Guidelines on

IMPLEMENTING THE COMMON POLICING STANDARDS FROM A GENDER PERSPECTIVE

APCOF
African Policing Civilian Oversight Forum

EAPCCO

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Sweden
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2022

Contents

Abbreviations and acronyms

APCOF   African Policing Civilian Oversight Forum

AU   African Union

CPS   Common Policing Standards

EAC   East African Community

EAPCCO   East African Police Commissioners Cooperation Organisation

GBV   Gender-based violence

NGO   Non-governmental organisation

SDG   Sustainable development goals

SOP   Standard Operating Procedure

Foreword

The guidelines are intended to assist the East African Police Chiefs Cooperation Organisation (EAPCCO) member countries in developing intervention points aimed at ensuring an engendered approach to implementing the Common Standards for Policing in the Eastern Africa Region. While certain member states have their own gender equality polices and plans in place, these guidelines seek to provide practical implementation steps to ensure that existing policies and plans are harmonised and implemented where possible.

At its 47th meeting the EAPCCO legal subcommittee took the decision under REC/EAPCCO/LSC/47/4 that member countries develop guidelines that give a broad interpretation of how the Common Policing Standards can be made operational from a gender perspective. At its 48th meeting it followed up the recommendation with REC/EAPCCO/LSC/48/2, recommending the initiation of guidelines aimed at operationalising the common standards from a gender perspective.

The guidelines are intended to be utilised by those involved at the management level of police institutions and by bodies that exercise an oversight role in policing. It can also be utilised by those supporting police reforms and those involved in gender mainstreaming strategies. It is intended to serve as a reference material by presenting strategies that may be tailored to serve different contexts and needs.

While police services are a key audience for the guidelines it must be emphasised that police reforms are not solely the responsibility of police organisations. This responsibility is shared by a wider set of stakeholders who support and influence policing institutions. These guidelines can therefore be utilised by government departments with policing responsibilities, civil society organisations, and researchers working to improve policing and gender equality.

EAPCCO is deeply thankful to its development partner, the Government of Sweden and its technical partners the Raoul Wallenberg Institute and the African Policing Civilian Oversight Forum in making this resource possible.

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EAPCCO Secretariat

1. Introduction

The Common Policing Standards were developed by the East African Community (EAC) and the Eastern African Police Chiefs Cooperation Organisation (EAPCCO) Secretariat in 2010. These Common Policing Standards have gone a long way towards improving police practices and services.[1] While the Common Policing Standards have provided valuable assistance in improving the quality of police services, gendered barriers to equal representation and equal access to police services remain. For example, women face numerous sociocultural barriers in seeking to access justice, including violence and inadequate time and resources to pursue justice.[2] There are, furthermore, gendered differences in the way men and women perpetrate crimes and in how they experience crime.

The Common Policing Standards make specific references to gender and women as a group (Common Policing Standards 2(viii), 3(iii), 3(v) and 4(vii)). However, there are normative gaps that present challenges to ensuring substantive gender equality. For example, the systemic nature of gender inequality requires more than simply extending the same rights and services to women. In order to truly shift underlying social institutions and power imbalances, a redistributive or transformative approach is required. For this reason, this document examines gender mainstreaming as a strategy to ensure that the implementation of the Common Policing Standards enables women to exercise their rights on an equal basis.

Equal representation of women within policing services also remains a challenge, with sexual harassment and sociocultural factors influencing gender parity within police institutions. This is in spite of women making up the majority of the African population.[3] Failing to improve gender representation is a missed opportunity to ensure that policing is responsive to the communities it serves while being informed by the values of diversity and equality.[4] Some view the solution to persistent gender inequality as simply increasing the number of women police officers. However, more systemic social, economic and cultural changes are needed if women are to enjoy their rights on an equal basis.

These challenges to gender equality remain in spite of a rich legal and normative framework that supports gender mainstreaming and equality. As emphasised by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the key challenge is not necessarily a lack of standards and institutions but rather the challenge of developing proactive implementation measures that will ensure that existing standards work.[5]

There are, therefore, a number of justifications for the need to focus on operationalising gender equality within the context of the Common Policing Standards. The primary justification lies in the African Union (AU) and the EAC's overt legal and political commitment to achieving gender equality. This is discussed in detail below. A second justification lies in the reality that, while both men and women experience disadvantage, the disproportionate

extent of injustices that are inflicted upon women requires targeted action.[6] An analysis of the extent to which effective implementation of the Common Policing Standards has occurred is, furthermore, necessary, as rights are only effective if individuals have access to the institutional support needed to exercise and protect their rights.[7] A further justification lies in the research indicating that greater representation of women within police institutions leads to improved police services and improved experiences for the public, which is also examined below.

2. Normative justification for gender mainstreaming

2.1 Normative framework under the AU and the EAC

There are a number of key continental treaties on women and girls' rights pertaining to the African region. One example is the African Charter on Human and Peoples' Rights, which enshrines the principle of non-discrimination on the grounds of race, ethnicity, colour, sex, language, religion, and national and social origin, to name but a few (under Article 2). Article 18 of the African Charter calls on all States Parties to eliminate every form of discrimination against women.

In seeking to build on the support for the rights of women, the AU adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (hereafter the 'Maputo Protocol') in July of 2003. This Protocol came into force in 2005. The Protocol serves as a supplement to the Banjul Charter and reinforces the prominence of women's rights in other international and regional instruments. Under Article 2(c) of the Protocol (which focuses on eliminating discrimination against women), specific reference is made to the need to integrate a gender perspective into policy decisions, legislation and activities, and in all other spheres of life. Article 2(d) then requires members states to take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist.

A review of the Common Policing Standards (which is undertaken below) reveals that Common Policing Standard 2 on policing in accordance with the rule of law aligns strongly with Article 8 of the Maputo Protocol. Article 8 protects the right to have access to justice and is described as including the obligation to:

- Establish educational structures that sensitise everyone to the rights of women;
- Equip law enforcement organs to effectively interpret and enforce gender equality rights; and
- Ensure that women are equally represented 'in the judiciary and law enforcement organs'.

In July of 2004, additional support for the human rights of women was articulated in the Solemn Declaration on Gender Equality adopted at the AU Summit Meeting. In this Declaration, the Heads of Member States agreed to initiate, launch and engage in sustained public campaigns against gender-based violence (GBV) as well as the problem of trafficking in women and girls. The Declaration further confirmed the commitment to expand and accelerate gender equality at all levels.

Other instruments that support women's rights within the African region include:

- The African Charter on the Rights and Welfare of the Child;
- The AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa; and
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities.

Further indications of the regional commitment to addressing gender inequality include:

- The AU Agenda 2063;
- The Sustainable Development Goals (SDGs);
- The Beijing Declaration and Platform for Action; and
- The International Conference on Population and Development Programme of Action.

While the above demonstrate the AU's commitment to gender equality, the EAC has also made specific commitments to fostering substantive gender equality, as well as a commitment to the practice of gender mainstreaming.

The EAC is committed to fostering gender equality and equal opportunities, as evinced in its Treaty. Under Article 5(3e) of the Treaty, the EAC commits to ensuring 'the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development'.

Further, Article 6(d) of the EAC Treaty states that the community is committed to adhering to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights. In addition, Articles 121 and 122 of the Treaty recognise the important role of women in fulfilling socio-economic rights and the importance of women within the sphere of business.

The EAC has taken a number of steps that clearly demonstrate its commitment to gender equality. The EAC has also established the Gender and Community Development Committee which compiled a framework of socio-economic indicators to guide future programmes and activities aimed at promoting gender equality.

The EAC's Development Strategy (for the period ending in 2021) specifically references gender as a significant sector. The strategy goes on to provide for gender mainstreaming in all interventions, including the spheres of community, socio-economic development, business and political participation.

In 2018, the EAC published its gender-equality policy. The Foreword to the policy confirms that the empowerment of women is central to the EAC's mandate. This conception of gender equality advocates for a substantive conception of equality, in that it seeks to combat discriminatory practices and transform gendered relations. The policy, furthermore, champions home-grown, grassroots solutions to the region's gender-equality challenges. The EAC's commitment to substantive gender equality is therefore clear.

2.2 Sociocultural justification: Improved police services

Research has shown that women have a positive impact on management styles and conduct within policing institutions.[8] This research has further shown that women officers are more likely than male officers to provide support to citizens. Women police officers are also generally less likely to use deadly force or to abuse their power.[9]

Women leaders have been known to adopt what is referred to as a transformative style of leadership. This approach to leadership is recognised as key to ensuring transformation within the organisational environment.[10] Research undertaken in South Africa and the United States has further shown that women police officers often have effective communication skills and are viewed as more sympathetic by citizens.[11] While it is important to avoid essentialising women or assuming that all women police officers represent one homogenous group, there are significant benefits to ensuring diversity within organisational-management systems.

According to a study conducted in Europe, increased gender representation within the police service also leads to increased productivity, fewer sexual-harassment incidents, improved accountability, higher public trust, and increased national standing.[12] The study ultimately argues that achieving gender equality assists in preventing violence while enabling everyone to contribute meaningfully to public life.[13]

It is clear from the above that there is both a normative and a practical justification for implementing the Common Policing Standards in a manner that is gender-responsive. Below is a summary of the important terms and definitions informing these guidelines.

3. Important terms and definitions

3.1 African Union

The African Union (AU) is a continental union composed of 55 African member states. Formed in 1999, the AU was announced in the Sirte Declaration in Sirte, Libya. One of the underlying purposes of the AU is to accelerate integration on the continent by addressing the myriad of social, economic and political challenges facing the African continent.

3.2 Beijing Declaration and Platform for Action

The Beijing Declaration has been considered one of the most progressive resolutions (on the rights of women) adopted by the United Nations (UN). This resolution was adopted at the end of the UN's Fourth World Conference on Women, which took place on 15 September 1995. The resolution committed to promulgate a set of principles aimed at fostering equality for men and women, ultimately providing a progressive blueprint for advancing the rights of women.

3.3 The Common Policing Standards

The Common Policing Standards were developed by the East African Community (EAC) and the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO) Secretariat in 2010 in an attempt to harmonise policing in accordance with human rights norms.

Common Policing Standard 1: Role of the police

i.   The police will protect life, property, liberty and security of the person;

ii.   The police will maintain public safety and social peace; and

iii.   The police will adhere to the rule of law as an essential element to human security, peace and the promotion of fundamental rights and freedoms.

Common Policing Standard 2: Policing in accordance with the rule of law

The police will:

i.   Not arbitrarily arrest or detain and will only deprive persons of their liberty in accordance with the law;

ii.   Promptly inform accused persons of the reason for their arrest and any charges brought against them and this must be communicated to the accused person in a way and manner they understand;

iii.   Act in a manner that upholds the presumption of an accused person's innocence until proven guilty in accordance with the law;

iv.   Ensure that arrested persons are brought promptly before an authorised and competent judicial authority;

v.   Ensure that, upon arrest, detention and charge, there is a presumptive right to bail or bond;

vi.   Ensure the right of a detained person to challenge the lawfulness of their detention;

vii.   Ensure that arrested and detained persons have access to interpreters and legal assistance, as required; and

viii. Ensure that arrested and detained persons are treated humanely and kept under humane conditions, with particular consideration for the specific needs of, among others, children, **women** and persons with disabilities.

Common Policing Standard 3: Police actions

The police will act in a manner that:

i.   Ensures they discharge the duties assigned to them by law equitably, diligently and with a high degree of professional responsibility and will, at all times, strive to maintain a community service focus;

ii.   Upholds the right to life, liberty and security of the person by only using force and firearms when strictly necessary and only to the extent required for the fulfilment of their lawful duty;

iii.   Ensures all citizens enjoy their fundamental rights and freedoms without discrimination and specifically conduct themselves in a way that does not discriminate against **women,** juveniles and minority communities (including but not limited to the differently abled, migrants, internally displaced persons and refugees). Police who are in frequent contact with suspects, offenders, victims and witnesses from these groups should receive sensitisation training;

iv.   Upholds the absolute prohibition on the use of torture and other cruel, inhuman or degrading treatment or punishment. The police will not inflict, instigate or tolerate any act of torture, cruel, inhuman or degrading treatment or punishment. No circumstances will override this prohibition, including threats of war, political instability or periods of emergency;

v.   Ensures all persons deprived of their liberty are treated humanely, in a **gender-sensitive manner**, and with respect for their inherent dignity;

vi. Considers and treats all persons deprived of their liberty as innocent until proven guilty by a competent judicial authority;

vii. Provides all persons deprived of their liberty with adequate food and clothing, unless the detained person elects to provide their own;

viii. Facilitates assistance from medical practitioners;

ix. Informs family and friends of the detention and allows detained persons to maintain contact with those persons to the extent that such contact is consistent with the administration of justice, security and the good order of the place of detention;

x. Allows all persons deprived of their liberty to access legal assistance and receive visits from their legal advisors which are within the sight, but not in the hearing of officers;

xi. Adheres to the absolute prohibition on extrajudicial executions and the government will legislate to ensure that such actions are investigated and prosecuted as a matter of priority and as punishable criminal offences under the law. Police will not derogate from this principle on account of war, armed conflict or other national emergencies;

xii. Ensures victims are treated with compassion and dignity, which includes access to prompt, fair and inclusive mechanisms of redress that respect the privacy of victims. They will make known and provide victims with assistance, including psychological, medical and social services. The police organisation will ensure that officers receive training to sensitise them to the diverse needs of victims; and

xiii. Recognises the right of all persons to peaceful assembly without restriction insofar as this right is consistent with the rule of law, democracy, public peace and security, and the rights of others. Regarding unlawful but peaceful assemblies, police will avoid the use of force and, if force is necessary, only use force to the minimum extent. In violent assemblies, police will use less dangerous means of crowd control but if force becomes necessary, only use the minimum force necessary.

Common Policing Standard 4: Police organisations

Police organisations will:

i. Be a service that upholds the law as opposed to a force that enforces the law;

ii. Strive to promote a police organisation that is operationally independent of the executive and upholds the principles of democratic policing;

iii. Increase public confidence [and] promote and encourage greater transparency and accountability in all [their] activities;

iv. Account for violations by officers of citizens' human rights and ensure that inquiries are conducted in a fair and transparent manner;

v. Ensure that internal oversight mechanisms are strengthened in accordance with expected standards;

vi.   Implement basic standards for the recruitment of officers, including selection of candidates by proper screening processes to ensure that they exhibit appropriate moral, psychological and physical qualities for their role;

vii.   Ensure that[,] … across all cadres/ranks/levels, [they are] representative of the community as a whole, with ethnic, **gender,** language and religious compositions reflective of the population they serve;

viii.   Ensure their personnel receive comprehensive and continuous training in observance of human rights and policing;

ix.   Ensure that the training curriculum is periodically reviewed and updated in accordance with changing policing needs;

x.   Refrain from engaging in acts of corruption and abuse of power, and will rigorously oppose and combat all such actions;

xi.   Investigate corruption and abuse of power and take preventative measures, including policing anti-corruption tendencies;

xii.   Cooperate with role players within and outside the criminal justice system, including citizens and civil society organisations, in fulfilling their mandates; and

xiii.   Promote bilateral, regional, multilateral and global law enforcement and crime prevention cooperation and assistance. To further this aim, measures should be taken to prevent crime at a domestic level, strengthen information sharing and facilitate technical assistance, including exchange programmes and training.

3.4 Cultural sensitivity

While law enforcement must always seek to be culturally sensitive to the unique context experienced by different communities, efforts to achieve restorative justice through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation, must be used cautiously. Law enforcement must always balance community efforts at restorative justice with the integral need to protect the safety (and broader rights) of women and girls while being responsive to the gendered power imbalances within communities.

3.5 East African Community

The East African Community (EAC) is a regional, intergovernmental organisation consisting of the Democratic Republic of Congo, the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, the Republic of Uganda and any other country that may be granted membership to the community in accordance with the Treaty for the Establishment of the East African Community. Its headquarters are in Arusha, Tanzania.

3.6 Engendered/Engendering

This entails infusing the relevant concepts, rights and responsibilities pertaining to implementing the CPS with substantive gender equality. It further entails transforming or re-shaping implementation measures through being responsive to the gendered power relations in which rights are exercised. Effort is also made to ensure that women are empowered by broadening the feasible options available to women.

3.7 Gender

'Gender' refers to the social attributes, roles and norms associated with being male and female. While gender is primarily referenced as the differences between men and women, gender identity is complex and can be viewed as a broad continuum or spectrum. It is, however, beyond the scope of these guidelines to address every aspect of gender identity. The focus of these guidelines is, therefore, on women's rights and women's unique experiences, as informed by gendered roles. This understanding of gender does, however, need to be infused with an intersectional understanding of vulnerability, which is defined in more detail below. One example of intersectionality is a recognition of how a lack of resources (such as lack of funds for transport to a police station) compounds a women's inability to enforce her rights in relation to gender-based violence (GBV).

3.8 Gender-based violence

The United Nations Committee on the Elimination of Discrimination against Women describes GBV broadly in its General Recommendation 19 as:

> *violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.*

Article 1 of the Maputo Protocol defines violence against women and girls as:

> *all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.*

Forms of GBV can be classified as violence inflicted within the family, violence inflicted within the community, and violence inflicted by state actors. Family violence is a form of interpersonal violence that includes stalking, harassment and sexual, emotional, verbal, psychological, physical and economic abuse perpetrated by intimate partners and/or extended family members.[14] Community violence incorporates female genital mutilation, rapes perpetrated by strangers (such as corrective rapes), stalking, witch-hunts, the sexual trafficking of women, and the sexual harassment of women. State violence refers to violence which is either perpetrated or condoned by people employed by the state, such as rapes committed by police officers.[15] Police officers have a responsibility to protect women from violence perpetrated by third parties, while simultaneously having a duty to refrain from harming women.

3.9 Gender mainstreaming

Since the 1995 Fourth World Conference of Women held in Beijing, gender mainstreaming has become an internationally recognised strategy for promoting gender equality. Gender mainstreaming is thus a strategy that is aimed at improving the performance and outcomes of an organisation, policy or law from a gender-equality perspective. In this regard, it involves interrogating the implications and outcomes for women and men of any planned action, legislation or policy, in all areas and at all levels. A gender-mainstreaming analysis recognises and addresses root causes of structural injustice, it questions who holds power and how they exercise it, and it addresses restrictive and discriminatory norms, while deepening inclusion and participation. A sound gender analysis therefore entails considering gendered roles, risks, responsibilities, and social norms, as well as accounting for the unique capabilities and needs of different groups. The ultimate goal of gender mainstreaming is to ensure substantive gender equality.

While gender mainstreaming is rooted in admirable intentions to foster gender equality, some criticisms have been levelled against gender mainstreaming as a process. One criticism is that it often results in a technical or bureaucratic 'box-ticking' exercise that is divorced from its feminist roots.[16] A second criticism is that it often adopts a homogenous definition of gender. While it is beyond the scope of this guidance note to address these challenges fully, it is important to keep in mind the need to address intersecting forms of vulnerability and to be mindful of the need to foster substantive gender equality.

3.9.1 Gender mainstreaming in relation to the Common Policing Standards

The Common Policing Standards provide guidance on what states need to achieve in order to ensure that policing is rooted in human rights. Gender mainstreaming (within the context of police services and the Common Policing Standards) can be divided into specific themes, which are examined below.

These themes include:

COMMON POLICING STANDARD	GENDER-MAINSTREAMING THEME/ APPROACH
1. The role of the police	**Ensuring equal access to services** through recognising, and responding to, the root causes of gender inequality. This includes training of police officers and ensuring that services which protect the lives, liberty and property of citizens are responsive to gendered power relations.
2. Policing in accordance with the rule of law	**Improving accountability and oversight** regarding gender-related crimes and negligence, as well as ensuring that police officers who commit crimes against women are investigated and prosecuted. This also entails collecting gender-disaggregated data and providing services that are responsive to women's specific needs and experiences.

COMMON POLICING STANDARD	GENDER-MAINSTREAMING THEME/ APPROACH
3. Police actions	**Ensuring gender-sensitive laws, policies and planning**, which entails having laws and policies concerning bail and GBV that are responsive to women's lived realities. This also ensures that policies and plans use gender-sensitive language. Further, it includes ensuring that women, men, girls and boys are able to participate equally in the planning, implementation, monitoring and evaluation of GBV programmes and policies.
4. Police institutions	**Engaging with the community in a manner that supports gender equality and ensures equality in decision-making** and determining policing priorities. **Ensuring that personnel are representative** of society's gender so that women are able to participate at the highest levels of governance and decision-making. **Transforming the institutional culture** within policing institutions.

3.10 Intersectionality

Intersectionality is an analytical framework used to recognise and understand how different aspects of an individual's identity can compound existing levels of vulnerability. This approach is important if we are to respond effectively to people's different needs, interests and capabilities.

An intersectional approach to vulnerability is necessary, as social groups are neither homogenous nor static. Intersectionality assists in explaining the differentiated nature of vulnerability and resilience.[17] This approach also draws attention to the systemic nature of disadvantage, which can ensure a more nuanced understanding and response.[18] This is important, as women experience certain forms of disadvantage which are compounded by poverty, race and refugee status.

3.11 Law enforcement

This refers to the broad range of agencies and personnel that are responsible for enforcing laws, maintaining public order, and managing public safety. The primary duties of law enforcement include ensuring safety, preventing crime and the investigation, apprehension, and detention of individuals who have committed crimes as well as those suspected of criminal offences.

3.12 Secondary victimisation

This occurs when a survivor of a crime, such as GBV, is further mistreated or their vulnerability is compounded by those representing response services, such as law enforcement personnel or health care providers. Secondary victimisation may be caused, for instance, by victim

blaming, repeated exposure of the victim to the perpetrator, repeated interrogation about the same facts by law enforcement, the use of inappropriate, derogatory or insensitive language or comments made by those who come into contact with survivors.

3.13 Standard Operating Procedures (SOP)

These entail a guideline or a document compiled by police organisations that provides instruction on the step-by-step actions, behaviour and procedure to be followed by law enforcement personnel when dealing with specific or routine duties, such as interviewing techniques. SOPs aim to achieve efficiency, quality output and uniformity of performance, in police organisations.

3.14 Substantive gender equality

While a formal approach to equality entails treating people equally, regardless of difference, a substantive approach to equality recognises the need for proactive measures in certain instances. It therefore infuses the right to equality with a positive duty to act. It does this by ensuring that laws or policies refrain from reinforcing the subordination of groups that already experience disadvantage. Working with the understanding of substantive gender equality as developed by academics,[19] substantive gender equality entails recognising the particular socio-economic context experienced by a group, while also recognising the impact of a specific law, policy or action on this group. This recognition then needs to be coupled with a redistributive or transformative element, which includes a positive recognition of difference and which ensures, ultimately, the transformation of gendered power relations.

The EAC subscribes to substantive gender equality, as evidenced in its gender-equality policy, which confirms its commitment to the principles of equal opportunities and equitable distribution of services and resources. It also endeavours to promote processes that advance equitable access to socio-economic opportunities and political participation for women.

3.15 Third parties

Law enforcement personnel are responsible for protecting women from all forms of GBV and harm caused by third parties, which includes violence caused by family members, community members as well as other law enforcement and state officials, whether male or female.

3.16 Conclusion

The EAC is clearly committed to fostering gender equality and to ensuring that gender considerations are mainstreamed into planned policies and actions. There is, furthermore, significant research that justifies including women within important leadership and institutional roles. In accordance with this justification and the definitions outlined above, the following section provides an overview of what needs to be achieved when implementing the Common Policing Standards in a gender-sensitive manner. This is then followed by the operational guidelines on how to initiate and implement strategic interventions.

4. Engendering the Common Policing Standards: What needs to be achieved

4.1 Introduction

The gendered responsibilities of the police can broadly be divided into service delivery (the external component) and increased, gendered representation and participation (the internal element). With regard to the external element, the police are responsible for protecting citizens from harm and for assisting citizens through investigating and preventing crime in a manner that supports human rights.

4.2 Prevention and protection

In terms of what gender-responsive policing means, this entails police officers being able to protect the lives, liberty and property of all citizens while being sensitive to (and responsive to) systemic forms of gender inequality. Areas of policing that require a gendered focus therefore include understanding how gender relations influence control over resources and property, and addressing social norms surrounding gender-based violence (GBV). For example, family property is still often registered in the name of the male partner in relationships, regardless of the women's contributions.[20] As a result, women in East African countries continue to face obstacles in owning and retaining land, which has implications in respect of their capacity to afford bail and legal representation.

Gender-responsive policing is able to recognise that men and women experience violence differently in different spaces. For example, women are more likely to experience violence perpetrated within private spaces by people they know.[21] Men, on the other hand, are more likely to experience violence perpetrated in public spaces by strangers.[22] In order to ensure that the Common Policing Standards are translated into actions and policies with tangible benefits for women, women's unique experiences of violence and harassment therefore need to be addressed.

The Common Policing Standard on policing in accordance with the rule of law further recognises that access to justice is a critical component of the capacity to exercise one's rights on an equal basis. In order to ensure that women are able to exercise their rights equally, police officers therefore need to:

- Protect women from the actions of third parties that threaten the human rights of women;
- Refrain from exacerbating gender inequalities and from harming women;
- Ensure that there are gender-sensitive laws, policies and planning;

- Ensure accountability and oversight in respect of gender-related crimes and negligence; and
- Contribute to challenging stereotypes and dislodging systemic forms of discrimination.

According to the East African Community's (EAC) gender-equality policy, the percentage of females aged between 15 and 49 who have experienced sexual violence is 14% for Kenya, 44% for Tanzania, 35% for Rwanda and 50% for Burundi.[23] The gender-equality policy goes on to state that in all of the EAC member states, women are twice as likely as men to experience sexual violence. Examples of specific policing challenges experienced by the Partner States in relation to combatting GBV include inadequate enforcement of legislation, a weak chain of custody of forensic evidence, a lack of DNA laboratories, and weak cooperation between the actors involved in combatting GBV.[24] While what police officers do is important, how they render their services is also integral to their work. This is discussed in more detail in the topic on police institutions.
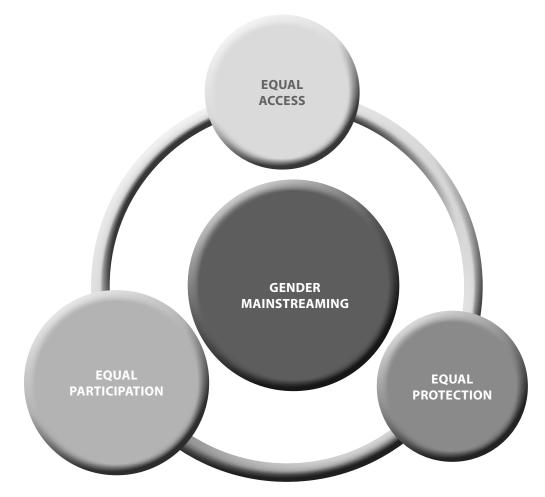
Given that GBV is a complex, sociocultural human rights issue, it needs to be underscored that police officers are unable to prevent GBV on their own. They can, however, respond to survivors of GBV in a humane and supportive manner. They can also play a powerful role in supporting and leading public-awareness campaigns that challenge gender stereotypes. Police officers can, furthermore, highlight positive role models and instigate dialogue.

The second aspect of what needs to be achieved through engendering the Common Policing Standards is related to the internal aspect of policing institutions and aligns effectively with Common Policing Standard 4. This is discussed in detail below.

4.3 Equal participation

A central component of gender mainstreaming is ensuring that women are represented within the police service and that they are involved in high-level decision-making and governance. In order to ensure this, participation goes beyond quotas and requires a police service that is representative and respectful while embracing a culture of diversity, equality and non-discrimination. This aspect is important, as it enables police institutions to utilise a diverse range of talents and experiences that can aid the police in being more responsive to the communities they serve.

Ensuring greater representation within police institutions also serves to empower women and indirectly protect their human rights. As emphasised in the EAC policy, violence against women decreases when women have increased decision-making powers, higher education levels, and greater financial independence.[25] Employing more women within the police services therefore serves to further the economic empowerment of women.

The following figure clearly indicates the critical elements of gender mainstreaming:

4.4 Conclusion

While this section discussed what a gender-responsive implementation of the Common Policing Standards entails, the following section examines how to create the institutional and cultural environment to support this implementation.

5. Operational guidelines

5.1 Facilitating implementation

In order to achieve the goals of protection and prevention, as well as equal participation, police organisations need to take certain practical steps. While it is important to ensure that these steps are tailored to the specific context, the present guidelines offer a useful starting point and can be utilised as an overarching guideline.

5.1.1 Building a cohesive understanding of (and commitment to) gender equality

In order to effectively implement the Common Policing Standards in accordance with gender equality, it is necessary to develop a coherent and unified consensus on what gender equality means in the light of these standards. This understanding of gender equality will inform the project's goals. As with any project, well-defined goals are necessary in order to ensure the success of the undertaking. It is therefore imperative to develop a coherent and unified consensus on what the gender mainstreaming project aims to achieve. The process should involve both short- and medium-term priorities as well as an overall and long-term vision or goal.

As discussed above, the East African Community (EAC) is committed to substantive gender equality that entails both recognition and redistributive elements. This includes enabling women and girls to exercise their rights on an equal basis with men and boys while ultimately contributing to the transformation of gender relations within the broader community and society.

The understanding of (and commitment to) gender equality also needs to be context-sensitive for each member state. For example, certain member states may struggle more with equal representation, while other countries may struggle more with gender-based violence. Certain states may, furthermore, criminalise sexual orientation or petty offences, which requires an intersectional understanding of gender and vulnerability. Formulating legitimate goals therefore needs to be determined by what is most pressing and by what is possible within a specific time and place. Data and evidence also need to be gathered and utilised to create meaningful and responsive strategies. While the understanding of gender equality and the concomitant gender-equality goals need to be responsive to the specific context, the following are some examples of gender-mainstreaming goals:

- **Goal 1:** To ensure that all police activities aimed at protecting the lives, liberty and property of individuals are responsive to the different needs and experiences of men,

women, boys and girls, e.g. to design and implement tailored laws and policies that address the needs and experiences of survivors of gender-based violence (GBV).

- **Goal 2:** To ensure that the police are able to offer quality and responsive services to both women and men while being responsive to gendered power imbalances and different lived experiences.

- **Goal 3:** To ensure that laws governing access to justice, such as bail, recognise the gendered dimensions of property ownership.

- **Goal 4:** To ensure greater accountability and oversight in respect of gender-related crimes and negligence through collecting data on crimes against women and ensuring accountability when police officers commit crimes against women.

- **Goal 5:** To ensure that service delivery promotes the full and equal participation of men and women, e.g. to ensure that police stations: are easily accessible for rural women; have victim-oriented rooms (safe spaces); and have spaces for mothers to breastfeed their children.

- **Goal 6:** To ensure that police officers are able to perform their duties in a manner that is sensitive to the gendered dimensions of power imbalances which impact upon access to resources, property and services and which enforce women's vulnerability to violence, e.g. through providing effective gender-sensitivity training for all police officers.

- **Goal 7:** To ensure that police institutions have mechanisms in place that enable the police services to partner and collaborate with both women and men in the local community in order to identify their particular needs; and to ensure that, while both men and women are consulted, the reality of gendered power imbalances is kept in mind and addressed so that women are able to safely voice their needs and experiences.

- **Goal 8:** To ensure that practical steps are taken to meet identified gendered needs and to evaluate the impacts of measures introduced.

- **Goal 9:** To ensure that budgeting processes are transparent and are responsive to gendered needs and priorities.

- **Goal 10:** To ensure that both men and women police officers are valued, promoted, mentored, and supported in balancing their professional and family responsibilities.

- **Goal 11:** To ensure that the policing institution has strong and transparent accountability processes for dealing with any problems of discrimination, violence against women, or sexual harassment.[26]

As emphasised above, there is a need for solution-driven approaches that are informed by greater engagement with the local community.[27] While the above goals can be utilised as an overarching framework, they need to be further refined at the local level through a national needs assessment, which is discussed below.

5.1.2 Undertaking a gender analysis/national needs assessment

A national needs assessment offers an ideal entry point in terms of identifying particular areas that require development.[28] These identified areas then shape the parameters for a shared vision on a gendered understanding of the Common Policing Standards.[29] Extensive consultation with all levels of society will also ensure improved ownership of the project. Gender expertise will necessarily need to be part of the terms of reference for the assessors involved in a needs analysis. Gender will also need to be an explicit focus at all levels of the

assessment.[30] A needs assessment should identify the challenges faced by the particular population at large and the policing sector in particular.

This necessarily involves a gender analysis of the Common Policing Standards, which requires collecting and analysing information about women and men, including information on their social roles and their access to, and control of, resources. Information on the different types of crimes that threaten women, girls, men and boys, as well as information on how each of these groups interacts with different levels of the policing institution, needs to be collected.

The participatory processes involved in the needs assessment should include both the recipients and the providers of the services. This is important to ensure that any policies and plans are responsive to the norms and expectations of men and women in a particular context. When conducted correctly, this needs assessment process can foster participatory dialogue, collaboration, and integrated approaches to policing.

While both men and women need to be consulted at every stage of the process, it is important to always keep in mind the reality of gendered power relations and to ensure that stakeholders involved in the needs assessment exercise have expertise and training in gender-equality issues. There should, furthermore, be opportunities for consultations that only include women in order to ensure that women are given the chance to freely express their opinions and needs.[31]

5.1.2.1 Practical steps required to conduct a needs assessment

STEP 1: Assemble the task force and assign clear roles.

This task force will lead the needs assessment and its members will collaborate in order to collect research data so as to determine and highlight the areas that require development. These individuals are tasked with leading the project and championing its efforts. The task force could also be responsible for developing a gender action plan based on the needs assessment.

The task team should be a representative and diverse group that is able to identify and prioritise what needs to be done in reforming and transforming gender relations within the policing sector. In order to select the appropriate team, a scoping exercise will need to be undertaken to determine institutions and individuals that have gender expertise as well as experience in the areas of human rights, violence against women, criminal justice, women's rights and police accountability.[32] The representation and participation of women across all levels of the decision-making process must be ensured. Everyone involved in the process should receive some form of training to ensure that they are aware of the general goals outlined above, as informed by the Common Policing Standards.

STEP 2: Scope the needs assessment (informed by the Common Policing Standards).

The purpose of the needs assessment is to determine the region's specific gendered needs in relation to the role of the police, policing in accordance with the rule of law, police actions and police organisations.

This necessarily involves both an external review and an internal review. The external element entails engaging with all levels of society to understand their experiences in relation to policing services. In particular, the external analysis must identify the needs and experiences of women in relation to policing. The internal element entails reviewing organisational structures and policies, as well as the organisational culture within policing institutions, to determine their capacity for actualising gender concerns within actions, policies and plans.

Below is a matrix setting out the Common Policing Standards when viewed through the lens of substantive gender equality. While it is beyond the scope of this guideline to provide an in-depth gendered analysis of each aspect of the Common Policing Standards, what follows is an overview of an engendered perspective of the Common Policing Standards. For a more detailed gendered analysis of the Common Policing Standards, see the African Policing Civilian Oversight Forum's (APCOF) publication on the Common Policing Standards through a gender lens. For the purposes of this guideline, however, the Common Policing Standards have been divided into the following themes:

- Protection from crimes;
- Access to justice;
- The behaviour of police officers (accountability); and
- Police institutions.

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 1: **Role of the police** *Protection from crimes*	**Context experienced by women** *'Non-discrimination'*	**Positive recognition of difference**	**Transformation**
The police will protect life, property, liberty and security of the person.	Do the police collect data on crimes that primarily affect women (data disaggregated by gender)? Do police personnel recognise, and respond to, how women are affected by crimes against their lives, property and liberty? For example, are police officers sensitive to the complex power relations that cause and shape forms of gender discrimination (such as the family property often being registered in the name of the male partner)?	Do the police positively respond to diversity and difference in a manner that includes an intersectional understanding of gender and vulnerability? Do the police treat all complainants with dignity, regardless of their gender identity? Do the police engage meaningfully with the community to determine how gendered groups experience police services?	Have the police been trained to have the capacity to positively challenge gender bias and to proactively protect the life and liberty of women? Has an effort been made to transform the institutional culture within police organisations?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 1: Role of the police *Protection from crimes*	Context experienced by women *'Non-discrimination'*	Positive recognition of difference	Transformation
The police will maintain public safety and social peace.	Have police officers been trained to be responsive to the reality that gendered roles and identities play a part in influencing one's experience of public safety? How accessible are police stations for women? Have practical considerations been addressed, such as the location of police stations and accessibility to public transport, in understanding and recognising how women and other vulnerable groups will be able to access these locations easily?	Do laws and policies addressing violence make use of inclusive language? Have efforts been made to facilitate the development of respectful and productive relationships between local authorities, security providers, and community members of all genders? Have efforts been made to facilitate and promote an understanding that people of all genders have an important role to play in security provision and decision-making?	Have women been included in safety plans? Do these plans challenge gender bias and stereotypes and do they specifically address crimes that affect women? Do police stations offer a 'one-stop shop' for services to survivors of GBV? Have adequate resource allocations been made towards women's safety needs?
The police will adhere to the rule of law as an essential element of human security, peace, and fundamental rights and freedoms.	Have the police been trained to understand women's barriers to accessing justice, such as barriers to reporting GBV?	Do police stations offer safe spaces that are receptive to the needs of survivors of GBV, taking into account intersecting needs such as healthcare needs or refugee status?	Have police officers been trained to understand how gender can impact access to justice? Have efforts been made to ensure that the institutional culture is supportive of women's rights?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 2: Policing in accordance with the rule of law *Access to justice*	Context experienced by women *'Non-discrimination'*	Positive recognition of difference	Transformation
The police will not arbitrarily arrest/detain and will only deprive persons of their liberty in accordance with the law.	Have the police been trained in crimes perpetrated by women? For example, women are more likely to be deprived of their liberty in relation to sex work. Has a review been undertaken to determine whether there are laws that disproportionately affect women – such as laws that criminalise petty offences – or are there laws that only criminalise women, such as laws criminalising abortion or witchcraft? Do the police collect data on crimes perpetrated by women?	Have police officers received training in the intersecting axes of vulnerability that require a humane response to certain crimes, e.g. in the intersecting nature of HIV status, violence and sex work?	Have police officers been trained to deal with the intersecting axes of vulnerability among perpetrators? Are police officers who harass and harm women perpetrators, such as sex workers, dealt with effectively? Are police officers contributing to or challenging the status quo?
The police will promptly inform accused persons of their rights.	What are the barriers to women being able to exercise their rights and to access justice (such as obtaining quality legal advice?) Are police officers trained to be aware of this context?	Have police officers received training in how to overcome these barriers and in how gender identity plays a role in one's capacity to access justice?	Have police officers been trained to protect the rights of all gendered groups who are arrested/detained, even when this requires targeted, positive action?
The police will act in a manner that upholds the presumption of an accused person's innocence until proven guilty.	How has the presumption of innocence been applied in a manner that harms women? For example, while this is an integral right, historically, women have faced disbelief and victim-blaming in relation to reporting GBV. This needs to be taken into account when combatting GBV.	Have police officers been trained in how to apply the presumption of innocence equally to all groups while recognising the reality that certain groups often face disbelief or further victimisation when reporting crimes?	Have police officers been trained to apply the presumption of innocence in a manner that is sensitive to victims?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 2: Policing in accordance with the rule of law *Access to justice*	Context experienced by women *'Non-discrimination'*	Positive recognition of difference	Transformation
The police will provide all persons deprived of their liberty with food and clothing, unless the detained person elects to provide their own. In addition, the police will facilitate access to medical assistance and will inform family and friends of a person's detention.	Have women's specific needs been taken into account, such as the need for access to reproductive healthcare and female hygiene products? Have the nutritional needs of pregnant women been addressed? Have COVID-19 measures had a disproportionate impact on women detainees and their ability to see their children?	Have efforts been made to address the healthcare needs of different gendered groups?	Have rules and policies been tailored to address and respond to women's reproductive healthcare needs? Have rules and policies been made responsive to the needs of women in relation to their ability to have their children visit them? Have rules and policies been reviewed to ensure they place a positive obligation on law enforcement officers to comply with the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa as well as the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders?
The police will ensure that arrested and detained persons have access to bail, can promptly challenge their detention, and have access to legal assistance.	What are the barriers to women accessing justice? Is the judicial process sometimes delayed when it could be dealt with swiftly?	Have police officers been trained to understand access to justice through a gender lens so as to transcend a purely legalistic perspective, and to interrogate gendered social processes and power relations? For example, do police officers understand the gendered nature of property ownership?	Are policies and rules governing bail responsive to the needs and experiences of women? Are policies and rules regarding facilitating access to legal representation for women responsive to the needs of women (particularly women's socio-economic needs)?
The police will ensure that arrested and detained persons are treated humanely, with particular consideration being given to the specific needs of, among others, children, women, and persons with disabilities.	Do police officers recognise and respond to the fact that women have different needs to men? Are there policies and rules that are responsive to the reproductive-health rights of women? Are detained mothers with young children allowed to express milk?	Do the police recognise and address the different needs of different groups, or are the police discriminatory?	Do policies and rules on detention make provision for the specific needs of women? Do these policies and rules acknowledge and address the fact that the requirement of humane treatment is not gender-neutral and requires positive action in certain instances?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 3: **Police actions** *Behaviour of the police (professionalism)*	**Context experienced by women** *'Non-discrimination'*	**Positive recognition of difference**	**Transformation**
Police officers will discharge their duties diligently, professionally, and with a community focus that ensures non-discrimination against women, juveniles and minority communities.	Do women feel safe when approaching the police or being approached by the police?	Do different groups, such as refugee women, feel safe when approaching the police or being approached by the police?	Have police officers received training in dignity and diversity? Are there champions (focus groups) within the police organisation to drive change and positively recognise gendered diversity?
Police officers will only use force and firearms when strictly necessary, and the police will uphold the prohibition on torture.	Although the victims of police brutality are generally male adults, do the police gather data (and make this data publicly accessible) on the use of force against both men and women, as well as on the number of rapes committed by police officers?	Do the police services gather data on the experiences of different groups?	Are there clear policies and mandates that prohibit excessive force which might violate an individual's gender integrity? Are there clear rules that force should not be used against pregnant women and/or children? Are victims of police sexual harassment and abuse able to report incidents of officer misconduct to an independent body that will take serious action against officers?[33]
Police officers will ensure that victims are treated with compassion and dignity, which includes access to psychological, medical and social services.	Are police officers aware of the fact that women encounter numerous barriers to receiving holistic services when experiencing GBV? Are officers aware of the fact that the way in which they serve survivors of GBV impacts the nature and quality of the evidence provided?	Are police officers aware of the fact that different groups of women experience intersecting axes of disadvantage that shape their specific needs for additional services (such as healthcare interventions)?	Do police stations offer a 'one-stop shop' of services to survivors of GBV? Have efforts been made to ensure that the institutional culture within the organisation aids in combatting GBV? Have budgetary allocations been made to ensure that victims receive quality and holistic services?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 3: **Police actions** *Behaviour of the police (professionalism)*	**Context experienced by women** *'Non-discrimination'*	**Positive recognition of difference**	**Transformation**
Police officers will recognise the right of all persons to peaceful assembly without restriction insofar as this right is exercised in accordance with the rule of law.	Have gendered patterns of repression against female activists been well documented?	Have efforts been made to address the intersecting nature of disadvantage experienced by protestors? Have there been incidents of disproportionate force used against different gendered groups? Has this been documented and addressed?	Are there clear laws and mandates that set out specific duties when dealing with female protestors? Do these rules and policies utilise gender-inclusive language?
CPS 4: **Police organisations**	**Context experienced by women** *'Non-discrimination'*	**Positive recognition of difference**	**Transformation**
Police organisations will be a service that: upholds the law and the principles of democratic policing; displays transparency and accountability in all its activities; has internal oversight mechanisms to combat corruption.	Has data been collected on the gendered nature and cost of corruption?	Have police officers been trained in the intersecting axes of disadvantage and how different gendered groups have experienced corruption and the capacity to report corruption?	Are there clear rules and policies on corruption and fraud that set out the duties of police officers? Are there clear lines of accountability?
Police organisations will implement basic standards for recruitment, including the selection of candidates by way of proper screening processes in order to ensure that they exhibit the appropriate moral, psychological and physical qualities while being representative of the community as a whole.	Has data been collected to verify the difference between women applying for positions and the number of women appointed? Has data been collected from women officers in relation to their experiences of barriers in being employed by the institution?	Have efforts been made to ensure that job advertisements and selection panels are informed by diversity?	Have efforts been made to mentor women officers and to ensure that provision is made for sufficient family leave and a work–life balance in a manner that is responsive to women?
Police organisations will ensure that their personnel receive comprehensive and continuous training in observance of human rights and policing, with training being periodically reviewed and updated.	Have surveys been undertaken to identify gaps in existing knowledge relating to human rights?	Have efforts been made to ensure that training is responsive to the different needs of different groups?	Have budgetary allocations been made to ensure that women officers are trained appropriately?

COMMON POLICING STANDARD	SUBSTANTIVE GENDER EQUALITY		
CPS 4: Police organisations	Context experienced by women *'Non-discrimination'*	Positive recognition of difference	Transformation
Police organisations will cooperate with role players within and outside the criminal justice system – including citizens and civil society organisations – in fulfilling their mandates.	Have efforts been made to engage and cooperate with non-governmental organisations (NGOs) and women's rights organisations (to assist in raising awareness, attracting female talent, and planning effective exchange programmes)?	Have efforts been made to engage with organisations that are responsive to diversity?	Have efforts been made to cooperate with women's rights organisations and NGOs that offer services to women? Have budgetary allocations been made to ensure that there are training and exchange programmes for women?

STEP 3: Develop the tools.

Utilising a gendered analysis of the Common Policing Standards, develop tools to collect the necessary information. Examples of tools for the review would include questionnaires, interview guidelines, workshop notes, and community theatre. States can also use tools such as community storytelling and role playing.[34] The aim should be to develop tools that will be accessible to women and which will aid in building a 'broad-based but low-cost consultation process'.[35] These tools should reflect women's specific needs and experiences in relation to experiencing crimes and perpetrating crimes, as broadly identified above. The focus should be on areas that have informed women's experiences of policing services and the violence and harassment they have experienced.

Examples of questions that could be included in surveys (aimed at women within the community) are:

- Do you feel safe when reporting crimes to the police services?
- What are some of the challenges you experience when reporting crimes?
- What would you say are the biggest risks to your safety?
- What are some of the difficulties you experience in relation to protecting your property rights?
- Are the police responsive (respectful, helpful and sensitive) when dealing with domestic violence, sexual violence or sexual harassment?
- What aspects of the policing service enhance gender equality?
- What aspects of the policing service would you change?

Given the importance of combatting violence against women, it is necessary to ensure that community members are asked about social norms, such as underlying beliefs regarding gender roles and violence against women, how cases are handled, and any other aspects of GBV that pertain to the community.

These tools should be translated into context-relevant languages and should be tailored to ensure accessibility. Where literacy levels are low for example, visual tools should be adopted and community discussion groups should be held.[36] This will aid in creating an informal, safe and open environment for dialogue.[37]

It is important to ensure that the consultation process utilises a wide range of sources of information such as surveys, qualitative data, desk research, stakeholder engagement and focus groups. This will aid in ensuring a comprehensive and reliable assessment of gender-equality needs within the policing sector.

STEP 4: Collect and manage the data.

In order to undertake an effective needs assessment and ensure that operational interventions are supported by accurate data, police institutions need to focus on collecting sex-disaggregated data. Examples of information that should be recorded include the type of violence or crime experienced by women, as well as information on the status and gender identity of the victim, including their refugee and socio-economic status. Information should also be gathered relating to their capacity to access socio-economic resources, such as alternative shelter, and to their capacity to afford legal representation. Police services should also record what actions are taken when GBV crimes are reported and what follow-up actions are planned.[38] This data is necessary because, in spite of its high prevalence, GBV crimes remain under-reported. Data also needs to be collected on how women police officers are treated and on the extent of sexual harassment and gendered barriers to mobility within the institution.

This information is essential in order to guide policymakers and programme designers in tracking, assessing and developing gender-responsive intervention points. This data is also essential in ensuring that the allocation of resources is appropriate.

Reliable and credible data is, furthermore, the foundation for effective policy formulation and should play a key role in planning, costing, implementing, evaluating and reviewing planned programmes and policies. Sound information also leads to clear roles and responsibilities for key players and can contribute to addressing gendered challenges in service delivery.[39]

Given that the needs assessment entails the collection of significant amounts of data, it is necessary to ensure that the organisation has an effective information management system. This also calls for cooperation between different levels of government, civil society, women's rights organisations and NGOs. Cooperation is further important in relation to collecting information on certain forms of violence, such as human trafficking. An effective information system that enables cooperation between different organisations, such as women's NGOs and government institutions, could additionally track the trends and incidences of other forms of GBV as it relates to specific demographics and to other intersecting axes of disadvantage. An effective information system can further foster the necessary cooperation that is required for a multisectoral response to GBV.

STEP 5: Utilise the data to identify gaps and develop an action plan.

Once the data is collected, it will need to be analysed by the task team and utilised to determine the necessary intervention points that should be prioritised within the particular member state. The assessment should result in well-defined gender-equality objectives linked to priority actions and clear timelines. These are necessary for defining a comprehensive, strategic course of action.

An example of a simplified gender action plan[40] that would need to be further adapted is shown below:

FOCUS AREA	Personnel/gender representation (police institutions)
INTERVENTION POINT	Review existing HR policies as well as recruitment policies and advertisements
DURATION OF THE INTERVENTION	Six months
RESPONSIBLE PARTY	Manager, steering committee
MONITORING AND EVALUATION	To be reviewed against substantive gender-equality indicators and outcomes
RISK MANAGEMENT	Ensure that it does not become a box-ticking exercise. Ensure that the person reviewing the policies has the necessary gender expertise

5.2 Building capacity

In order to ensure that police institutions are able to achieve these goals, there is a need to improve capacity and to foster a culture of gendered responsiveness. This entails a number of strategic steps, such as training of police personnel and ensuring appropriate budgeting, which are outlined in the following sections.

5.2.1 Cultivating a supportive and cooperative political environment

Successful implementation of the gender-mainstreaming project necessarily requires the collaboration and coordination of state and non-state actors. When a gender analysis (national needs assessment) is undertaken in a participatory, consultative and interactive manner with all levels of society, this will aid in ensuring political and social ownership as well as commitment to the gender-mainstreaming project. The gender-mainstreaming project therefore needs to be informed by an integrative and collaborative approach which recognises the complexity and multidimensional nature of GBV and seeks to create linkages, and logical chains of cooperation, between actors in the different sectors.[41]

In order to ensure political cohesion and support, it is important to ensure that the project's gender-equality vision has a clear focus and provides direction for both the public sector and citizens. The project's vision should be rooted in broader government policy and/or national development objectives that support human rights and gender equality. There is also a need to widely disseminate and communicate the gender-equality vision statement in simple terms both within and outside the government, including at the highest levels of politics.[42]

This should be supported by holding targeted awareness-training seminars and peer learning forums with management and senior officials from other institutions (such as NGOs and civil society organisations focused on women's rights) that are already undertaking work on gender in policing services.[43] These measures should be accompanied by information and awareness campaigns, media strategies and regular reviews.[44] This will aid in shaping norms that contribute to challenging gender discrimination.

Securing leadership of, and commitment to, the gender-mainstreaming project at the highest political level will further enable leadership within police institutions to engage with the relevant governmental and non-governmental stakeholders on a comprehensive coverage of gender-equality issues.

Furthermore, sustainable gender-mainstreaming efforts necessarily engage and include a broad range of political and public actors. These stakeholders not only play a role in supporting gender mainstreaming, but can also provide valuable feedback and can serve as accountability mechanisms in their own right.[45]

5.2.2 Skills development for senior management

One option can be to establish a steering committee within the policing institution which will be tasked with guiding and championing gender-mainstreaming efforts. While the details regarding a steering committee will be traversed at a later stage, this section examines the specific skills that managers and members of the task force will need in order to have the capacity to support gendered responses to policing.

In particular, efforts to improve capacity should focus on developing the analytical, planning, cooperative and technological skills of managers. Managers should therefore have the capacity to:

- Raise awareness, communicate effectively, and guide employees in respect of gender-mainstreaming initiatives;
- Network and cooperate with political departments and governmental institutions;
- Develop and implement appropriate gender-mainstreaming methods and tools;
- Create a gender-equality competence development plan;
- Establish and maintain a gender information management system; and
- Monitor and evaluate the process of organisational change and the progress made in implementing gender mainstreaming.

The benefits of this training include:

- Improved capacity to cooperate with relevant stakeholders;
- The capacity to consider gender equality as a core aspect of daily policing work;
- The capacity to identify and tackle resistance to reform;
- The capacity to identify and empower drivers of change[46] with decision-making power; and
- The capacity to contribute to gender-sensitive budgeting by identifying the need for resources.

5.2.3 Engaging with men and boys

While police services should be responsive to the communities they serve, with efforts being made to engage with members of the community, this engagement should involve both men and boys and women and girls. This is because violence and discrimination against women are not 'women's issues'. They are broader social issues, with the majority of GBV being perpetuated by men and boys.

A key element in addressing this reality is to attempt to change the culture of harmful gender norms and discrimination that contributes to GBV. This has been underscored by Madame Cisse Mariama Mohamed, Director of Health, Humanitarian Affairs and Social Development, at the African Union (AU) Commission. Speaking at the 2021 Annual Continental Coordination Platform (which focused on implementing National Spotlight Programmes), she stated:

> *A boy who witnesses any male role model in his life being violent and abusive will grow up believing this is the norm. This turns into a vicious intergenerational cycle where boys internalize a view of manhood that is equated with physical and sexual aggression and dominance over girls and women.[47]*

GBV carries social and economic costs for the whole of society while also having a negative impact on men and boys. Efforts to combat GBV need to refrain from enforcing the idea of women as passive victims and men as lawless perpetrators. GBV is far more complex and often involves the transfer of intergenerational patterns, thereby harming social norms and cultural expectations.

Men and boys therefore need to be included – through efforts such as targeted programming – in order to raise awareness concerning harmful attitudes and behaviours that contribute to GBV.[48] Part of these programmes may focus on diminishing the stigma associated with violence experienced by men and boys, a stigma that is often gendered. Programmes should also encourage men and boys to become positive role models and to take action against GBV.

Police institutions need to initiate community-based awareness-raising regarding GBV in a manner that supports endeavours to halt violence against women and transform policing institutions into gender-responsive spaces.

While further research is needed, studies have shown that collaborating with boys at an early age when their attitudes to gender relations and roles are still receptive, can be beneficial. Working with groups, in a manner that is supported by 'community-wide sensitisation campaigns', has been shown to be particularly effective.[49]

5.2.4 Budgeting for and allocating appropriate resources

Policy commitments can only be realised if sufficient funds are allocated for their implementation. Limited resources make it imperative that both governmental and non-governmental organisations adopt innovative approaches to allocating existing resources. One example of an innovative approach is the adoption of a gender lens when interrogating and developing public budgets.[50] This approach can serve as a powerful tool in measuring

the impact of expenditures on both women and men. It can further ensure the equitable use of existing resources. This analysis is crucial in promoting gender equality.[51]

Gender-responsive budgeting is a necessary tool to ensure that policy commitments are reflected in adequate budget allocations. The Council of Europe defines gender budgeting as an assessment of budgets 'incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality'.[52] The overarching goals of gender-sensitive budgeting therefore include:

- Promoting accountability and transparency in financial planning;
- Increasing the participation of women in budgeting; and, ultimately,
- Advancing gender equality and women's rights.[53]

The Beijing Platform for Action explicitly refers to the need for the 'integration of a gender perspective in budgetary decisions on policies and programmes, as well as the adequate financing of specific programmes for securing equality between women and men'.

The first step in ensuring more gender-responsive budgeting entails collecting gender-disaggregated data to facilitate a gender-specific analysis of revenues and expenditures. Part of this analysis involves reviewing the gender balance within the ranks of personnel as well as reviewing the gender wage gap.[54]

After identifying the issues within the ranks of police personnel (such as insufficient women officers), it is necessary to take steps to address these gaps and to build the capacity to do so, while identifying outcomes. For example, the police institution can develop policies on equal pay and on increasing the recruitment and retention of women.

Following this, there is the need to analyse how existing budgetary allocations impact gender equality. For example, it is necessary to determine if efforts are being made to ensure that adequate resources are allocated for programmes aimed at ensuring gender equality (such as 'one-stop shops' for survivors of GBV), or to examine whether women benefit equitably from service delivery.[55]

It is important to emphasise that gender-responsive budgets are not separate budgets for women. 'Gender-responsive budgeting' refers to general budgets that are planned, approved, implemented, monitored and audited in a manner that is responsive to gendered needs. The ultimate goal of a gendered analysis of budgets is to ensure that resources are spent in a manner that eliminates gender inequality. Gender-responsive budgeting needs to be further supported by effective monitoring, evaluation and auditing. In order to ensure a truly participatory approach, budgetary allocations need to be transparent and accessible to members of the public. This provides women with the opportunity to challenge existing budgetary allocations.

5.3 Transforming police organisations

Policing has long been considered a masculine occupation, with masculine traits such as aggression and forcefulness often being fostered and celebrated. Globally, the representation of women in police institutions is low, making the police occupation highly gendered.

According to the British Association of Women in Policing, only 28% of police officers were women in 2014. In Nigeria,[56] only 10% of police officers were women, according to a 2016 study, and, in 2018, research revealed that women made up only 26% of police officers in Ghana.[57]

While masculine traits have their value, research has revealed that the overly masculinised occupational culture within police institutions effectively filters through into their work on crimes that affect women.[58] As a result, the internal culture within police organisations often serves as a barrier for women's ability to access justice. Many survivors of GBV have refrained from reporting these crimes owing to their fear of experiencing further violence, shame and embarrassment, as well as the trivialisation of their experiences.[59] Police officers who subscribe to the overly masculine culture of policing are, furthermore, more likely to commit violence against their intimate partners.[60] In order to ensure that the core purposes of policing institutions are fulfilled, it is necessary to examine how and where the internal culture within policing institutions can be transformed.

5.3.1 Inculcating an attitude of zero tolerance of GBV within policing institutions

One potential avenue for transforming the culture within police institutions is to adopt an attitude of zero-tolerance of GBV within such institutions. This is necessary given that GBV has significant socio-economic costs. For individuals, this violence causes pain and trauma. On a social level, GBV leads to the breakdown of family units while placing heavy costs on the government, including healthcare costs, the cost of social services, criminal justice costs, and costs related to absenteeism from work.

As police officers are often the first point of contact for women experiencing violence, it is imperative that police institutions lead the way in developing and popularising a zero-tolerance policy in respect of GBV, including sexual harassment and other forms of sexual violence within the organisation.

Police officers should, furthermore, be trained in the need to combat GBV within society in general. An effective policy on sexual harassment within the police institution will predetermine the process for investigating and punishing sexual harassment regardless of individual responsibility, extenuating circumstances, personal relationships and employment history. Leaders within police organisations must be particularly clear that they are committed to upholding a zero-tolerance policy and that it must be practised every day.

As emphasised by United Nations (UN) Women:

> Harassment of all kinds, including sexual harassment, is not [complimentary], humorous, or unavoidable. It's not trivial. It's not acceptable. It affects all jobs, sectors, and occupations, and it has serious consequences for workers, their families and communities, as well as for the reputations and productivity of enterprises.[61]

The time and resource implications of investigating and dealing with sexual-harassment cases is a further justification for addressing the underlying culture which perpetuates sexual harassment and other forms of GBV within policing institutions and in society in

general. Policing institutions that wish to save time and resources, as well as ensure excellence in terms of their services and members, therefore need to address and deal with any form of sexual violence that occurs within the police service.

5.3.2 Establishing one-stop protection units

Where possible, police institutions should establish one-stop centres. These centres should provide policing, investigative and comprehensive healthcare services for survivors of GBV. Such centres are recognised as a best practice in combatting GBV.

Where it is not possible to have a 'one-stop shop', police institutions should establish core protection units within the police station that will work closely with referral-network actors such as shelters, women's rights NGOs, healthcare facilities and legal-aid services. There should also be close collaboration with border control and immigration staff (to address human trafficking). These units also have a role to play in fostering a zero-tolerance attitude to GBV, both within the institution and within the broader public. In order to ensure that these units function optimally, there are a number of operational interventions that need to occur.

Protection units should not, however, be relegated to the sidelines or be seen as units dealing with 'separate women's issues'. They should be independent with sufficient resources as well as sufficient management authority.

5.3.3 Developing standard operating procedures for dealing with GBV

It is important to ensure that there is uniformity and consistency across various sites regarding how police personnel respond to GBV, that is, that there are standard operation procedures (SOPs). These SOPs should also give clear directions to personnel and communicate explicit expectations in respect of the well-defined responsibilities of specialised police, competent agencies, other institutions, and personnel involved in GBV preventive efforts.[62]

An effective SOP describes the minimum actions necessary in order to respect international and national human rights standards while also assisting in ensuring a survivor-centred approach to caring for GBV survivors. The 2014 Kenyan National Policy[63] for Prevention and Response to GBV serves as an example of a holistic approach to GBV. While the policy sets out the important overarching goals that must inform such a policy, there should be a deeper appreciation of the need to transform the institutional culture within police institutions.

5.3.4 Providing training on a recurring basis

All individuals and bodies that play a role in combatting GBV and gender inequality, as well as well as those responsible for monitoring and oversight of police performance, may require training in gender issues that is appropriate to their specific roles. Examples of training topics could include the following:

- National and international laws on gender and equality applicable to the police service;
- How to implement institutional policies and directives on gender and equality through a gender-mainstreaming strategy;
- How crime and insecurity have a differential impact on women, men, girls and boys in different parts of the community;
- Understanding the root causes of GBV;
- The importance of gathering forensic evidence and of the chain of custody in respect of evidence collection;
- How to handle specific gender-related crimes, such as domestic abuse, sexual violence, and trafficking in human beings;
- Sensitivity training in how to respond to trauma and GBV;
- Understanding the safety and ethical implications of interviewing and treating survivors;
- Understanding the integral importance of police services in combatting GBV;
- Gender issues in the workplace, such as preventing/combatting sexual harassment and putting in place family-friendly policies;
- Collecting and analysing sex-disaggregated and other gender-related data; and
- Involving women and men in the community in oversight processes.

Training should be provided consistently, preferably on an annual basis where possible. Periodic surveys and reviews should also be undertaken to determine the extent of knowledge retention and application.

5.4 Facilitating equal opportunity and inclusion within police institutions

As emphasised by research, gender awareness and policy creation alone will not lead to transformation and, ultimately, to gender equity.[64] Gender discrimination and gender imbalance continue to plague even those organisations that do have policies on equal employment opportunities. What is therefore required is a deeper cultural transformation. In order to translate the Common Policing Standards into meaningful measures for women, policing institutions need to tackle the root causes of structural injustice while questioning who holds power and how it is exercised. Efforts also need to be made to address restrictive and discriminatory norms while deepening inclusion.

Studies[65] have highlighted a number of strategic steps that can be taken to bring about greater representation and ultimately ensure more gender-responsive policing. In accordance with the present guidelines, police institutions should:

- Gather data on the number of women police officer applicants and compare this information with the number of women recruits;[66]
- Conduct focus groups, in-person surveys and, where possible, online surveys with women and men personnel members to identify barriers to recruiting women;
- Integrate gender perspectives and objectives into existing strategic planning processes and policies;
- Ensure that specific activities, such as training, mentoring and networking activities, are undertaken as needed so as to support the under-represented gender;

- Change job descriptions and promotion criteria in a manner that includes gender knowledge and skills;[67]
- Change policies that disadvantage personnel for taking parental leave;
- Implement training concerning gender, diversity, and sexual harassment;
- Build alliances with women's organisations, NGOs and ministries; and
- Address gendered barriers to training arising from, for instance, the location of training and from the inadequate provision of childcare (or a complete lack of it).

5.5   Risk management

Throughout the process of gender mainstreaming, efforts must be made to ensure that women are consulted. Attention must also be paid to the reality of gendered power imbalances and how this may impact the capacity of vulnerable groups to freely express their needs and concerns. While gender remains the focus, there is a need for an intersectional understanding of gender. This is imperative for every stage of the gender-mainstreaming analysis. It should be ensured that the gender-mainstreaming project does not become a box-ticking exercise devoid of substantial transformation.

5.6 Monitoring and evaluation

The primary objective of a monitoring and evaluation framework is to have indicators that help civil society groups assess whether the EAC member states have managed to infuse the Common Policing Standards with an understanding of substantive gender equality. There is therefore a need to monitor and evaluate progress regarding: gender parity (equal representation and participation of women and men); equal access to services (equal access, quality, and services that focus on the specific needs and experiences of women); and transformation (transforming the gender order, and changing the existing distribution of resources and responsibilities to create balanced gender relations).[68]

Below is an example of a simplistic outline of a monitoring and evaluation framework that can be further adapted to the specific context.

COMMON POLICING STANDARD 1: ACCESS TO SERVICES					
Strategic intervention	Proposed activity	Expected outcome	Performance indicators	Timeline	Responsible party

5.7 Implementation

Recalling EAPCCO resolution REC/EAPCCO/LSC/47/4 which called on member countries to develop guidelines that give a broad interpretation of how the Common Policing Standards can be made operational from a gender perspective and REC/EAPCCO/LSC/48/2, recommending the development of these regional Guidelines aimed at operationalising the Common Policing Standards from a gender perspective,

EAPCCO shall facilitate the domestication and implementation of these Guidelines by: Fostering Regional, Cross National and National Cooperation in disseminating the Guidelines

- supporting the development of tools to facilitate the implementation of these Guidelines
- encouraging members to review existing procedures and policies from a gender perspective as espoused by these Guidelines and provide regular feedback to EAPCCO on progress to mainstream gender in policing in East Africa.

6. Concluding remarks

While the Common Policing Standards reference women and gender, simply extending existing services to women is insufficient if police organisations are to challenge the status quo and contribute to fostering substantive gender equality. There is therefore a need for training in the socio-economic and cultural context informing women's access to, and experience of, policing. This recognition then needs to be supported by providing services that are responsive to these experiences in a manner that recognises intersecting axes of disadvantage while celebrating diversity. Ultimately, what is required are proactive, positive measures that challenge stereotypes, redistribute resources, and shift social power imbalances in a direction that effectively benefits women. In addition, a transformative approach to representation is necessary in order to move beyond simply increasing quotas and establishing 'gender desks' within police institutions. Instead, there is a need for a deeper transformation of institutional culture, coupled with adequate budgetary allocations that ensure women's needs are prioritised. This is integral to the whole process, as it is not only what police officers do, but also how they do it that has an impact on women. An engendered approach to the Common Policing Standards, informed by the values underlying substantive gender equality, could therefore facilitate a shift towards more holistic and responsive police services that ultimately transform gender relations.

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Notes

Notes

Notes

The guidelines on Implementing the Common Policing Standards from a Gender Perspective in the East African Community (EAC) were approved in 2022 by the East African Police Chiefs Cooperation Organisation (EAPCCO). Their approval is a concrete regional commitment to developing an approach to policing that reflects the legal, political and community demands for good governance and rule of law within the East African region.