

Chapter 26

Transversal Analysis on Gender Component

Ruth Abril Stoffels*

1. Introduction and Overview

Evaluating the actions of the European Union regarding gender issues from within the context of the European Security and Defence Policy framework cannot be carried out without having taken into account a series of internal and external factors which directly influence effect the women and children of involved in these operations.

The following are the most important:

1) The recent incorporation of gender issues within international cooperation. Previously to the Peking Conference, the needs, capacities and specific potential of women had not been taken into account, neither concerning general cooperation nor Development Cooperation, not to mention their assistance within armed conflict scenarios.

2) Mainstreaming¹ is a basic concept for ensuring the success of missions in this field. It is not only a question of specific actions and measures promoting women's rights being in place, rather the interest and resolution of these issues being deeply ingrained in the decision process. Demobilization, disarming and reintegration measures,² are some examples of where female soldiers have not, until recently, been taken into account, resulting in a failure rate as high as 90%³ in some cases. Something which the European Commission itself has defined as “the integration of the gender perspective into every stage of policy processes – design, implementation, monitoring

* Associate Professor of Public International Law. University Cardenal-Herrera (CEU) (rabril@uch.ceu.es). This contribution is made in the frame of the project of the Spanish Ministry of Science and Innovation “Normas de Derecho Internacional Humanitario y de Derecho Internacional de los Derechos Humanos aplicables a organizaciones internacionales, en misiones de paz (DER 2009-13752-C03-02), during a research period at CHRC East London University. It has been published in Spanish in *RGDE*, nº 26, enero 2012, with the title: “La mujer en las misiones internacionales de la Unión Europea”

1 See TOMAS MORALES S.: *La mujer y las Operaciones de Mantenimiento de la Paz*, Dykinson, Madrid, 2010, p 24 and ff. and 127 and ff.

2 EU Council and Commission disarmament, demobilization and reintegration concepts (DDR) approved by the European Commission on the 14th of December 2006 and for the European Union Council the 11th December 2006.

3 Sierra Leone, where the UN operates, is one example of this.

and evaluation – with a view to promoting equality between women and men. It means assessing how policies impact on the life and position of both women and men – and taking responsibility to re-address them if necessary,”⁴ This idea is closely related with the need to recognize women as a victims,⁵ which is what used to be the case, but it is also related with the importance of equal female participation in the processes and policies which affect women as a group and the community to which they belong.⁶ From this perspective, measures should not only be directed towards women; rather measures should also be put into place which affect other groups, but which also have direct or indirect repercussions on women. Thus, all decisions taken, irrespective of the level, the respective field or local population affected, the impact on women who are victims and members of a community empowered with the rights and capacities to participate in the decision making process regarding such issues, including execution and accountability should always be taken into account.

3) Along these lines, the adoption of the UN Security Council Resolution 1325 (2000) galvanized international community awareness concerning the role and needs of women and young girls caught up in armed conflicts. From this moment on, in fact, this document would become the point of reference concerning numerous initiatives adopted by all main international organizations, whether intergovernmental or not, aimed towards the incorporation of gender perspectives concerning their roles in armed conflicts. This is true both of the humanitarian aid provided as of the establishment and consolidation of peace, whether concerning women who are considered to be at risk as those who work as agents of peace and development.

4) The later Resolution 1820 (2008) specifies these issues regarding sexual assault also proved to play an important role towards the development of the norms and guideline procedures of peace missions. Resolution 1889 (2009) focuses on the women’s participation in the processes of construction and consolidation of peace, highlighting the need of their playing an increasingly active role in this field, while

4 http://ec.europa.eu/justice/gender-equality/tools/index_en.htm. Also see SUMER, S.: *European Gender Regimes and Policies. Comparative Perspectives*, Ashgate Publishers, England, 2009, pp. 67 ff. Regarding the concept of mainstreaming its definition and use in United Nations peace operations see: La Incorporación de una perspectiva de género en las actividades de mantenimiento de la paz de 11 February 2003. See UN Doc. A/57/731, 3 February 2003.

5 GARGAM, J. and CHARLESWORTH, H.: ‘La protection des femmes lors des conflits armés’, en *Cours de Formation en ligne sur la problématique home-femme et les opérations de la paix*. Ressources. DFID/ DFAIT, 2002.

6 GUY, A. and SIPOWO, T.: ‘The security Council on women in war: between peacebuilding and humanitarian protection’, *International Review of the Red Cross*, Vol 92, n. 877, 2010, pp. 197 and ff.; HAERI, M. and PUECHGUIBAL, N.: ‘From helplessness to agency: examining the plurality of Women’s experiences in armed conflict’, *International Review of the Red Cross*, Vol 92, n. 877, 2010, pp. 103 and ff.; VILLEJAS ARIÑO, M.: *Hallar nuevas palabras, crear nuevos métodos. La participación de las mujeres en los procesos de paz*. Informe del Centro de investigación para la paz CIP/FUHEM), Madrid; EL JACK, A.: *Gender and Armed Conflict*, Overview Report, Bridge, Sussex, 2003.

the main interest of Resolution 1960 (2010) concerns the struggle against impunity of the conflicting parties and criminals, thus ensuring the possibility of the executing subsequent control mechanisms.⁷ Nevertheless, these are steps that have only just begun to be taken, and there is still much work left to be done.⁸

5) It must also be stressed that one thing is compliance with women's basic human rights within a legal context another is the actual promotion and participation of women towards the construction of peace and development, where their role as active agents of progress and promoters of equality is fully accepted by all sectors of society.⁹ This proves especially important given that the majority of missions concerning women involve working within the generic framework of human rights, specifically referring to gender-based violence, sexual aggressions or other violations of human rights. With this in mind, it is often the case that the same person who carries out the role of human rights adviser is at the same time gender adviser, something which may guarantee human rights in and for the mission, but does not guarantee the promotion of measures which would eliminate discrimination caused by existing gender issues of societies which are in need of the implementation of measures and perspectives with socio-political reach (of which political participation would be one example).¹⁰

6) Furthermore, the total participation of women in peacekeeping operations, from their planning to their execution, through every level of command, from the highest to the lowest, not only in order to ensure that their positions and sensibilities are taken into account, but rather to also serve as an example for those societies in which they operate, when in many cases the successful realization of a range of tasks is due to the fact that it was women who had carried them out (such as interviewing female victims of violence or negotiating with groups of women...). Presently, this is not the case, as the number of women in positions of command of peace missions is much less than the number of men, this is especially true in the case of mission leaders where the difference between the two is scandalously disproportionate. What is more, as is invariably the case of the countries which provide troops, this number is by no means

7 See: VAÑO, R.: 'La década trece-veinticinco: un análisis de género de las operaciones multidimensionales de paz', *Anuario Español de Derecho Internacional*, Vol. 26, 2010, pp. 333 and ff.

8 Among others see: BARROW, A.: 'UN Security Council Resolutions 1325 and 1820: constructing gender in armed conflict and international humanitarian law', *International Review of the Red Cross*, Vol 92, n. 877, 2010, pp. 221 and ff; VAÑO, R., *op.cit.*, p. 333 ff.

9 DE TOMAS MORALES, S.: 'El empoderamiento de la mujer en situaciones de conflicto armado', in Brito, W. and Pueyolosa, J., *Conflictos Armados, Gestión posconflicto y reconstrucción*, Ciencia Iuridica Andaravira Editorial, Santiago de Compostela, 2011, pp. 139 ff.

10 See: FUNMIOLONISAKIN, BARNES, K. and IKPE, E., *Women, peace and security: translating policy into practice*, Routledge, USA, 2011.

proportional with the number of women employed in the armed forces, police, or judiciary, etc.¹¹

7) For the same reason, women employed in the countries where a particular mission is being carried out ought not to solely occupy, as has generally been the case up till now, translation or administrative posts, but rather the same ranking posts as their male counterparts.

8) Communication with the women and groups of women of the very same countries and destined zones of any particular mission is fundamental for the completion of these objectives. Although there may already exist a number of parameters and guidelines, it is also necessary to keep in mind the specific needs and realities of the society and women of the zone in question if an operation is to be both effective and efficient.

9) Finally, although it is possible to work on and find specific data pertaining to gender by the sifting through specific data from every individual mission, this information soon becomes quite opaque. There are, in fact, missions where, apart from information given by its mission leader, little more information is known of the other levels of operations, such as OPLAN, COPLAN or mission reports, etc. (...). As all respective information such as, number of women and men which make up the mission; the existence and functions of the gender adviser; complaints received and measures taken; codes of conduct or recommendations, etc., is deemed to be of a sensitive nature, the degree to which an accurate evaluation can be undertaken proves directly correlative to the lack of organizational transparency at all levels.

10) Take Article 21(1) of the TEU, for example, which sets out “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity”, and by adding to this list the eradication of discrimination against women, we can appreciate the extent to which the European Union should be prioritizing the promotion of equality and the eradication of violation of women’s human rights, especially those deemed most serious and systematic. It then follows that the European Exterior Action Service is in need of the insertion of human rights and gender issues within the Common Security and Defence Policy by means of five specific objectives: the safeguarding of the local population and the achievement of sustainable peace (human security); the gaining

11 MACURANA, D., RAVEN-ROBERTS, A., PARPART, J.: *Gender, Conflict and peacekeeping*, Rowman and Littlefield Publishers, INC, 2005.

of trust; the sending out of clear messages; the creation of the opportunity for change and the maximization of the operation's effectiveness.¹²

11) Despite human rights forming the base and foundation of the very existence of the European Union, until the year 2000 this organization was not in possession of a Charter of Fundamental Rights which, in fact, did not acquire legal effect until 2009. While it is true that the Court of Justice had worked very hard and deeply on human rights, specifically pertaining to issues of equality within the fold of the Union, it is also true that the transference of evaluations and reflections within the context of peace have met with some difficulty. What is more, its second pillar has completely eluded the jurisdiction of the Court of Justice, rendering any analysis of conformity or adequacy of European external actions in these issues pure theory and difficult to execute, there has been little change to this situation as covered by the Treaty of Lisbon.

12) Only ten years have passed since the birth of the UE missions within the framework of the Common Security and Defence Policy. While it is true that the majority of the Member States had already taken part in United Nation missions, also including NATO missions, the attention paid to gender conflicts within these missions has been scarce.¹³ The high standards set by the EU in questions of Human Rights, and the similar compromise of the Member States on Human Rights in International Law, allows for the setting of higher goals with more specific proposals than those put forward by other international organizations. In any case, according to Article 42 of the TEU, the close relationship between the EU and NATO should allow for no discordance. The same should be true when they act under regional accord protected by the United Nations. This means that their coordination and the exploiting of their synergies should always be clear on this issue so crucial for the successful completion of their missions.¹⁴

13) Most part of the missions carried out by the European Union is focused on the capitulation and support of State security forces,¹⁵ the armed forces and judiciary power. A thorough training of those implicated in gender-related issues is, thus, indispensable if they are to form an essential part of the eradication of domestic violence, gender-

12 CATHERUBA W.: 'EEAS CMPD at NATO Workshop on Gender Perspectives Training in the Context of Mainstreaming UNSCR 1325 in NATO-led Operations and Missions', Rome, 2-4th November 2011.

13 CAREY, H.F., 'Women and peace and Security: the politics of implementing gender sensitivity norms in peacekeeping' in *International Peacekeeping*, Vol, 8 (2) (summer 2001), p. 49 ff.

14 GYA, G.: 'The Importance of Gender in ESDP', *European Security Review*, n° 34, July 2007.

15 On this subject see: 'Gender and Security Sector Reform ToolKit', DCAF, Geneva, 2010; Gender & Security Sector Reform. Training Resource Package, Geneva, DCAF, 2010; BOSTICK, M.: *Integrating Gender in Post Conflict Security Sector Reform*, DCAF, Policy Papper, 29, 2008.

related violence or the eradication of behaviour based on the customs and traditional behaviour which are in direct violation of human rights and its most basic standards.

2. Women in EU CSDP Missions: Improvements, Failures and Challenges

Of all the peace missions that the European Union has directed, perhaps the most significant has been the Democratic Republic of Congo mission, a country in which a number of peacekeeping missions of the EU and other international organizations have coincided.¹⁶ It is also a place where, given its own particular situation; the condemnation on behalf of the press and humanitarian organizations; the enormous needs of the female population and the often non-productive, and at times, counter-productive response of the international community (infamously referred to as the 'inadequate behaviour' of the peacekeeping teams) that a series of pioneering initiatives have been adopted, which when compared to other EU and humanitarian organization's peace missions, must be considered pioneering.

Along similar lines, the EU Police Mission in Afghanistan needs special mention, not only for the almost exclusive warlike context in which it has been played out, but also for the profound discriminatory situation in which its women find themselves, which has resulted in many of the applied measures never being repeated by the experts who have worked in this zone, including many of those in current or future operations (such as female engagement teams). It is in this sense that international organizations highlight the impossibility of an adequate process of peace and development in Afghanistan without female participation. For all the above reasons and for all the experience gained in such missions throughout the years, this particular case has proved to be an important example for others.

However, this is not always the case. Take the EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories which raises, as regards its functions, few cases of gender conflict. Nevertheless, other operations, such as the Moldova and Ukraine Border Missions, despite having similar functions, raise problems of a specific nature, such as, human trafficking (especially involving women) but without taking gender-related issues into account.

In the following pages we shall focus our attention on a series of questions which we consider as forming the nucleus of evaluating the action and challenges which the European Union faces in this field: (1) the mission mandates, (2) the training of the members and locally hired personnel hired in the field, (3) leading figures specially

¹⁶ The main European Union and other organization documents on issues of gender, peace and security can be found in: EU/UN/OSCE/NATO: Gender, peace and security documents. http://www.isis-europe.eu/sites/default/files/programmes-downloads/2011_artrel_637_11-05-isis-gender-doc-list.pdf

designed for the improvement of the addressing of gender issues, (4) troop composition, (5) minimum standards of peace keeping contingent conduct, (6) the holding to account, control and development of efficiency indicators regarding gender issues.

2.1. Women in Mission Mandates

If we study the mandates of the distinct EU missions we can confirm that for their most part, at least in their first edition, they contain no direct reference to woman, gender or human rights. Such is the case of EUMMFYR of Macedonia, CONCORDIA/FYR of Macedonia and EUPOL. Also, EUJUST Themis, EUPOL Kinshasa, EUPAT, EUPT Kosovo, EUFOR RD Congo and EUSSR Guinea Bissau.¹⁷ We can find, however, that on other missions such as, EUFOR ALTHEA BIH Artemis/DRC, EUMMACEH, EUSRBST Georgia, EUPOL Afghanistan or EUSEC RD Congo, although no direct reference to women can be found in the mandates, a direct reference can be found with respect to human rights, a fact that has allowed issues of gender-related conflict to be included in this field. Some of these missions, in fact, despite containing no initial reference to human rights or gender, were later developed, whether referring directly to women or whether incorporating human rights in a general manner under the understanding that issues concerning gender-related issues and women in general fell under the same category.¹⁸

Only three of the following three initial mission mandates, EUBAM Rafah, EU Support to AMIS, EUPM Bosnia and EULEX Kosovo make direct reference to women. This proves all the more surprising after revising the general documents of the Council and the Commission, including those pertaining to Parliament itself, in which overwhelming emphasis is given to the importance of the promotion of equality between men and women, transversality and mainstreaming comprises all European Union action, as covered in the resolutions 1325 (2000) and 1820 (2008).

If we move down a level we find ourselves in the operation concepts and plans (CONOPS and OPLAN respectively) which specify the planning of mandate operatives for any given mission, which thus serves as a point of reference for the analysis of the attention given to women. Nevertheless, as the diffusion of these documents is “limited” to only a few exceptional cases, we cannot take stock of their content. Moreover, while OPLAN are obliged to annex specific norms regarding gender issues destined for this specific purpose and, what is more, detailing the requirement to inform on gender issues or any other matter related to gender-related sexual violence, nevertheless,

17 Implementation of EU Policies Following the UN Security Council Resolution 1325, Directorate-General for External Policies, Policy Department, 2010, pp. 165 and ff.

18 Implementation of EU Policies Following the UN Security Council Resolution 1325, Directorate-General for External Policies, Policy Department, 2010, pp. 57 and ff.

these documents are also classified. However, we must also highlight the existence of a whole range of European Union recommendations regarding violence against women and girls, known as the 3 “Ps”, prevention, protection and prosecution.¹⁹

2.2. Contingent and Hired Personnel Training

The prior training of EU troops has been highlighted as critical as well as concomitant to the mission. Thus, the majority of States which provide troops do offer some training courses on gender issues.²⁰ Notwithstanding, it is also imperative that they are trained within the specific mandate framework of reference, training must also continue throughout their call of duty, thus adjusting to the real circumstances that are faced. Such was the case with various missions in DRC in which informative sessions and training was given to the EU contingents covering the problems and specific sensitive issues of the region in reference to gender.

The Union seems well aware of these issues, in as much the Council, “welcomed the document ‘Implementation of UNSCR 1325 and UNSCR 1820 in the context of training for the ESDP missions and operations - recommendations on the way forward’, which outlines how to strengthen ESDP missions and operations through training on gender by improving the coherence and quality of pre-deployment and training in general for staff deployed in ESDP missions and operations; increasing the availability and access to gender training, inter alia through developing elements for the training curriculum on the implementation of UNSCR 1325 and 1820 for ESDP missions and operations; strengthening the links between capability-building, training and deployment; and by raising awareness of gender mainstreaming as a security element and as an important element to achieving greater operational effectiveness.”²¹

Distinct moments, levels and fields need highlighting.

On the one hand, we emphasize the existence of the European Security and Defence College, in existence since 2004, responsible for the training of military and civilian contingents of the EU missions prior to deployment. At the same time, however, there is a necessity for a profound and far reaching study of gender issues, the truth being that the incorporation of these issues in contingent training is a slow process (there have, in fact, only been three specific courses given to a total of 60 students to this date) of which the majority a directed more towards troops rather than high ranking offices. Whatever the case, the capacity of this College is very limited and its total number

19 EU Guidelines on Violence against Women and Girls and Combating all Forms of Discrimination against Them (2008).

20 Spain held the first of these 40 hour courses in June 2011. Many countries offer online courses, but they are very general and few people tend to register.

21 Council Conclusions of PESD 17th Nov 2009, para 86.

of students sparse. What is more, many countries contest the need for such a College given that they are already responsible for the training of their own contingents. While it is true that human rights courses cover these issues, the study of these issues is not one of the College's priorities.

The Commission, for its part, has organized a series of gender-related courses addressing these issues. Although they have focused on issues of development, requiring the attendance of certain officials; it is also true that their length and attendance is quite limited, given that they tend to be ten-hour courses of one week only.

Thus, we can conclude that prior deployment or inclusion training being the responsibility of the country providing contingents can, in some cases, prove to have its advantages, it does, at the same time, demonstrate a lack of interest and coordination of those issues which put the grand proclamations and documents signed by the EU to this respect in an uncomfortable position. To ease this problem, the EU is promoting, financing and participating in some of these courses, which are held on a national level, as is the case with the course which took place in Spain in June or in November in Holland. Other organizations, such as NATO, are also working towards improving advances in this training.²² Nevertheless, the general complaint on behalf of those attending is the need to lower the technical level to a more tactical and operational one which could prove more useful when carrying out their duties. In addition, it must be considered the fact that there exists no official training on a European level.

Regarding on the ground training, once the mission has commenced, we have already indicated the importance of a continued training regime, fitting the training to the context of deployment. As a result, gender advisers play a key role in the organization and assessment of this training (as was the case with EUPOL COPPS). One particular option, used to some effect towards the production of synergies in Bosnia, is generation-participation in multiple on ground mission training forums, whether from the EU or UN, supported by organizations –such as UNIFEM– with extensive experience in the field. Nevertheless, this seems to have been nothing more than a pilot scheme rather than a move towards a first step, given that this practice has not been continued. Moreover, attendance at these courses was mandatory for all operative members.

In practically in every currently deployed European Union mission in different parts of the world there exists a training component for police, soldiers, judges and public prosecutors, including the media, with the aim of converting them into instruments of peace, development and the country's security. It is further understood that issues of gender and human rights are included within these fields.

22 NATO, for example, organized a team specifically dedicated to bettering the training of their troops in gender issues in November 2011.

In this way, EUPM and EUFOR provide courses to cover the gender issues of Bosnian police and soldiers at all levels of command (such as, training sessions on gender issues aimed at police specialized in conflict resolution techniques and education towards peace-building from the gender perspective). EULEX Kosovo participates in the establishment of violence units and the training of officers who aid victims; they are also elaborating human rights guidelines which spell out the deficiencies suffered by women, focusing on gender violence and human trafficking. These guidelines cover such points as the promotion of zero tolerance of abuse and unacceptable behaviour. There are criticisms, however, which state that in the case of human trafficking, this mission is not being effective. Moreover, it is the lack of a female presence which is proving decisive as regards its effectiveness. In EUPOL COPPS operations, despite there being no direct references to gender issues in the mission mandates workshops and seminars are held on such topics as honour killings, domestic violence and other particularly serious problems of the region, all of which with the collaboration of some of the Palestinian institutions.

Operation EUPOL Afghanistan is unique given that the training and full incorporation of women in its State security forces are among its objectives, something which the state had not previously allowed. Furthermore, its aim is to aid them in attaining middling to higher commands thus serving the promotion and protection of women's rights in a society as discriminatory as Afghanistan's. Their incorporation means not only an improvement by means of closer relations and sensibility towards the victims, but also by means of an introduction of new perspectives and parameters in the field.

The training of gender issues to officials at all levels of command, such as medium ranking officers or troops, in the country in which missions are deployed is fundamental (in the case of Afghanistan, the UE is responsible for the higher and medium ranking officers, while the UN is responsible for the training of the troops) this also includes the training of those responsible for the planning, carrying out and assessment of operations.

In many countries where the EU has deployed peace-building missions it is also common for serious problems of physical violence and sexual abuse to go unpunished (Sudan, DRC, Kosovo and Afghanistan). Furthermore, it is the responsibility of the UN, through the formation of various groups of action, to eliminate the tendency of the distinct administrations to allow such crimes to go unpunished, thus deterring such behaviour in the future.²³ In this way, the EUSEC DRC was able to implement

23 See Violence in Armed Conflict Global Overview and Implications for the Security Sector Geneva, DCAF, 2010.

a training project following a national framework of reference in the fight against impunity within the Congolese armed forces.

In reference to the training of the Afghan police, it must be stated that although they fall within the objectives and seminars attended by judges and lawyers who represent the defence of the victims have taken place, the continued situation of conflict in which the police find themselves and the challenges this entails, means the gradual setting aside of these issues within the training program until they have become nothing more than mere side-notes. In any case, the serious problem of the reality of physical violence and sexual abuse against women requires here, as well as in other countries, especially Sudan, DRC, Afghanistan and Kosovo, the eradication of the culture of impunity which exists among officials and staff if this behaviour is to be detected and punished.

Taking all of this into account, it is regrettable that for reasons of finance or context, these types of courses are cancelled or reduced. Such is the case of Afghanistan, where increasing insecurity has for the time being, created the need for the UN to focus on military-defence and anti-terrorist training for the police (meaning the militarization of this body) thus leaving to one side, or even eliminating, training in gender issues. This proves to be a real problem in a country where even female police officers, or members of other state security forces, are victims of abuse and not treated on a par with their male counterparts.

While it is true that, as highlighted by the special rapporteur on violence against women, that the nonexistence of a solid, strong, well-trained police force and corruption are present at the base of the defencelessness in which many women find themselves, it is also true that much work is needed towards the preparation of this police force regarding the detection of crimes such as gender-based violence or sexual assault, including procedural matters and the treatment of the victim directly after assault and when filing charges. On missions aiding the training of state security forces and bodies, the army, judges and public prosecutors, with regards accustoming them with minimum behaviour and standards of human rights and the rule of law, gender issues form the nucleus for matters such as filing charges and the audit process, with all this we can avoid what happens in many of these cases, including those of double victimization. For this reason, it is important to highlight the need for a “mainstreaming” perspective, (which is transversal on gender issues) just as was attempted in the reform of the DRC security system, effecting training and also recruitment, given that candidates’ sexual and gender-based violence history, as stated on their CV’s, were taken into account upon recruitment.

However, given the cultural and sociological components of these types of aggressions, training does not only address the problems of the victim, rather those

of the environment as well. It is apparent that 20 hours of training (sometimes online) is not enough to sensitize and train the trainers on gender issues considering the importance of the task which they face. We must not forget that in many cases the main tasks of these contingents is to prepare other police officers to act as trainers within their own force.

By comparison, it is strange that EUJUST LEX does not offer training courses on gender issues, neither does it address these issues in a transversal manner, despite its mandate including the urgent necessities of the judicial system, within which, of course, are included the issues of gender.

2.3. Experts for the Improvement of Gender Issues on Peace-building Missions

2.3.1. Gender Advisers

Both resolution 325 (2000) and experience have demonstrated that the appointing of male and female Gender Advisers is one of the most useful mechanisms on peace-building missions when dealing with such issues.²⁴ It is advisable that these advisers are kept in continuous contact with all levels of command, where they are also able to recommend, propose and file formal complaints. As a result, as seems to be the case in UN peace missions, mainstreaming perspectives must be adopted. These gender advisers should be present when decisions are made in all areas of the mission's actions. They should, in fact, according to the Council itself, along with Gender Focal Points, "According to the Council "The human rights and gender adviser/focal point should be strategically positioned in the organisation chart, close to the operation or mission management and taking part in strategic meetings, where relevant, so as to have access to the necessary information that mainstreaming inside the operation or mission requires, and the backing to carry out the mainstreaming across different operation or mission components".²⁵

The initial function of the gender advisers was closely linked with the human rights and/or legal advisers, in some cases both jobs were in fact done by the same person, even if this person had not received specific training in gender issues. If it is true that on the one hand this proved positive in some aspects, on the other hand, the eradication of the violation of human rights faced two serious problems, according to the reports. The minimization of gender issues in favour of a wider perspective could be said

24 This is, in fact, mentioned in the document: Conclusions of the General Affairs and External Relations Council (GAERC) of the Council of the European Union Secretariat document (14884/1/06 Rev1) on promoting gender equality and gender mainstreaming in crisis management. In the document dated 13th Nov 2006, a gender adviser is demanded on every mission.

25 'Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions', Doc 17138/1/10, 30 November 2010.

to have a limiting effect on the gender advisers' abilities apply their powers to their full potential. Furthermore, as already stated, if a gender adviser specializes in law, it is quite probable that they are not socially politically active regarding the putting forward of measures which go beyond the denouncing of human rights violations, and thus represent a means towards the eradication of the cultural and social-political origins of these violations.

On the missions in Kosovo and Afghanistan, including other missions where this type of post has been advertised, it is offered to those who have specialized university studies in gender issues and knowledge of the latest developments and advances in this field, including its international, formal and instrumental aspects. Work experience with international organizations is also requested, especially when related to gender issues or "change of attitudes", as is having been trained in such issues, plus experience in development projects is also highly prized, along with formal or informal networking with other gender experts and experience in civilian crisis management.²⁶ However, the reality of the situation is that few people actually fit this profile. As a result, the posts are often filled by people with a much lower profile; some posts are even filled by personnel hired for other purposes, as has already been mentioned above.

This profile adequately describes the duties of a gender adviser. Thus, they are expected to offer technical assistance in the mainstreaming of gender advice in policies, programmes and projects, while being responsible for the follow up and promotion of gender equality and equal opportunities of the mission, plus guaranteeing the participation of women in the resolution of conflicts, evaluation, the establishing of regulations for the achievement of set objectives, support the training of personnel in

26 Under the direct supervision of the HoM the Gender Advisor will be responsible for the following tasks: Provide technical assistance in the mainstreaming of gender in policies, programmes and projects; Be responsible for planning and for following up gender equality; Promote gender equality, equal opportunities in the mission and the participation of women in conflict resolution, giving advice and guidance, setting standards for achievements and developing plans of action; Support the definition of training standards, content and material for the training of staff members on gender-related issues; Facilitate contacts and co-operation on gender issues with other international organisations and non-governmental organisations; Advise and monitor compliance with commitments to equal opportunities in recruitment, reviewing policies and reporting on findings; Have good communication and pedagogic skills with the aim to create dialogs, interests and engagement in the area. Qualifications and Experience Gender Advisor; Advanced university degree in social sciences with focus on gender; Knowledge of the latest international developments in gender methods, approaches and tools for mainstreaming gender and research in the field; Documented experience from gender mainstreaming, education and work in international organisations; Work experience with information and changes of attitudes in the area of gender; Experience of advising, seminars, training and project management as well as collaborations changes and developmental work; Experience working with international development tasks in other international organizations is desirable; Formal/informal networking with other experts in gender, at international level, experience from civilian crisis management operations will be an advantage. See: *Mainstreaming, Human Rights and Gender into European Security and Defence Police*; Compilation of Relevant document (Consilium, 2008).

gender-related issues, facilitate contacts and coordination with other organizations, evaluation and upholding of training directives with regards recruitment, strategy revision, information, and, lastly, establishing facts and motivating workmates towards the achievement of the set objectives of the field.

Of all completed missions, those which did not have a gender adviser nor a human rights adviser,²⁷ were the operations: CONCORDIA /FYR of Macedonia, ARTEMIS/DRC, EUMM FYR of Macedonia, EUPOL PROXIMA, EUJUST THEMIS, EUPOL KINSHASA, EUMM Aceh, EUST BST Georgia, EUPAT and EUSSR Guinea Bissau. It is true that some of these are of the oldest operations, others, however, such as the latest one in Georgia, are relatively recent. Surprisingly, three of these concluded missions had gender advisers but did not have human rights advisers, as is the case with EUFOR RD Congo, EUFOR Chad and EUPT Kosovo. Nevertheless, it should be noted that many contingents, as is the Spanish contingent case, there was one legal adviser per group in charge of analyzing all the troops' actions, meaning that, in this case, all needs were considered to be have been adequately addressed.

On the missions currently in operation, both gender and human rights advisers are present, with the unusual characteristic that, in many cases, both posts are filled by the same person (EUPOL Afghanistan, EUPM BIH, EUFOR ALTHEA, EUTM Somalia, EUNAVFOR-Atalanta and EUFOR ALTHEA BIH). The criticism being that the very advisers themselves lack the adequate training for carrying out their duties.

EUBAM Rafah has one gender adviser and three human rights advisers waiting for orders "whenever needed". For their part, given the special characteristics of the countries in which they are deployed, EUPOL and EUSEC Congo have five gender advisers (compared with two human rights advisers).

Moreover, given the extent of the EUJUST deployment in Iraq, it seems comprehensible to have only one person in charge of the overseeing the rule of law and human rights, while also being responsible for duties pertaining to gender-related issues.

Kosovo is another unique case given the creation of a specific human rights unit, which includes three gender advisers. In Georgia and Palestine, there is one adviser of every kind per mission.

Specialist training needs, recruitment difficulties and the fact that in many cases gender related issues are not the only duties for which the adviser is responsible, adding to this existent budget issues, places the efficiency of this post in jeopardy. What is more, some operations fail to fill this post altogether for lack of suitable candidates, in

27 'Implementation of EU Policies Following the UN Security Council Resolution 1325', Directorate-General for External Policies, 2010, p. 60.

other cases, the position is not filled based on the training experience or capacities of the candidate, rather due to the needs imposed, or on many occasions for the simple fact of being a woman, which, it seems, is more useful to the soldier or police officer concerning gender-related issues, rather than having someone who has received the relevant training. On the other hand, given that we are referring to recently created posts, there is a distinct need for the creation of protocol guideline manuals to aid the people employed in these posts. NATO is, in fact, in the process of considering this possibility.²⁸ Similarly, a good level of coordination between deployed gender advisers and those based in headquarters, particularly those responsible for planning and application of measures is fundamental. In reference to this, the EU has emphasized the need for the duties of gender advisers to be clearly described, further: “[T]he gender adviser (or another member of the mission/operation in cases where there is no gender adviser) should be in charge of following up on reports from the mission/operation reporting sexual and gender-based violence. On the basis of direction given by the chain of command, the gender adviser should be encouraged to contact the appropriate actors on the ground (EU or other) in order that they take action about the reported sexual and gender based violence. A gender perspective is to be integrated into policies, programmes and projects, the information strategy of the mission/operation and when conducting different out-reach projects to the local community, monitoring and data collections, depending on the mandate. Gender advisers should be able to communicate on specific gender issues directly with appropriate structures within the Council and the Commission services, in accordance with the directions of the mission’s/operation’s Chain of Command”.²⁹

The need to avoid the same person carrying out the duties of both gender and human rights adviser, in some cases deployed on various missions, is also highlighted, as is also the problem of insufficient funding. However, the filing of complaints concerning the inadequate behaviour, abuse or assault of other operations members by the gender adviser themselves is not recommended, given that it could lead to a noticeable reduction of the High Command’s responsibilities in these matters,³⁰ including possible feelings of resentment of the fellow members and ensuing ostracism the adviser themselves.

28 NATO Workshop on Gender Perspectives Training in the Context of Mainstreaming UNSCR 1325 into NATO-led Operations and Missions - NDC, Rome, 2-4 November 2011.

29 Joint Commission and Council document ‘Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security’, Doc 15671/1/08REV 1, 1 December 2008.

30 ‘Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions’, Committee of Civilian Aspects of Crisis Management (CIVCOM) del 30 de noviembre de 2010.

The existence of a gender adviser is considered by some to be transitory, gradually disappearing as the training of gender-related issues trickles down through all levels. There are others, however, who claim their expert presence and duties to be necessary even after the moment that mainstreaming has been achieved throughout all sectors and peace mission formation.

As a final point, we should highlight that the post of gender adviser and gender focal point has all but been filled by women (except in those cases where a legal or human rights adviser had already been appointed to the post prior to its designation), a fact which must certainly be considered indicative of discrimination and the subestimation of this role when compared to others of a similar character.

2.3.2. Other Expert Figures: Gender Focal Points and Female Engagement Teams

There are two more important points to consider in these missions. The first is the implementation of “Gender Focal Points” in the field, which were already in use by the UN but under a different guise. “The work of these persons is to support gender mainstreaming by advocating, advising and supporting professional staff and monitoring and reporting on progress - if necessary through the use of / support from consultants or external specialists. Dissemination of information and competence development, through training and seminars”.³¹ This consists of their being a person in every unit who addresses these issues. However, it is not necessary that these people exclusively attend to these duties, rather there exists the opportunity to combine them with other previously assigned duties. Nevertheless, the need to be in permanent contact with gender advisers means that as time goes by the personality and interest of the selected candidate can prove essential to this role.

The second refers to the Female Engagement Teams which have basically been developed in Afghanistan, although there was also a small presence in Iraq. These consist of groups which look for improving relations with the hostile or unfriendly population, gathering information which towards improving the effectiveness of their own work (which is neither strategic nor military) and the improving of understanding the societies where missions are deployed. Their primary focus is on women, the teams are also basically made of up of women, thus limiting the cultural restrictions of the societies of the countries where they work. They make themselves seen, inquire into the women’s worries and needs, trying to improve their situation while gaining their trust and acquiring knowledge of the culture and society in which they work. These teams have not been deployed in all countries and have also received some

31 Job description for a Gender Focal Point within the United Nations Secretariat; <http://www.un.org/womenwatch/osagi/gmfpdraftors.htm>.

criticism concerning the negative repercussions that their contact with the women can sometimes cause, such as being penalized by their own societies, or the fact the groups are in need of heavy protection in the face of the many attacks they are victims to. Many are simply of the mind that they are not female engagement “teams”, rather “capacities”, highlighting the fact that the mere presence of women does not guarantee the mission’s success.

Although there are no specific roles designed to improve the situation of the women with whom they work, their scope being much wider, covering and trying to improve the situation of in which children and other civilians find themselves, these teams are often made up of professionals such as, health workers, psychologists and engineers, who do take measures towards the improvement of the lives of the women with whom they come into contact. Some examples of this are the building of schools, creation of working or discussion groups, including women’s empowering groups.

Apart from the existence of these “female engagement teams”, the women’s voice of the countries of deployment is being heard more and more. However, this is often dependent on the actual missions being carried out and the sensibilities of the command towards these issues; all this despite the existence of regulations and protocol which ought to address such issues.

In DRC, the EUPOL mission created Anti-Sexual Violence Units (UAVS) within the Congolese National Police Force who were specifically responsible for cases of violence against women, which was, and continues to be, one of the greatest problems of this zone. Thus, mobile multidisciplinary groups were created in Goma to specifically handle the cases of sexual violence from distinct perspectives, such as medical and psychological, among others.

2.4. Composition of military contingents and hired personnel

Thus, the difficulty of finding information on the composition of military contingents concerning gender is a surprising fact; apart from general estimations, not one single document revealing either general data or information concerning each operation can be found. Once again, this data is considered by the European Union to be sensitive to operations, this is not the case with the United Nations, which is completely transparent on such matters. In any case, there exists a distinct need for an increase of the number of women deployed on such missions at all levels of command, or at least the minimum number required towards a positive influence in the development and success of the mission at hand. Other missions such as, EUSEC DRC, are in need of special mention with regards to the efforts taken towards strengthening the role of women in military fields, or missions in Afghanistan, towards the promotion of a greater participation of women in State Security Forces.

2.5. The Generic Standards of Behaviour on Peace-keeping Missions

The question of the generic standards of behaviour of gender-based issues had been all but ignored until 2005, the year in which numerous NGO's and the media began calling our attention to the disciplinary misconduct taking place on distinct peace-building missions, in this case concerning those of the United Nations.³² If we wish to find such data on the European Union, they do not exist, meaning that there exists no administrative or penal process against any Member State regarding the mistreatment of women. The problem consists in that we cannot know if this is because it does not exist or due to the complete lack of transparency of the EU and its Member States in these matters.³³

On the other hand, we should also emphasize the good conduct of the Spanish troops and lack of filed complaints, highlighted by the president of CICR, something which cannot be said of the contingents sent by other members.

The SOMAS, SOFAS, and other agreements which bind the States with the EU to the States to which the missions are destined and *vice-versa*, manage, among other things, operation personnel regulations, providing generous immunity to the peace-keeping contingents, whether deployed in military or civilian operations. Thus, the punishment of this type of conduct lies ultimately with the States of origin. So we must keep in mind the fact that these missions, being carried out under the EU umbrella, means its own reputation will be the one effected and so the promotion of a culture of human rights and the role of women in another country will also be effected if the original country is neither respected nor protected by the "saviours". Concerning this challenge, missions such as, ALTHEA and BIH, have, in fact, created their own code of conduct.

Thus, it is not surprising that as the Secretary-General of the United Nations had done before, the "Generic Standards of Behaviour for ESDP Operations"³⁴ has also been passed. Although the language employed is relatively weak concerning such things as the recommendations, suggestions and proposals, it can still prove useful as an example for other future measures to follow, as was the case in DRC. This document, in fact, forms part of the standard operative directives as well as the codes of conduct which form part of the OPLAN.

32 For measures taken by the United Nations, see: NDULO, M.: 'The United Nations Response to the sexual abuse and exploitation of women and girls by peacekeepers during peacekeeping mission', *Berkeley Journal of Internal Law*, Vol 27.1 2009, p. 145 and ff.

33 On how Great Britain reacted to victims from their own army, see, among others: DCAF, Gender and Security Sector Refor: Example from the Ground, Geneva, DECAF, 2011, pp. 25 and ff.

34 Doc. 8373/3/05, 18 May 2005.

Nevertheless, the media report that the problem is not the regulations, rather the maintaining of them. Thus, when faced with cases of misconduct, the measures taken tend to be of a disciplinary nature, and are hardly ever added to a mission member's record or to any official file.

Before referring to this conduct, we need to highlight the importance which this document gives to the existence of accessible and appropriate complaint procedures, such as mechanisms for their periodic reporting at all personnel levels. In the same way, freedom is given to the States to adopt adequate measures, while at the same time the need to report on these measures has been highlighted, together with the responsibility of the superior personnel for the behaviour of their inferiors.

As for the issues regarding gender, within the section dedicated to the relations with the local population, the document highlights the links between pornography and organized crime. Furthermore, it highlights how its use or encouragement of its use can lead to the undermining of the troops morals and put the missions' success in jeopardy. It is noted that exploitation and sexual abuse violate the international regulations on the matter and are treated as serious offences against which disciplinary action will be taken. In the same way, the exchange of money, work, goods or services in return for sex, sexual favours or any other form of humiliating or degrading behaviour, are also highlighted for their strict prohibition.

In the section dedicated to the moral cohesion of the mission members, firstly, the presence of men and women from distinct backgrounds is demanded, while discriminatory behaviour referring to sex, among other things, is prohibited. The right of every personnel member to live in an atmosphere free of harassment, abuse, illicit discrimination and intimidation, is also highlighted. This explicitly includes sexual harassment and abuse, but also includes the exhibition and distribution of pornographic material in the workplace. It is a point of interest that as to the seriousness of supposed harassment, it is not so much the intentions of the harasser which is taken into account, rather the effects that these actions have caused on their victim.

Moreover, as these activities are considered criminal, the reporting and investigation of any complaint and the subsequent disciplinary action is obligatory. Those which are of a special interest to our study includes human trafficking, which involves the recruitment, transport, hiding or capture of people by whatever means of coercion, force, fraud, abuse of power or vulnerability of the victim, including the giving or receiving of some kind of compensation, whether for sexual purposes or to take advantage of a cheap labour force. Furthermore, it is clearly stated that any description of the aiding of human trafficking, including that which focuses on sexual exploitation is completely prohibited. Child abuse is also specifically named, which includes any type of sexual contact with children as well as child pornography, being

prohibited whichever activity linked with the exploitation, abuse or trafficking of children.³⁵

We can appreciate that there are few obligations in this text, which needs to be more specific, meaning that even though the document speaks of the necessity of training and responsibilities of the commanders, it would seem that the text needs to more specific and establish control mechanisms, including the creation of their indicators.

One much praised initiative which should serve as an example for other missions is the so called, "Soldier's Card" approved by the EUFOR RD Congo mission, which, similar to other state approved codes of conducts, are much more specific on these points. The initiative specifies the regulations and their respective recommendations as covered in the codes of conduct.

In such a way, the violation of any of these obligations, including sexual abuse and exploitation,³⁶ is considered serious enough misconduct to be investigated leading to disciplinary action, and including, if found guilty, suspension, immediate repatriation and expulsion.

Thus, emphasizing the obligation of the EUFOR personnel to inform through the relevant channels any such incident involving any member of the team.

The negative consequences that gender-based issues can have on the image and integrity of the operation is specifically highlighted, as is also the resulting erosion of trust of the local population, to such an extent that a whole series of behaviour is expressly prohibited, of which stand out: the maintaining of sexual relations with anyone under eighteen years old; using children to obtain sexual favours from third parties, being confused about the age a person is not considered a valid excuse; frequenting brothels, sex clubs or any place considered "off limits"; the exchange of money, employment, goods or services for sexual relations with prostitute or third parties; any sexual favour given in exchange for aid; and, any act of supposed sexual abuse or exploitation in general, including any kind of behaviour considered sexually humiliating, degrading or can be considered be an exploiting of the victim

As we can see, these obligations are much more defined and prohibit behaviour which are either objectively defined crimes, immoral acts or conduct which could affect the local population's support for the mission. Together with these measures we find that the defence of human rights, especially within the field of discrimination, can have positive repercussions for women suffering the realities living in an armed

35 *Ibid.* p. 7 and ff.

36 Sexual exploitation is thus defined: Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including profiting monetarily, socially, or politically; Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

conflict or a post-conflict situation and who come into contact with a peace mission. Together with this code “zero tolerance” is applied to violence towards women.

3. Accountability and Control: the Development of Efficiency Indicators of Gender-Related Issues

Nevertheless, accountability and control are some of the least transparent and developed aspects of the missions (taken from interviews with different members of distinct EU peace), not only concerning the effectiveness of adopted measures for the benefit of the local women but also the actual conduct of the members of the peace missions itself.

In specific reference to the existence of such things as records and incidents, all institutions consulted, whether national or those belonging to the EU, assert to have no knowledge of records, reports or disciplinary action taken regarding these missions. The European Union itself emphasizes that:

“In line with the Generic Standards of Behaviour, all ESDP missions should have clear and appropriate provisions for the handling of gender-related complaints, including sexual assault and sexual harassment. The Force Commanders/HoMs must ensure that their personnel are aware of complaint procedures. The officer, to whom the complaints are to be reported, should not be the same person as the gender adviser.³⁷

So we can see that the initiative adopted by the EUFOR RD Congo is of special interest and has been copied by other missions. It consists of the development of a referral mechanism called the “Gender Report”, which must be sent to superiors on a weekly basis for analysis, enabling them to reach their own conclusions and, above all, enabling them to take the relevant action. To this effect we would like to highlight “Recent events in Area of Responsibility, Security and Force Protection (which covers the possible misconduct of contingent members) Intelligence and statistics.”³⁸

We also believe it interesting to highlight the initiative adopted in 2009, when the Kosovo Mission created an Independent Commission of Human Rights, responsible for answering all complaints concerning human rights violations (including those specifically referring to women) made by contingent mission members. This measure compliments others which were also approved to this effect, such as the Internal Investigation Unit EULEX or civil liability insurance, not to mention the disciplinary

37 ‘Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP’ (15782/3/08 REV 3).

38 ‘Final Report on Gender Work inside EUFOR RD Congo’, Postdam 15 December 2006, available at: http://www.honvedelem.hu/files/9/8008/eu_operation_headquarters_final_gender_report_eufor_rd_con.pdf

and judiciary measures which each Member State sending mission personnel is responsible for implementing.³⁹

In any event, despite trying to obtain information through official channels, we do not know of any cases of disciplinary action taken against this type of conduct, nor of any proceedings which may have ended with disciplinary action. Also note that much of the behaviour defined as criminal in the penal codes of all the States usually ends with administrative penalties, suspension or a warning. Let us suppose that this is not the case, given that these regulations do not annul nor substitute national ones to the effect, although based on complaints by the media and NGO's, we are doubtful of the contrary.⁴⁰ There also exists absolute scepticism concerning the cases of sexual harassment and abuse between fellow peace contingent members; although there may be news on this front, there is nothing which would suggest the end to such "incidents".⁴¹

The European Union views the aggressions committed by the security forces with particular concern, indeed, the necessity to prevent such conduct is clearly expressed in this following statement, "The Council underlined the importance of EU action in DRC in contributing to the prevention and addressing of human rights violations and therefore welcomed the increased focus of EUSEC RD Congo in supporting efforts to address impunity for crimes, particularly sexual and gender-based violence, committed by the security forces and the use of child soldiers".⁴²

The development of reports covering the effectiveness of measures taken is also necessary, in as much as it is known what goes on and sometimes where things go wrong; but not why certain missions have worked. This final case should serve as an example for the need of such measures.

The establishment of relationships with women and groups of women in operation zones is fundamental not only as means of the promotion of women's status but also as a mechanism of democratization and development towards a social and democratic State of law. While it is true that these groups are increasingly given more of a voice, this often depends on the actual mission's sensitivity towards these issues, when these actions should be normal and even standard procedure.

39 'Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions', Doc 17138/1/10, 30 November 2010.

40 See among others: <http://www.rebellion.org/noticia.php?id=25598>; <http://www.pajareo.com/15018-fuerzas-de-paz-de-la-onu-cambiaban-comida-por-sexo-con-ninas-en-costa-de-marfil/>; <http://www.nodo50.org/tortuga/Save-the-Children-denuncia-la>; <http://delfinmocache.bligoo.es/el-azul-de-africa-por-cris-matondo>

41 'Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions', Doc 17138/1/10, 30 November 2010.

42 PESD Council Conclusions 17 November 2009, para. 35.

On the other hand, the development of indicators for improved accountability is a challenge which numerous organizations have set themselves,⁴³ among others the EU itself, which approved two documents in June 2010 covering a series of interesting indicators to the effect.⁴⁴ Including, the percentages of people trained in gender issues participating on peace missions regarding all levels of command and contexts; the amount of women filling places of high command on peace missions or representative posts of the EU; the financing programmes which have the best in mind for women in these situations; the proportion and country of origin of the men and women claiming asylum and have gained a refugee status or are receiving subsidiary protection; the collaboration with international organizations in this field; the number of projects and programmes in the field of security sector reform or disarmament, demobilization and reconstruction; the number of projects which are now in the planning stage and mandates which include references to issues of gender, peace and security, including those which are presently reporting on these issues; human rights, governance, number of gender advisers and gender focal points on the missions; cases of sexual harassment, abuse and exploitation by personnel who have been reported, investigated and those who have had disciplinary action taken against them; the percentage of reports which include specific information on women, peace and development, etc., as well as those which take women's necessities and potential into account. Although much is promised, the reports drawn up using these indicators may shed some light on improving measuring and accountability mechanisms of the EU to this effect.⁴⁵ Thus, we can find in these indicators the special attention paid on the efforts made for the missions and women victims together with the corresponding development of her active role in the peace process and democratization in each country where missions are in operation.

Whether the creation of a specific questionnaire regarding gender-related issues is preferable to their transversal inclusion in every part the mission reports, is a question open to debate. While the first option may lead to a pigeonholing and isolation of these issues, the second may generate its diffusion or invisibility within the totality of the report.

43 See DE TOMÁS MORALES, S.: 'El empoderamiento de la mujer en situaciones de conflicto armado', in BRITO, W. Y PUEYOLOSA, J.: *Conflictos Armados, Gestión posconflicto y reconstrucción*, Scienčia Iuridica Andaravira Editorial, Santiago de Compostela, 2011, pp. 141 y ss. Y el documento del Secretario General de las Naciones Unidas "La mujer y la paz y la Seguridad" de 28 de septiembre de 2010 (UN Doc S/2010/498).

44 'EU Comprehensive Approach on UNSCR 1325 and 1820 on women, peace and security', Doc. 15671/1/08 REV, 3 December 2008; and 'Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP', Doc. 15782/3/08 REV 3, 3 December 2008.

45 See 'EU Plan on gender Equality and Women's Empowerment in Development 2010-2015', 8 March 2010, available at: http://ec.europa.eu/europeaid/infopoint/publications/europeaid/227a_en.htm.

4. Conclusions

The official documents of the European Union, including those of other International Organizations, repeatedly emphasize the importance of taking women's roles in planning, development and accountability; not only in her active role, but also as a beneficiary of policies, in this case peace missions; not only as a victim, rather as an active and indispensable agent of the peace-building and democratization projects. These documents also emphasize the importance of transversalization in these issues and the effect that mainstreaming has upon the measures taken. Nevertheless, this reiteration often remains at drawing up of general principles, without any of these great claims becoming real specific measures, plus it is sometimes quite clear that they allow themselves to be guided by experience itself, given that they were not always expecting to achieve success in the way they did. Moreover, the lack of women in command, at both planning and execution levels, seems obvious due to there being a certain resistance or a real lack of interest regarding the putting into action and promotion of the proposed changes in this field. Thus, we have seen mandates which make no mention of gender-related issues, advisers being advisers for the mere fact of being women or due to a lack the necessary training in order to become true agents of progress in the achievement of clearly stated objectives in this field or investigators of accountability in which the advances or actual problems of the women are never even mentioned.

The actual presence of women is fundamental, not only concerning the mission's adequate internal functioning, but also towards the achieving of objectives. Having women commanders, police, doctor or drivers gives the women of the country is a question a good example of how they can also become actors of change. Moreover, it possible for women, whether as a result of their own personalities or for the roles they play in their own countries, to identify issues or put forward innovative and complementary visions of the existing situation. Therefore, work has to be done, not only by the European Union and other International Organizations, but especially the States themselves, which are, in the end, responsible for recruitment of mission members.

All necessary steps need to be taken towards the improving of training at all levels. In fact, one of the main demands of the actors in this field is training which will enable the adopting of specific and directly applicable measures; so it will be no longer necessary to ask of the lower members of the army or State security forces to adopt measures of a political calibre for which they are neither willing nor trained to carry out.

It is necessary to precisely spell out and institutionalize the gender advisers through mission training both before deployment and during. The sending of both male and

female gender advisers or Female Engagement Teams who lack the relevant training and skills can be counterproductive, especially those who are there to protect and assist.

Gender-related issues cannot be feminized – having female gender advisers, gender focal points, including the members of the female engagement team. As has already been mentioned, apart from the fact that their gender does not mean that they are automatically qualified in such issues, it can also mean the underestimation of these positions and can impede their maximum development.

While we cannot affirm that in the near future these experts will become superfluous to the relevant training of mission members of all levels and gender-related contexts, we can say that if the European Union does not guarantee gender mainstreaming, it will not the efficiency of the missions which it deploys will be achieved.

Regarding the conduct peace-keeping mission members, neither secrecy nor the supposed existing impunity is acceptable. The development of specific transparent efficient prosecution and sanctioning mechanisms for those members suspected of misconduct. Finally, without forgetting the responsibility in face of the women who have suffered abuse and deserve to be allowed to heal, who are in need of compensation for the hurt caused to them and so that that they do not become double victims by assuming the relevant responsibilities of the women and children who are born into this illicit or, as has been defined by the European Union, immoral behaviour.

However, development in these fields is difficult if control mechanisms and indicators of control and quality are not also developed. Although it is true that work has begun in this field and results have been obtained, if adequate indicators and control guaranteed mechanisms are not developed, we may not go beyond the level of mere wilful expression rather than the creation of something efficient and highly valued. It is also necessary to especially focus on those points which emphasize the mission's efficiency regarding the empowerment of women and their participation in peace processes, something which has not been done until now.

There is much work to be done in the field of accountability regarding European Union contingent misconduct. Given the extensive network of the SOFA and SOMA international agreements and the existing culture of tolerance, the appropriate sanctioning of misconduct is in reality made difficult, not to mention the injustice this means for the victims and the risk at which the efficiency of the mission is put. Jurisdictional immunities have their place and their effectiveness has been proved, but they cannot become a safeguard for criminals, in this case for crimes against women and girls. For this reason it is clear that a complete rethinking is needed, and if necessary, the creation of international control mechanisms to safeguard against this behaviour; secrecy and the supposed cases of immunity are unacceptable.

All this without forgetting the responsibilities owed to those women who have been victims of abuse and deserve to heal their wounds; to be compensated for the injustices brought against them; to not become double victims; and that the responsibilities be taken regarding mothers and their children who are born of this illicit behaviour, which the European Union has condemned as immoral.

We would finally like to emphasize the need for coordination on all levels, not only gender advisers coordinating among themselves on each mission and on other similar mission with similar mandates. Working with the savoir faire of the distinct international organizations is required above all, especially the United Nations, with its wide experience in the field, along with the NGO's which have been working on women's issues for a much longer time than peace missions, and can thus offer a constructive critical outlook concerning the work which has been carried out in this field.