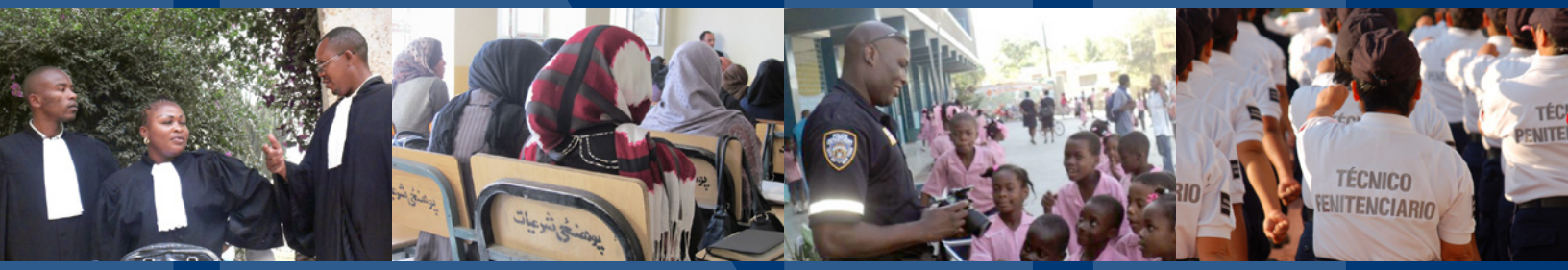

INL GUIDE TO GENDER IN THE CRIMINAL JUSTICE SYSTEM

UNITED STATES DEPARTMENT OF STATE

Bureau of International Narcotics and Law Enforcement Affairs

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Introduction

This guide to gender in the criminal justice system offers technical guidance associated with **promoting the effective participation of women** in the criminal justice system and improving capacity within the criminal justice system to promote and **safeguard the rights of women** in partner countries. The Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) Office of Criminal Justice Assistance and Partnership (INL/CAP) developed the guide in consultation with the Secretary's Office of Global Women's Issues (S/GWI) and other INL offices and subject matter experts. It is one in a series that includes guides on project management—project design, results frameworks, and performance measurement plan development—as well as the following functional areas of INL assistance programs: police, justice, corrections, and anti-corruption.

While INL recognizes the broad scope of gender issues, including issues pertinent to women, men, girls, and boys as well as members of lesbian, gay, bisexual, and transgender (LGBT) communities, **this guide focuses on programming that encourages the participation of women in the police, justice, and corrections sectors in a way that promotes and safeguards their rights**. Gender does not refer to sex, but rather to the roles, rights, and responsibilities of males and females in a given context. INL's priorities include ensuring that gender perspectives and attention to the goal of gender equality are central to INL activities, from planning and implementing to monitoring and evaluating programs and projects.

Historically, women have been excluded from and underserved in criminal justice institutions, and face discrimination and sexual and gender-based violence disproportionate to that faced by men. To advance the priority of gender equality, this guide focuses on how INL can better integrate women and women's perspectives into its criminal justice assistance programs.

- Part I discusses how integrating gender advances broader Department of State policies, as well as INL objectives, and outlines the principles guiding INL in its assistance programs.
- Part II addresses integrating gender at the planning stage, through gathering information and considering the effect of INL's projects on women's participation and rights.
- Part III outlines two approaches for incorporating gender issues into project implementation. The first approach involves integrating gender into INL projects when doing so is not the primary focus of the project. The second approach discusses projects that are specifically designed to focus on gender and offers examples of activities that promote the effective participation of women and build capacity to safeguard their rights.
- Part IV addresses measuring and evaluating progress through data collection and managing for results.
- Part V discusses partnerships and coordination in programming.

Police officers from Moldova joined colleagues from Georgia, Ukraine, Armenia, and Azerbaijan at a U.S. government-sponsored "Women in Policing" conference in Tbilisi, Georgia, to sharpen their leadership and practical police skills.

I. Gender in the INL Context

INL seeks to integrate—or "mainstream"—gender considerations in *all* policies and programs by identifying and addressing differences and inequalities in the roles, rights, and responsibilities of women and men. The goal of gender mainstreaming is to promote full access to justice and participation in the justice system for all members of society in partner nations. This will in turn improve programming and policy outcomes. The following three sections demonstrate how making the integration of gender a priority, with a specific focus on women, advances broader State Department policies, and will describe certain established principles that guide INL's gender integration activities.

It is worth noting that some of INL's interventions directly benefit girls, particularly in the contexts of juvenile justice and protection from sexual and gender-based violence. Thus, the use of the word women includes women and, as appropriate, girls. Working with girls requires an approach sensitive to the particular needs of minors.

A. Authority for Promoting the Participation of Women and Capacity to Safeguard Their Rights

Together, several documents form the U.S. policy on gender and women's issues, emphasizing the requirement to integrate gender into policy and programming to promote equality of women and men. For example, Executive Order 13595, "Instituting a National Action Plan on Women, Peace, and Security," directed the implementation of the *U.S. National Action Plan on Women, Peace, and Security* (2011). The National Action Plan (NAP) describes the steps the U.S. government has committed to take to advance women's participation in peace processes, governance, and protection from violence. It advances implementation of United Nations Security Council Resolution 1325, adopted in 2000, which recognizes the effect of armed conflict on women and calls for gender mainstreaming in the maintenance and promotion of international peace and security.[1]

Two additional State Department policies elaborate on the participation and protection objectives and expand them beyond conflict-affected environments:

- The *U.S. Department of State Policy Guidance: Promoting Gender Equality to Achieve our National Security and Foreign Policy Objectives* (2012);[2] and
- The *U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally* (2012).[3]

Why Promote Women

The Department of State is working to reduce disparities and proactively promote gender equality—both internally and externally—to foster economic growth, peace and security.

—U.S. Department of State Policy Guidance: Promoting Gender Equality to Achieve our National Security and Foreign Policy Objectives (2012)

B. Promoting INL Goals Through Gender Integration

Gender-based social, legal, and professional exclusion, gender inequality, and sexual and gender-based violence—including rape, domestic violence, sexual assault, and human trafficking—are pervasive problems in many countries where INL works. INL addresses these challenges by integrating gender considerations into its programs and implementing projects that advance the effective participation of women in the criminal justice system and develop the capacity of the system to safeguard the rights of women. The composition of each country's

1. The *U.S. Department of State Implementation Plan of the NAP* provides guidance for implementing the NAP and builds on the goals for gender integration included in the *U.S. National Security Strategy* (2010) and the *Quadrennial Diplomacy and Development Review* (QDDR) (2010).
2. The *U.S. Department of State Policy Guidance: Promoting Gender Equality to Achieve our National Security and Foreign Policy Objectives* (2012) requests embassies and bureaus to bolster participation and leadership opportunities for women in all government processes; address impediments that hinder women from contributing to their fullest extent in the economy; and draw on the full contributions of both women and men in peace processes.
3. The *U.S. Strategy to Prevent and Respond to Gender-based Violence Globally* (2012) establishes a government-wide approach to identify, coordinate, integrate, and leverage U.S. government efforts and resources to prevent and respond to gender-based violence.

criminal justice system differs, but the essential elements include police, justice, and corrections institutions.

Integrating women and women's perspectives contributes directly to INL's main goals. The following four goals come directly from the INL FY14-16 Functional Bureau Strategy:

1. **Strengthen foreign law enforcement and rule of law to ensure citizen security.** Increasing the professional opportunities for women in police, justice, and corrections institutions yields a criminal justice system more representative of society, promotes the rule of law, assists in women's access to justice, and improves the effectiveness of law enforcement's response.

2. **Disrupt transnational criminal networks.** Drug prevention and treatment programs for women reduce demand for drugs and the related collateral effects of the drug trade on partner nations.

3. **Establish and maintain global and regional partnerships based on shared objectives.** Because gender programming is a cross-cutting issue that many nations are tackling, it encourages sharing of information and methodologies across the rule of law institutions regionally and through multilateral institutions.

4. **Provide effectively managed foreign assistance.** Gender programming emphasizes the selection of indicators, data collection, and reporting, and thus promotes INL's emphasis on results-based approaches in foreign assistance.

C. Guiding Principles for INL Gender Programming

INL's decades of experience in program development and implementation have contributed to a set of guiding principles that inform the design and implementation of criminal justice assistance projects. These principles articulate a shared understanding among international donors and implementers of what works when providing assistance. They include managing for results, see Part IV below, and coordination of assistance, see Part V, as well as:

Do No Harm: Contractors and Commercial Sex Acts

Federal law authorizes federal departments and agencies to terminate any grant, contract, or cooperative agreement, without penalty, if during the term of such instrument the grantee, a sub-grantee, the contractor or a subcontractor—including individuals—engages in trafficking in persons or procures a commercial sex act. 22 U.S.C. § 7104(g). In contracts, the provision is incorporated through Federal Acquisition Regulation (FAR) 52.222-50 Combating Trafficking in Persons. In grants and cooperative agreements, the Trafficking in Persons provision is incorporated into the Standard Provisions for U.S. and Non-U.S. Non-governmental Recipients that pertain to the administration of awards. Executive Order 13627 calls for additional amendments to the FAR provision to further strengthen protections against human trafficking for sex or labor. (7 Fed. Reg. 60029, Sept. 25, 2012)

- Ensuring national ownership by working with national authorities and other stakeholders including civil society organizations to ensure the relevance, acceptance, and sustainability of programs over the long term;

- Dovetailing assistance activities with country-led national strategies or action plans, such as a partner country National Action Plan developed pursuant to United Nations Security Council Resolution 1325 on Women, Peace, and Security, to encourage necessary buy-in to support long-term gains;

- Being mindful of national legal and judicial systems and traditions, relevant legal frameworks, the needs of the criminal justice system, the state of development, and whether a country is best characterized as conflict-affected, post-conflict, or post-authoritarian, or any combination thereof, to ensure the assistance is contextual and responsive; and

- Recognizing the relationship between institutions and actors across the spectrum of the criminal justice system, including police, justice, and corrections institutions, to ensure a whole of system approach.

In addition to the principles above that apply generally to INL assistance, the following apply to INL's gender assistance initiatives.

Do no harm. Unintended negative consequences include stigmatization, punishment, and even harm to participants in INL activities, or other negative effects of INL interventions on women. INL officers who have identified specific activities should vet them with local counterparts to ensure that issues of safety, security, confidentiality, and privacy are adequately addressed prior to implementation. For example, INL and the local counterparts may decide it necessary to keep the locations of shelters for survivors of sexual and gender-based violence and treatment centers generally confidential (but known to police and hospitals likely to serve as referral sources), and to ensure that the identities of sexual and gender-based violence survivors and information related to their cases be kept confidential in project reporting and otherwise.

Culture does not justify crimes against women. In some cases, practices that lead to disparate treatment between women and men are justified with reference to cultural or religious issues. When culture or religion is used to justify actions, such as sexual and gender-based violence, which are generally accepted as crimes, then a response for dispelling the argument could be grounded in international law and, if applicable, the laws of the partner country, to the extent they are consistent with international standards.

Both women and men serve as leaders and champions. INL officers often identify champions who are interested in working with INL to gain ideas and best practices for effectively promoting women within their particular institutions. These individuals are willing to maneuver within their organization's existing power structures and protocol, and consistently promote the benefits of including female professionals and women's considerations.

Lesson Learned in Ukraine: Host Country Buy-In is Key

In the wake of the 2014 Revolution of Dignity, which ended the Yanukovych regime, the Ukrainian people demanded wholesale reform of the police. INL supported the Ukraine's Ministry of Internal Affairs' response to this call by executing a $15 million project to establish, train, and equip an entirely new first-responder police force: the Patrol Police of Ukraine. This project, frequently viewed as Ukraine's most successful and visible reform effort, has transformed the relationship between citizens and police. One major element of this reform pertained to the inclusion of women. As of June 2016, women represent 20 percent of the 12,000 newly recruited patrol police officers working in every province across Ukraine. Host country buy-in for the inclusion of women in police has proven to be key to the success of this program.

Over 30,000 candidates from outside the existing law enforcement system applied for Ukraine's first police patrol force introduced under the new reform program. Rather than re-hire police officers from within the existing system that was widely seen as corrupt by the Ukraine public, INL worked with Ukraine to create a transparent, competitive recruitment process that has become the model for selection throughout the government. Qualified applicants selected as police candidates participated in a rigorous eight-week training program, conducted by active duty U.S. police officers and Ukrainian instructors. Roughly 25 percent of the applicants were women, thanks in large part to a public awareness campaign carried out by INL's implementing partners.

The first patrol police unit of almost 2,000 officers was launched on July 4, 2015, in Kyiv. Six months later, the unit's public approval rating was 80-85 percent. In contrast to the now-defunct militia (Ukraine's previous police service), in which women performed mainly administrative or office work, women in the new patrol police conduct vehicle or foot patrols and respond to emergency calls together with their male colleagues. Furthermore, Ukraine's first National Chief of Police, Khatia Dekanoidze, is a woman. Dekanoidze was previously an advisor to an INL-funded project, and she continues to be a strong partner with INL as she seeks to expand institutional reforms within the National Police.

II. Gathering Information about Gender to Inform Project Planning

Before designing and implementing INL projects, program officers should take the following three steps to gather data about gender: conduct a desk review, assess gender issues in the country, and consult with local and international actors. Analysis of this data can shape decisions about whether gender should be mainstreamed into general projects or whether gender-specific interventions are necessary. Gender assistance is context-specific; INL officers should collect information from a variety of sources and integrate gender in a manner that addresses local priorities. This information can provide baseline data against which to measure the effect of INL programs.

A. Desk Review

In most cases, existing information and assessments—such as the Department of State reports on human rights and trafficking in persons, U.S. Agency for International Development (USAID) gender analyses (which USAID staff are required to conduct in the design of country strategies and projects), and World Bank equality data by country—can help identify roles, rights, and responsibilities of women and men, and challenges women face in the criminal justice system. Also, state reporting—and shadow reports prepared by civil society organizations—pursuant to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[4] can serve as an important source of information about the justice and security needs of women. These materials also can inform decisions regarding entry points, opportunities, or projects with local counterparts and institutions.

Colleagues at the U.S. Embassy in the partner country may be able to access government-collected data of the partner country. Note, however, that most countries do not collect sufficient sex-disaggregated data. Thus, INL officers may find that civil society organizations have collected more useful data than the partner country institutions.

B. Assessment of Gender Issues and Opportunities

Responding to the questions below will help INL officers understand gender issues in the country. Answers to the questions may be found in legal documents, as part of the desk review, or in consultations with other institutions and actors. With this information, officers can identify and prioritize problems and entry points in order to design effective programming.

INL officers who are able to conduct a more detailed assessment are encouraged to consult the United Nations Office on Drugs and Crime's *Gender in the Criminal Justice System Assessment Tool*.

Political will. Are criminal justice institutions and actors (especially at the senior levels) engaged and willing to integrate women more proportionately into criminal justice institutions, and if so, to what extent and how? Are there any policies or practices in place in the partner country that would prevent the integration of gender components in INL assistance activities? Has there been dialogue and consultation with criminal justice institutions and actors to assess the will and capacities for integrating gender into policies and practices, and for protecting women from sexual and

Female law students participate in the INL-funded Young Lawyers-in-Training Program, implemented in partnership with Global Rights, at the Kabul University Sharia faculty.

4. The United States is a signatory to CEDAW but has not yet ratified the document.

Understanding the Partner Country's Criminal Justice System Institutions

Any assessment of the situation for women within the partner country criminal justice institutions (police, public defenders, prosecutors, courts, and corrections) should include questions such as those listed below. Because women are not a homogenous group, women in different regions—urban or rural—and of different ethnicities, and ages, for example, may face different issues.

Recruiting and Hiring

- Are awareness campaigns in place that encourage society to accept women in the relevant role (as police, public defenders, prosecutors, judges, or corrections professionals)?
- Are there barriers to recruitment of women, such as higher rates of illiteracy and poor literacy, restrictive height or physical agility requirements or prior military service requirements where military units are not open to women?
- Are women being trained in areas required for hiring?
- Are women actively encouraged to apply?
- Are women treated equally in the hiring process, with hiring boards posing the same questions to women as men, and not posing inappropriate or exclusionary questions to women (such as those regarding marital status, number of children, plans for children, spouse approval, and child care plans)?
- Are applicants subject to background checks, including for offenses against women and children?

Training

- Is the overall training curriculum appropriate with regard to human rights, gender-based violence, and equal opportunities?
- Are training facilities appropriately equipped for women, with, for example, separate and equal living, bathing, and toilet facilities?
- If women are currently being trained, is the curriculum the same as for male peers?
- Is testing equal and appropriate?
- Do women pass at the same rate as men, and if not, why not?

Assignments

- Do women receive assignments based on their skills, knowledge, and abilities?
- Do women have the opportunity to do the same work as men?
- Are women assigned mentors to encourage career development?
- Is the promotions process equal or does it create obstacles for women, such as requiring service in positions open only to men?
- Are women promoted at an equal rate, using the same standards, and at the same levels?
- Are women placed in positions where de facto control is given to a man, making them mere figureheads?
- Are women included on boards, committees, and decision-making bodies?

Internal controls

- Does the institution encourage equal treatment of women by their colleagues, superiors, subordinates, media, and personnel boards?
- Does the institution have controls in place to discourage or punish inappropriate behavior toward women?
- How does the institution respond in cases of misconduct?

External

- Does the institution use media to positively portray women as professionals in the relevant field (police, justice, or corrections)?
- Does the institution use media to support awareness of women's issues relating to all aspects of the criminal justice system?
- Does the institution understand the importance of establishing and maintaining positive relationships with the media, women's groups, and educational institutions, and do they maintain such relationships?

Social Issues

- What social issues may serve as a barrier for women to enter the relevant profession: customs, education, public services, child care, elder care, personal safety, or transportation?

gender-based violence? Are there existing, locally driven initiatives that could benefit from INL assistance?

The legal framework. Does the Constitution guarantee the right to non-discrimination with regard to gender? Are there adequate legal frameworks (e.g., laws, codes, decrees, regulations) in place to promote equality of women and men? Are there laws that prohibit and criminalize all forms of violence against women? Do both genders enjoy the same rights under family law (e.g., marriage, divorce, and child custody) and property law (e.g., inheritance, ownership, and use)? Is there a system of customary, informal, or religious justice that includes norms and practices related to the status of women and their protection from violence? Is the partner country a signatory and State Party to CEDAW and other international and regional treaties that specifically address the rights of women? Are people living in the partner country aware of the laws related to gender and are the laws being implemented?

The cultural and religious context. Are women and men treated differently for cultural or religious reasons? Are women permitted to assume leadership roles in society? Are practices that lead to disparate treatment among women and men upheld based on cultural or religious issues? Are certain roles in the criminal justice system—such as community elders and tribal chiefs charged with resolving disputes—carried out primarily by men or by women, and if so, why? How is violence against women viewed in this society and do those views create barriers to women's access to justice? Do religious beliefs and customs prevent women from attending meetings with males, or from traveling without male consent or overnight? Are women involved in discriminatory treatment themselves?

Security issues. What are the security risks involved with gender programming in the host country? What are the risks involved for those who associate themselves with the advancement of women? What are the security issues for survivors of sexual and gender-based violence; specifically, are women who report incidences of sexual and gender-based violence vulnerable to secondary victimization or retaliation? Do police take issues related to gender seriously? Are there particular risks for those who provide services to survivors of sexual and gender-based violence? Does the criminal justice system provide additional measures—such as restraining orders, witness protection programs and shelters—for survivors of sexual and gender-based violence?

Participation of women. Are qualified women represented at all levels, including leadership, within the police force, defense bar, prosecutorial service, judiciary, and corrections system? If not, why not? What is the percentage of women in various professions and are they over- or under-represented and why? Are women kept only in certain areas of the profession (i.e., family law)? Does the proportion of men to women represent the ratio of men to women in the community being served? Would partner country counterparts be open to working toward improved gender balance? If both genders are proportionately represented, are they treated equally as service providers? Can they fill the same roles and positions at all levels of the organization? Is sexual harassment in the workplace common and accepted as normal? Are there laws preventing it? What process is available for reporting discrimination and is this process being used?

Capacity to safeguard the rights of women. Are all people treated equally as users—witnesses, survivors, defendants, and detainees—of the criminal justice system? Are there criminal justice issues that tend to affect one gender disproportionately? Are there specific reasons—such as discrimination or sexual and gender-based violence—that women need greater protection from the justice system? If so, is the justice system properly responding to those issues? Are communities, particularly those affected by conflict, able to prevent and respond to sexual and gender-based violence and other issues affecting women? Are there processes in place to address discrimination against women? Are the needs of both genders met across the criminal justice spectrum? What challenges to safeguarding the rights of women exist, and what are the entry points to address those challenges?

C. Consulting Local, Interagency, and International Institutions and Actors

Given the importance of national ownership, effective gender integration requires identifying, consulting with, and ultimately forging working relationships with representatives of partner country institutions and actors, both state and non-state. The information gathering and planning stages are critical times to identify these actors and begin building partnerships with them. Other actors can share important information about gender issues in the country and help INL officers identify possible champions. It is important to know the roles and capacities of relevant institutions and actors, and to coordinate efforts to avoid duplication and ensure greater impact.

Other interagency partners and the U.S. Embassy may already have programs or portfolios that cover issues relating to gender or the criminal justice system. Colleagues at the U.S. Embassy may have suggestions for individuals within and outside the Embassy who could serve as a starting point for meetings and advise how to proceed with consultations given the local cultural and religious context. International and regional actors, such as United Nations entities, private sector firms, non-governmental organizations, and educational institutions, often are engaged in incorporating gender considerations in the criminal justice system.

Engaging with institutions and actors—either within the relevant sector or, if the scope of the anticipated intervention requires, across the spectrum of the criminal justice system—will help determine which might be useful partners. While ministries of women's affairs may serve as appropriate partners in promoting awareness and understanding of women's issues in other ministries, engaging other ministries, such as the ministries of justice and the interior, directly when designing assistance programs will help to ensure that gender issues are mainstreamed. Any institution or actor with whom INL works is a potential partner in the effort to integrate gender into assistance programs. This includes police organizations, public defenders, the prosecutorial service, the judiciary and courts, corrections, and professional organizations such as bar associations.

Other possible partners include police and correctional academies, judicial training centers, victim advocates, national human rights institutes or offices of the ombudsman, non-governmental legal service providers, civil society, faith-based communities, media outlets, and journalists. Local actors such as these help bring issues to the public's attention and serve as advocates for the general public. They may have existing initiatives that could benefit from INL assistance.

III. Integrating Gender into Project Design and Implementation

After collecting data about gender issues, INL officers should consider how to address gender in project design. Even INL officers who have little flexibility in terms of project or activity design must ask the basic question, *What are the positive and negative consequences this intervention will have on women and men in the partner country or region?*

The next two sections outline different approaches to incorporate gender into INL programs. Section A presents ways to mainstream gender considerations when promoting gender equality is not the primary focus of the project. Section B reviews specific ideas for standalone gender programs as well as other activities that increase access to professional opportunities and access to justice and otherwise safeguard the rights of women.

A. Mainstreaming Gender in INL Programs

INL officers should consider implementing the following measures for ***all*** INL projects and activities, even when gender is not a primary focus:

Why Might our Partner Countries Integrate Women and Women's Perspectives?

Partner country counterparts may inquire why they should prioritize the integration of women and women's perspectives. Responses might include the following:

- **To comply with the law.** Integrating women may be required under international law or domestic constitutions, statutes and national action plans.
- **To increase operational effectiveness.** Research has shown that women officers, for example, rely more on communication than on physical force, are more likely to de-escalate potentially violent situations, and are less likely to use deadly and excessive force. (*Hiring and Retaining More Women: the Advantages to Law Enforcement Agencies, National Center for Women & Policing* (2003))
- **To increase access to justice.** In certain instances, for example, survivors may feel more comfortable reporting crimes to women officers. The integration of women increases access to justice for survivors who might otherwise not enter the criminal justice system.

Promoting the participation of both genders as professionals across the criminal justice system results in a more representative criminal justice system, one more likely to respond effectively to the needs of the community it serves. Increasing access to justice for women and girls—and otherwise safeguarding their rights—increases a community's trust in the system.

Diplomacy. INL officers are in a position to raise issues such as participation of women in the workforce during meetings with their partner country counterparts. The question can be as simple as asking, "What about the number of women within your institution?" This may start a conversation that continues over the course of future meetings with the goal of raising the comfort level of counterparts to consider other approaches outlined in this guide. Diplomacy is likely to be more effective if more than one actor reinforces the relevant point. Thus it is important to discuss with other international actors who work with the partner government what their positions are to reinforce common messages (such as greater participation of women). INL officers may also help counterparts make relevant connections in the international donor community.

Task forces, advisory councils, and working groups. INL officers can encourage partner country counterparts to promote gender balance among participants of task forces, advisory councils, and working groups on specific projects in which INL is engaged. In some cases the ideal gender balance might be equal and in others it may reflect that of the organization(s) represented on the task force, advisory council, or working group.

Facilitating dialogue. Facilitating dialogue involves offering a safe place for relevant actors to come together and highlight issues that have a disproportionately negative effect on women—such as exclusion from the criminal justice profession, discrimination, and sexual and gender-based violence—and possible ways of addressing them. These discussions may include officials from state institutions, representatives of civil society, or both.

Training. One way to promote equality of women is to encourage partner country counterparts to consider gender balance among participants in training sessions—including technical training as well as training in leadership, problem solving, and strategic planning. As with task forces and similar bodies, in some cases the ideal gender balance for training might be equal and

INL helped Mexico open its federal penitentiary academy in Xalapa, Veracruz in May 2009. Since that time 453 academy instructors — both male and female — have been trained in the USA and 210 instructors trained in Xalapa. These instructors have gone on to train almost 7,000 new penitentiary agents, more than 50 percent of whom have been women.

Seven Ways to Incorporate Gender into Every INL Project

Diplomacy. At meetings with your partner country counterparts, ask, "What about the number of women within your institution?"

Task forces, advisory councils, and working groups. Encourage partner country counterparts to promote gender balance among participants of task forces, advisory councils, and working groups.

Facilitating dialogue. Offer a safe place for people to come together and highlight issues that have a disproportionate negative effect on women—such as exclusion from criminal justice professions, discrimination, and gender-based violence—and possible ways of addressing them.

Training. Encourage counterparts to consider gender balance among participants of training sessions — including technical training as well as training in leadership, problem solving, and strategic planning.

Procurement and infrastructure. Consider appropriate allocations of procurements for women and for men, and consider how any facilities will be used by women and men.

Modeling behavior. Include women in leadership roles to lead by example.

Collection of data. Collect and analyze performance data disaggregated by sex and share the results with local counterparts for their future planning.

in others it may reflect that of the institution involved in the training. INL officers should consult with their partner country counterparts to determine whether religious or cultural traditions will affect the training format of sessions that include both women and men or whether it may be appropriate to have women-only training sessions. Finally, the content of the training itself should be gender-sensitive.

Procurement and infrastructure. A lack of appropriate equipment or facilities may serve as a barrier to women's participation in criminal justice institutions. Therefore, when procuring anything that might be gender-sensitive, such as uniforms and bulletproof vests, it is important to consider appropriate allocations of the procurement for women and men. Similarly, if INL is supporting construction of courthouses and police barracks, then the design should consider use by both women and men and ensure, for example, proper and separate toilet facilities.

Modeling behavior. INL officers may have the opportunity to model gender balance by including women as implementers and trainers or in other roles. This could be particularly effective in regions or activities where the host country may not traditionally have women in leadership roles.

Collection of data. Data about the participation of both genders in criminal justice professions and the criminal justice system is essential to making informed programming recommendations and decisions that support the effective integration of women. INL officers should make every effort to regularly collect and analyze performance data disaggregated by sex—as well as, for example, ethnicity, age, and geographical location—in collaboration with local counterparts who may also use the data for planning purposes. (See also Part IV below.)

B. Standalone Programs with a Gender Focus

In some instances INL officers will have the opportunity to design or implement projects in which the primary goal is to promote gender equality. INL officers who have the opportunity to design a project in which gender is a focus will first need to determine what type of gender assistance is required and what barriers and appropriate entry points exist. Local specialists and other stakeholders who are identified can help the INL officer understand the country context. INL's projects with a gender focus tend to promote effective participation of women or to develop capacity to safeguard women's rights. Subsection 1 discusses promoting effective participation through activities that increase access to professional opportunities for women in the criminal justice system. Subsection 2 discusses increasing access to justice for women. Subsection 3 outlines other measures for safeguarding women's rights.

1. Increasing Access to Professional Opportunities for Women in the Criminal Justice System

Women make up 50 percent of the world's population, yet account for an average of nine percent of the world's police and 27 percent of the world's judges.[5] Gender assistance programs strive to create a criminal justice system that includes both genders—in as equal a way as possible—in each of the criminal justice pillars (police, justice, and corrections) at every level, and that incorporates gender perspectives through mandated and standard policies and procedures. These are two separate and necessary efforts—it is important not to assume that the mere presence of women within the justice sector will necessarily result in institutions that are more responsive to women's needs.

Increasing women's access to professional opportunities in the criminal justice system may include targeted recruitment, retention, and promotion of women. In addition, program officers can consider:

Leveraging State Department policies. State Department policy provides INL officers with a mandate to integrate gender-specific components into their projects when appropriate. This directive is helpful to derive partner country support for the participation of women in INL projects, because INL officers can explain that State Department policy requires INL to fund only initiatives that include an appropriate proportion of women, which will depend on the initiative. In some cases, initiatives may include only women, in others gender balance will be appropriate, and in some cases the proportion might reflect, for example, a target percentage that a particular profession involved is striving to meet.

Public education. Outreach can help prepare women—and help them gain support—for entry into the professions of the criminal justice system. One key to progress is helping all members of society understand the benefits of inclusive criminal justice institutions. Public education campaigns can raise awareness about the benefits of including professional women in the criminal justice system. In addition, the partner government could use media to positively portray women as police, justice, or corrections professionals.

Recruitment of women. The first step to improve recruitment and retention is to identify the challenges to recruiting and retaining qualified women and appropriate responses. Organizational leaders will need to develop mechanisms to recruit women, prepare them for entry into the profession, including the police, public defenders, prosecutorial service, judiciary and the courts, and corrections, and create internal accountability mechanisms that detect, deter, and punish discriminatory practices and policies. Local partners should develop professional and transparent selection processes and review hiring policies to determine if job descriptions contain requirements, such as physical requirements, that serve to unnecessarily exclude women. Job descriptions and pay structures should be uniform across genders.

With respect to training, local partners may need to

Planting a Seed Through Study Tours

In many cultures, leaders of corrections reform efforts would not think to include the integration of women among the list of possible reforms. INL officers can "plant a seed" by bringing partner country counterparts to the United States or another country where women and men perform at all levels of supervision within correctional systems. A study tour is one way to start further dialogue on the idea of women working in what might be considered nontraditional roles. It allows corrections professionals from partner countries to see first-hand that physical requirements do not need to be overly restrictive and that women can work effectively as prison officials at all levels in male facilities, just as men can work effectively at all levels in female facilities.

5. *2011-2012 Progress of the World's Women: In Pursuit of Justice,* UN Women (2011).

develop legal education and training facilities, particularly in post-conflict environments. In doing so, they should pay attention to whether women have equal access to institutions such as police academies and law schools that may serve as necessary qualifiers for entry into the profession.

Retention and internal education. Retention requires high-level political support to modify operating environments, policies, and practices that historically discourage women's participation. In addition, retaining women and creating a gender-balanced workplace requires fundamental changes in individual mentalities. For example, in male-dominated institutions, men who have never shared a workplace with women may be resistant to women in the workplace. Thus, internal education within criminal justice institutions—for current leadership, management and personnel, including the human resources, professional standards, and training divisions—should be undertaken with the goal of changing attitudes and behavior. Attaining institutional change will likely be an incremental and slow process, and will require the support of a senior-level champion. (See Section C in Part I above.)

Ensuring a safe and discrimination-free work environment. As women are mainstreamed into the criminal justice system, they must be guaranteed a safe and secure work environment free from harassment and discrimination. One aspect of countering discrimination is to address policies, or the lack of policies, that might have a disproportionate effect on women, such as family leave policies. Institutions also must develop and train personnel on codes of conduct and other accountability systems and policies—such as complaint procedures and standard operating procedures (SOPs) to prevent harassment, discrimination, and sexual abuse within police, justice, and corrections institutions—that provide avenues for receiving, investigating, and adjudicating inappropriate conduct within the institutions. The institution must have in place a robust response mechanism to safeguard the rights of women and educate, discipline, and/or dismiss employees who behave inappropriately. Failure to address inappropriate behaviors can lead to a workplace rife with inequality, sexual exploitation, and abuse issues.

Professional advancement and promotion of women. Women should be afforded the same promotion opportunities as men. Criminal justice institutions should institute transparent, performance-based promotion procedures. Promotions should be based on objective criteria and objective reviews of performance as compared to job descriptions. INL activities may support efforts to ensure, for example, that qualified women judges are appointed to leadership roles and to both criminal and civil panels.

Mentoring and professional associations. Associations of police, lawyers, judges, or corrections professionals promote the interests of their members, and in particular can help promote the retention of women in their profession, help members develop leadership skills, and offer training. These types of associations may also serve as a source of mentoring and support in the relevant profession. Professional associations with both male and female members may have committees that support women. Other associations, such as the domestic equivalents of international associations of women police or judges, may focus on women's interests.

INL Program Participants in Iraq Create New Women's Police Organization

The INL Police Development Program invited female police officers from the Ministry of Interior (MOI) in Iraq to the International Association of Women Police training conference, in the USA and UAE. The MOI in Erbil supported the request and sent officers to the conferences. The attendees were inspired to begin a Women's Police Organization in Erbil, as well as craft improvements to a shelter in Erbil after visiting a shelter in Kentucky. The female officers told INL representatives, "This opportunity has changed our lives." Attendance at these conferences has fostered a positive ongoing working relationship among female police officers from participating nations.

In criminal justice institutions that are beginning to hire, train, and place women into professional positions, a woman may often find herself the only female at a station, on a court, or in an office. Having access to an organization, such as the International Association of Women Police or the International Association of Women Judges, can be a vital support mechanism and provide professional socialization, workplace management strategies, ongoing professional training, and mentoring. Linkage with an international association can also serve as the impetus for women to form their own national organizations through which they gain additional support and assistance. As women begin to rise through the ranks, they may serve as mentors to women in entry-level positions.

Barriers to Access to Justice that May Affect Women

- Lack of knowledge about legal rights
- Lack of financial resources to pay court fees or transportation costs
- Fear of testifying, particularly on the part of survivors and witnesses of gender-based violence
- Corrupt judicial practices
- Lack of child care
- Language barrier
- Discriminatory practices of judicial personnel against women

Gender and SSR Toolkit: Justice Reform and Gender, Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2008)

2. Increasing Access to Justice Through Criminal Justice System Reform

Gender-based offenses include harassment, corruption, discrimination, and sexual and gender-based violence. An estimated one in three women worldwide has been beaten, forced or coerced into sex, or otherwise abused in her lifetime.[6] INL programmatic activities support fair, equal, and supportive access across the criminal justice system for women who engage with the system as survivors, witnesses, suspects, defendants, detainees, and prisoners. An ideal project would incorporate activities across the spectrum of the criminal justice system, including technical assistance and training for criminal justice officials and interventions with civil society and other organizations.

Review and revise legal frameworks. Equal protection of the law requires the removal of discriminatory provisions from constitutions and legal and regulatory frameworks. In addition, new laws may be needed to safeguard women against crimes such as domestic violence that affect them disproportionately. These newly developed laws have to be implemented to effect meaningful change. Programmatic activities could be framed as assisting partner countries in a review of their laws for compliance with obligations under CEDAW, other international instruments, the partner country's constitution, and national action plans related to gender and women's rights. Activities could include providing model laws and otherwise supporting the criminalization of all forms of sexual and gender-based violence and offering remedies for discrimination and sexual and gender-based violence, including reparations and compensation programs.

Community members observe a military mobile court session as part of an INL-funded project in Rutshuru, Democratic Republic of Congo.

6. *U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally* (2012), 7.

Review and revise policies and procedures. The elimination of overlapping, unnecessary, or costly procedures that a case might encounter in the justice chain makes justice more accessible. Activities could focus on affording access to the informal justice systems, which in some countries are the first venue for women confronting legal issues, and therefore play critical roles in women's access to justice. Because informal justice systems can reflect cultural, religious, or other social dynamics that curtail full and equal rights and opportunities for women, INL officers should be mindful that ensuring access to justice in such systems may require procedural guarantees or other safeguards against discrimination to comply with international standards.

In addition to developing SOPs aimed at preventing and responding to allegations of harassment, corruption, discrimination, and sexual abuse among personnel within criminal justice institutions, policies and procedures should extend to protecting survivors, witnesses, suspects, defendants, detainees, and prisoners from such harms. INL could encourage the relevant ministry, such as the ministry of the interior or bureau of prisons, to develop and implement a mechanism such as an oversight committee trained and empowered to monitor the implementation of gender-sensitive policies through periodic inspections.

In the corrections sphere, INL could support the establishment of a complaint mechanism that allows detainees and prisoners to make confidential complaints to a designated person or organization, particularly concerning human rights violations. Once established, inmates need to be informed of the complaints procedure.

Training. Training for police, public defenders, prosecutors, court personnel, judges, and corrections professionals should include a focus on sensitivity to gender issues, international human rights law, women's rights, avoiding gender bias, and preserving the dignity of female witnesses and survivors during investigations and trials. Activities could focus on developing a curriculum and offering training on compliance with new laws, policies, and procedures. Training projects should arm officials with a broad knowledge and skills base to assist in preventing, investigating, and prosecuting crimes of gender-based violence, such as understanding the dynamics of sexual and gender-based violence, and core skills such as forensics, use of modern investigation techniques, crime scene investigation, and interviewing survivors and witnesses. Courses that offer skills for preventing, identifying, and responding to sexual and gender-based violence, and for promoting non-discriminatory practices, can be implemented at all institutional levels. Training organizers should use materials free from gender bias and employ male and female trainers.

Using mock crime scenes, Embassy Tegucigalpa trained Honduran police in preserving crime scene evidence.

Providing accessible services including specialized units. Special police units could increase access to justice, particularly for women who may feel more comfortable approaching female officers. Ideally a local

Empowering Vulnerable Women through Drug Treatment Centers

INL activities can support drug prevention campaigns and substance abuse treatment services. They also can help identify and address gaps in services for women and adolescents, and train staff on substance abuse treatment for women.

police force would be gender-sensitive. There is some concern about setting up parallel structures that compete with the other parts of the police force for resources, equipment, and training. Women police units may, however, be established when deemed appropriate in a particular cultural context. Special prosecutors units and mobile courts may also be created—in communities with sufficient security to sustain them—to increase access to justice, particularly for women in remote areas. Activities could be designed to ensure that women have access to affordable legal aid and to help with such matters as obtaining orders of protection, or finding defense counsel when charged with a crime. Paralegals and information counselors also can help women understand their rights.

Oversight and accountability. Building the capacity of law schools, civil society organizations, and bar associations can help promote the sustainability of gender programming. Activities with law schools could include curriculum development on women's rights and development of university legal aid clinics that handle cases pertaining to the safeguarding of women's rights. INL also could support training for civil society and bar associations on women's rights, access to justice, access to information, and issues of violence against women and discrimination as well as new reforms, so they can educate the public about these rights. Once very clear procedures are in place, against which monitors could evaluate performance, activities could support the training of civil society on how to monitor the implementation of laws and institutional reforms at police, courts, and correctional facilities, to document findings, and to share them with government officials.

3. Other Measures for Safeguarding the Rights of Women

Other INL activities increase the capacity of the criminal justice system and related institutions to safeguard the rights of women. These include safeguarding the rights of detainees, prisoners, and other women in conflict with the law and provision of services for survivors and witnesses of sexual and gender-based violence.

Safeguarding the rights of detainees, prisoners and other women in conflict with the law. In addition to measures designed to protect detainees and prisoners against sexual and gender-based violence—such as development of adequate policies, procedures, and an oversight mechanism, development of a confidential complaints mechanism, and provision of training in preventing and responding to such violence (see Part III, Section B, Subsection 2 above)—INL supports other means of safeguarding the rights of women detainees and prisoners. Establishing non-custodial measures such as probation, community service, and drug treatment programs may help address the unique challenges that women with children present to the corrections system. (In some countries, children are incarcerated with their mothers up to a certain age.) When they do not qualify for non-custodial measures, reasonable accommodation of the special needs of pregnant and nursing women should be made in pre-trial detention and other correctional facilities.

Ideally, correctional facilities should offer detainees and prisoners as normal an environment as possible. Proper classification and separation of detainees and prisoners according to risk level or needs within and among facilities protect against the placement of women in overly restrictive environments. Activities could support the development of risk and needs assessment tools to help partner countries establish a system of classification and separation. Other measures that INL could implement to improve the condition of women prisoners include medical screening upon entry, provision of family and children visits to the extent possible (as well as the right to refuse such visits), and specific mental health and preventive care needs of women.

Preventing sexual and gender-based violence and providing services for survivors. Services that assist survivors include hotlines, shelters, counseling, and provision of information about available resources. Public education campaigns can help inform the public about how to respond to an assault, for example not showering to preserve evidence. Authorities could set up shelters with security protection and with access to legal services, including paralegal programs and law

school clinics, which could help survivors of human trafficking seek remedies or other legal protections such as asylum. Ideally legal services would be linked to providers of health, justice, and education services, both governmental and non-governmental. At a practical level this could mean institutions that offer services for sexual and gender-based violence survivors at a single location, and at a policy level this may involve the creation of interdisciplinary task forces or coalitions, such as against domestic violence. INL also can coordinate with and support civil society-led approaches to engaging men and boys in discussions about attitudes and behaviors concerning violence and effective ways to address sexual and gender-based violence.

INL Offers a Holistic Response to Gender-Based Violence

Afghanistan. The Gender Justice Assistance Section (GJAS) of the Justice Sector Support Program offers a holistic response to gender-based violence through provision of advisory services and support to the Afghan Ministry of Women's Affairs. The GJAS also provides training and capacity-building services to prosecutors, defense counsel, judges, and investigators to correctly apply laws that affect women and conducts public awareness campaigns on the rights of women in Afghanistan and the resources available to them.

Democratic Republic of Congo (DRC). With INL funding, the American Bar Association Rule of Law Initiative (ABA-ROLI) utilizes a holistic approach to assist the justice sector and provides a timely and effective response to gender-based violence throughout North Kivu. Legal aid clinics, both mobile and stationary, provide legal and psychological counseling and partner with medical providers to offer assistance to survivors. Through these services, survivors are able to access the justice system and overcome their emotional and physical injuries, including obtaining a doctor-issued medical certificate that serves as legal evidence of rape under Congolese law. ABA-ROLI also provides training and resource assistance for justice sector actors to respond to gender-based violence cases particularly from remote areas that have experienced high levels of mass violence and mass rape. In particular, ABA-ROLI has assisted rural police to collect evidence and file cases with the prosecutors' offices based in the provincial capital (through motorcycles and an SMS-based case filing platform); assisted prosecutors to conduct follow-up investigations to determine the validity of each case and strengthen those appropriate for prosecution (through mobile investigation teams); and assisted the courts to adjudicate cases (through mobile courts). To increase accountability and public trust in the justice sector, ABA-ROLI has begun to help justice sector actors develop complaint protocols and to provide assistance to police supervisors, prosecutors, and disciplinary offices to receive complaints from the public, conduct reviews, and take corrective action.

IV. Measuring Progress Toward Gender Equality

Whether or not gender is the focus of a particular project, the collection and analysis of data are of paramount importance. Data present evidence to assist partner country counterparts to solve problems in the fair, effective, and efficient delivery of justice. By relying on accurate statistics for crime reporting, court usage, and the needs of detainees and prisoners, counterpart institutions can better understand the experiences of women in the criminal justice system, and stay alert to which issues are most acute. By relying on accurate statistics and data, criminal justice institutions can make informed decisions—whether about required policy changes or the necessary allocation of resources—to improve the system's performance.

Data likewise present evidence that enables INL to engage in ongoing learning, substantiate the effective allocation of resources, and participate in future planning. Collecting and analyzing data allows INL to measure progress toward a project's intended results,

which may include improvements in the participation of women as professionals in the criminal justice system and the increased capacity to safeguard their rights. INL determines what data to collect by formulating or selecting indicators, often in collaboration with local counterparts. Indicators are the measures of change that proposed activities are expected to prompt. For example, indicators for a project that aims to increase the effective participation of women in the police force might measure the change in proportion of officers in the police force who are women, the change in proportion of police officers hired in the past year who are women, and the change in proportion of officers promoted in the past year who are women. Indicators must be logically linked to the project's stated goals and objectives, which can be accomplished with a results framework.

In 2008, the Department of State and USAID jointly developed the Standard Foreign Assistance Indicators, or "State/USAID Foreign Assistance Indicators," to help measure progress toward anticipated results in gender assistance. The major anticipated result referenced within the indicators is achieving long-term, sustainable progress toward gender equality (e.g., reduced gender gaps in employment, income, political representation, or access to basic services). Quantitative and necessarily broad in nature, the State/USAID Foreign Assistance Indicators are to be tallied across multiple foreign assistance programs to demonstrate incremental changes as they occur.

State/USAID Foreign Assistance Indicators can be combined with customized indicators for individual projects to depict a more comprehensive story of change. Indicators for a project that aims to increase access to justice for survivors of sexual and gender-based violence, for example, could measure change in the percentage of sexual and gender-based violence crimes reported, brought to trial, and brought to resolution.

A baseline is the starting point for any indicator—measure of change—against which INL can assess progress. A target is the specific, planned measurement of a result to be achieved. To collect baseline data and subsequent data for performance indicators, one must establish data sources. These can consist of qualitative sources such as community perception surveys or quan-

State/USAID Foreign Assistance Indicators on Gender Equality and Women's Empowerment and Gender-based Violence

The State/USAID Foreign Assistance Indicator handbooks contain indicators on gender equality and women's empowerment as well as gender-based violence. They are listed below. In addition, some of the indicators for "Peace and Security" and "Governing Justly and Democratically" are gender-sensitive, and some address gender by recommending disaggregation of performance data by sex.

- Number of laws, policies, or procedures drafted, proposed, or adopted to promote gender equality at the regional, national, or local level
- Proportion of female participants in U.S. government-assisted programs designed to increase access to productive economic resources (assets, credit, income, or employment)
- Proportion of females who report increased self-efficacy at the conclusion of U.S. government supported training/programming
- Proportion of target population reporting increased agreement with the concept that males and females should have equal access to social, economic, and political opportunities
- Number of laws, policies, or procedures drafted, proposed, or adopted with U.S. government assistance designed to improve prevention of or response to sexual and gender-based violence at the regional, national, or local level
- Number of people reached by a U.S. government-funded intervention providing gender-based violence services (e.g., health, legal, psycho-social counseling, shelters, hotlines)
- Percentage of target population that views gender-based violence as less acceptable after participating in or being exposed to U.S. government programming

titative sources such as crime statistics. In collecting performance data, INL should collaborate with other actors already engaged in data collection efforts with the partner country government.

The effective participation of women as professionals in the criminal justice system and capacity to effectively safeguard women's rights are results that will take time to accomplish, which INL officers should keep in mind when determining targets for the project. INL officers should include any data collected and analyzed as part of regular reporting obligations. For additional information on how to develop results frameworks and indicators, how to collect data, and where to store it, see *INL Program Management Guides: Guide to Developing a Performance Measurement Plan*.

V. Partnerships and Coordination

INL coordinates with global, regional, and domestic partners to carry out its gender programming and by doing so supports its goal to establish and maintain global and regional partnerships based on shared objectives. Collaborating with other assistance providers including U.S. government interagency partners, like-minded governments, intergovernmental organizations, and civil society organizations that fund or implement criminal justice reform or gender initiatives, improves the effectiveness and efficiency of INL programs. INL officers can foster cooperation among partners and potential partners through regular communications and meetings, ideally with national authorities and stakeholders leading agenda setting and decision making. A partial list of potential partners appears in Appendix II.

INL's Office of Criminal Justice Assistance and Partnership (INL/CAP) employs senior technical specialists who can assist in integrating gender into police, justice, and corrections reform initiatives. These specialists are available to provide guidance to INL officers during project design and implementation. INL works with U.S. diplomatic missions abroad and other entities within the Department of State including the Secretary's Office of Global Women's Issues (S/GWI); the Office to Monitor and Combat Trafficking in Persons (J/TIP); the Bureau of Democracy, Human Rights, and Labor (DRL); the office of Global Criminal Justice (J/GCJ); the Bureau of Population, Refugees and Migration (PRM); and the Bureau of Counterterrorism (CT). INL also works with other executive agencies, including USAID, the Department of Justice (DOJ), and the Department of Homeland Security (DHS), some of which share commitments under U.S. gender policies such as the NAP.

Conclusion

This guide identifies and describes a range of approaches for integrating gender into INL interventions, and for designing and implementing projects with a gender focus based on leading practices and guiding principles in foreign assistance. While the range of options and approaches should be understood, ultimately gender integration and programming should be contextualized and responsive to the host country's conditions, needs, and priorities.

APPENDIX I

Terminology

The following definitions come from the *U.S. Strategy to Prevent & Respond to Gender-Based Violence Globally* (2012), which was drafted by the Department of State, USAID, and other relevant U.S. agencies.

Sex is the classification of people as male or female. At birth, infants are assigned a sex based on a combination of bodily characteristics including chromosomes, hormones, internal reproductive organs, and genitalia.

Gender is the socially defined set of roles, rights, responsibilities, entitlements, and obligations of females and males in societies. The social definitions of what it means to be female or male vary among cultures and change over time. Gender identity is an individual's internal, personal sense of being male or female. For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.

Gender equality concerns women and men, and it involves working with men, women, boys, and girls to bring about changes in attitudes, behaviors, roles, and responsibilities at home, in the workplace, and in the community. Genuine equality means more than parity in numbers or laws on the books; it means expanding freedoms and improving overall quality of life so that equality is achieved without sacrificing long-term gains for males or females.

Gender-based violence is violence that is directed at an individual based on his or her biological sex, gender identity, or perceived adherence to socially defined norms of masculinity and femininity. It includes physical, sexual, and psychological abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation, whether occurring in public or private life.

Gender-based violence takes on many forms and can occur throughout the life cycle. Types of gender-based violence can include female infanticide; child sexual abuse; sex trafficking and forced labor; sexual coercion and abuse; neglect; domestic violence; elder abuse; and harmful traditional practices such as early and forced marriage, "honor" killings, and female genital mutilation/cutting.

Women and girls are the most at risk and most affected by gender-based violence. Consequently, the terms "violence against women" and "gender-based violence" are often used interchangeably. However, boys and men also can experience gender-based violence, as can sexual and gender minorities. Regardless of the target, gender-based violence is rooted in structural inequalities between men and women, and is characterized by the use and abuse of physical, emotional, or financial power and control.

The following definition comes from the *U.S. National Action Plan on Women, Peace, and Security* (2011).

Gender integration or gender mainstreaming involves identifying and addressing, in all policies and programs, gender differences and inequalities, as well as the roles of women and men. The goal of gender integration or "mainstreaming" is to promote gender equality and improve programming and policy outcomes.

APPENDIX II

INL Partners

INL coordinates with global, regional, and domestic partners to carry out its gender programming, including other bureaus within the Department of State and diplomatic missions abroad. Domestic partners include USAID, DOJ, and DHS, and international partners include a number of United Nations entities.

The U.S. Department of State

In addressing gender issues INL officers may liaise with other bureaus of the State Department including the regional bureaus, the Secretary's Office of Global Women's Issues (S/GWI), and the four bureaus and three offices that—like INL—are part of the "J family" of bureaus, U.S. State Department bureaus that focus on citizen security. These bureaus and offices include the Office to Monitor and Combat Trafficking in Persons (J/TIP); the Office on Global Youth Issues (J/GYI), the Bureau of Conflict and Stabilization Operations (CSO), the Bureau of Democracy, Human Rights and Labor (DRL); the Office of Global Criminal Justice (J/GCJ), the Bureau of Population, Refugees and Migration (PRM); and the Bureau of Counterterrorism (CT).

S/GWI works to promote stability, peace, and development by empowering women politically, socially, and economically around the world. J/TIP leads the United States' global engagement against human trafficking, which involves the use of force, fraud, or coercion to exploit human beings for some type of labor or commercial sex purpose. J/GYI works to empower young people as economic and civic actors, encourage governments to respond to youth, and directly engage young people around the world. CSO strengthens U.S. national security by breaking cycles of violent conflict and mitigating crises in priority countries. DRL leads U.S. efforts to promote democracy and protect human rights globally. J/GCJ advises on issues related to war crimes, crimes against humanity, and genocide. PRM focuses on protecting and assisting people forcibly displaced from their communities, including women and children. CT, which forges partnerships to advance counterterrorism objectives, helps amplify women's voices in activities designed to counter violent extremism.

Other Executive Agencies

The U.S. interagency community offers a particularly valuable reservoir of technical expertise that often intersects with and complements INL's efforts. The discussion below outlines the nature of collaboration between INL and other executive agencies, some of which share commitments under U.S. government policies, such as the NAP.

U.S. Agency for International Development (USAID)

USAID, an independent agency that receives policy guidance from the U.S. Secretary of State, is the government's primary development organization and works in a number of areas, including rule of law, poverty reduction, economic growth, promoting good governance, providing humanitarian assistance, and improving health care and educational systems. USAID's efforts to promote equality and women's advancement include ensuring the Agency's strategies and programs contribute to reducing gender gaps that impede development and slow progress, and developing frameworks and metrics that measure the gender impact of their programs. USAID recently released a *Gender Equality and Female Empowerment Policy*. USAID also ensures that a gender analysis helps shape every project.

Department of Justice (DOJ)

DOJ has two offices that focus on international criminal justice reform: the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), and the International Criminal Investigative Training Assistance Program (ICITAP). These offices are funded through interagency agreements with the Department of State, USAID, or the Millennium Challenge Corporation (a U.S. government agency that provides development funds to countries demonstrating a commitment to good governance, economic freedom, and investments in their citizens). INL funds the majority of OPDAT and ICITAP programs.

Department of Homeland Security (DHS)

Within DHS, U.S. Immigration and Customs Enforcement (ICE) agents investigate a variety of federal crimes, including human trafficking, forced child labor, child sex tourism, and the sexual exploitation of children. The Human Trafficking Assistance Program supports survivors of this crime and offers relief services for cases within the United States. ICE personnel abroad liaise with law enforcement counterparts on activities including coordinating investigations and providing training and capacity building.

United Nations Organizations

United Nations Women (UN Women)

The United Nations General Assembly created UN Women, also known as the United Nations Entity for Gender Equality and the Empowerment of Women, in 2010. UN Women supports United Nations Member States' efforts to implement policies and global standards to advance the status of women through the provision of technical assistance and financial support.

United Nations Development Program (UNDP)

UNDP helps countries develop and share solutions with respect to poverty reduction, democratic governance, crisis prevention, and the environment. UNDP coordinates efforts to integrate gender into these areas and to ensure that women have a voice in governance institutions.

United Nations Department of Peacekeeping Operations (DPKO)

DPKO helps to integrate the efforts of the United Nations and governmental and non-governmental entities in peacekeeping operations. DPKO also provides guidance on military, police, and mine action to other United Nations missions. DPKO human rights teams work with other components of peace operations to protect civilians, address conflict-related sexual violence, and promote the rule of law.

United Nations Office on Drugs and Crime (UNODC)

UNODC initiatives combat organized crime, corruption, and terrorism, and support drug abuse prevention and criminal justice reform. UNODC's work to reduce human trafficking and the smuggling of migrants is supported by the United Nations Convention on Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling.

United Nations Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict

The SRSG on Sexual Violence in Conflict functions as the United Nations' representative and political advocate on conflict-related sexual violence. SRSG's mandate includes ending impunity for conflict-related sexual violence and empowering women to seek recompense.

APPENDIX III

International and Regional Standards

International Standards

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), United Nations (2010).

These rules set forth standards for the management of institutions that detain women, both pre-trial and convicted, and introduction of gender-sensitive approaches to inmate classification, accommodation and security, including standards for meeting women's hygiene and health needs.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, United Nations (2000).

This protocol, sometimes referred to as the Palermo Protocol, entered into force in 2003. It established a definition of trafficking in persons and calls for the criminalization of all acts of trafficking, including sex trafficking and forced labor. The protocol also calls for trafficking prevention efforts, the protection of survivors, and prosecuting trafficking offenders.

Beijing Declaration and Platform for Action, United Nations Fourth World Conference on Women (1995).

The governments participating in the Fourth World Conference on Women adopted and committed to implement the Platform for Action, which sets forth 12 strategic objectives in areas such as violence against women, women and armed conflict, and human rights of women.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), United Nations (1979).

Under this international treaty, States Parties agree to pursue a policy of eliminating discrimination against women by, for example, establishing legal protection of the rights of women on an equal basis with men and ensuring through domestic courts and other institutions the effective protection of women from discrimination.

Universal Declaration of Human Rights (UDHR), United Nations (1948).

Although not legally binding, the UDHR remains one of the most potent and foundational of UN documents. The UDHR expresses strong support for a multitude of fundamental human rights and laid the groundwork for numerous international agreements, treaties, and covenants.

Regional Standards

Africa

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, African Commission on Human and People's Rights (2003).

Through this protocol, also known as the Maputo Protocol, States Parties agree to combat discrimination through legislative and institutional measures and to include in their national constitution and legislation the principle of equality between women and men. States Parties also agree to take measures to ensure that women are represented equally in the judiciary and law enforcement organs.

United Nations Security Council Resolutions on Women, Peace, and Security

The United Nations Security Council (UNSC) has adopted seven resolutions on Women, Peace, and Security. In 2000, the UNSC, with strong support from the United States, adopted the first resolution **(UNSC Resolution 1325)** to recognize the crucial role of women in restoring and maintaining peace and security.

In 2008, Secretary of State Condoleezza Rice presided over the Security Council's adoption of U.S.-sponsored **UNSC Resolution 1820**, which established a clear link between maintaining peace and security, and responding to sexual violence as a tactic of war.

In 2009, Secretary of State Hillary Rodham Clinton presided over the Security Council's adoption of U.S.-sponsored **UNSC Resolution 1888**, which enacted measures to further implement UNSC Resolution 1820, including the appointment of a Special Representative of the Secretary General on Sexual Violence in Conflict to lead, coordinate, and advocate for efforts to end sexual violence.

Also in 2009, the United States supported **UNSC Resolution 1889**, which called for concerted action to increase women's participation during all stages of peace processes, and requested the Secretary General to submit a set of indicators that could be used to track implementation of UNSC Resolution 1325.

In 2010, the United States introduced **UNSC Resolution 1960**, which requested the Secretary General to establish monitoring, analysis, and reporting arrangements on conflict-related sexual violence.

In 2013, the United States supported **UNSC Resolutions 2106**, which emphasizes the importance of preventing sexual violence in conflict and of combating impunity for such crimes, and **2122**, which promotes women's increased participation and leadership in conflict prevention and resolution.

In 2015, the United States supported **UNSC Resolution 2242**, which notes the substantial link between women's meaningful involvement in efforts to prevent, resolve and rebuild from conflict and those efforts' effectiveness and long-term sustainability.

The Americas

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belem Do Para," Organization of American States (1994).

States Parties to this convention agree to refrain from any act of violence against women and include provisions in their domestic legislation to prevent and punish violence against women. This convention creates a mechanism that allows any person or group of persons to lodge a petition with the Inter-American Commission on Human Rights to denunciate certain violations of the convention by a State Party.

Europe

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Council of Europe (2011).

This convention, also known as the Istanbul Convention, has not yet entered into force. States Parties agree to take legislative and other measures to prevent violence against women, protect survivors from further acts of violence, and ensure effective investigation and prosecution of the offences described in the convention. States Parties also agree to promote changes in social and cultural patterns of behavior to eliminate practices based on the idea of inferiority of women or stereotyped gender roles.

Recommendation (2002)5 of the Committee of Ministers to Member States on the Protection of Women against Violence, Council of Europe (2002).

This non-binding instrument encourages the governments of Council of Europe Member States to consider establishing national action plans for combating violence against women and implement measures outlined in the Appendix, such as compilation and publication of data and development of training programs.

APPENDIX IV

Gender Resources

United States Gender Policies

Executive Order – Preventing and Responding to Violence Against Women and Girls Globally, The White House (2012).

This executive order notes that preventing and responding to gender-based violence is a cornerstone of the Administration's commitment to promoting gender equality. The Order creates an Interagency Working Group and tasks it with developing a progress report and ultimately an evaluation of progress pursuant to the *U.S. Strategy to Prevent and Respond to Gender-based Violence Globally*, with the goal of revising the Strategy based on the evaluation.

U.S. Department of State Implementation Plan of the National Action Plan on Women, Peace and Security, U.S. Department of State (2012).

This plan describes how the Department of State, in Washington, D.C., and at U.S. embassies and consulates, can advance the *National Action Plan on Women, Peace, and Security* (NAP). The plan contains an action matrix, which offers a representative list of Department activities to advance women, peace, and security.

U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally, U.S. Department of State and USAID (2012).

This document describes an integrated strategy to prevent and respond to gender-based violence that leverages expertise of various agencies. The strategy seeks to maximize impact through improved data collection and coordinated, holistic programming.

U.S. Department of State Policy Guidance: Promoting Gender Equality to Achieve our National Security and Foreign Policy Objectives, U.S. Department of State (2012).

The publicly available fact sheet explains that the Secretary's guidance offers the Department information on how to promote gender equality in foreign policy. One of the key mechanisms offered is the development by bureaus and key embassies of strategic plans to promote gender equality.

U.S. National Action Plan on Women, Peace, and Security (NAP), The White House (2011).

The NAP advances the implementation of UNSC Resolution 1325 and builds upon the goals for gender integration set forth in the *U.S. National Security Strategy* and the *Quadrennial Diplomacy and Development Review*. It represents a government-wide effort to leverage U.S. diplomatic, development, and defense resources to improve participation of women in peace processes and protect women from sexual and gender-based violence.

Executive Order — Instituting a National Action Plan on Women, Peace, and Security, The White House (2011).

This executive order states that a NAP should be created and that it should identify initiatives in five areas including *participation in peace processes and decision making and protection from violence*.

Leading through Civilian Power: First Quadrennial Diplomacy & Development Review (QDDR), U.S. Department of State and USAID (2010).

The QDDR sets out several guiding policy principles, one of which is to integrate gender into the diplomacy and development work of the U.S. Department of State and USAID to maximize diplomatic and development outcomes.

Guide to Gender Integration and Analysis: Additional Help for Automated Directives System (ADS) Chapters 201 and 203, USAID (2010).

This guide stresses that a gender analysis at the project/activity level is mandatory for all USAID projects. USAID's approach to gender analysis involves asking two questions: *How will the different roles and status of women and men within the community, political sphere, workplace, and household affect the work to be undertaken? and How will the anticipated results of the work affect women and men differently?*

Victims of Trafficking and Violence Protection Act, 22 U.S.C. § 7101 et seq. (2000).

This landmark legislation and its subsequent reauthorization bills (2003, 2005, 2008) increased U.S. efforts against domestic and international trafficking, created the Department's J/TIP office and require it to produce annual Trafficking in Persons Reports.

International Organization Reports

Special Rapporteur on Violence Against Women, its Causes and Consequences, United Nations Office of the High Commissioner for Human Rights.

The Special Rapporteur on violence against women (SRVAW) has issued annual reports to the UN Human Rights Council and Commission on Human Rights since 1995. Additionally, the SRVAW performs multiple country visits each year and includes those assessments as addenda to its general annual report.

Special Rapporteur on Trafficking in Persons, Especially Women and Children, United Nations Office of the High Commissioner for Human Rights.

Similar in function to the SRVAW and working closely with it, the Special Rapporteur on Trafficking in Persons was created in 2004 and produces annual reports and country assessments.

Report of the Secretary-General on Women, Peace and Security, United Nations Security Council (2012).

This report presents data in relation to the set of indicators that the Secretary-General presented in 2010 pursuant to UNSC Resolution 1889 (2009), which serve as a common basis for tracking the implementation of UNSC Resolution 1325.

East Asia and the Pacific Justice for the Poor (EAP-J4P): Gender Concept Note, The World Bank (2012).

This document outlines the approach for incorporating gender as a cross-cutting theme in the EAP-J4P program. It also specifies the minimum guidelines for integrating gender into the program.

World Development Report 2012: Gender Equality and Development, The World Bank (2012).

This edition of the World Development Report explores the links between gender equality and development, including female mortality and access to economic opportunities for women.

World Development Report 2011: Conflict, Security and Development, The World Bank (2011).

This report examines how conflict-prone societies improve citizen security and encourage economic development; it also encourages greater involvement of women across all sections of society and economic activity.

Interim Report of the Special Rapporteur on the Independence of Judges and Lawyers, United Nations General Assembly (2011).

This report focuses on the importance of integrating a gender perspective into the criminal justice system to promote equal access to justice, with an emphasis on the roles of judges and lawyers. It outlines the case for a gender-sensitive judiciary and addresses a variety of issues pertaining to the participation and protection of women as survivors, witnesses, and offenders within the system.

2011-2012 Progress of the World's Women: In Pursuit of Justice, UN Women (2011).

This progress report discusses reforms in several areas including legal frameworks, the justice chain, legal pluralism, and justice for women after conflict. The report concludes with 10 proven recommendations to advance access to justice and gender equality.

Cross-cutting Issues: Gender in the Criminal Justice System Assessment Tool, UNODC (2010).

This tool helps guide the assessment of gender issues and perspectives in the criminal justice system and can be used to help identify challenges and opportunities for reform within a particular system.

WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies, World Health Organization (2007).

This document is designed to inform persons involved in planning, conducting, funding, and otherwise supporting information collection on sexual violence in humanitarian settings. It offers eight safety and ethical recommendations, including protection of the confidentiality of individuals who provide information about sexual violence.

Other Gender Resources

Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector, DCAF (2011).

This tool can be used to assess the gender responsiveness of a security sector institution, including police and justice sector institutions. It leads readers through an eight-stage process to conduct an assessment, create an action plan, and monitor implementation of the plan.

Female Staff Associations in the Security Sector: Agents of Change? DCAF (2011).

This paper examines the structures, mandates, and activities of 67 international, regional, and local female staff associations of police, lawyers, judges, corrections, and other security sector staff. It analyzes whether the associations meet members' needs and what effect the associations have had in members' institutions and the communities they serve.

Gender and Security Sector Reform: Examples from the Ground, DCAF (2011).

This manual contains several in-depth country-specific case studies depicting different types of gender programming in security sector reform.

Gender and Security Sector Reform Toolkit, DCAF (2008).

This toolkit was designed to provide a practical introduction to gender issues in security sector reform and to suggest what can be done to integrate them. It includes 12 tools, including police reform and gender, justice reform and gender, and penal reform and gender. It also includes an annex on relevant international and regional standards.

Hiring and Retaining More Women: The Advantages to Law Enforcement Agencies, National Center for Women and Policing (2003).

This paper describes six advantages for law enforcement agencies that hire women: female officers are as competent as males, less likely to use excessive force, and less likely to be the subject of a citizen complaint. In addition, female officers improve the response to violence against women, help reduce discrimination within the agency, and help bring about beneficial policy changes.

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