNAL OVERSIGHT

26. Existence of internal oversight mechanisms/bodies (such as internal inspections) with a mandate to investigate gender issues within the penal services such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of activities. Number of male and female staff within the internal oversight body?*
27. Existence of external oversight mechanisms/bodies (such as an independent inspection mechanism) with a mandate to investigate gender issues within the penal service such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of the activities. Number of male and female staff within the external oversight body?*
28. Existence of formal mechanisms for involvement of civil society organisations in oversight. *Do external oversight mechanisms/bodies include representatives of civil society organisations and more specifically women's organisations? Are civil society organisations able to monitor prison conditions?*
29. Number of reports to internal and/or external oversight mechanisms of discrimination, sexual harassment or other gender-based violence in the last year or most recent data available. *Please specify who they were reported to. How many of these reports were investigated? Who investigated? Number of staff or prisoners penalised for sexual harassment or other gender-based violence in the last year. How were they penalised?*