

# Border Management and Gender

Angela Mackay





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### **The Gender and SSR Toolkit**

This Tool on Border Management and Gender is part of a *Gender and SSR Toolkit*. Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers, the Toolkit includes the following 12 Tools and corresponding Practice Notes:

1. Security Sector Reform and Gender
  2. Police Reform and Gender
  3. Defence Reform and Gender
  4. Justice Reform and Gender
  5. Penal Reform and Gender
  6. Border Management and Gender
  7. Parliamentary Oversight of the Security Sector and Gender
  8. National Security Policy-Making and Gender
  9. Civil Society Oversight of the Security Sector and Gender
  10. Private Military and Security Companies and Gender
  11. SSR Assessment, Monitoring and Evaluation and Gender
  12. Gender Training for Security Sector Personnel
- Annex on International and Regional Laws and Instruments

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### **DCAF**

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### **OSCE/ODIHR**

The Office for Democratic Institutions and Human Rights (ODIHR) is the main institution for the OSCE's human dimension of security: a broad concept that includes the protection of human rights; the development of democratic societies, with emphasis on elections, institution-building, and governance; strengthening the rule of law; and promoting genuine respect and mutual understanding among individuals, as well as nations. The ODIHR contributed to the development of the Toolkit.

### **UN-INSTRAW**

The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) is the only UN entity mandated to develop research programmes that contribute to the empowerment of women and the achievement of gender equality worldwide. Through alliance-building with UN Member States, international organisations, academia, civil society, and other actors, UN-INSTRAW:

- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects.

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## ACRONYMS

<b>BBPTU</b>	Kosovo Border and Boundary Police Training Unit
<b>CSO</b>	Civil Society Organisation
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>IOM</b>	International Organization for Migration
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-Government Organisation
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>UN</b>	United Nations
<b>US</b>	United States

# Border Management and Gender

## 1 Introduction

*‘Effective and integrated border management services are critical to ensuring the safety and security of citizens, promoting regional stability and facilitating trade and development.’*

OECD DAC Handbook <sup>1</sup>

Effectively managed borders ensure the unhampered flow of persons, goods and services, which contributes to economic growth and human security. Robust prevention, detection and investigation by border services deter criminal activity, while international efforts to address cross-border crime strengthen regional collaboration.

This tool focuses on border management reform and the different ways in which border transactions impact the lives of women, men, boys and girls. It encompasses the various border control functions – customs, immigration and law enforcement – and demonstrates the operational benefits of ensuring that gender perspectives are included in border management policies, procedures and practices.

The tool is designed to provide a basic introduction to border management and gender issues for the staff of national governments (including donor countries), as well as for international and regional organisations (such as the UN, OSCE, IOM and EU), responsible for the development of border management policy and programming. Parliamentarians, civil society organisations, academics and researchers working on border management and/or gender issues will also find it useful.

### The tool includes:

- A conceptual introduction to border management and gender
- An outline of ways in which integrating gender strengthens border management
- Actions to integrate gender into border management
- Examination of specific gender and border management issues in post-conflict, transitional, developing and developed country contexts
- Key recommendations
- Additional resources

This tool is a resource for the formulation of gender-responsive border management policy and programming. It is one of the first resources on border management and gender and includes case studies, tips and examples drawn from other areas of law enforcement, which can be adapted to specific border management contexts. Numerous examples are used from Kosovo – reflecting both the author’s own experience in Kosovo and the scale of attention devoted to security sector reform there.

## 2 What is border management?

Border management concerns the administration of borders. While its precise meaning may vary according to the national context, it usually relates to the rules, techniques and procedures regulating activities and traffic across defined border areas or zones.<sup>2</sup> Borders are diverse, ranging from those handling thousands of people and tonnes of freight daily, to isolated stretches. Border management reform, as part of security sector reform processes, presents a unique challenge, not least because it must strike an appropriate balance between preventing illegal entry and remaining open to legal trade and labour.

Border guard, immigration and customs services are the main actors responsible for managing the movement of people and goods across borders. In general:

**Border guards** are usually under the authority of a civilian or paramilitary law enforcement service. Their task is the prevention of unlawful cross-border activities, the detection of national security threats through the surveillance of land and sea borders, and the control of persons and vehicles at designated border crossing points.<sup>3</sup>

**Immigration services** are responsible for enforcing entry and exit restrictions, ensuring the legality of travel documents, identifying and investigating criminality, and assisting those in need of protection.

**Customs and revenue/excise**, a fiscal service, is characteristically assigned the task of regulating the movement of goods across borders. Its function is to facilitate trade while enforcing national restrictions on the entry and exit of goods, implementing tariffs and

trade tax regimes, and protecting the health of people, animals and plants.

In developed countries, the task of controlling the movement of people across borders is commonly assigned to the Ministry of Home Affairs/Interior. During armed conflict or regional unrest, when the focus shifts to containing citizens and defending borders from enemy infiltration, civilian agencies are often relegated to a secondary role. The inheritance of border management in many post-conflict and transitional states may carry with it a disproportionate emphasis on border control as a security/defence concern.

#### Common challenges in border management include:

- Long, unpatrolled boundaries that are porous to human and vehicular traffic
- Criminal activity in border areas (e.g. prostitution, human trafficking, human smuggling and terrorism)
- Corruption
- Public mistrust of border services
- Social and economic marginalization of border areas

A variety of reforms may be initiated to address these challenges. Reform processes may, for example, involve the conclusion of regional border management agreements (such as the EU Schengen Acquis), the establishment of a separate border guard organisation, or building capacity to identify victims of human trafficking. The nature and scale of border management reform processes are dictated by the historical context as well as by prevailing security priorities, geography and resource availability. Border management reform is motivated by a number of factors which can include:

- The need for a unified approach to visa, asylum and migration policies.
- Demarcation of previously disputed borders.
- Investment in future membership of political/economic groups (e.g. the EU or ECOWAS).
- Contribution to and benefit from regional security.
- Increased contributions from financial institutions.
- Building of infrastructure and legal frameworks.

The inherent multiplicity of tasks and responsibilities and the range of national and international agencies and interests involved, requires a highly integrated approach to border management reform. Achieving the goal of establishing open, well-controlled and secure borders is a complex and delicate undertaking.

## 3 Why is gender important to border management?

**Gender** refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women. 'Gender' therefore refers to *learned* differences between men and women, while 'sex' refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between 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.<sup>4</sup>

For more information see Tool on SSR and Gender

The integration of gender issues into border management reform processes enhances operational effectiveness by:

- Improving the prevention and detection of human trafficking and smuggling
- Strengthening the protection and promotion of human rights
- Creating more representative border management institutions
- Enhancing local ownership, oversight and collaboration

#### Compliance with obligations under international laws and instruments

Integrating gender into border management is necessary to comply with international and regional laws, instruments and norms concerning security and gender. Key instruments include:

- *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime* (2000)
- *The Convention on the Elimination of All Forms of Discrimination against Women* (1979)
- *United Nations Security Council Resolution 1325 on women, peace and security* (2000)

For more information, please see the Toolkit's Annex on International and Regional Laws and Instruments.

### 3.1 Prevention and detection of human trafficking and smuggling

Effective border management that prevents and detects human trafficking and smuggling is critical both as a deterrent and as a key link in the prosecution of local, regional and transnational crime. The International Labour Organisation has estimated that



each year 2.45 million persons are trafficked for forced labour worldwide.<sup>5</sup> The annual proceeds generated by global human trafficking are currently estimated to amount to as much as US\$44 billion.<sup>6</sup> Once organised human trafficking has gained a foothold within a state or a region, it will invariably undergo rapid growth and pose serious risks to the stability of the affected countries. Its main effects include:

- **Increased violence among organised crime groups with a financial stake in existing sex and labour markets:** As trafficked victims are removed from or introduced to illegal sex and labour markets, this can potentially lead to violent ‘turf wars’ as the traffickers confront local criminal elements for control of these lucrative forms of human exploitation.
- **Growth and diversification of organised crime:** Organised human trafficking does not occur in isolation. Once established, trafficking networks will quickly diversify and develop mutually beneficial affiliations with existing organised crime groups that operate in other spheres, such as terrorism, drugs and weapons smuggling.
- **Economic destabilization through growth of money laundering:** The financial profitability of trafficking will quickly lead to sophisticated forms of internal and external money laundering, which may undermine financial and commercial market conditions and trigger economic destabilization.
- **Growth of public sector corruption:** The multi-layered nature of human trafficking and smuggling creates numerous opportunities for the corruption of officials of various agencies, and the daily supply of cash generated by these activities provides the means to undermine the entire law enforcement effort to counter them.
- **Political corruption and purchase of influence:** In a similar fashion, the wealth generated by these criminal activities may enable the perpetrators to purchase political influence and corrupt the political system to their personal advantage.
- **Destabilization of economic inward investment:** Organised trafficking that leads to endemic money laundering, public sector corruption and a subsequent loss of confidence in the basic economic system may have a negative impact on the inward investment strategies of the big global conglomerates.<sup>7</sup>

Human trafficking is a ‘gendered’ activity. While the purposes for which people are trafficked vary between and within regions, women and girls are primarily trafficked for exploitation as sexual and domestic labour. Women are particularly vulnerable to trafficking when migrating to find work, particularly if they are unaccompanied, poorly-educated, destitute and unfamiliar with the tactics of traffickers. Women are more likely to lack personal travel documentation (for which they may require family consent). Women travelling without personal documentation, by definition, are illegal migrants and often fall prey to exploitation. Men and boys are also trafficked, primarily into forced labour and servitude in the agriculture, construction and manufacturing

industries. In West Africa, for example, border patrols have been known to accept bribes from traffickers to take large numbers of boys across borders for slave labour.<sup>8</sup> Gender-responsive procedures at borders both aid detection of trafficking victims, and are necessary to uphold the human rights of victims of trafficking and those being smuggled.

### 3.2 Protection and promotion of human rights

*‘Harassment and extortion of travellers and traders has become part of everyday reality in border regions.’*

International Crisis Group regarding Central Asia<sup>9</sup>

All people – including victims of trafficking and those being smuggled, as well as asylum seekers and refugees – must be treated at borders in a manner that protects and promotes their human rights. When border personnel respect human rights, the public have trust in them. This trust generates an increased movement of persons, goods and services, which in turn contributes to economic growth and human security. A relationship of trust with border communities also enhances the capacity of border authorities to prevent and detect crime.

Various types of **human rights violations** can occur at border controls, including:

- Denial of the right to seek asylum or to refugee application procedures
- Discriminatory racial/ethnic profiling
- Demand for bribes from cross-border traders  
*In Tajikistan, for example, when male traders are subject to demands for bribes from border officials, the burden of trade and market activity is shifted to women, children and the elderly who are perceived to be less vulnerable to physical abuse. Large-scale drug traffickers have used women as couriers, believing they would attract less scrutiny at border checkpoints.<sup>10</sup>*
- Refusing to allow people in need of health care to cross borders or checkpoints  
*Amnesty International reports of cases where Palestinian women have had no choice other than to give birth on the ground, in the back of taxis or in family cars because of Israeli army security clearance delays, searches or refusal to permit individuals and ambulances to cross border checkpoints.<sup>11</sup>*
- Harassment and discrimination on the basis of sex or sexual orientation
- Physical violence including beatings and torture
- Sexual exploitation, where sex is demanded in return for passage, the granting of refugee status, or for legal documentation<sup>12</sup>
- Rape and other forms of sexual abuse, such as:  
*Abuse on the US-Mexico border, primarily targeting Mexican women<sup>13</sup>*

*Girls and women raped by soldiers at the Kosovo-Albania border<sup>14</sup>*

*Women forced by border officials to watch pornographic videos on the Thai-Burma border<sup>15</sup>*

*Alleged assault and sexual humiliation of a Bangladeshi man by Indian Border Security Forces at the Indian Border<sup>16</sup>*

■ Forced prostitution around border areas

Women and men may experience human rights violations at borders in different ways (see Box 1). In areas of high tension or fear of terrorism, men and boys are more likely to be detained or denied entry than women. In the wake of the 9/11 attacks, men, but also women of Middle Eastern/Arab origin have increasingly become subject to racial discrimination at certain borders. Women, men, boys and girls are particularly vulnerable to abuse when they lack identification documents. They may be without documents because of poverty, lack of government services during armed conflict, or because they have been destroyed, stolen or kept by male family members or others who wish to restrict their mobility. Women may be denied passage when they are pregnant because of fears of their demands for health and social services. Passage may also be denied to mothers who cannot demonstrate the citizenship of their children on the grounds that proof of paternity is the defining means of citizenship identification.

During times of crisis with large population flows, border areas are often prone to violence. The majority of refugee populations are women, children and the elderly who, in the absence of adult males, are vulnerable to discrimination and abuse. As women attempt to cross borders to safety they may be victimised by border guards. Once in new locations, fear of deportation or detention by corrupt authorities can inhibit their willingness to report criminal activity and acts of violence. During or in the aftermath of conflict, women moving with illicit armed groups or

with returning soldiers often find themselves unable to cross borders or to return home.

Taking gender into account in border management reduces the likelihood of abuses, improves respect for the rights of women, men and children, and enhances the reputation of border personnel as providers of just and equitable services.

### 3.3 Representative border management institutions

Women are currently highly underrepresented within the border guard, customs and immigration services. Although statistics are hard to find, women represent 7.5% of the Kosovo Border and Boundary Police<sup>19</sup> and 5.4% of the United States (US) Customs and Border Protection Force.<sup>20</sup> This is approximately half the percentage of women in other law enforcement bodies: for example, women comprise 14% of the Kosovo Police Service and 13-14% of US police personnel.<sup>21</sup>

The US National Center for Women and Policing identifies six specific advantages for agencies that hire and retain more women, which could also be applicable to border management:<sup>22</sup>

- Female officers are proven to be as competent as their male counterparts.
- Female officers are less likely to use excessive force.
- Female officers can help implement community-based responses.
- Increasing the presence of female officers improves the law enforcement response to violence against women.
- Increasing the presence of female officers reduces problems related to sexual discrimination and harassment.

#### Box 1

#### Border officials impeding the ECOWAS Protocols on Free Movement of Persons and Goods in West Africa<sup>17</sup>

The CLEEN Foundation, an NGO based in Nigeria, monitored the activities of law enforcement officials along the nine official borders between Benin, Ghana, Nigeria and Togo with the aim of identifying impediments to the full implementation of the ECOWAS Protocols on Free Movement of Persons and Goods. The study surveyed traders and other citizens to gather information about the type, scale, and location of abuses perpetrated by border officials. Based on the findings, it recommended practical measures that could be put in place by ECOWAS and its member countries to ensure better enforcement of the protocols.

*'The story of what West African citizens go through at the hands of border security officials is the same – harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across borders, sometime[s] lasting weeks due ... to the ... countless number of security checkpoints along the border highways, many of them mounted by unauthorised officials. A preliminary study carried out on the*

*Nigerian side of the Nigeria-Benin border... revealed that a total of 25 security agencies mounted checkpoints and roadblocks within [a] 10 kilometer radius of the border crossing point. Only about 5 of these "security check points" could be said to be legitimate and necessary for border security.'*<sup>18</sup>

Socio-demographic characteristics in the survey included: sex, occupation, education and country of origin. Of the 758 valid responses received, 67.4% were from men and 32.6% from women. Although the number of male respondents outstrips those of women, field observation revealed that the number of women moving between these borders is on the increase, as women migrate as a survival strategy. 48% of all travellers reported some level of harassment, from extensive delays at crossings to demands for payment, claims of false travel papers, or picking quarrels to provoke opportunities for bribery. Further observation indicated that women were particularly at risk of maltreatment by border officials.

## Box 2 The Dushanbe-Kyrgyz Border Rehabilitation Project <sup>23</sup>

The project aims to boost regional trade and economic growth through the rehabilitation of an integral part of a regional road network in Central Asia that directly links Dushanbe, the capital of Tajikistan, to the Kyrgyz Republic. It is also expected to benefit women by increasing their access to basic services such as education and health, as well as to towns, enhancing the marketability of their products and improving their employment prospects. Another direct benefit associated with the project is the adoption of an integrated and community-based approach to HIV/AIDS in response to the seasonal migration of men, which has

put local women at greater risk of contracting HIV and other sexually transmitted infections.

The Ministry of Transport together with local government, women's associations and NGOs will monitor the project's impact on women. In addition, the Ministry of Transport will ensure women's participation during project implementation and encourage contractors to employ women, with equal pay and safe working conditions for men and women.

- The presence of women can bring about beneficial changes in policy for all officers.

The presence of female staff can be a key element of border security in some situations, increasing the effectiveness of detection and investigation. For example, women are necessary to conduct proper physical searches of veiled persons, to ensure that males do not masquerade as females to illegally cross borders, or to verify that attire is not used to conceal illicit goods. Female personnel may also be better able than men to identify female victims of trafficking and are required to interview such victims.

Further, operational effectiveness of border management is strengthened by ensuring that institutions are representative and mirror the society they serve in terms of sex, ethnicity, language and religion. The absence of women in border services reduces their legitimacy. The local population and travellers, especially women, may be less likely to trust and work with an all-male force. Female staff contribute to ensuring a 'normalised' border environment, can potentially play a distinctive role in defusing conflict situations, and bring to the fore alternative skills, perspectives and experiences.

### 3.4 Local ownership, civilian oversight and collaboration

The participation of civil society organisations (CSOs), including women's organisations, in border management reform processes can enhance local ownership and civilian oversight, and be a source of expertise on border security issues. Women's organisations, and other community-based organisations, can serve as a bridge between local communities and border authorities, both by communicating the security needs and concerns of individuals and communities and raising public awareness of reform initiatives (see Box 2). CSOs (including women's organisations with experience in the prevention and documentation of gender-based violence) can make a valuable contribution to official oversight processes.

Although border management is a state responsibility, women's organisations and other NGO, youth, religious, professional or agricultural organisations

and associations can be valuable resources for border services. In a respectful, collaborative environment, women's organisations can provide access to critical local intelligence regarding criminal activity, particularly prostitution and human trafficking. They can provide policy advice and training on gender issues, ranging from general gender-responsiveness and protocols on interviewing victims of human trafficking, to establishing complaint mechanisms for sexual harassment and discrimination. They are key referral organisations for crime victims and may provide complementary support services, such as legal advice, psychological counselling and shelter.

## 4 How can gender be integrated into border management?

While the integration of gender into police reform has received significant attention, little documented information exists on good practice in border management reform.

See Tool on Police Reform and Gender

This section takes a first step in providing practical strategies to increase the effectiveness of border management through being responsive to gender issues. As border management varies according to the context, these strategies will need to be adapted accordingly. See Section 5 for information and tips on border management reform in post-conflict, transitional, developing and developed countries.

### 4.1 Improving prevention and detection of human trafficking

Border services face dual challenges in responding to human trafficking. On the one hand, law enforcement requires action to reduce human trafficking and pursue perpetrators. Simultaneously, there is the expectation that responses to detection will centre on

## Box 3

## Tips for gender-responsive procedures

**Women**

Trafficked women may travel alone or in groups – with or without traffickers. Whatever the circumstance, they are victimised and exploited in one way or another. Attendant feelings of fear, guilt, shame, anger and relief will influence their behaviour, which is unpredictable, but certain steps are recommended in all circumstances.

- It is unlikely that a trafficked woman will respond to male investigators. Although there is no guarantee that female investigators will elicit better cooperation, it is far preferable that they conduct the investigation, particularly for the female victim's sense of security.
- A woman must be in attendance as a witness at all times. If no female personnel are available (on or off-duty), a known and trusted NGO or women's organisation can sit in as an observer. This will only be possible where border officials are trusted and the environment is non-threatening.
- Separate the victim from the trafficker.
- A female officer must conduct body and property searches.
- Establish immediate contact with women's organisations and victim advocates.
- Ensure that physical and medical needs are attended to.

**Men**

Border personnel must reconsider common assumptions about the power, authority and autonomy of men. Men, particularly if they are trafficked for sexual exploitation, will experience extreme shame and humiliation. If trafficked for labour/debt bondage or other forms of livelihood servitude, their primary motivation is often to provide for their

families. If detected, they develop feelings of personal failure and anxiety because they can no longer assume that provider role.

- Specific trafficking circumstances will dictate men's responses, but they may be unwilling to respond to male investigators.
- It may be difficult for male investigators to regard trafficked men as 'victims'. In such cases, consider using a female investigator, accompanied by a male observer.
- Separate the victim from the trafficker.
- Establish immediate contact with women's organisations and victim advocates (services and shelters for men are rare or non-existent).
- Ensure that physical and medical needs are attended to.

**Children**

Boys and girls experience trafficking in different ways. Girls are more likely to suffer sexual exploitation, whereas boys are more often victims of forced labour. Their common fear and mistrust of adults should be a major consideration.

- Child welfare advocates must be contacted immediately and be present at all times for further investigation and interviews, which need to be conducted by trained specialists.
- Special, child-friendly environments should be created as 'safe' locations for children during the interview process.
- Prior to the interview, access should be provided to any medical aid or assistance needed by the child and the interviewer should check if the child is hungry or thirsty, needs the toilet or wants to sleep. In all such cases, the needs of the child should be met before any interview commences.

victims. Maintaining the delicate but essential balance between the needs of victims of trafficking and those of law enforcement requires extensive collaboration with other government institutions, as well as with various non-state actors.

**Key elements of effective border management prevention and response to human trafficking include:**

- Thorough, informed surveillance and crossing checks.
- Capacity to recognise and identify human trafficking.
- Sensitive responses to victims of trafficking: recognising vulnerabilities, resistance and needs.
- Familiarity with standard operating procedures for referral and investigation.
- Cooperation with women's organisations and other NGOs to provide services to victims.
- Meaningful collection, analysis and distribution of trafficking data.
- Collaboration and sharing of intelligence with border communities.
- Cooperation with community and other police services.
- Familiarity with trafficking trends, patterns, tactics, routes and traffickers' methods.

**Gender-responsive policies, protocols and procedures**

Border management policies, protocols and procedures related to human trafficking often reflect stereotyped approaches and fail to recognise the differences between the respective trafficking experiences of women, men, boys and girls. Female victims are often assumed to be sex workers. Male victims are often not identified because of a lack of awareness of the trade in men and boys and beliefs about the independence and mobility of men. Children are not identified because of assumptions regarding adults who accompany them. Identification is a complex and time-consuming task that weighs heavily on the resources of border management personnel. Gender-responsive policies, protocols and procedures can facilitate the identification process and ensure the safety of trafficked people.

In addition to national level policies, regional approaches to human trafficking can include joint training, joint operations and other practical cooperation, including the sharing of good practices.<sup>24</sup>

**Tips when developing gender-sensitive policies, protocols and procedures**

- Identification, interview and investigation processes need to be separately reviewed and revised. Each of these steps is likely to have a different impact, depending on the experiences of the trafficked

person. For example, the identification process may be lengthy depending on the mental and physical health of the individual, her/his readiness to talk to border services, or her/his response to the option of being granted a 'reflection' period.

- Focus on identification as the key to investigation and referral. The limitations of the investigative process by first response officers need to be rigorously enforced. It is unlikely that they have the skills to conduct a thorough interview. Their responsibility is rather to ensure the security and well-being of the suspected victim and to carry out the appropriate referrals to support services and specialised investigative units.
- Experienced, specialist interviewers (possibly from a specialised trafficking unit) are essential to achieving an outcome that supports both the needs of victims and law enforcement requirements (see Box 4).
- Review protocols and procedures with partners, particularly child and social welfare services, other law enforcement agencies, women's organisations and, where active, survivors' groups.

### Multi-sectoral mechanisms

Developing joint policies, plans and procedures ensures a comprehensive and integrated approach to human trafficking. Generally, the Ministry of Interior/Home Affairs/Public Safety is responsible for developing working relationships between different institutions and identifying operational personnel to participate. In addition to border management institutions, other entities that should be involved in the response to trafficking include: specialised police

units, medical examiners/forensics, child welfare services, women's shelters, psycho-social services, victim assistance organisations, victim advocates, legal assistance services and the private sector (e.g. transport and tourism).

**National referral mechanisms** can provide a cooperative framework through which state actors fulfil obligations to protect and promote the human rights of trafficked persons in coordination with civil society actors.<sup>26</sup> When designed cooperatively as practical tools, national referral mechanisms define the roles, areas of responsibility, principles of cooperation, and procedures (including standard operating procedures for the referral of trafficking victims) to be carried out by government institutions and civil society actors. Box 5 is an example of a questionnaire for use by the police as part of a situation analysis, which could be adapted for border management.

Another key institutional mechanism is the **systematic collection of data**. Preventing and effectively responding to human trafficking depend on the timely and systematic collection and distribution of reliable data; and border crossings are critical locations for data collection and use.<sup>28</sup>

### ! Tips for enhanced information collection

- Reform measures should include the establishment and maintenance of centralised information registers at border crossing points.

## Box 4 Ten guiding principles for the ethical and safe conduct of interviews with people who have been trafficked <sup>25</sup>

### 1. Do no harm

Treat each woman, man, or child and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a trafficked person's situation worse in the short term or longer term.

### 2. Know your subject and assess the risks

Learn the risks associated with trafficking and each individual's case before conducting an interview.

### 3. Prepare referral information – do not make promises that you cannot fulfil

Be prepared to provide information in a person's native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

### 4. Adequately select and prepare interpreters and co-workers

Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

### 5. Ensure anonymity and confidentiality

Protect a respondent's identity and confidentiality throughout the entire interview process – from the moment she/he is contacted until after details of her/his case are made public.

### 6. Obtain informed consent

Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information given, her/his right not to answer questions, her/his right to terminate the interview at any time, and her/his right to place restrictions on how the information is used.

### 7. Listen to and respect each individual's assessment of the situation and risks to her/his safety

Recognize that each person will have different concerns and that the way she/he views these concerns may differ from how others might assess them.

### 8. Do not re-traumatise anyone

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman's or man's distress and highlight her/his strengths.

### 9. Be prepared for emergency intervention

Be prepared to respond if a trafficked person says she/he is in imminent danger.

### 10. Put information collected to good use

Use information in a way that benefits an individual woman or man or that advances the development of good policies and interventions for trafficked people generally.

**Box 5****National Referral Mechanism Model Questionnaire – analysis of actors and organisations** <sup>27</sup>**Law Enforcement (Police)***Resources*

- Are there special police units trained to deal with trafficking in human beings?
- Do these units include women? To what extent?
- Is it a policy to use female officers wherever possible for contact with female victims?
- Does the government provide these units with sufficient personnel (including translators) and financial resources?

*Training*

- Have the police been trained to identify and deal with potential victims?

- Are there facilities for police training on gender issues, victim sensitivity, and cooperation with victim-protection structures?
- Are the police training their staff in human rights principles and mechanisms?
- What level of training is needed to acquire the skills to investigate and prosecute criminal groups or networks operating on a national and international scale and to confiscate their assets?

*Existing Referrals*

- Are the police included in existing referral mechanisms?
- How well does this cooperation function?

*Regional Cooperation*

- Do the police cooperate across borders and work with regional and international organisations such as Europol and Interpol?

- Information must be disaggregated, at a minimum by sex, age, destination and purpose/intent of victim's travel.
- Ensure information sharing and use respects victims' rights as regards confidentiality.

**Human trafficking training**

Specialised training is essential for border services to detect human trafficking and to deal appropriately with victims. It must be remembered, however, that training, while important, is not enough. Training needs to be routinely monitored and evaluated for impact.

See Tool on Gender Training for Security Sector Personnel

**Tips for effective and gender-responsive human trafficking training**

- Gender-responsive training on human trafficking needs to be multi-level and multi-service. It should be integrated into both specialised and basic law enforcement training, into all border service training (including customs, immigration and border guards), and into the training of specialised investigation units (see Box 6).
- Personnel interviewing victims of trafficking require specialised training.
- Training should include visits to and/or contact with CSO personnel, special units, and health and social services in order to encourage collaboration through

**Box 6****Human trafficking training for Kosovo border and boundary police** <sup>29</sup>

**Basic Training:** for entry-level border police after completion of a 6 month Basic Training for Kosovo Police Service.

- 2-3 days of training included in 'Operations' module
- Topics include:
  - Introduction to human trafficking: definitions, distinctions between trafficking and smuggling.
  - Global, regional and local features: patterns and trends.
  - Identification of victims: use of visual, non-verbal communication and questions; actions and options available to border police.
- Focus is on the tasks, responsibilities and the actual skills needed by basic level officers.

**Team Leader Training:** for supervisory level.

- 1.5-2 days of training included in 'Operations' module

- Topics include:
  - Review of distinctions between trafficking and smuggling.
  - Implications of human trafficking: understanding the process, terminology, definitions, legislation – both international and domestic, and impact of organised crime.
  - Principles and practice of identification, investigation, interviews and referral.
- Focus is on direct relevance of law and principles of human rights protection to border police and the application of skills and correct practice.

*In both Basic and Team Leader training sessions:*

- Materials are highly interactive, practical and focus on border realities.
- Examples, scenarios and problem-solving are used extensively.
- Training curriculum includes modules on 'Human Rights' and 'Gender and Border Management'.

## Box 7 Civil society and border police collaboration on human trafficking in Nepal <sup>30</sup>

An estimated 150,000 to 300,000 Nepalese girls and women are trafficked annually to India. Maiti Nepal is a CSO working on the prevention, rescue and rehabilitation of female victims of human trafficking. It is involved in a broad range of activities, including the provision of shelter, micro-credit, and non-formal education and income generation skills, as well as campaigns to implement anti-trafficking laws and policies. Survivors of trafficking work with border police as part of border surveillance teams that identify trafficked women and girls.

Their collaboration with the border police has led to the identification of police corruption, the rescue of trafficked women and girls, and the creation of a policewomen's unit to work specifically with Maiti's border surveillance team. The police refer to Maiti Nepal for training on trafficking. Outreach with men is also an integral part of the work, including with trusted religious leaders, NGO employees, police, teachers, bus drivers, border officials and hotel owners along the 'chain of trafficking'.

referral processes and understand the importance of protection and assistance.

- Consider joint training with other border management services, the police and with CSOs. Training of trainers or 'cascade' training together with representatives of leading CSOs can be effective and maximise outreach.
- Regular refresher training courses are essential.
- Training materials need to be regularly and systematically updated to reflect changes in trafficking patterns and trends.

### Collaboration with civil society organisations

CSOs and border management services can complement each other's activities. The priority for border police is to obtain information about the trafficking process in order to identify traffickers. National or community-based CSOs, many of which are women's organisations, often have the capacity and expertise to respond directly to the needs of victims of trafficking (see Box 7). Further, CSOs can:

- Provide local intelligence on trafficking issues.
- Assist in the identification of trafficked people.
- Assist in building trust between law enforcement agencies, trafficking victims and vulnerable communities.
- Provide training on human trafficking issues.
- Trained CSO advocates can intervene on behalf of survivors and assist law enforcement in assuring that the rights of victims are respected by providing language services, phone calls to family members, observers to conduct searches, etc.
- CSOs can conduct public awareness campaigns to publicise trafficking concerns and other human rights issues relevant to border management.

## 4.2 Strengthening the protection and promotion of human rights

The combination of often poorly paid and trained border staff, border crossings subject to very limited scrutiny because of their isolated location, insufficient monitoring, oversight and discipline, and the vulnerability of people crossing borders is conducive to human rights abuses by border management personnel. Codes of conduct and human rights and

gender training are important tools to prevent human rights abuses. Other interventions to ensure that border personnel respect and promote the human rights of persons at borders and in border communities include:

- Mainstreaming gender and human rights perspectives into border management plans, policies and programmes of the Ministries of Interior, Foreign Affairs and Justice and of the provincial authorities, with an emphasis on preventing gender-based violence and violence against migrants.
- Establishing and enforcing monitoring and accountability mechanisms in collaboration with CSOs and border communities (which might include 'customer satisfaction' surveys).
- Reviewing salary pay scales, staff development and other incentives, as a critical step towards eliminating bribery and other forms of corruption. Personnel are more likely to be responsive to reform measures if adequate pay and conditions of service are in place.
- Ensuring that recruitment procedures exclude any person with a record of violent crime, including domestic violence, from border services.

### Codes of conduct

Codes of conduct are sets of rules outlining responsibilities and proper practice for both an organisation and the individuals it employs. They are intended to support a public service in its professional activities and to enhance public confidence in the integrity of the service (see Box 8).

#### ! Tips for effective codes of conduct

- Codes of conduct for border services could be based on those of other law enforcement agencies.
- Codes of conduct should address the responsibility to promote human rights and treat colleagues and members of the public with respect, without discrimination on the basis of sex, race, religion etc.
- There should be clear complaint, investigation and disciplinary procedures for violations of the code (including mechanisms for staff complaints of sexual harassment or discrimination).
- Codes of conduct and complaint procedures should be displayed at all border crossings, ports and airports, accessible in all relevant languages.

- Mandatory training on the code of conduct and complaint procedures should be given to all incoming and current personnel.
- Disciplinary measures must be enforced to eliminate impunity.
- The code and its enforcement should be periodically reviewed. Results of 'public satisfaction' surveys should be distributed to senior and operational level border staff and be incorporated in the review process.

### Gender training

Mandatory training on gender sensitivity, sexual harassment, human trafficking and human rights, including the rights of women and girl asylum seekers, should be included in the curriculum of all border guard, customs authority and immigration service personnel (see part on human trafficking training in Section 4.1). Supported by current, accurate information, practical tools for application, and clear procedures, border personnel will be able to develop their capacity to identify and prevent human rights violations and will be more effective in combating criminal activity (see Box 9).

To be effective, gender training should be based on training needs analysis and pre-course assessments that identify the level of existing knowledge and the needs of trainees. The content has to be contextualised, practical and relevant. It is crucial to make the connection between gender responsiveness and operational benefits. Courses must be of adequate length and organised according to a realistic schedule, rather than as 'ad hoc' quick fix programmes.

There are different methods for carrying out effective training. The choice depends on resource availability, the position/rank/status of those being trained, and the specific context requirements. While courses are time and cost-effective, other options can include study visits, personnel exchanges, round-table discussions, internships, mentoring, coaching, and 'shadowing' or 'pairing' of an expert with high ranking personnel to provide 'on-the-job' advice and guidance. Rewarding and publicising gender 'champions', both women and men, has the added advantage of providing role models to other staff.

See Tool on Gender Training for Security Sector Personnel

### Tips for training border management personnel

- Do not introduce gender in a vacuum: its relevance will only be understood if border personnel can understand how it will support them in their mandated tasks.
- To avoid being seen as special and unusual, but rather as integral to border training, gender should be integrated into all training content in addition to specialised classes included in the curricula.
- Training materials need to be appropriate to the local context.
- Training materials need to be adjusted according to the rank and tasks of the target group and should include task-related instructional and practical content. For example, ensure that: managerial levels are challenged to work on gender-responsive policy/procedure design; supervisory levels are challenged to solve gender-related problems; and operational levels are challenged to identify appropriate gender-responsive practices.
- Include women's organisations and other CSOs as resources to provide diverse perspectives and examples of local issues, and to introduce referral processes.
- Attendance by senior officers reinforces commitment to the subject matter.
- Provide regular refresher courses and ensure feedback, evaluation and review of training delivered.

### 4.3 Creating more representative border management institutions

Border agencies and other security sector institutions are under pressure to recruit and retain qualified candidates, but traditional recruitment strategies often overlook women as potential applicants. As is highlighted in Section 3.3, there are many benefits to be derived from increased female recruitment, retention and advancement. Increasing female participation requires active steps, but is possible. For example, the US Albuquerque and Tucson Police Departments increased their percentage of female recruits from 10% to 25% and from 10% to 29%

<b>Box 8</b>	<b>Canada's Border Safety Agency has introduced:</b>
<ul style="list-style-type: none"> <li>■ A customised Code of Conduct.</li> <li>■ An intranet 'Values and Ethics' site for staff. This includes references to: <ul style="list-style-type: none"> <li>- <i>Democratic Values</i> such as the accountability of ministries to parliament and the implementation of lawful ministerial decisions.</li> <li>- <i>Professional Values</i> including working within the law, practicing objectivity and impartiality, and the proper use of public funds.</li> </ul> </li> <li>- <i>Ethical Values</i> such as making decisions in the public interest, improving services to Canadians and upholding transparent processes.</li> <li>- <i>People Values</i> including the treatment of all people with dignity and respect, and appointments made on the basis of merit.</li> <li>■ A Public Service Policy on disclosure of information concerning wrongdoing in the workplace.<sup>31</sup></li> </ul>	



## Box 9

Gender and border management training in Kosovo<sup>32</sup>

In 2006, the Border and Boundary Police Training Unit of the Kosovo Police Service included within its training course materials an introductory half-day *Gender and Border Management* module for basic, team leader and commander levels.

- Currently, half a day is allocated for this training as part of 2 - 5 week courses.
- The theme throughout training is to enable border personnel to make the link between gender and their own daily practice by asking themselves and learning the answers to questions such as: Why does gender matter? What are the advantages of using a gender lens? Why be concerned with integrating gender? What are the operational advantages?
- All three levels begin with a brainstorming session and discussion on 'What is Gender?' This is followed by discussion on 'Why is gender important to border management?'

- Course content then varies according to rank and functional need, based on the question: 'How can gender be integrated into border management?' The emphasis throughout is on active engagement and initiative rather than passive observation.

The *Basic* course focuses on: identification of risks/threats to women and men at borders, how these may be similar or different, and on the associated responsibilities of border police.

The *Team Leader* course focuses on: common situations with a gender theme and on suggestions/requests that can be made to command level to help resolve problems.

The *Command* level course focuses on: policies, procedures and practices that can be introduced to deal with the key headings in this Toolkit: human trafficking, protection of human rights and representative institutions.

respectively by implementing specific strategies to recruit and retain female officers.<sup>33</sup>

### Assessments

To ensure representative recruitment and retention in border services, different types of assessments can be useful. Assessments might focus on: work climate, rates and types of sexual harassment, and the obstacles and opportunities for increased female recruitment, retention and advancement. The assessment process should include a broad range of participants, such as women and men from all levels of the service, as well as civilians from pools of potential recruits – as external perceptions of the work climate for border service personnel can be powerful factors in effective recruitment.

When staff are asked to divulge sensitive information about themselves, their colleagues and management, the anonymity of information collected in the assessment must be assured. Where possible, assessments should be conducted by external experts/institutions. However, the conduct of assessments must be publicly supported by senior management.

See Tool on SSR Assessment, Monitoring and Evaluation and Gender

### Inclusive and woman-specific recruitment policies and practices

There can be challenges to increased recruitment of women in border management agencies. If law enforcement agencies have a reputation for hostility, discrimination and harassment towards female officers, women will not apply. Other specific challenges in border services include: the likelihood of being posted to remote, isolated locations, possibly in hostile and difficult conditions; limited transport; and being in the company of large groups of male colleagues. In many countries, such conditions are considered unsuitable for women.

### Tips for increased recruitment of women

- Review selection criteria to ensure they reflect the actual skills and knowledge required for tasks.
- Ensure that job descriptions include the full range of skills required – including those traditionally considered 'feminine' – e.g. ability to communicate with diverse community members; ability to de-escalate violent situations and mediate disputes; ability to work cooperatively with other agencies; problem-solving skills.
- Develop a target level for the recruitment of women – e.g. 20%.
- Revise recruitment materials to make sure that they show pictures of both men and women and emphasise equal treatment and diverse responsibilities and tasks.
- Train recruitment officers on strategies to recruit women, and include women and men (if possible from all relevant ethnic/geographic/religious groups) as recruitment officers and on interview panels.
- Ensure interviewers are trained in equal opportunities and do not ask questions that discriminate on the basis of sex (e.g. 'Do you plan to have a baby?').
- Initiate a public information campaign that will encourage women to apply and change any negative social attitudes towards women's participation in border services.
- Consider new recruitment and deployment arrangements such as all-female units and wife-husband or brother-sister teams in societies where this would make it more acceptable for women to join border services.
- Offer training courses prior to selection to assist underrepresented groups to meet requirements (e.g. women-specific physical training, driver training).

- Commit resources to monitoring and evaluating the impact of having more women in border management roles.

### Retention of female personnel

One of the reasons for bias against hiring female border personnel is the issue of retention. It is argued that women will not have the commitment of men and are likely to leave the service to provide child and family care. However, the job market reality is that both men and women need to maintain employment and if employers provide incentives for retention and family-friendly policies, it is in both their and the employee's interest. There are high costs associated with loss of staff, including the loss of institutional expertise and memory, continuity, team morale and specialised skills.

#### ! Tips for increased retention of women

- Ensure equal pay, benefits, pensions and other non-salaried remuneration for women.
- Ensure that women are employed in posts with possibilities for advancement – rather than relegating them exclusively to entry-level, low-status and low-paid jobs.
- Develop specific targets for retention.
- Introduce mentoring programmes and associations of female personnel (see Box 10).
- Ensure appropriate facilities and equipment for women, including separate bathrooms and changing rooms, and uniforms.
- Ensure that women have access to and the skills to drive all forms of transport available to the border service.
- Deployment arrangements, such as ensuring that women are always deployed with at least one other woman, may improve their working conditions.
- Where culturally appropriate, consider creating women-only units or work teams, which could potentially have specific duties, such as handling sniffer-dog teams.

- Conduct exit interviews to identify the reasons why women leave the service.

**Family-friendly policies** are essential to attract and retain both qualified women and men and to enhance job efficiency. These include:

- Flexible work hours with part-time and job sharing options.
- Adequate maternity and paternity leave.
- Provision of a maternity uniform option.
- Light duty assignment for pregnant employees aligned to normal promotion, pay increase and other benefit policies.
- A job restoration policy for women who wish to return to work after giving birth.
- Provision of nursing areas and access to on or off-site day-care facilities.

### Advancement of female personnel

Measures to ensure that women and men have equal opportunities for advancement in their border management careers:

- Review promotional criteria to ensure they include the full range of skills required – e.g. for problem solving, working with the community, crime prevention, and referrals to social services.
- Ensure clear, transparent and objective job assessment standards and performance-based assessments.
- Assess promotional exams for gender bias.
- Ensure that women and men have equal opportunity for coveted assignments and in-career training.
- If women are not applying for promotional opportunities, conduct a survey to find out why and implement measures to overcome identified barriers.

## 4.4 Enhancing civil society oversight

The benefits of collaboration with CSOs, including women's organisations, are discussed in Section 3.4, and in relation to human trafficking, in Section 4.1.

### Box 10 European Network of Policewomen <sup>34</sup>

The European Network of Policewomen (ENP) is a regional association of female law enforcement officers. By working in partnership with colleagues from law enforcement institutions in its member countries, the ENP strives to facilitate positive changes in regards to gender mainstreaming and the management of diversity, and to optimise the position of women.

*Key aims of the ENP:*

- Raise awareness and understanding of issues affecting women within police services in Europe.
- Facilitate and contribute towards discussions on issues of concern to both male and female police officers.

- Stimulate and deliver a contribution towards equal representation of men and women at all levels within police organisations.
- Exchange information on best practices within law enforcement organisations, and on current issues, new approaches, initiatives and measurements.
- Function as a European Expertise Centre to stimulate and synchronize cooperation between various police organisations and relevant networks on gender mainstreaming, management of diversity and equality issues.

## Box 11 Civil society oversight at the US-Mexico border <sup>35</sup>

The Border Action Network, in conjunction with community organisations in the border states of the US, have developed a set of 'Guidelines for Alternative Border Enforcement Policies and Practices'. The guidelines address issues of accountability and oversight and cover the following elements: border operations, technology and infrastructure, ports of entry, border fencing, the dilution of law enforcement resources, militarization of the border, community security, and detention and deportation.

In June 2006, the Border Action Network submitted a shadow report to the Human Rights Committee documenting violations of human and civil rights in the US/Mexico border area. It has also made representations to the Inter-American Commission on Human Rights.

See Tool on Civil Society Oversight of the Security Sector and Gender

Strengthening **civil society oversight** of border management can be a critical part of reform processes that ensure accountability and build public trust in border services. Oversight mechanisms that may provide an opportunity for civil society input include independent border review commissions, human rights commissions and ombudspersons. Preparing shadow reports to international human rights bodies can raise human rights issues at borders in an international forum and open dialogue between governments and CSOs on these issues. The equal representation of men and women in oversight structures, the participation of women's organisations and the inclusion of gender issues, such as human trafficking and gender-based violence, strengthens oversight of border services.

### ! Tips for increasing gender-responsive civil society oversight

- Ensure that CSOs have opportunities to visit a selection of border locations to become familiar with conditions, circumstances and tasks.
- Provide training for CSOs, including women's organisations, on border management practices.
- Work with CSOs to collect data on gender-based violence and conduct gender assessments of border guard, customs and immigration services.
- Work with CSOs to publicise and make complaint procedures accessible.

## 5 Integrating gender into border management in specific contexts

### 5.1 Post-conflict countries

In times of armed conflict or inter-state disputes, borders can become highly militarised and contested areas, the sites of violence and human rights violations, and the focus of large-scale population

movement. Pre-conflict police and border management personnel may have largely consisted of poorly trained conscripts or heavily armed paramilitary forces, whose priority was defence and not the safety and security of the populace. In post-conflict contexts, security sector institutions, including border services, are likely to be discredited and in disarray. Security personnel often abandon their posts out of fear of retribution, flee into exile, take flight as refugees, or join armed militias. It is common for border services to have been exclusively male.

Post-conflict border management reform may be an extremely sensitive process due to disputes over borders and control of borders by local armed groups. In many cases, border management systems will have to be built up from scratch. Demilitarising and demining borders, preventing the illicit traffic of arms, as well as ensuring the protection of refugees and displaced persons, are some of the immediate priorities of border management reform.<sup>36</sup>

Illicit movement across unprotected borders is common during wartime, but male combatants – commonly identified as those with weapons – are likely to be allowed to return to their country of origin, regardless of their status in the host country, as a part of a disarmament, demobilisation and reintegration programme. Conversely, women combatants are often excluded from such programmes and are in particular need of human rights protection by border authorities and the issuance of appropriate immigration documentation – together with collaborative measures with local women's groups to provide them with support.

Increased levels of prostitution and human trafficking often accompany militarised post-conflict environments. However, post-conflict environments are generally characterised by increased fluidity in gender roles, owing in part to the increased number of female-headed households and female ex-combatants, amidst ongoing reform processes which open up space for changes in legislation, policy and personnel.

*Some of the challenges to integrating gender into post-conflict border management reform include:*

- Borders often remain contested and potentially hostile areas for long periods after conflict and it may be deemed 'too dangerous' for women to work there.

## Box 12 Recruitment for the Kosovo Border and Boundary Police Service

In the immediate aftermath of the war in Kosovo, significant efforts were made to recruit women as cadets in the new basic policing programme. As in any post-conflict context, many former police officers had disappeared or been killed; others were known for their formerly discriminatory and abusive behaviour.

The impetus was to get local police officers on the streets as soon as possible. Of those who applied, background checks were required, but often proved difficult to carry out because employment records and personal identification documents had been destroyed or lost. The initial courses were basic – six weeks in the classroom followed by practical assignments to UN civilian police field training officers providing policing services.

A considerable number of demobilised Kosovo Liberation Army members were recruited – predominantly men, but also civilian women. Courses in the first years recorded up to 33% female graduates. Thereafter, this percentage declined: not everyone liked the job, some women quit when they had families, while others found better work offers elsewhere. Today the percentage of women in the Kosovo Police is closer to 14%.

The Kosovo Border and Boundary Police was formed later. Borders and boundaries in such conflicts – especially in the Balkans with the status

of Kosovo unresolved – are politically sensitive. Initially, training was provided by UN civilian police assigned to border duties. In 2006, the European Agency for Reconstruction funded a one-year project, implemented by the International Centre for Migration Policy Development (ICMPD) to develop the Border and Boundary Police Training Unit (BBPTU). This included standard operating procedures for the unit, the selection of eight trainers and the delivery of a customised train-the-trainer course. The major aim of the project was to develop three customized training courses for the basic, team leader and command levels.

There are no women in the BBPTU, despite stated commitments to include them by the senior staff of the border police service and significant efforts by the ICMPD. However, women constitute 26% of the Field Training Officers working at border locations who will be expected to provide future on-the-job training. Efforts to persuade them to join the BBPTU unit failed. The stated reasons were: a) happy with current job and location; b) family would not permit her to work so far from home; c) getting married and husband would want her to remain posted close to home.

In January 2007, of a total of 1,009 border police, 76 were women. The General who heads the service is a woman.

- Borders are insecure because of the presence of large displaced populations – with the associated predators, bandits and human traffickers.
- Gender-based violence against women and girls is rampant where there is lack of oversight and impunity.
- Priority is often given to general policing reform, while reform of specialised policing, including border guards, is delayed.
- Initial recruitment efforts to include women in security forces often lose momentum as life returns to 'normal' and/or international pressure to ensure equal representation dwindles.
- Changed gender roles and social structures may facilitate female recruitment; women may have acquired leadership and organisational skills throughout the conflict.

### 5.2 Transitional countries

Transition in this context generally implies a movement from one type of political/economic system to another – commonly from an authoritarian, centralised system to a more democratic, free market economy. In Central and Eastern Europe the transition is from a socialist to neo-liberal capitalist system, as is the case in Central Asia (see Box 13). Here the police have a history of close ties with political leaders and state institutions and had a primarily political function. This meant tightly controlled borders, repressive tactics to control citizens and a focus on defence from external influences. The flow of external trade and the movement of people were severely restricted. In states such as Hungary, the army carried out duties at state borders and controlled border traffic. During certain periods, sections of the border were mined, fenced and electrified.<sup>37</sup> Sizable 'no-go zones' were established where entry was permitted only with the police or by holding a special permit.

In many cases, with the transition to democracy and liberal market economies, women in Eastern Europe, the Caucasus and Central Asia have experienced heavy job losses, an increase in low-paid jobs in both the formal and informal sectors, and significant cuts in social protection. Access to health services has deteriorated and there has been a substantial increase in poverty, in

#### ! Opportunities/Tips

- Security sector reform mandated in peace agreements or by peacekeeping missions, and international attention, may make resources available for border management reform. International actors may be especially willing to support measures to integrate gender issues and increase recruitment of women in border management reform.
- Gender advisors in international organisations and state institutions can provide support to gender mainstreaming initiatives within border management.
- Building up border management systems from scratch provides the opportunity to set targets for female recruitment and integrate gender issues into policy and protocol formulation, operational programming and training (see Box 12).

parallel with a resurgence of the traditional role of women as primary care-givers and home-makers.

*Some of the challenges to integrating gender into border management reform in transitional countries include:*

- Large, mobilised border regimes fearful of loss of power and control.
- Inadequate de-mining in border regions inhibits both women and men from carrying out family and community activities.
- Overestimating the capacity of new border services to regulate immigration and customs, with negative consequences for migrants.
- Demands on border personnel by organised crime for concessions and illegal practices.
- Transitional countries are often source countries for human trafficking.
- Women likely to be treated as 'outsiders' in border services.

### ! Opportunities/Tips

- Border management reform initiatives, associated with the goals of NATO or EU membership, can be an entry point to integrate gender issues and increase the representation of women.
- Introduction of new services – e.g. sniffer-dog teams – that require new approaches and training, could be assigned to all-female or mixed teams.
- In certain transitional countries, the post-Soviet legacy includes more equal participation of women and men in security sector institutions, which could be a basis from which to recruit more women into border management services.

## 5.3 Developing countries

*'The scene at the [Nigeria-Benin] border is always chaotic, hostile and unfriendly, suggestive of a high level of insecurity.'*<sup>40</sup>

In developing countries, the lack of resources for border reform is a critical issue. Insufficient funding results in inadequate numbers of border personnel, equipment shortages and poor training. This contributes to an environment where, in lieu of pay and other rewards, border officials become corrupt and demand illegal payments for the safe passage of people and goods. Under-policed borders with little oversight, allows for complicity between border officials and criminals and other illegal formations. Criminals in many cases remain in the vanguard of technological advances and have well-tested, flexible transportation options and the financial resources to 'buy off' border guards.

Underdeveloped transportation infrastructure can result in lengthy queues at land borders, which are the principal travel routes, especially for traders. Extortion and lengthy waiting periods foster fears of theft and threats to the safety of goods and people. Men working as long-distance drivers travelling with large sums of cash to pay bribes and illegal 'taxes' are especially vulnerable. Unemployment, a major challenge in developing societies with weak economies, results in large numbers of people crossing borders in search of education, employment and better life opportunities elsewhere.

Of the respondents of a 2007 CLEEN study in West Africa, women from all three countries (Benin, Ghana and Nigeria) consistently indicated that they had more negative experience in the hands of law enforcement agents than men. 38% of the total respondents – the single largest group in the study – were women traders and market women, further indication of women's increased mobility and the scale of their importance in the local economy.<sup>41</sup>

### Box 13 Border management reform in Central Asia

When the Central Asian Republics became independent states, '... borders that were suddenly international quickly took on major significance. Long-standing industrial and transportation links were disrupted. Control of territory meant control of resources and improved strategic positions. Ethnic populations that had long enjoyed access to friends and family just across borders were now isolated and often faced visa requirements and other access difficulties.'<sup>38</sup>

The five former Soviet Socialist Republics of Central Asia were faced with developing the capacity to manage new borders, particularly those with Afghanistan, China and Iran. Improving trade and transit in the region and the need to address cross-border crime – clandestine immigration, money-laundering, drug trafficking, arms smuggling and terrorism – demanded international assistance and cooperation.

The EU is playing a major funding role through the *Borders with a Human Face* project.<sup>39</sup> The primary objectives of the project are to ensure regional stability and security, eradicate poverty and develop closer regional cooperation with the EU. Concerns over the vast narcotics trafficking trade in the region provides much of the political motivation behind the project. The EU is introducing integrated border management methods to focus on increased legitimate trade and transit alongside increased security with simplified 'one-stop windows' for document and vehicle verification. The border services are being trained to change from the Soviet-style static military guard at fixed intervals to an inter-agency, mobile, professional force, with the necessary communications and intelligence skills.

In most cases statistics are unavailable, but the percentage of women employed in border services in developing countries is believed to be small to nil.

*Some of the challenges to integrating gender into border management reform in developing countries include:*

- Lack of state resources and oversight can contribute to high levels of corruption and little prevention and accountability for human rights violations by border management personnel.
- Hiring preference may be given to the large numbers of unemployed men, effectively excluding women.
- Lawlessness, violence and crime at or near border locations can deter women from wanting to work there.
- The effects of poverty and the demands of family survival may place educational requirements beyond the reach of many women.
- Absence of gender equality legislation.

### **! Opportunities/Tips**

- Development initiatives focusing on border communities or border management can be an entry point for increased gender mainstreaming and recruitment of women.
- Increasing numbers of women travellers, whether migrants or traders, and the expansion of trafficking of girls and women, can be highlighted as reasons for increasing the recruitment and retention of female staff.

## 5.4 Developed countries

In developed countries, border management in recent years has focused its attention on becoming more representative of the communities they serve and the populations they need to be able to deal with at border locations. In the wake of criticism of racial profiling, the establishment of an appropriate balance between the need for responsive tracking and identification of potential extremist/terrorist/criminal group members and ensuring respect for civil liberties and human rights remains a challenge.

Corruption, the excessive use of force, and sexual harassment scandals have been financially costly and damaged the public reputation of law enforcement in many developed countries. For instance, in Canada, the mishandling of a case of an alleged terrorist, and his subsequent deportation from the US and torture in Syria, contributed to bringing the federal police into serious disrepute and provoked generalised anxiety about personal security and information sharing by border and other police.<sup>42</sup>

Globalisation has increased the diversity of population flows and the attraction of migration, legal or otherwise, to those who live in poverty. Increasingly, women are migrating to developed countries in search of employment in order to support their families. Migration policies and their implementation by border services remain difficult and often contentious issues. Questions related to lawful detention, the rights of refugees, asylum seekers and migrants, and the control of the cross-border movement of drugs, weapons and people are also major concerns (see Box 14).

*Some of the challenges to integrating gender into border management reform in developed countries include:*

- Power structures, values and approaches to security sector reform that emphasise militarisation over human security.
- Political pre-occupation with terrorism and fear of migrants undermines human rights at borders, in

### **Box 14 North American Free Trade Agreement (NAFTA)**

The principal objective of NAFTA, a trade agreement between Canada, Mexico and the US, is to facilitate the movement of goods, capital and services – not people. The daily value of trade between the US and Canada is US\$1.2billion, compared to US\$7.3 million between the US and Mexico. Reform processes have differed significantly at the two borders.

For the US, the illegal trade in drugs, guns and migrants has been a dominant focus of its relationship with Mexico. A fence, massive increases in border guards and a militarised environment characterises the border with Mexico.

In contrast, the US and Canada have collaborated on a 'smart border' approach. This includes a pre-approved process for commercial traffic

(FAST) and a system for individuals to be pre-approved for border crossing (NEXUS), which has resulted in harmonized and streamlined commercial traffic clearance. Interagency work groups and task teams, co-location of customs and immigration, document coordination, and piloting of isometric identification projects (retinal and finger-print scans) have accelerated passenger movement. Within the US, overlapping jurisdictions among multiple competitive agencies remain problematic, while Canada created a new Ministry for Public Safety responsible for customs and border services in 2002.

The management of the US/Canada border, the longest joint land border in the world (8,850km) with 132 legal ports of entry, remains relatively seamless, while the US/Mexico border, with only 25 ports of entry, remains dominated by fear of crime and violence.

particular with regard to racial profiling and the rights of migrant workers.

- Competing demands within border management for sophisticated technology, surveillance and investigation equipment divert resources from gender-responsive initiatives.
- Aversion to affirmative action/quotas in states that consider gender equity problems resolved, or not an area in which government should intervene.

### **! Opportunities/Tips**

- Focus on public service-oriented values and skills traditionally associated with women.
- Public pressure for gender, race and ethnic diversity in law enforcement bodies creates momentum to address gender issues.
- Existence of legal structures to ensure equal employment rights of men and women can promote full and equal participation of both in border services.
- Develop and implement 'cultural sensitivity' training as part of standard border management training to ensure the protection of human rights of women and men.

## 6 Key recommendations

### *International community*

1. Call for the inclusion of women, gender experts and representatives from women's organisations in the assessment, design, implementation, monitoring and evaluation of border management reform processes.
2. Support the mainstreaming of gender issues and increased recruitment, retention and advancement of women in all border management reform processes.
3. Undertake capacity-building programmes to enhance the ability of women's and other civil society organisations to effectively monitor border guard, customs and immigration services.

### *Government*

4. Review and revise border management policies, procedures and protocols to incorporate gender issues and ensure service-oriented policies.
5. Create and enforce comprehensive codes of conduct that explicitly address sexual harassment and gender-based violence.
6. Ensure participatory reform processes and border management agencies:
  - a. Actively involve gender experts, women's organisations and other civil society organisations, and border communities.
  - b. Consult with women in border and other security services.
  - c. Undertake public awareness-raising on border procedures and human rights.
7. Develop institutional mechanisms to ensure the integration of gender issues including:
  - a. A gender focal point system to monitor and support the progress of gender equality policies.
  - b. A gender forum across the service to implement policies, ensure budgetary allocations and as a means for women to articulate their views.
8. Implement and evaluate gender training for border management personnel:
  - a. Embed training in larger strategies for gender mainstreaming,
  - b. Include a focus on international and domestic human rights law, especially concerning gender-based violence and human trafficking.
  - c. Build evaluation and feedback processes, including gender-sensitive indicators, into training and project management cycles – followed by gaps analysis, reviews, client surveys, etc. to collect feedback and build in corrections/improvements.
9. Increase the recruitment, retention and advancement of female personnel:
  - a. Develop strategic targets for recruitment and retention.
  - b. Launch specific recruitment campaigns
  - c. Provide mentoring and support programmes for new female recruits.
  - d. Develop associations for female personnel.
  - e. Consider new deployment arrangements such as all-female units.
  - f. Appoint qualified women to senior positions.
10. Develop and implement specific initiatives to combat human trafficking including:
  - a. Regional cooperation mechanisms.
  - b. Participation in national referral mechanisms.
  - c. The systematic collection of data.
  - d. An inter-ministerial working group with responsibility for maintaining high-visibility, up-to-date information on government initiatives to prevent human trafficking.
  - e. Ensure that both women and men are equally represented on all bodies established and that members with gender expertise are included.



# 7 Additional resources

## Useful websites

Amnesty International - <http://www.amnesty.org>  
 CLEEN Foundation - <http://www.cleen.org>  
 Coalition Against Trafficking in Women - <http://www.catwinternational.org>  
 Human Rights Watch - <http://humanrightswatch.org>  
 No Border Network - <http://www.noborder.org>  
 United Nations Development Fund for Women - <http://www.unifem.org>

## Practical guides and handbooks

International Centre for Migration Policy Development, **Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response**, 2005. <http://www.stopech.sacp.government.bg/file.php?fid=160>

International Organization for Migration, **Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking**, 2006. [http://www.ch.iom.int/fileadmin/media/pdf/publikationen/resource\\_book.pdf](http://www.ch.iom.int/fileadmin/media/pdf/publikationen/resource_book.pdf)

National Center for Women and Policing, **Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement**, 2001. <http://www.ncjrs.gov/pdffiles1/bja/185235.pdf>

Organisation for Economic Co-operation and Security, **OECD DAC Handbook on Security System Reform: Supporting Security and Justice**, 2007. <http://www.oecd.org/dataoecd/43/25/38406485.pdf>

United Nations, '5.40 Module on Cross-Border Population Movements', **Integrated Disarmament, Demobilization and Reintegration Standards**, 2006. <http://www.unddr.org/iddrs/05/40.php>

United Nations Office on Drugs and Crime, **Toolkit to Combat Trafficking in Persons**, 2006. [http://www.unodc.org/pdf/Trafficking\\_toolkit\\_Oct06.pdf](http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf)

World Health Organisation, **WHO Ethical and Safety Recommendations for Interviewing Trafficked Women**, 2003. <http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>

## Articles and reports

Danish Red Cross, **Good Practices in Responses to Human Trafficking: Cooperation between Civil Society and Law Enforcement in Europe**, 2005. [http://drk2.inforce.dk/graphics/English/Trafficking/reference\\_rc/1088\\_drk\\_human\\_manual\\_web%20%282%29.pdf](http://drk2.inforce.dk/graphics/English/Trafficking/reference_rc/1088_drk_human_manual_web%20%282%29.pdf)

D'Cunha, J., UNIFEM, **Mainstreaming Gender and Rights into the Police and Criminal Justice Systems: UNIFEM Interventions**, 2002. <http://www.aic.gov.au/conferences/policewomen3/lloyd.pdf>

Caparini, M. and Marenin, O., DCAF, **Borders and Security Governance: Managing Borders in a Globalised World**, 2006. <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=DCAF&fileid=C456E62F-E7AF-A552-4160-B841A360F994&lng=en>

UNICEF, **Trafficking in Human Beings, Especially Women and Children, in Africa**, 2003. <http://www.unicef-icdc.org/publications/pdf/trafficking-gb2ed-2005.pdf>

## ENDNOTES

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- <sup>3</sup> OECD, p. 151.
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- <sup>6</sup> Glenn, J.C. and Gordon, T.J., *State of the Future*, World Federation of United Nations Associations, Washington DC, Sept. 2007.
- <sup>7</sup> International Centre for Migration Policy and Development, 'Anti-Trafficking Training for Frontline Law Enforcement Officers', (ICMPD: Vienna), 2003, p.30.
- <sup>8</sup> Human Rights Watch, *Borderline Slavery: Child Trafficking*, 2003, p.13.
- <sup>9</sup> International Crisis Group, *Central Asia Border Disputes and Conflict Potential*, no.133, April 2002, p. 4.
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- <sup>14</sup> 'Hundreds of Kosovo-Albanian Girls and Women Raped by Serb Border Guards', *The Times*, 7 April 1999. <http://boes.org/child/tragedy/times1/html>
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- <sup>16</sup> Asian Human Rights Commission, March 2007. <http://www.ahrchk.net>
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- <sup>18</sup> Okechukwu, p. 6.
- <sup>19</sup> Bell, J., Head of Department for Security Cooperation, OSCE Presence in Albania, personal correspondence, May 2007.
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- <sup>22</sup> National Center for Women and Policing, *Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement*, NCWP, 2001, p. 22.
- <sup>23</sup> UNDP Tajikistan. <http://www.adb.org>
- <sup>24</sup> Regional human trafficking initiatives include:  
The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) is tasked by the EU to mainstream trafficking in all its work. The Agency shall assist Member States in training national border guards, including the establishment of common training standards.  
The ECOWAS Plan of Action on Trafficking includes training of law enforcement staff together with NGOs and specialised units with the mandate to target human trafficking.  
The police of 10 countries of South America are collaborating on a regional initiative from a Peruvian advocacy group that encourages reporting on human trafficking information via the internet: <http://www.denunciatarata.org>  
The Southeast European Cooperative Initiative (SECI) Centre addresses crime in that region, including human trafficking. The SECI Centre encourages member states to establish national commissions against trafficking and to adopt anti-trafficking legislation. It also works with the Stability Pact on organised crime to eliminate discrepancies of law between member states and ensure prosecution of crime networks.  
In the Greater Mekong Region (Burma, Cambodia China, Laos, Thailand and Vietnam) a ministerial initiative against human trafficking includes multi-sector partners working at all levels of society, from individual to international, on rights-based responses that focus on the victim. A 2004 agreement between the six countries to fight human trafficking has resulted in robust operations to rescue Vietnamese women and girls destined for the sex trade in China. Police on both sides of the China/Vietnam border cooperate through joint training of personnel and information sharing as well as joint operations.
- <sup>25</sup> Adapted from: Zimmerman, C. and Watts, C., WHO Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO: Geneva), 2003.
- <sup>26</sup> OSCE/ODIHR, 'National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook', 2004, p.15.
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- <sup>28</sup> A 2006 study by UNODC indicated that of 55 European, Commonwealth of Independent States and North American countries surveyed: 70% had no disaggregated data regarding age or sex of tracked persons; 40% made no distinction between adult and child victims; and while most reported trafficking for sexual exploitation, only 49% reported on labour exploitation: UNODC, 'Conference of State Parties to Convention Against Trans-national Crime and its Protocols', 3<sup>rd</sup> session, Vienna, 9-12 Oct. 2006, Proceedings of the GAATW Panel Discussion.
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- <sup>31</sup> Treasury Board of Canada. <http://www.tbs-sct.gc.ca>
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- <sup>34</sup> <http://www.enp.nl>
- <sup>35</sup> Border Network for Human Rights. <http://www.borderaction.org>
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- <sup>39</sup> Van Der Meer, A.H., 'New Perspectives for Economic Cooperation in Central Asia', InWEnt Conference, Berlin, May 2006.
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