



HUMAN RIGHTS AND GENDER IN SECURITY SECTOR REFORM FOR LEGISLATORS AND LEGISLATIVE STAFF

This document answers the following basic questions:

1. What are Human Rights?
2. What does a Human Rights Based Approach to Security Sector Reform (SSR) mean?
3. What are some of the normative frameworks guiding Nigeria's national and international obligations on human rights as they relate to the security sector?
4. How can human rights be integrated into SSR?
5. What is gender and gender mainstreaming, and why is it important to security sector reform?
6. What are Nigeria's national and international obligations on gender as it relates to security sector reform?
7. How can gender issues be integrated into security sector reform processes and institutions?
8. How can gender be integrated into NASS oversight of the Nigerian security sector?
9. How can Gender be Mainstreamed into SSR Especially in Police and Defence Reform?
10. How can NASS ensure gender mainstreaming in Police and Defence Budgeting?
11. What are the key challenges for the integration of gender issues in the security sector?
12. What should legislative committees look out for in their oversight?
13. How can the National Assembly be strengthened to improve their expertise in carrying out effective oversight of gender mainstreaming by security agencies?
14. What are some examples of good practices of gender mainstreaming and responsiveness in Security Sector Reform?

1. What are Human Rights?

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. These basic rights are based on shared values like dignity, fairness, equality, respect and independence. These values are defined and protected by law and are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.

These rights are all interrelated, interdependent and indivisible, because the improvement of one right facilitates advancement of the others, likewise, the deprivation of one right adversely affects the others. According to the United Nations, human rights, 'ensure that all human beings are able to fully develop and use human qualities such as intelligence, talent, and conscience which are essential to the full development of individuals and communities'.

Further, the 1993 Vienna World Conference on Human Rights, for example, noted that 'it is the duty of States [and state institutions] to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.' States therefore assume the obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to fulfil means that States must take positive actions to facilitate the enjoyment of basic human rights. It is important to note that while we are entitled to our human rights, we should also respect the human rights of others.

Within the Nigerian Context, the 1979 and 1999 Constitutions makes provision for the bill of rights, while Chapter II recognises Economic, Social and Cultural Rights. In 2006, a comprehensive National Action Plan for the Promotion and Protection of Human Rights in Nigeria (NAPPHRN) was developed in response to the Vienna Declaration and Programme of Action that was adopted in 1993. The rights that were covered therein included Civil and Political Rights; Economic, Social and Cultural Rights; Rights to Sustainable Development, Peace and a Protected Environment; and the specific Rights of Women, Children and Young Persons.

2. What does a Human Rights Based Approach to Security Sector Reform (SSR) mean?

A Human Rights Based Approach to SSR means empowering security and justice providers to respect, protect and fulfil human rights. It also seeks to empower rights-holders and affected communities to claim their rights in the national security agenda. It requires equipping security, and justice providers to deal with the realities of conflicts that include sexual and gender-based violence as a weapon of war, mass human rights violations and

humanitarian crises, health epidemics such as HIV/AIDS, and sexual abuse and exploitation by defense sector personnel themselves. It equally involves incorporating principles of human rights, democracy, and gender in trainings, programs, and missions in preparing forces to meet these challenges.

A human rights-based approach to security sector reform also refers to the conceptual framework that guides the development of human capacity in line with international/national human rights standards in the transformation of security institutions to activate an effective, legitimate and democratically accountable role of providing external and internal security by the state for its citizens. For instance, under the NAPPHRN, it was noted that within the context of Civil and Political Rights in Nigeria, one of the major challenges that is being faced is in relation to the violation of the protection of Privacy and Family Life, especially by security agents due to lack of sufficient trainings by on respect for fundamental human rights while carrying out their duties.

3. What are some of the normative frameworks guiding Nigeria's national and international obligations on human rights as they relate to the security sector?

At the international level, they include:

- The African Charter on Human and Peoples' Rights;
- The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);
- The United Nations Convention on Rights of the Child (CRC);
- The United Nations Convention on the Status of Refugees;
- The African Charter on the Rights and Welfare of Children;
- Organisation of African Unity's Convention governing the Specific Aspects of Refugee Problems in Africa;
- The International Covenant on Civil and Political Rights (ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (ICESR);
- The Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (Convention Against Torture);
- The Convention on the Political Rights of Women; and
- ECOWAS Protocol on Democracy and Good Governance, 2001

At the national level, they include:

- The Constitution of the Federal Republic of Nigeria, 1999. Chapter IV contains the officially known Fundamental Rights. These rights include: The Right to Life; The Right to Dignity of Human Person; Right to Personal Liberty; Right to Fair Hearing; Right to Private and Family Life; Right to Freedom of Thought, Conscience and Religion; Right to Freedom of Expression at the Press; Right to Peaceful Assembly and Association; Right to Freedom of Movement; Right to Freedom from Discrimination; Right to Acquire and Own Immovable Property anywhere in Nigeria.
- The Violence Against Persons (Prohibition) Act (VAPP), 2015.
- Laws establishing ombudsman bodies such as:
 - The National Human Rights Commission (NHRC) Act, 1995
 - The Public Complaint Commission (PPC) Act, 1975.
 - Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2003 (establishes the National Agency for Prohibition of Trafficking in Persons).

4. How can human rights be integrated into SSR?

The goal of Security Sector Reform is “the enhancement of effective and accountable security for the State and its peoples, without discrimination and with full respect for human rights and the rule of law.” (United Nations: 2012) In ensuring that security sector reform efforts are done in accordance with human rights norms and principles, the following could be utilised as ways of integrating human rights in SSR:

- *Comparing security sector reform proposals to human rights principles.* This would require legislators and other key stakeholders to assess reform ideas against the human rights framework to ensure that the reform proposals are in conformity. This comparison would also highlight potential conflicts with human rights laws and proffer ways to resolving them.
- *Conducting a human rights audit of security sector related laws.* This involves reviewing existing laws that have a bearing on the security sector in Nigeria with the aim of identifying laws that are not compliant with human rights norms and taking the necessary legislative or administrative actions to bring about compliance.
- *Institutional Bodies.* This involves the utilisation of government agencies that provide ombudsman services such as the National Human Rights Commission and Public Complaints Commission to monitor the integration of human rights norms and principles in the administration of security sector agencies. In addition, the establishment and proper staffing of human rights desks in security sector agencies

should be advocated for to allow for a multi-layered approach to monitoring and implementation.

5. What is gender and gender mainstreaming, and why is it important to security sector reform?

'Gender' refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women.' (Geneva Centre for the Democratic Control of Armed Forces, "Gender Equality and Security Sector Reform", SSR Backgrounder Series (Geneva: DCAF, 2015).

Gender is NOT about women and girls alone but encompasses the relationship between men and women. It is important to security sector reform because it is integral to the principles of good governance, which SSR aims to establish. Also, men, women, girls and boys face different threats to their security and have different experiences. For example, women are most likely to be victims of domestic violence, men are most likely to be victims of gun violence and children (as well as men and women) are prone to be victims of sexual abuse. It is therefore important to pay attention to how these diverse segments of the community are affected by security issues and how to tailor appropriate solutions to address them.

Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. (DCAF, 2015) It is a strategy for making women as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, such that inequality between men and women is not perpetuated. (Agreed Conclusions on Gender Mainstreaming. Geneva: United Nations Economic and Social Council, 1997).

Mainstreaming gender into the security sector improves participation, problem solving and contributes to the overall efficiency and effectiveness of security sector institutions. It is necessary for lessening the culture of sexual exploitation that is prevalent in many military and police forces. It is therefore important to have a strong presence of women, especially in leadership positions, to bring a gender perspective to discussions on security processes. Increasing the number of women police officers for example, can improve responses to crimes involving domestic and sexual violence, which are among the most prevalent crimes in both conflict and post-conflict affected societies.

6. What are Nigeria's national and international obligations on gender as it relates to security sector reform?

The overall objective of mainstreaming gender into the security sector reform is to ensure that women are given visibility within the operational dynamics of the security and defence

sectors. Nigeria's obligations include incorporating women into high-level decision making bodies that are responsible for developing the national security plan, having a gender responsive policy with respect to recruitment and promotions of Officers and (wo)men in the defence and security sector in line with:

- the UN Security Council Resolution 1325 on Women, Peace and Security (2000), which stresses the importance of women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security;
- the United Nations Security Council Resolution 1960 (2010), which calls for an expanded mandate to comprehensively address sexual violence, when used as a tactic of conflict or emerging as a consequence of conflict;
- the 1979 Convention on the Elimination of All forms of Discrimination against women; ensuring that women are an integral part of the judicial processes (such as court martials, panels of inquiry) especially when it pertains to cases regarding women according to the 1995 Beijing Declaration and Platform for Action, protecting women from harassment and molestation within the male-dominated security sector and ensuring that offenders are objectively punished to enhance deterrence in line with the 2008 United Nations Security Council Resolution 1820 and the 2013 United Nations Security Council Resolution 2106; and
- the provision of equal gender specific infrastructure and facilities to cater for particular needs for women within the sector.

7. How can gender issues be integrated into security sector reform processes and institutions?

First and foremost, it is important to rebuild social structures to enable an inclusive and socially responsive approach to security. This will create more room for greater inclusion, participation and improved civilian oversight towards increased women participation in the security sector. Integration of gender is key to operational effectiveness in security agencies, local ownership and civilian oversight, as it not only creates better gender sensitive employment opportunities but also increases participation of women in the sector.

Gender can be integrated into SSR through the following:

- Monitoring the number and percentage of women in the police, military forces and in the judiciary and court system;
- the number of staff of security sector agencies trained on gender issues;
- the standing of women within security personnel (in terms of pay, benefits, advancement potential, sexual harassment, etc.);
- the number and percentage of operations with gender advisors or focal points;

- the number of cases of sexual abuse by security personnel investigated and acted upon;
- mechanisms for oversight of the security sector both by the government and civil society;
- budget allocations that address the different needs of women;
- the number and percentage of women security personnel deployed to conflict areas and the number of girls affected by the conflict; and
- the number and percentage of women and girls in demobilisation, disarmament, and reintegration (DDR) processes.

8. How can gender be integrated into NASS oversight of the Nigerian security sector?

Integrating gender into NASS oversight of the Nigerian security sector requires instituting a strategy that will ensure that security agencies are gender sensitive, do not reinforce inequality or fuel vulnerability of certain groups based on sex or socially ascribed perceptions. NASS can achieve this through the following:

- Creating gender caucuses aimed at bringing together male and female legislators to support the integration of a gender perspective in legislative work.
- Creating women's caucuses or groups for women in parliament to increase their visibility and leverage. For instance, some caucuses include all female parliamentarians by design, as is the case in Rwanda's Forum des Femmes Rwandaises Parlementaires, Liberia's Women's Legislative Caucus, or South Africa's Multiparty Women's Caucus. These groups can be useful forums for promoting gender-sensitive oversight of the security sector.
- Demanding government reports on the gender composition of security sector personnel and plans for working toward equal access and opportunity for women and men.
- Demanding government reports on the gender breakdown of troops sent abroad (usually to peacekeeping missions) and on the treatment of potential cases of sexual misconduct, abuse or exploitation by troops abroad.
- Application of gender-responsive budget analysis to all SSR initiatives by requesting that government reports on the proportion of public funds used to prevent and respond to sexist, sexual crimes and other forms of gender-based violence (GBV), including reproductive health rights.

At the level of committees, especially defence and security committees, NASS should:

- Work with civil society organisations, especially women's organisations, to get inputs on laws and policies so that they respond to the needs of all members of the population.
- Work with the National Human Rights Commission to monitor human rights violations, discrimination, sexual harassment, or abuse by public and private security providers.
- Consult with external stakeholders, especially at the grassroots level to get broad-based input on security policies, through hearings or town hall meetings with constituents.
- Utilisation of gender experts for committee work.
- Ensure the inclusion of women in the composition/constitution of security sector committees

9. How can Gender be Mainstreamed into SSR Especially in Police and Defence Reform?

Gender can be mainstreamed in Police and Defence Reform, through the following ways:

- Conducting gender-responsive SSR assessments, including sex-disaggregated data and surveying the police and defence sector to ensure that the different security and justice needs of women, men, boys and girls are recognised.
- Reviewing and revising existing security-related legislation, policies, codes of conduct and protocols to ensure that they are not discriminatory and take into account the specific needs of women, men, boys and girls.
- Establishing strategic targets and specific initiatives to increase the recruitment, retention and advancement of women and other under-represented groups in security system institutions and oversight bodies.
- Implementing specific policies, mechanisms and programming to prevent, address and punish gender-based violence and discrimination against women, girls, men and boys, including by security system personnel.
- Including gender training as part of the core training curriculum of police and defence personnel at all levels.
- Ensuring that security sector oversight bodies address the different security and justice needs of women, men, boys and girls; gender-based violence and discrimination; and collaborate with civil society such as women's and human rights' organisation; address discriminatory attitudes and culture of security system institutions.
- Involving urban and rural women's organisations, including community-based organisations, in SSR policy-making and programming as part of broadening civil society participation in SSR.

Source: OECD DAC Handbook on Security System Reform (2011)

10. How can NASS ensure Gender Mainstreaming in Police and Defence Budgeting?

Understanding that budgets are not gender-neutral: The National Budget is important for shaping the country's social and economic development, deciding priorities for action and determining allocation of resources. Public budgets are however not gender-neutral in their effects - they affect men and women in different ways, in terms of both revenue and expenditure.

Adopting Gender Responsive Budgeting: This is budgeting that integrates a gender perspective and tracks how budgets respond to gender equality commitments and targets. It is a tool for effective policy implementation where one can check if allocations are in line with policy commitments and are having the desired impact. It does not involve creating separate budgets for women or aim solely to boost spending on women's programmes but aims to take better account of social realities and enable policymakers understand how to adjust priorities and reallocate resources to live up to national commitments on promoting women's rights.

It involves analysis of actual expenditure on women and girls as compared to men and boys, taking into account their different needs and priorities. NASS can use the following steps in mainstreaming gender in the budget:

- i. Describe the situation of women and men, girls and boys (and different sub-groups) in the sector.
- ii. Check whether the strategy is gender-sensitive i.e. whether it addresses the situation described.
- iii. Check that adequate budget is allocated to implement the gender-sensitive strategy.
- iv. Check whether the expenditure is spent as planned and is gender sensitive.
- v. Examine the impact of the programme or project i.e. whether it has addressed both men and women's needs identified.

Source: International Office for Migration (IOM), Understanding Gender Sensitive Budgeting (2008)

Women legislators are expected to play a key role in stirring public debate and dialogue on these issues, scrutinising budgets and policies to ensure that defence/military expenditures do not take away resources from key developmental issues and ensuring inclusive representation in security structures.

Some good practices from other countries to promote gender responsive budgeting include the following:

- **The Women's Budget Initiative in South Africa:** In 2000, the parliamentary Committee on Improvement of the Quality of Life and Status of Women (CIQLFW) commissioned two NGOs involved with the Women's Budget Initiative (WBI), a pilot project of the Commonwealth Secretariat, to undertake research into the budgetary aspects of violence against women, poverty and HIV/AIDS. Some of the findings have been used in the Committee's reports and can be used in future budget debates. The surveys conducted can also be used as baseline studies against which to monitor government progress on these issues.
- **Institutionalising a gender perspective on the budget in the Ugandan Parliament:** In 1996, influenced by the Women's Budget Initiative in South Africa, the Forum for Women in Democracy (FOWODE), an advocacy NGO, facilitated the formation of a special interest groups (SIG) caucus consisting of women, youth, disabled and working class parliamentarians. They designed a two-year training programme for the caucus and parliamentarians from economic policy and budget committees on gender, economic policy, budget issues and advocacy. Trainers were recruited from academia, ministries of finance and gender, and the central bank. The efforts led to the adoption of a Budget Act in 2001 and creation of a new parliamentary Budget Office to (among others) introduce a gender perspective in its independent analysis of the budget.

Source: Wehner, J., & Byanyima, W. (2004). *International Parliamentary Union (IPU) Handbook on "Parliament, The Budget and Gender."*

11. What are the key challenges for the integration of gender issues in the security sector?

- Lack of capacity and knowledge on gender mainstreaming approach as a strategy to promote inclusivity in the security sector.
- Lack of accountability leading to human rights abuses and sexual violence against women by institutions that are meant to promote and protect human rights.
- Misappropriation of state resources meant for the promotion and implementation of equity and rights-based policies.

- Lack of synergy amongst actors in the formal and informal security sectors, which makes broad consultation on security matters difficult to achieve.
- Absence of standards and minimum procedure for promoting and measuring gender inclusion in the security sector generally.
- Authoritarian, patriarchal and militarised post-conflict societies, which are fragile and divided in nature.
- Divisive dispositions in the society that make it psychologically weak to enforce equality and equity policies.
- Entrenched patriarchal practices and behavior in the society. These practices fundamentally affect the nature and manner in which the security sector is willing to imbibe the culture of inclusion.
- Lack of neutrality of security agencies
- Unequal power relations between men and women, creating unequitable relations and inequality.
- Weak oversight by NASS and other oversight bodies.

12. What should legislative committees look out for in their oversight?

Legislative committees should look out for the following in their oversight function:

- Sex disaggregated data on gender mainstreaming and the composition of security sector, monitoring peacekeeping missions, ensuring that women are included in peace processes and transitional justice, and reforming the judicial system and laws.
- Number and participation of women, gender experts, and women's organisations in official oversight bodies and processes in line with international obligations under the women, peace and security framework.
- Extent of implementation of relevant laws such as laws targeting gender-based violence (GBV) e.g. the Violence Against Persons (Prohibition) VAPP Act, 2015.

13. How can the National Assembly be strengthened to improve their expertise in carrying out effective oversight of gender mainstreaming by security agencies?

- Building the gender capacity of all legislators, both men and women, to address gender issues.

- Ensuring adequate representation of women in NASS committees on police affairs, defence, army, foreign relations, finance and appropriations. However, it is not enough just to have the women there; their knowledge and capacity on these issues must be built.
- Establishing gender caucuses to work with civil society experts to support gender initiatives.
- Ensuring participatory national security processes through consultations and public hearings to facilitate civil society's inputs into SSR initiatives.
- Encouraging women's organisations to participate in such policy consultation processes and being available to hear concerns expressed by women's groups.
- Fostering dialogue to change perceptions on masculinity and promote gender justice through programmes on men-to-men education, constituency outreach, radio programmes, working with traditional and religious leaders, and initiating local programmes that engage men to support women.
- Building the skills and knowledge of legislative staff to enable them provide sound, comprehensive and unbiased advice to legislators. On budgets specifically, there is need for professional staff and/or specialists with reasonable knowledge of the subject who can carry out gender budget analysis and provide brief, accurate, and timely information to use in budget debates.

14. What are some examples of good practices of gender mainstreaming and responsiveness in Security Sector Reform?

- **UK Equal Opportunities Commission and Sexual harassment in the Armed forces**

The UK Equal Opportunities Commission (now part of the Equality and Human Rights Commission) was the independent, public body mandated to work towards the elimination of discrimination and to promote the equality of opportunity between women and men. In 2004, after several high-profile cases of sexual harassment and a high number of complaints, the Commission embarked upon a formal investigation concerning sexual harassment against women serving in the armed forces. The investigation was suspended on the condition of the armed forces' fulfilment of an Agreement and Action Plan to Prevent and Deal Effectively with Sexual Harassment in the Armed Forces. The Action Plan specifically includes undertaking a sexual harassment survey, convening focus groups, determining a standard for recording sexual harassment complaints, appointing an external reviewer to assess the handling of complaints and increasing the number of female trainers.

- **Women's organisations lobbying for democratic reform of the security sector**

In post-conflict contexts, women's organisations often come together at the national level to identify their key priorities in the security and other spheres. For example, in 2003 at a conference held in Washington DC, women from Iraq, including representatives from civil society organisations, government ministers and security sector personnel, identified a number of key SSR priorities, which included training in gender and human rights issues for police and army officers. Such information is a valuable resource for security policymakers and oversight bodies.

In partnership with the West Africa Network for Security and Democratic Governance and Friedrich Ebert Stiftung, the Women in Peacebuilding Network (WIPNET) in West Africa designed a specialised methodology for mainstreaming gender and in particular women's issues in security sector reform.

- **Modernisation and Gender responsiveness in the Nicaraguan Police Force**

At almost 30%, the Nicaragua National Police has one of the highest ratios of women in the Police Force in the world. A broad range of gender reforms of the Nicaraguan police were initiated in the 1990s, following pressure from the Nicaraguan women's movement and from women within the police. In 1996, the principle of gender equality was included in the police statutes and a 'gender perspective' was enshrined as one of their nine institutional principles and values. As part of a project backed by the German development organisation (GTZ), specific initiatives were undertaken such as: inclusion of training modules on GBV within the police academies; set up of women's police stations; reform of recruitment criteria including female-specific physical training and the adaptation of height and physical exercise requirements for women; family-friendly human resource policies; and counselling centres on gender issues to monitor female officers' work conditions.

- **Inclusion and Gender responsiveness in South Africa's security policies**

South Africa's White Papers on Intelligence, National Defence, and Safety and Security include gender-sensitive language, and specifically address Gender Based Violence and discrimination, and equal participation within security sector institutions. Furthermore, women members of the African National Congress' (ANC) women's league and civil society were credited for emphasising a human security focus, turning the discussion from issues of 'state security' to security as a broad people-centred concern. Women organisations also participated in the defence review process that took place post-apartheid between 1996-98, and this was useful in building consensus and legitimacy for the country's reform process. For instance, grassroots women's organisations emphasised the plight of dispossessed communities whose land had been seized for military use, the environmental impact of military activities and the sexual harassment of women by military personnel.

Source: Kristin Valasek. "Security Sector Reform and Gender." Gender and Security Sector Reform Toolkit. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008; Peter Albrecht and Karen Barnes. "National Security Policy-Making and Gender." Gender and Security Sector Reform Toolkit. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008.

- **Some Practices from West Africa**

In Côte d'Ivoire, gender modules have been integrated into the police academy, as well as into training for commanding officers. In Niger, day-care and nursery facilities have been made available in an effort to retain female gendarmes by helping them balance their professional and family responsibilities. In Mali, a project focused on gender awareness-raising in the Malian armed and security forces resulted in Training of Trainers on how to deliver gender training in the security sector. In Liberia, past and continuing violence against women is being addressed through a Special Court established to deal with rape cases and other forms of violence against women.

See more at Source: Miranda Gaanderse "Security for All: West Africa's Good Practices on Gender in the Security Sector." Ed. Kristin Valasek. Geneva: DCAF, 2010

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Policy and Legal Advocacy Centre (PLAC)

Plot 451 Gambo Jimeta Crescent,

Guzape District,

Abuja, Nigeria.

Website: www.placng.org *Email: info@placng.org *Phone: 08091899999

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