NHRC
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THE GAMBIA

PROGRESS PEACE PROSPERITY

TRAINING MODULES FOR



THE GAMBIAN SECURITY FORCES

2024

TRAINING MODULE FOR THE GAMBIAN SECURITY FORCES

Modules:

1. International Human Rights Law
2. International Humanitarian Law
3. Sexual & Gender Based Violence

2024

TABLE OF CONTENTS

List of Acronyms 4

Acknowledgements 6

Foreword 7

PART ONE 11

INTERNATIONAL HUMAN RIGHTS LAW 11

Module Syllabus 12
1. Introduction to Human Rights 21
2. Role of State Security Actors 27
3. Ethical Considerations 27
1. Human Rights-Based Approaches to Security Provision 27
2. Respecting Human Rights in Security Operations 28
3. Protecting Human Rights in Security Operations 28
4. Human Rights that may be violated by security personnel in the course of duty .. 29
5. Command, Control, and Responsibility for Security Forces 30

PART TWO 33

INTERNATIONAL HUMANITARIAN LAW 33

Module Syllabus 36
Teaching Methodologies and Schedule for the International Humanitarian Law (IHL) module: 36
1. Introduction to IHL 40
2. The relationship between International Human Rights Law (IHRL) and International Humanitarian Law 40
3. Main Sources of IHL 41
1. Principles of IHL 42
2. Types of armed conflicts 43
1. The Means and Methods of Warfare 45
2. The implementation of IHL 46
3. Accountability for the violation of IHL 46

PART THREE 49

SEXUAL AND GENDER-BASED VIOLENCE 49
Module Syllabus 49
Teaching Methodologies 49
1. Definition and Forms of SGBV 56
3. Impacts of SGBV on Individuals and Communities 58
4. Prevention and Response to SGBV Incidents 59
5. Biases and Social Norms; Bias against Survivors 60
6. (1) Male-Dominated Institutions 60

6. (2) Factors Contributing to Male-Dominated Institutions 61
7. Addressing SGBV In Security Operations 61
Key steps to address SGBV in security operations 61
8. Responding to SGBV Incidents with Sensitivity and Empathy 61
9. Supporting Survivors of SGBV and Ensuring Access to Justice 62
Strategies for ensuring a compassionate and effective response..... 62
10. Collaboration with Civil Society and Support Services for SGBV Victims 63
11. Some Challenges in Enforcing Laws that Protect Women and Girls 63
12. International and Regional Instruments and Procedures on SGBV 64
13. National Framework: Legislation and Policies Addressing SGBV in The Gambia 65
14. Law Enforcement and Judicial Mechanisms for Addressing SGBV 66

ANNEXURES..... 72

1. RESPONSE TO CASE STUDIES..... 72
1) International Human Rights Law 72
2) International Humanitarian Law (IHL) 72
3) Sexual and Gender-Based Violence (SGBV)..... 73

2. LIST OF KEY INSTRUMENTS 74
1) International and National Human Rights Law 74
2) List of Conventions on IHL 74
3) Legal Framework on SGBV 75

LIST OF ACRONYMS

AP	Additional Protocol
ACHPR	African Commission on Human & Peoples' Rights
ACHPR	African Charter on Human & Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
Court Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights
CESCR	Committee on Economic, Social and Cultural Rights
CERD	Committee on the Elimination of Racial Discrimination
CEDAW	Committee on the Elimination of Discrimination Against Women
CAT	Committee Against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on Migrant Workers
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearances
CSO	Civil Society Organization
HRC	Human Rights Committee
ICCPR	International Covenant on Civil & Political Rights
ICESCR	International Covenant on Economic, Social & Cultural Rights
IAC	International Armed Conflict
IHL	International Humanitarian Law
IHRL	International Human Rights Law
LOAC	Law of Armed Conflict
Maputo Protocol	Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa
NIAC	Non-International Armed Conflict
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission

OHCHR	Office of the High Commissioner for Human Rights
OSV	Other Situations of Violence
POW	Prisoners of War
PTSD	Post-traumatic Stress Disorder
SGBV	Sexual & Gender Based Violence
SOP	Standard Operating Procedure
SPT	Subcommittee on Prevention of Torture
TRRC	Truth, Reconciliation & Reparation Commission
UPR	Universal Periodic Review
UNHRC	United Nations Human Rights Commission

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Our sincere appreciation goes to all the focal persons who represented the the security agencies and provided the necessary support to the Consultant.

We acknowledge, recognise and appreciate Priscilla Yagu Cisay, the lead consultant, and her team for their dedication and for developing for us these very useful Modules. We extend our sincere appreciation to Ida Persson. the Special Adviser on Transitional Justice to the Minister of Justice, for her support and collaboration in this initiative.

FOREWORD

Since the launch of the Government White Paper on the Report of the TRRC , the Government of The Gambia remains steadfast in its commitment to effectively and holistically implement the TRRC recommendations, including the Security Sector Reform (SSR). This commitment underscores the efforts in national reconstruction as we strive to recover from the consequences of 22 years of dictatorship under the regime of former President Yahya Jammeh.

The public hearings of the TRRC revealed the ‘’weaponisation’’ of the security institutions as a tool for the serious and gross human rights violations and abuses that took place during the previous regime. The testimonies of both victims and violators highlighted the absence of a culture of human rights in the security institutions and minimal appreciation of the importance of human rights and international humanitarian law.

The development of modules on Human Rights, International Humanitarian Law and the handling of Sexual and Gender Based Violence (SGBV) cases is a fulfilment of recommendation in the Government White Paper. It is expected to contribute to enhancing the respect for and protection of human rights by the personnel in the the security sector, as well as contribute to the efforts being made in SSR . The Modules, when incorporated into the training manuals of the various security institutions, will also serve as a reference document to support the work of security personnel.

The Modules draw inspiration from national, regional and international human rights instruments. It also references best practices and includes case studies to make the facilitation of the exercises more relevant and trainee-centred.

Overall, these training Modules emphasise the role of our national security institutions in the protection of human rights, including the protection of women from all forms ofSGBV , and in the strengthening of good governance, the rule of law and due process. Respect for human rights is the cornerstone for development, peace and national security. Thus, the effective use of the Modules would greatly enhance and strengthen the role of the security institutions in The Gambia’s governance and democratic reforms.

I call on all security personnel to make good use of this document as we progress in strengthening the SSR process in fulfilment of our vision for a better Gambia and promoting sustainable security reform in the country.

Abubakarr Suleiman Jeng
National Security Adviser

Background & Rationale

In the wake of the findings and recommendations of the Truth, Reconciliation and Reparations Commission (TRRC) , and subsequent release of the Government White Paper on the Report of the TRRC, creating an environment that is responsive to the handling of sexual and gender-based violence and that fosters respect for human rights by and within all security institutions is critical in instilling democratic values and creating a democratic society in The Gambia.

The testimonies before the TRRC and its subsequent findings revealed the existence of serious gap in knowledge and appreciation of gender equality and human rights principles and values within the security sector. There is therefore the need to enhance knowledge and instill gender perspectives and a culture of human rights and respect for rule of law within the various security apparatuses to generate trust, improve relationships/interactions and public perception of the security forces, strengthen security-civil cooperation, and prevent the reoccurrence of gross human rights violations, including gender-based violence, enforced disappearances and extra-judicial killings.

The current curriculum of the various security services does not include modules on how to handle issues relating to gender-based violence or reflects the key principles, standards and norms of Human Rights and Humanitarian Law. Their recruits and officials are also not regularly and systematically trained on gender perspectives, human rights and humanitarian law. Thus, the absence of these modules, combined with the absence of human rights values and standards ingrained into the minds of law enforcement officers, or consistent trainings, promoted the weaponization of the security forces against civilians, as well as the systematic perpetration of human rights violations and abuse.

It is against this background that the TRRC recommended in its final Report that the Government, in collaboration with the National Human Rights Commission (NHRC). ensures regular training on human rights for officials of the security sector; take necessary steps to review and integrate or review and update where available human rights into the Curricula of the GAF; and to design a course on human rights and the role of the military in a democratic society.

General Objectives

- To ensure both appreciation and respect for human rights by all members of the security sector.

- To develop standardised modules on Human Rights and Humanitarian Law and handling Sexual and Gender-Based Violence and to deliver Training of Trainers for instructors at the various security agencies.

Target Beneficiaries

The target beneficiaries of these Modules are the Security institutions, including the Gambia Armed Forces, Gambia Police Force, Drug Law Enforcement Agency, Gambia Prison Service, the Gambia Immigration Department, and the State Intelligence Service.

Course Structure:

The course will be divided equally between lecture-based sessions and group-led presentations on selected topics. This approach will ensure a comprehensive understanding of the subject matter while fostering active participation and collaborative learning.

Overview of The Teaching Methodologies:

The Modules will utilize a variety of interactive teaching methodologies to engage participants and facilitate effective learning. The teaching approaches will include:

1. Lectures

Experienced instructors will deliver interactive lectures to introduce the core concepts, principles, and frameworks of international human rights law. These sessions will provide a solid foundation for further exploration and discussions.

2. Trainee-led Presentations

Participants should be divided into groups and assigned specific topics related to human rights. Each group will research, prepare, and deliver presentations to the class, encouraging active learning and peer-to-peer knowledge sharing.

3. Case Studies

Real-world case studies and scenarios will be used to illustrate the application of human rights principles in diverse contexts. Participants will analyze these cases, identify key issues, and discuss potential solutions.

4. Tutorials

Smaller tutorial sessions can be held to provide opportunities for in-depth discussions, clarification of concepts, and personalized guidance from the instructors.

5. Group Discussions

Participants will engage in structured group discussions to share perspectives, exchange ideas, and explore the complexities and nuances of human rights implementation.

Through this diverse range of teaching methodologies, participants will gain a thorough understanding of international human rights law, its mechanisms, and its practical application in various settings.

Schedules/Session Duration

The duration of each session will vary, depending on the topics and facilitators. Generally, each session will ideally last for two hours and thirty minutes, allowing sufficient time for a balanced approach between lectures and group-led activities.

PART ONE

INTERNATIONAL HUMAN RIGHTS LAW

Module: Introduction to Human Rights Standards and Mechanisms

In this module, you will learn the fundamental principles and standards of human rights. You will be exposed to the international mechanisms and frameworks that protect and promote human rights globally. The module on Human Rights and Vulnerable Groups would also equip participants with a comprehensive understanding of the unique challenges faced by marginalized populations and the strategies for promoting and protecting their fundamental rights.

Key Learning Objectives:

1. Understand the basic human rights standards and principles enshrined in international and national aw.

2. Explore how human rights are protected, promoted, and fulfilled by States and the international community.

3. Learn about the permissible limitations and derogation of human rights under specific circumstances.

4. Gain knowledge on the application of human rights in various contexts.

What You Will Learn

- The core human rights recognized under international law and their underlying principles.
- The obligations of states to respect, protect, and fulfil human rights.
- The international and regional human rights instruments (Treaties, Covenants, Conventions, Statutes, Charters and Declarations) that establish legal frameworks for human rights.
- National human rights laws.
- The role of national and international human rights bodies, mechanisms, and procedures in monitoring and enforcing human rights.
- Non-derogable rights which are a set of fundamental human rights that cannot be suspended or limited by a State, even in times of public emergency or national crisis.
- The circumstances under which human rights can be limited or derogated, and the safeguards that should be in place.
- Practical applications of human rights in diverse settings, such as civil, political, economic, social, and cultural spheres.

Outcomes

By the end of this Module, participants will be equipped with an understanding of international and national human rights law and their practical application. They will be able to:

- Identify and explain the fundamental human rights and their principles.
- Describe the obligations of states in promoting, protecting, and fulfilling human rights.
- Understand the international human rights mechanisms and their roles in monitoring and enforcing human rights.
- Understand the key points about The Gambia's national human rights protection mechanisms
- Have an understanding about non-derogable rights that ensure a baseline of protection for the most fundamental human rights
- Recognize the permissible limitations and derogation of human rights, and the safeguards in place.
- Apply human rights principles and standards in various real-world contexts.

Module Syllabus

	Subject
1.	Introduction to Human Rights
2.	Key human rights
3.	The role of State Security Actors
4.	Human Rights-Based Approaches to Security Provision
5.	Respecting and Protecting Human Rights in Security Operations
6.	Command, Control, and Accountability for Security Forces
7.	Accountability Mechanisms
8.	Ethical Considerations

Topics	Content	Learning Objectives
Introduction to Human Rights	What are human rights?	Understand the Concept and Evolution of Human Rights Know what human rights entail and differentiations from other rights Foundational principles of human rights Examine the Core Human Rights Principles Understand the principle of the universality of human rights, applicable to all people regardless of nationality, location, or cultural context. Examine the interdependence, interrelatedness and indivisibility of human rights
Key human rights	Right to Life Freedom from Torture and Cruel, Inhuman, or Degrading Treatment or Punishment Freedom from Slavery and Forced Labor Freedom of Expression Right to a Fair Trial Right to Non-Discrimination Right to Liberty and security of person Freedom of Assembly Freedom of Association	Know human rights as recognized globally Identify those human rights that have attained the status of customary international law Understand the differences between derogable and non-derogable human rights.

Positive and Negative rights	The distinction between positive and negative rights and the different types of obligations they impose.	Enhance understanding that negative rights protect individuals from interference, while positive rights aim to ensure rights such as access to basic goods and services
Categories of rights	• Civil and Political Rights and Economic, Social and Cultural Rights • Collective / Group Rights	Understand the fundamental civil and political rights, such as the right to life, liberty, and security of person, freedom from slavery and torture, equality before the law, and the right to a fair trial. Understand that whilst individual right focus on the autonomy of each person, collective rights aim to protect the identity, interests and survival of a group. Collective rights protect individuals within the group. Discuss the role of states in respecting, protecting, and fulfilling economic, social and cultural rights, including the concept of progressive realization and the use of maximum available resources. **Understand the interdependence, interrelatedness and indivisibility** of civil, political, economic, social and cultural rights, and how violations of one category can impact the enjoyment of the other.
	International, regional and national human rights laws	Identify the key international, regional and national human rights laws and mechanisms
	Human rights laws and mechanisms	Understand the interplay between the various accountability mechanisms

		Know the general human rights accountability mechanisms Know the procedures for accountability recourse
States' obligations towards human rights	Understanding the scope and nature of state obligations under human rights law	Understand the Duty-Bearer and Rights-Holder Relationship and states' obligations towards human rights Discuss the role of states in respecting, protecting, and fulfilling civil and political rights, including the limitations and derogations permitted under international law. Understand the fundamental economic, social and cultural rights, such as the right to work, the right to an adequate standard of living, the right to health, the right to education, and the right to participate in cultural life. Acquire knowledge of non-derogable rights, when certain restrictions are permissible and when derogation may be loosely allowed -Discuss the circumstances and safeguards for derogating from human rights obligations during emergencies.

Rights and Roles of State Security Actors	Protections for law enforcement officials Maintenance of law and order Protection of citizens Safeguarding national security Professional Competence	Comprehend that international human rights law and domestic laws provide protections for individuals who refuse to obey unlawful orders: Legal Provisions in place to protect security actors, including in the Police Bill and anti-torture Act Understand the right not to be reprimanded for disobeying unlawful orders Explain the role of state security actors in upholding human rights standards while carrying out their duties Highlight the need for adherence to legal procedures and respect for due process when dealing with individuals. Understand the relationship between Human Rights and National Security Examine the inherent tension and potential conflicts between upholding human rights and protecting national security. Explore the balance required to ensure effective national security measures while respecting and promoting human rights. Assess how national security policies, strategies, and institutional frameworks impact human rights.

		Identify potential human rights violations that may arise from national security measures, such as surveillance, detention, and use of force. Discuss the protection of vulnerable groups, such as minorities, migrants, and human rights defenders, in the context of national security. Know how to communicate human rights-related procedures during security engagements
Respecting and Protecting Human Rights in Security Operations	Arrests Searches and seizures Detention Recording of statements Bail Crowd control	Know how to provide information on the reasons for arrest detention and searches in an understandable language Notification of relatives Understand the procedure for granting of bail Identify exceptional cases of searches and seizure Understand how to record and take down complaints, statements Understand the conditions of bail and its human rights applications Understand how to manage crowds and adhere to human rights principles.

Human Rights-Based Approach to Security Provision	Strict Observance of Policies and Procedures Adherence to Human Rights Standards Respect for the Rule of Law Pro-democracy and citizen-centered administration	Identify the human rights approach to security provision Understand basic human rights standards in law enforcement Know other emerging human rights issues relevant to security provision
Human Rights and Vulnerable Groups	Understanding the Concept of Vulnerable Groups	Define vulnerable groups and identifying the characteristics that make certain populations more susceptible to human rights violations. Examine the social, economic, political, and cultural factors that contribute to the marginalization of vulnerable groups. Explore the human rights challenges faced by groups such as women, children, ethnic/religious minorities, persons with disabilities, migrants, refugees, and indigenous peoples. Understand the intersectionality of vulnerabilities and how multiple forms of discrimination can compound human rights abuses.
Command and Control for Security Forces	Command Control Unlawful orders and its implications	Understand the command and control of security apparatus Understand the responsibilities for wrongful acts Identify unlawful orders from lawful ones

Ethical Considerations	Respect for Human Dignity Equality and Non-Discrimination Cultural Sensitivity and Respect for Diversity	Know the ethical considerations required of security personnel when handling human rights cases Understand cultural differences, sensitivities and beliefs Understand the concept of non-discrimination and its application
Free and Informed Consent	Provision of Information Voluntariness Comprehension Special Considerations Documentation	Understand that consent must be given voluntarily, without coercion or undue influence. Particular attention should be paid to obtaining the consent of vulnerable groups, such as children, minorities, or those with diminished capacity. Individuals should be provided with clear and accurate information about the purpose, nature, and potential consequences of the security operation.
Transparency	Security Policies, Procedures and Operations	Be able to implement comprehensive reporting and documentation of security operations which should also be accessible. Understand that security operations and decision-making processes should be as transparent as possible, within the limits of legitimate security concerns, and be made publicly available, to the extent feasible.

Accountability	Policies and Procedures Accountability Mechanisms Operational Information Public Engagement	Gain insights about various accountability mechanisms within the security forces Understand need for robust mechanisms to be in place to investigate alleged violations of human rights or international humanitarian law Victims of security force abuses should have access to effective remedies and reparations Gain understanding of the different external scrutiny and monitoring mechanisms in place such as independent bodies, civil society, and international organizations.

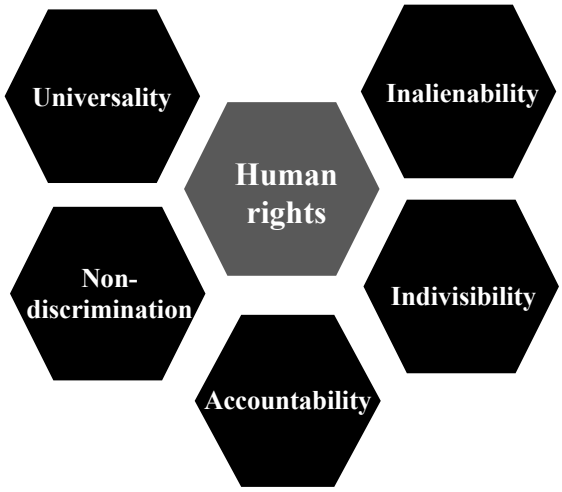
1. Introduction to Human Rights

(1) What are human rights?

Human rights are fundamental rights and freedoms that every person is entitled to, regardless of their nationality, ethnicity, religion, gender, or any other status. These rights are inherent to all individuals by virtue of being human and are protected by law.

(2) Foundational principles of human rights

The foundational principles of human rights provide the ethical and moral basis upon which the entire framework of human rights is built. These principles guide the recognition, protection, and promotion of human rights globally.



1. **Universality**: Human rights apply universally, without discrimination or distinction, and apply to all people at all times.

2. **Inalienability**: Human rights are inalienable and cannot be taken away or relinquished under any circumstances.

3. **Indivisibility and Interdependence**: Human rights are interconnected and interdependent, meaning that the enjoyment of one right often depends on the fulfilment of other rights. For example, the right to education may be dependent on the realization of the rights to health and non-discrimination.

4. **Equality and Non-Discrimination**: All individuals are entitled to enjoy their human rights without discrimination of any kind, including discrimination based on race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status. Equality is a fundamental principle that underpins human rights.

5. **Accountability** is a fundamental principle of human rights that requires states and other duty-bearers to answer for their actions and omissions regarding the realization of human rights. Accountability is essential for preventing human rights violations, ensuring justice for victims, and promoting systemic change. However, in practice, impunity for violations remains widespread due to a lack of political will, weak institutions, and power imbalances. Strengthening accountability requires a multi-pronged approach that empowers rights-holders, reforms institutions, and tackles structural inequalities.

(3) Selected international, regional, and national human rights laws

International	Regional	National
Universal Declaration of Human Rights (1948)	African Charter on Human & Peoples' Rights (1981)	The 1997 Constitution of The Gambia
International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights Convention on the Rights of Persons with Disabilities Convention on the Rights of the Child Convention on Enforced Disappearance Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Convention for the Protection of All Persons from Enforced Disappe	Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa African Charter on the Rights and Welfare of the Child (ACRWC) (1990) Protocol to the African Charter on the Establishment of an African Court (1998)	Children's Act (2005) Women's Act (2010) Women's (Amendment) Act (2015) Persons with Disabilities Act (2021) Prevention and Prohibition of Torture Act (2023)
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (1984)	The African Union Constitutive Act (2000)	

(1) Key Treaty Bodies and Mechanisms:

UN Treaty Bodies:

1. Human Rights Committee (CCPR)
2. Committee on Economic, Social and Cultural Rights (CESCR)
3. Committee on the Elimination of Racial Discrimination (CERD)
4. Committee on the Elimination of Discrimination against Women (CEDAW)
5. Committee against Torture (CAT)
6. Subcommittee on Prevention of Torture (SPT)
7. Committee on the Rights of the Child (CRC)
8. Committee on Migrant Workers (CMW)
9. Committee on the Rights of Persons with Disabilities (CRPD)
10. Committee on Enforced Disappearances (CED)

UN Mechanisms:

1. Universal Periodic Review (UPR)
2. Special Procedures of the Human Rights Council
    - Special Rapporteurs
    - Independent Experts
    - Working Groups
3. Complaint Procedures
    - 1503 Procedure
    - Special Procedures Communications
4. Human Rights Council Advisory Committee
5. Fact-Finding Missions and Commissions of Inquiry
6. Office of the High Commissioner for Human Rights (OHCHR)
7. UN Human Rights Council
8. UN Human Rights Treaty Bodies

(2) Key Human Rights Mechanisms at Regional and National Levels

These UN Treaty Bodies and Mechanisms play a crucial role in monitoring, investigating, and addressing human rights issues globally. They provide a framework for States to report on their human rights obligations and for individuals and civil society to raise concerns about human rights violations.

Regional

1.	The African Commission on Human and Peoples' Rights (ACHPR)	Promote and protect human rights in Africa. It also hears complaints from applicants and as well as interpreting and applying human rights treaties. States report on the implementation of the ACHPR and the Maputo Protocol
2.	The African Court on Human and Peoples' Rights	Gives binding decisions, unlike the commission.

		Promote and protect human rights in Africa. Hears complaints from applicants and as well as interprets and applies human rights treaties.
3.	The ECOWAS Community Court	The sole judicial organ of ECOWAS with the role of ensuring the observance of law and justice in the interpretation and application of the Treaty and protocols of ECOWAS.
4.	The African Committee of Experts on the Rights and Welfare of the Child	Monitors implementation of the ACRWC and receives complaints of child rights violations
National		
1.	The Judiciary	Hears cases involving alleged human rights violations and provides remedies to victims. The High Court is primarily the court that hear human rights allegations and provide appropriate redress or remedies.
2.	The National Human Rights Commission	The independent body responsible for promoting and protecting human rights in the country. It monitors, investigates, and advocates for human rights. It handles complaints of human rights violations and recommends appropriate remedies or seeks redress on behalf of complainants.
3.	The Office of the Ombudsman	Investigates administrative injustices and others forms of violations.

(3) States' obligations towards human rights

- **Respect:** States must refrain from violating human rights and must ensure that their actions, policies, and laws do not infringe upon the rights and freedoms of individuals within their jurisdiction.

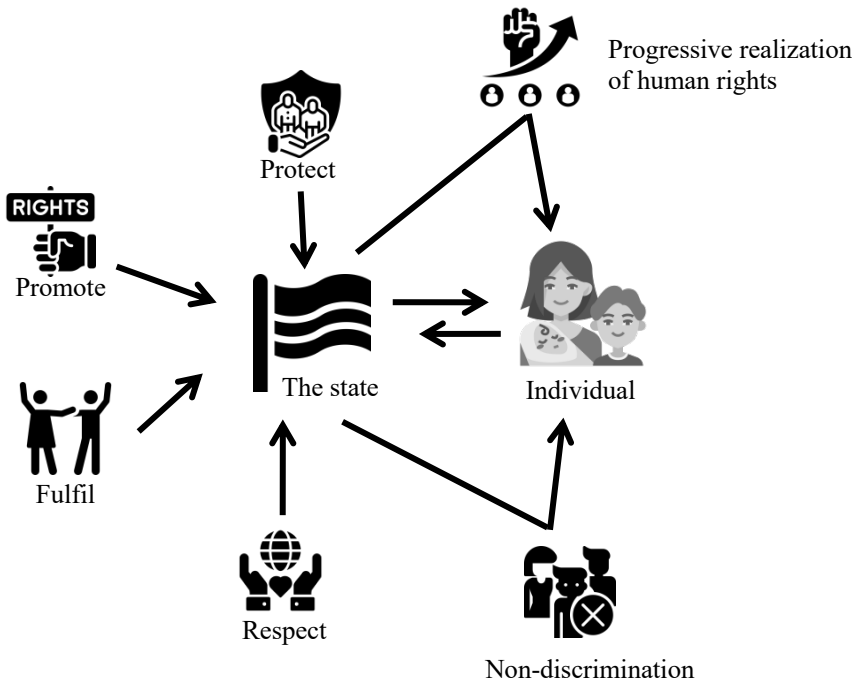
- **Protect**: States have a duty to protect individuals from human rights abuses committed by state actors, as well as from abuses perpetrated by non-state actors within their jurisdiction.

- **Fulfil**: States must take positive measures for the enjoyment of human rights. This include creating conditions which foster the realization of other rights, such as right to education, health, housing, and an adequate standard of living.

- Promote: States should promote public awareness and education about human rights, ensuring that citizens are informed about their rights and responsibilities.

  Other obligations include:

- **Progressive Realization** requires the State to take steps, individually and through international assistance and cooperation, towards the full realization of economic, social, and cultural rights to the maximum of their available resources and within a reasonable timeframe.
-
- **Non-discrimination** obliges States to ensure equality and non-discrimination in the enjoyment of human rights for all individuals.



(4) Differences between positive and negative rights

Positive rights	Negative rights
Require affirmative action or intervention by duty-bearers to ensure the fulfilment of certain entitlements.	Impose obligations of restraint or non-interference on duty bearers.
Requires proactive action by the state to ensure the provision of basic necessities	Entails the absence of state interference or restriction on individuals' freedoms or entitlements.
More challenging to enforce judicially due to the complexity of determining the specific obligations of duty-bearers.	Straightforward to enforce judicially because they involve clear prohibitions or restrictions on state actions
Provided for in the ICESCR.	Provided for in the ICCPR
States can derogate from it.	Derogation allowed in certain situations which threaten the life of the nation i.e. armed conflict, natural disaster or an outbreak of a disease.

Limitations are generally on the availability of resources	Limitations are based on recognized human rights compliant laws, legitimacy and reasonableness
They are mostly economic, social and cultural rights	They are mostly civil and political rights

2. Role of State Security Actors

Maintenance of law and order	**Protection of citizen**	**Safeguarding national security**
• Impartiality	• Independent • Protection • Rule of Law • Impartiality • Proactivity	• Proactivity
• Protection		• Protection

3. Ethical Considerations

Some paramount ethical considerations are as follows:
1. State Security Actors shall ensure the full protection of the health of persons in their custody;
2. Anyone accused of an offence must be told in a language he or she understands the nature of the offence accused of;
3. A person must be charged with a known offence within a reasonable time;
4. Everyone must be given the right to hire their counsel of choice;
5. Everyone must be told of the right to remain silent (*Miranda doctrine*);
6. No one should be detained *incommunicado.*

1. Human Rights-Based Approaches to Security Provision

(1) Strict Observance of Policies and Procedures: It is essential that all security personnel strictly adhere to established standard operating procedures (SOPs) and guidelines that are in line with human rights standards and principles when carrying out their duties. Compliance with these protocols is crucial to ensure the protection of human rights and the lawful execution of security operations.

(2) Adherence to International Human Rights Standards: Adherence to the international standards for security personnel is required at all times, these include cautionary statements.

(3) Professional Competence: This is demonstrated through professional competence and courtesy. To prevent human rights violations, security personnel

are prohibited from using unreasonable/excessive force. Any use of force must be proportionate and not as a means of punishment.

(4) Respect for the Rule of Law: Security personnel should remember at all times that sovereignty resides with the people and all government authority emanates from the people.

(5) **Pro-democracy and citizen-centered administration: T**hese values are best achieved when security personnel seek greater participation from the community in the maintenance of peace and order, through their local or traditional democracy.

2. Respecting Human Rights in Security Operations

(1) **Arrest:** Inform persons arrested, detained, or under investigation about their rights under the law. Ensure the safety of the arrested person/s during transport to the police station and personal properties documented.

(2) **Searches and seizures:** Security personnel must promote and protect the citizens' fundamental right to be secure in their houses and property against unreasonable or illegal searches and seizures. This right is a critical component of the broader right to privacy and is enshrined in international human rights law.

(3) **Detention:** An individual must not be detained beyond 72 hours without an order from a competent court of law. Detainees must be treated with dignity and respect, and provided with adequate food, water, medical care, and access to basic sanitation facilities. Continuous monitoring of detained persons is vital to ensure efficient and effective detention management, as well as to prevent overcrowding and other human rights violations in custodial facilities.

(4) **Recording of statements:** law enforcement personnel must ensure that the interrogation process and police bail procedures are conducted in a manner that upholds the rights and dignity of suspects, while also maintaining the integrity of the criminal justice system.

3. Protecting Human Rights in Security Operations

State security actors must comply with the following principles and guidelines. Failure to comply with these principles can result in serious human rights violations.

1. Respect for Human Dignity and Non-Discrimination

Security forces must always respect the inherent dignity of all individuals and treat them without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

2. Use of Force and Firearms

The use of force and firearms by security personnel should be in accordance with the principles of necessity, proportionality, and accountability. Lethal force should only be used as a last resort to protect life.

3. **Prohibition of Torture and Cruel, Inhuman or Degrading Treatment**

Security actors are strictly prohibited from engaging in torture or other cruel, inhuman, or degrading treatment or punishment. No exceptional circumstances can justify such acts.

4. **Right to Life, Liberty, and Security**

Security forces must respect and protect the right to life, liberty, and security of all persons. Arbitrary arrest, detention, or deprivation of life is strictly prohibited. Inform of reasons for arrest, detention, and searches in an understandable language.

5. **Fair Trial and Due Process**

Individuals detained by security forces must be afforded the right to a fair and impartial trial, with access to legal counsel and the opportunity to challenge the legality of their detention.

6. **Rights of Vulnerable Groups**

Security personnel must pay particular attention to the needs and rights of vulnerable groups, such as women, migrants, children, minorities, key populations, and persons with disabilities, in the course of their duties.

7. **Accountability and Oversight**

Security forces must be subject to effective oversight, control, and accountability mechanisms to prevent human rights violations and ensure compliance with the law.

4. Human Rights that may be violated by security personnel in the course of duty

(1) Right to Life: Every individual has the inherent right to life, and the Government has an obligation to protect this right by preventing arbitrary deprivation of life and ensuring effective investigation and accountability for unlawful killings. This right can only be limited as prescribed by the Constitution.

(2) Freedom from Torture and Cruel, Inhuman, or Degrading Treatment or Punishment: No one should be subjected to torture, cruel, inhuman, or degrading treatment or punishment under any circumstances.

(3) Freedom from Slavery and Forced Labour: Slavery, servitude, and forced labour are prohibited in all forms. Individuals have the right to be free from exploitation and coercion in their work or any other aspect of their lives.

(4) **Freedom of Expression:** Everyone has the right to freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas through any media regardless of frontiers.

(5) Right to a Fair Trial: All individuals have the right to a fair and public hearing by an independent and impartial tribunal, as well as the right to be presumed innocent until proven guilty.

(6) Right to Non-Discrimination: All individuals are entitled to enjoy their human rights without discrimination of any kind, including discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.
(7) Right to personal liberty and security of person: Individuals can be arrested and detained without legal justification or due process, violating their right to liberty and security of person.

(8) Protection from Forced displacement: Individuals may be forcibly removed from their homes and communities, often in the context of armed conflicts, development projects or natural disasters, violating their right to freedom of movement and other rights.

(9) Protection from Enforced disappearances: Individuals may be abducted by state agents or with their acquiescence, who then deny holding them or conceal their fate or whereabouts, violating their right to liberty and security of person.

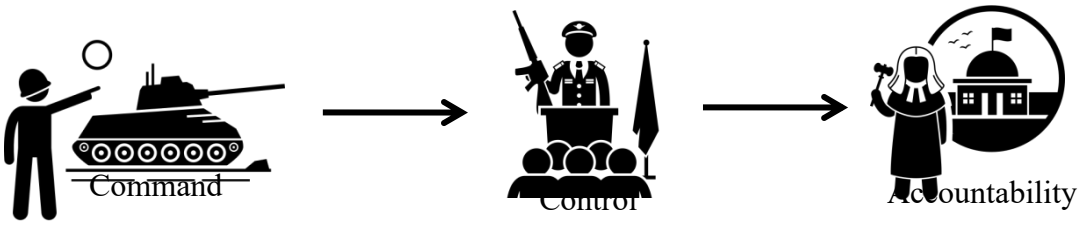
5. Command, Control, and Responsibility for Security Forces

Command, control, and accountability for security forces refer to the systems and processes in place to ensure effective leadership, coordination, oversight, and responsibility within security institutions.

(1) Command: the authority and responsibility vested in leaders within the security forces to direct and control operations, resources, and personnel.

(2) Control: involves the management and regulation of security forces' activities, assets, and resources to achieve operational goals and maintain accountability.

(3) Accountability: the obligation of security personnel to answer for their actions, decisions, and performance. Accountability include transparency, oversight, and review processes to hold individuals and organizations responsible for their conduct and outcomes. Accountability ensures that security forces are held to high standards of professionalism, integrity, and respect for human rights and that they are accountable to the public and relevant authorities for their actions.emblem





MODEL CASE STUDIES

CASE STUDY 1

Capt. Mumbasa and a few of his friends in the military staged a successful coup d'état against the elected government. Twenty-eight Presidential Guards lost their lives in an attempt to abort the coup. However, Captain Mumbasa appointed General Blake as his minister of defence and instructed him to erase anyone who was against the coup.

On 9th October 2011, there was a nationwide peaceful protest. Gen. Blake ordered Capt. Savvy that whoever is found in the street with any placard should be executed immediately, because such an act constitutes a threat to the country's peace and security.

Capt. Savvy deployed thirty anti-protest soldiers for the operation. They opened fire indiscriminately, killing hundreds of protesters and disperse others. The soldiers break into homes, looted private properties and raped several women. Captain Mumbasa stated that he would rule the country until his death and would never organise an election.

Consequently, Captain Savvy organised a coup and arrested Captain Mumbasa after 20 years in power. The Country returned to civilian rule and a transitional justice mechanism was put in place.

QUESTIONS:

1. Identify the various human rights violated
2. Identify the perpetrator(s)
3. What mechanism(s) is suitable for accountability in the scenario?

CASE STUDY 2

Mr. Solomani Java is the President of the Republic of Slava. He is a believer of Zuntu a religion of the elites, according to its members. He is recognized as one of the most committed Zuntuni. On 26th March 1999, news broke that Zuntu believers were castigated by the other religious sect, Masma. Masma is regarded as the religion of the poor. Upon hearing the news, the President issued a press conference banning all other religions and thereby declared Zuntu as the State religion. He issued a directive for public execution of anyone who disobeyed him.

On 17 November 2000, Mr. Solomani ordered the security outfits to enforce the Anti-Feminism Policy. That no woman shall be caught participating in politics, decision making and specifically reserved university education for men. His reasons were women belong to the kitchen. Till today, no woman has participated in any national development-

related activities. No woman was allowed to work or drive and could only be seen in a public place if accompanied by a man.
On 18 September 2005, Mr. Solomani was defeated in Presidential election and was arrested thereafter.
Questions:

1. Identify the various human rights violated;
2. Identify the perpetrator(s);
3. What mechanism(s) is suitable for accountability in the scenario?

CASE STUDY 3

President Samba Jumani took over office as the country's 10th president since independence through the presidential elections held on 6th February 2022. However, both international and national election observers lamented that the elections were not free and fair. This has created serious revolt and criticisms from various human rights groups.

Mrs. Samoline Samosa a critic of President Samba Jumani and a human rights activist was the flagbearer in the 2022 elections. She was arrested at a press conference and detained incommunicado for one year without trial.

President Jumani, furious about the constant nationwide protest and online criticisms of his leadership, ordered for internet shutdown and an indefinite state of emergency.

QUESTIONS:

1. Identify the various human rights violated;
2. Identify the perpetrator;
3. What mechanism(s) is suitable for accountability in the scenario

PART TWO
INTERNATIONAL HUMANITARIAN LAW

Module Overview: Understanding and Applying International Humanitarian Law
In this Module, you will learn about the fundamental principles and rules of International Humanitarian Law (IHL), also known as the law of armed conflict. By the end of this module, you will have a solid understanding of the key principles and rules of IHL, as well as the critical role that security personnel play in promoting respect for this body of law and protecting civilians during armed conflicts.

You will be equipped with the knowledge and skills to apply IHL in their day-to-day operations and contribute to the effective implementation of this essential framework. You will have a comprehensive understanding of IHL and its practical application, particularly in the context of security operations.

Key Topics Covered:

1. **Introduction to International Humanitarian Law**
    - Origins and sources of IHL
    - Scope of application: international and non-international armed conflicts
    - Distinction between IHL and human rights law

2. **Protecting Civilians and Civilian Objects**
    - Principles of distinction, proportionality, and precautions
    - Rules governing the conduct of hostilities
    - Safeguards for civilians, the wounded and sick, and medical personnel

3. **Protecting Detainees and Prisoners of War**
    - Humane treatment of detainees and prisoners
    - Conditions of detention and access to medical care
    - Repatriation and release of detainees

4. **Implementation and Enforcement of IHL**
    - Roles and responsibilities of states and security forces
    - Mechanisms for monitoring and investigating IHL violations
    - Individual criminal responsibility and war crimes

5. **Security Personnel and Promoting Respect for IHL**
    - Integrating IHL into security operations and training
    - Reporting and investigating suspected IHL violations
    - Collaborating with humanitarian actors and civil society

Principles of International Humanitarian Law and the Role of Security Personnel provide a deeper understanding of the three key principles in IHL that regulate the

conduct of hostilities: distinction, proportionality, and precautions. You will also learn how these principles limit the effects of armed conflict on the civilian population, as well as the mechanisms for implementing and enforcing IHL.

The Three Key Principles of IHL

1. **Distinction**
    - Parties to an armed conflict must distinguish between civilians and combatants, as well as between civilian objects and military targets.
    - Attacks must only be directed against military objectives, and civilians and civilian objects must be spared.

2. **Proportionality**
    - The expected incidental civilian damage and injury must not be excessive in relation to the concrete and direct military advantage anticipated.
    - Parties must weigh the potential harm to civilians against the military necessity of an attack.

3. **Precautions**
    - Parties must take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects.
    - This includes choosing appropriate means and methods of warfare, providing effective warnings, and suspending or cancelling attacks if the expected civilian damage would be excessive.

Limiting the Effects of Armed Conflict on Civilians
By adhering to these three principles, parties to an armed conflict can significantly limit the devastating effects of hostilities on the civilian population. This includes:

- Protecting civilians from the direct and indirect consequences of military operations
- Safeguarding civilian objects, such as homes, schools, and hospitals
- Ensuring the safe passage and evacuation of civilians from combat zones
- Facilitating the delivery of humanitarian aid and medical assistance

Implementation and Enforcement of IHL
You will also learn about the mechanisms for implementing and enforcing IHL, including:

- The roles and responsibilities of states and security forces in upholding IHL
- Monitoring and investigation of suspected IHL violations
- Individual criminal responsibility and the prosecution of war crimes

The Role of Security Personnel in Promoting Respect for IHL
Finally, you will explore the critical role that security personnel play in promoting respect for IHL, such as:

- Integrating IHL into security operations, training, and decision-making
- Reporting and investigating suspected IHL violations

- Collaborating with humanitarian actors and civil society to ensure compliance

By mastering these key principles and understanding the practical application of IHL, participants will be better equipped to protect civilians and uphold the rules of war in their security operations.

Module Syllabus

	Subject
1.	Introduction: Historical Development of IHL
2.	Sources and Principles of IHL
3.	Relationship between IHL and International Human Rights Law
4.	Classification of armed conflict
5.	Means, Methods, of the Conduct of War
6.	Implementation of International Humanitarian Law
7.	Accountability for the violation of IHL

Teaching Methodologies and Schedule for the International Humanitarian Law (IHL) module:

1. **Classroom Lectures**
    - Provide an overview of the key concepts, definitions, and sources of IHL
    - Discuss the scope of application and the distinction between international and non-international armed conflicts
    - Explain the rules and principles governing the protection of civilians, detainees, the wounded and sick, and medical personnel

2. **Participant-Led Presentations**
    - Assign specific topics related to IHL for students to research and present
    - Encourage students to use interactive methods, such as case studies, role-playing, or multimedia presentations
    - Facilitate discussions and provide feedback after each presentation

3. **Case Studies and Scenario-Based Learning**
    - Present real-world case studies of IHL violations and their consequences
    - Engage students in analyzing the cases, identifying key issues, and discussing appropriate responses
    - Use role-playing exercises to simulate IHL scenarios and practice applying the principles of distinction, proportionality, and precautions

4. **Tutorials and Group Discussions**
    - Divide the class into smaller groups for more focused discussions and exercises
    - Assign specific questions or problems for the groups to explore, such as the application of IHL in urban warfare or the challenges of investigating IHL violations
    - Encourage peer-to-peer learning and the exchange of ideas within the groups

Schedule:

Sessions 1-6: Lectures (2.5 hours each)

1. Introduction to IHL and its Origins
2. Scope of application and types of armed conflicts
3. Protecting civilians and civilian objects
4. Protecting detainees and prisoners of war
5. Implementing and enforcing IHL
6. The role of security personnel in promoting respect for IHL

Sessions 7-12: Participant-Led Presentations and Discussions (2.5 hours each)

- The first half of each session will be dedicated to a lecture on a specific topic
- The second half will be devoted to student-led presentations on related subjects, followed by discussions and feedback

Topics	Content	Learning objectives
Introduction to IHL	• Historical development of IHL • The law of armed conflicts • Basic principles • Jus ad Bellum • Jus in Bello • Main sources of the law of armed conflicts • War Crimes & International Criminal Justice	• Describe the most influential steps in the evolution of the modern lLw of Armed Conflicts (LOAC); • Identify the basic principles upon which the rules of the Laws of Armed Conflict rest and from which they can be deduced; • Determine the key points of the law relating to the maintenance of peace and assess the efficacy of the current regulation of the 'right to resort to force'; • Differentiate between jus ad bellum and jus in bello; • Explain and discuss why questions of the lawfulness of the use of force are separated from questions of the obligations of the parties during an armed conflict in modern International Law; • Identify the different sources of the LOAC; • Differentiate between the existing international criminal jurisdictions and their scope of application
Human Rights and IHL	• Similarities between HR & IHL • Differences between HR & IHL	• Identify the differences and similarities between HR & IHL
The Hague Law "Means and methods of warfare''	• Targeting: The Principle of Distinction between Civilian and Military Objects • Other Objects Specifically Protected against Attack • Prohibited Weapons • Perfidy and Ruses • Other Prohibited Means and Methods of Warfare	• Identify the Principle of distinction and recognize its different aspects; • Explain how the application of this fundamental rule allows belligerent parties to make targeting decisions during armed conflicts; • Identify which objectives, other than civilians and civilian objects, enjoy specific immunity from attack under the LOAC; • Spell out the principles and rules that govern the acceptability or unacceptability of the use of weapons with regard to the aim of armed conflicts;

		• Distinguish between illegal acts of perfidy and legal acts of ruse; • Assess the effectiveness of the principle which prohibits the use of certain means and methods of warfare in light of the development of new-age military weapons; • Identity the new challenges for the LOAC relating to the use of drones and other new means of modern warfare
Types of armed conflict	• International Armed Conflict • Non-international Armed Conflict • Internationalize Armed Conflict	• Distinguish between the various types of armed conflicts • Actors in armed conflicts
Role of law enforcement officers	• The situation of armed conflict • Law enforcement officers in armed conflicts	• Understand the roles of law enforcement officers in situations of armed conflict • Identify key steps to take during a situation of armed conflict
Implementation of IHL	• Education and Training. • Technical assistance	• Understand and observe the rules of IHL
Breaches of IHL	• War crimes, torture • Extensive destruction of property, usurping the right of POWs, • Targeting of the civilian population, hostage taking, wilful killing, abuse of emblems, attacking a person who is “hors de combat.	• Understand how to hold individuals criminally responsible in both IAC and NIAC.
Case studies	The hypothetical case studies cover a wide range of violations of IHL	• Expose participants to real-life scenarios, allowing them to better appreciate IHL in context. • Explore the practical implications and consequences of IHL violations for various stakeholders, including civilians, combatants, and humanitarian organizations.

1. Introduction to IHL

International Humanitarian Law (IHL), also known as the Laws of War or the Law of Armed Conflict, is a set of rules that seek to limit the effects of armed conflict by protecting individuals who are not or are no longer participating in hostilities and by regulating the means and methods of warfare. IHL applies to both international and non-international armed conflicts.

There are Other Situations of Violence (OSV) that may involve the sporadic use of arms but cannot be categorized as armed conflict. Such types of situations might be classified as civil unrest.

While IHL primarily governs situations of armed conflict, including both international and non-international conflicts, its application can extend beyond traditional battlefield scenarios, extending beyond the traditional conception of armed conflicts between nation-states on defined battlefields. They involve a wider range of actors, including non-state armed groups, peacekeeping forces, and multinational coalitions, operating in diverse operational environments, such as urban areas, occupied territories, and counterinsurgency settings.

The application of IHL in these contexts can be more complex, as it requires a careful assessment of the specific circumstances to determine the existence of an armed conflict and the corresponding obligations of the parties involved. Nonetheless, the core principles of IHL, such as the protection of civilians and the distinction between combatants and non-combatants, remain essential in evolving scenarios.

2. The relationship between International Human Rights Law (IHRL) and International Humanitarian Law

IHL and IHRL are complementary bodies of international law that share some of the same aims. Both IHL and human rights law strive to protect individuals' lives, health, and dignity, albeit from different angles – which is why, while they are different in formulation, the essence of some of the rules are similar.

Similarities between IHL and IHRL

- Both bodies of law share common goals: protecting life, health, and dignity. They prohibit torture, ensure fundamental rights during criminal processes, address discrimination, and regulate food and health services access. Therefore, International humanitarian law and human rights law complement each other, aiming to safeguard the well-being of individuals, whether in peacetime or wartime.
- States are primarily responsible for the implementation of the rights under IHL and IHRL.
- Rights under IHL and IHRL can be claimed by individuals and groups.
- Violations under IHL and IHRL can be tried both domestically and internationally.

3. Main Sources of IHL

TREATY LAW	CUSTOMARY INTERNATIONAL LAW
People protected by the four Geneva Conventions of 1949: • **FIRST GENEVA CONVENTION** (The wounded and the sick on land) • **SECOND GENEVA CONVENTION** (The wounded, the sick and the shipwrecked at sea) • **THIRD GENEVA CONVENTION** (Prisoners of War) • **FOURTH GENEVA CONVENTION** (Civilians) The four Geneva Conventions of 1949 are applicable in international armed conflict. One article – Common Article 3 – specifically applies to non-international armed conflict. All 196 States are party to the four Geneva Conventions of 1949, making them universal. As a response to the development of new methods of combat, three additional Protocols were adopted: • Additional Protocol I of 1977 deals with the protection of civilians in International armed conflict. • Additional Protocol II of 1997 harnessed Common Article 3 and developed a legal frame for Non-International armed conflict. • Additional Protocol III of 2005 introduced an additional emblem, the red crystal, which offers the same protection as the red cross and the red-crescent emblems. In addition to the four Geneva Conventions of 1949 and their three Additional Protocols of 1977 and 2005, a large number of treaties and other legal instruments deal with issues relating to the conduct of hostilities and the protection of the civilian population. They contain rules applicable in international armed conflict, non-international armed conflict or both (the issues include the use of certain	Customary law is a body of rules that States regard as binding under international law. These rules are identified by looking at the practice of States (including official accounts of military operations and other official documents, military manuals, national legislation and case law). These rules (which are accepted as law) need to be distinguished from practices that States do not regard as obligatory (e.g. practices followed as a matter of policy rather than out of any sense of legal obligation). Customary law may fill certain gaps in the protection provided to victims of armed conflict by treaty law. These gaps result when: 1. Certain states do not ratify certain treaties (e.g. the Additional Protocols or certain weapons conventions). (In the case of armed conflicts involving a coalition of States with different treaty-based obligations – because they have not all ratified the same treaties – customary law may represent those rules that are common to all members of the coalition. In this situation, customary law may serve as a base for drafting common rules of engagement.) or when: 2. Treaty law lacks detailed rules on certain issues pertaining to non-international armed conflict. (This is the case with respect to the conduct of hostilities (military objectives,

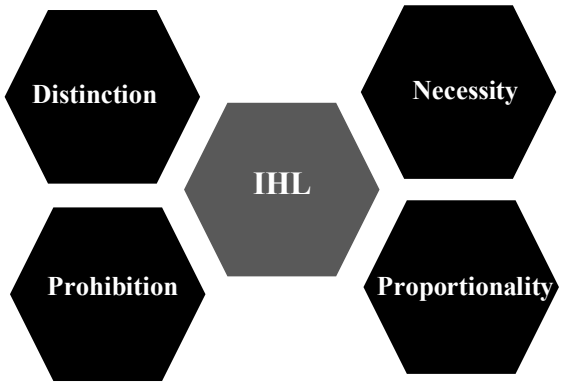
weapons, the protection of cultural property, the protection of children, and the prosecution and punishment of criminal offences).	indiscriminate attacks, proportionality, precautions in attack), the protection of journalists, humanitarian assistance, and also in other areas such as the implementation of humanitarian law. Customary law may fill the gap, because practice has created a substantial number of customary rules that are more detailed than the often-rudimentary provisions in Additional Protocol II of 1977.)

1. Principles of IHL

International Humanitarian Law (IHL) is the branch of international law limiting the use of violence in armed conflicts by sparing those who do not or no longer directly participate in hostilities as well as restricting it to the amount necessary to achieve the aim of the conflict, which – independently of the causes fought for – can only be to weaken the military potential of the enemy.

It is from this definition that the basic principles of IHL may already be drawn, namely:

- the distinction between civilians and combatants,
- the prohibition to attack those hors de combat,
- the prohibition of inflicting unnecessary suffering,
- the principle of necessity, and
- the principle of proportionality.



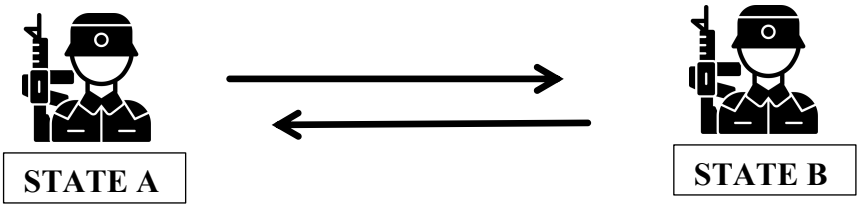
This definition nevertheless also reveals the inherent limits of IHL:

- it does not prohibit the use of violence;
- it cannot protect all those affected by an armed conflict;
- it makes no distinction based on the purpose of the conflict; and
- it does not bar a party from overcoming the enemy; it presupposes that the parties to an armed conflict have rational aims and that those aims as such do not contradict IHL.

2. Types of armed conflicts

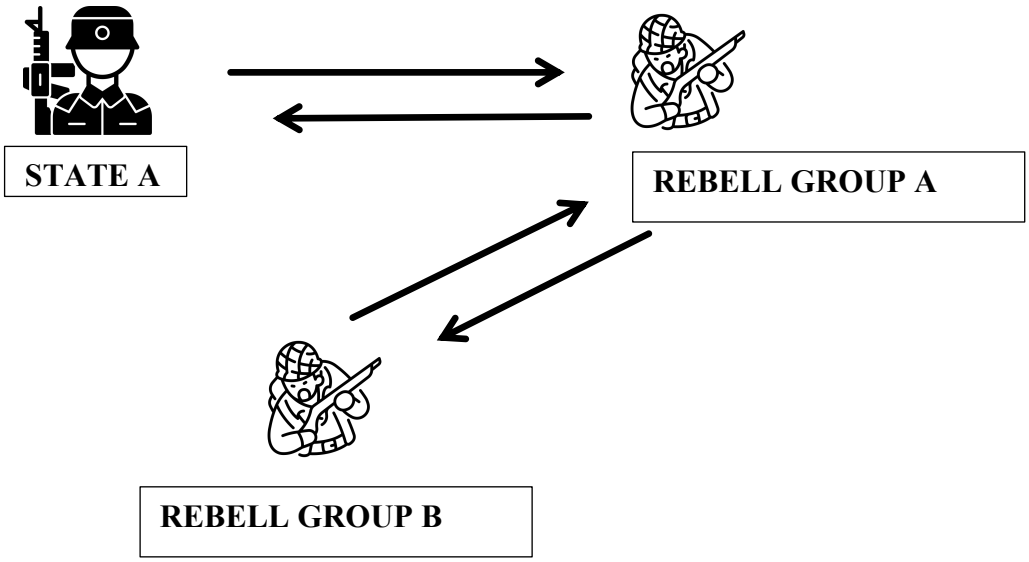
- **International armed conflict**

An international armed conflict is defined by common Article 2 of the Geneva Conventions of 1949 ("the Geneva Conventions"), as 'all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties'. Any armed conflict between two or more State Parties, therefore, has an international character under IHL. Although common Article 2 restricts this definition to conflicts between 'High Contracting Parties', the rules of the Geneva Conventions are universally applicable as per customary international law.



- **Non-international armed conflict (NIAC)**

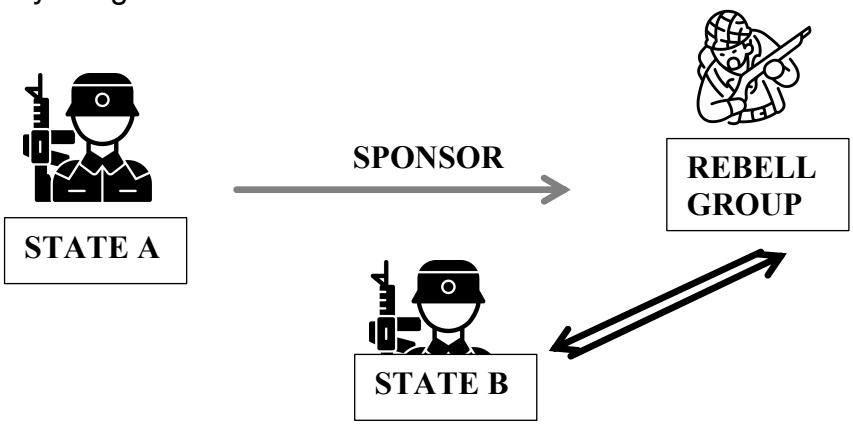
Historically, NIACs – also referred to as 'civil wars' – were internal matters for States to which no international laws applied. This was changed by Common Article 3 of the Geneva Conventions and Additional Protocol II (AP II), which governs all conflicts that are 'not of an international character'. This can take the form of armed hostilities between a State Party and a non-State group on its territory or between two or more non-State groups.



- **Internationalized armed conflict**

Internationalized armed conflict involves the intervention of a State to support a non-State actor in an armed conflict. The war in Syria is a typical example of an

internationalized armed conflict as the US was supporting the moderate rebels in fighting the Syrian government.



General Scope of Application

Combatants

- Combatants are individuals who are members of the armed forces of a party to an armed conflict.
- They are legitimate military targets and can be lawfully attacked during hostilities, as long as they respect the laws of war.
- Combatants have the right to participate directly in hostilities and are entitled to prisoner-of-war status if captured.

Non-Combatants

- Non-combatants are individuals who are not members of the armed forces and do not directly participate in hostilities.
- This includes civilians, medical personnel, and religious personnel.
- Non-combatants are protected persons under international humanitarian law and must be spared from the effects of armed conflict.
- Attacking non-combatants is generally prohibited, except in cases of imperative military necessity.

Lévée en masse

- :This term simply means mass uprising in English. It refers to a provision that recognizes the rights and duties of civilians to take up arms in certain circumstances, particularly during times of occupation or armed conflict.IHL recognizes the principle that civilians who participate in hostilities as part of a "lévée en masse" are entitled to be treated as combatants and thus protected under the laws of war. This includes protections against summary execution, torture, and other mistreatment.

Key principles with respect to combatant and non-combatant

- IHL establishes clear distinctions between combatants and non-combatants in armed conflicts.

- Parties to an armed conflict must at all times distinguish between combatants and non-combatants and direct their operations only against legitimate military targets.
- Indiscriminate attacks that fail to distinguish between combatants and non-combatants are prohibited and constitute war crimes.
- The protection of non-combatants is a fundamental principle of international humanitarian law, aimed at minimizing the suffering caused by armed conflicts

IHL	**IHRL**
Protection of individuals	**Protection of individuals**
Only in times of armed conflict	Applies at all times
Binding on States & non-state Armed groups	Only binding on States
Extraterritorial application inherent	Extraterritorial application controversial
No derogation	Derogation in emergencies
Existing compliance mechanisms inadequate	Existing compliance mechanisms
Only combatant who violates the rules of IHL	On State's agents responsible for the violations of human rights
Legal proceedings can be instituted against governments, government agencies, as well as individuals for violation of its norms	Legal proceedings can only be instituted against the government/ its agencies for violation of its norms. Legal proceedings cannot be instituted against individuals in their names under IHRL
In the conduct of hostilities, the military necessity of the use of force against a lawful target is presumed based on status or function,	Law enforcement officers may use force only when it is strictly necessary to arrest rather than kill. Use of force is only justifiable when exercised reasonably in the defence of an individual from unlawful violence, defence of property, effect a lawful arrest, prevent a lawfully detained person from escaping, suppress a riot, insurrection or mutiny, prevent the commission of a criminal offence.

1. **The Means and Methods of Warfare**

➢ The means and methods of warfare are not unlimited. The warring parties are expected to adhere to the rules of engagement in an armed conflict by protecting:
  - Civilians, women, children and their objects.
  - Medical, religious personnel, refugees and humanitarian relief personnel.
  - Prisoners of war.



- In fighting war parties are expected to employ methods that do not cause superfluous harm or injuries. Parties are prohibited from using the following methods in an armed conflict:
    - Starvation
    - Rape
    - Torture
    - Pillage and use of human shield
    - Distinctive emblems
    - Perfidy
    - Nuclear and Chemical weapons
    - Anti-personnel mines, Cluster munitions, and non-detectable fragments
    - Mines, booby traps, incendiary weapons, and blinding laser weapons.

2. The implementation of IHL

- The implementation of IHL involves a range of measures, including training and education, dissemination of IHL, and enforcement mechanisms. States have a responsibility to ensure that their armed forces are trained on IHL and that they have mechanisms in place to investigate and prosecute violations of IHL.

- The ICRC and other organizations also play a role in promoting IHL and providing technical assistance to states. Additionally, international criminal courts and tribunals, such as the International Criminal Court, have a critical role in holding individuals accountable for violations of IHL. The challenges of implementing IHL include ensuring that States have the necessary capacity and resources, addressing the complexities of modern conflict, and overcoming the challenges of political will and accountability.

3. Accountability for the violation of IHL

- IHL has a system of accountability for the punishment of violations of the rules of engagement.
    - The state parties to the Geneva Conventions are duty-bound to ensure that the Convention is respected and to hold individuals criminally responsible in both IAC and NIAC.
    - State parties are also endowed with the responsibility to investigate and prosecute War Crimes committed within their jurisdiction.
    - Avoid extensive destruction of property not justified by military necessity and not engage in acts of; torture, usurping the right of POWs, targeting of civilian population, hostage taking, wilful killing, abuse of emblems, attacking a person who is “hors de combat.
- Repression of Serious IHL violations can be dealt with domestically, universally or through other international jurisdictions.



MODEL CASE STUDIES

CASE STUDY 1

Following the increase in the price of bread, some disgruntled youth planned a protest march in all major towns in the country. In a particular District, 3 leaders of the youth movement decided to arm themselves with 9-millimeter pistols. The youths did not apply for a permit for the march as required by national law. During the protest march, the youth met a heavy police presence who shot at them with tear gas and rubber bullets. Two of the armed youths shot two police officers who sustained serious injuries. In response, the officers shot and killed the two-armed youths. One of the youths with the ammunition and 40 other youths were arrested and detained by the police. At the police station, they were tortured by the police for three weeks before being taken to Court.

QUESTIONS:

4. Can the conflict between the youths and the police be considered an armed conflict?
5. How can the conflict be classified?
6. Which court will have jurisdiction to try the rioters?

CASE STUDY 2

Country A is having a conflict between two separatist organizations seeking the right of self-determination. The separatist organizations usually fight amongst themselves and also come together to launch coordinated and intense attacks against the military of Country A. Country B is a neighbouring country to Country A.

Country B supports one of the separatist organizations with ammunition and tactical personnel to fight Country A. Country C is a friend to country A and has sent its soldiers and ammunitions to support country A to fight the separatists.

QUESTIONS:

1. What type of armed conflict exists between Country A and the Separatists?
2. What is the type of armed conflict between the Separatist Movements?
3. What type of armed conflict is prevalent between Country A and Country B?

4. What is the type of armed conflict between Country A with the involvement of Country C in fighting the Separatists?
5. What is the type of armed conflict between Country A with the involvement of Country C to fight the Separatists backed by Country B?

CASE STUDY 3

General Pascal Lisenge is the leader of the New Horizon Movement, a rebel group seeking to overthrow the government of President Berri of the Republic of Zambia. He recruited kids between the ages of 12-14 years to be part of his militia. During his attacks against the military of Zamba, he burnt down schools and mosques and killed any civilian who was against his invasion. His soldiers' gang-raped women and young girls who supported his opponents.

General Lisenge was using the Republic of Kutaba as a base for his militia and received support from the military of the Republic of Kutaba. The government of the Republic of Zamba attacked the regions occupied by General Lisengue. He escaped to the Republic of Kutaba.

After four years of fighting between the Republic of Zamba and the Republic of Tamba, General Lisenge was arrested. Soldiers from the Republic of Kutaba were arrested and detained under very bad conditions at the military camp of Zamba for four years with no communication and medical attention in the aftermath of the war.

Questions

1. What are the principles of IHL that have been violated by General Lisengue?
2. Which Court has the jurisdiction to try General Lisenge?
3. Can the soldiers who supported General Lisenge be punished individually?
4. Which Court can resolve the conflict between the Republic of Zamba and the Republic of Kutaba?
5. Did the Republic of Zamba violate any principle of IHL by detaining the military from Kutaba?

PART THREE
SEXUAL AND GENDER-BASED VIOLENCE

Module Overview: Understanding and Addressing Sexual and Gender-Based Violence

In this Module, you will be introduced to the fundamental concepts and principles related to Sexual and Gender-Based Violence (SGBV). By the end of this Module, you will have a comprehensive understanding of SGBV, the complexities of SGBV, and the critical role that security personnel can play in preventing and responding to these human rights violations.

You will be equipped with key strategies for addressing SGBV, particularly in the context of security operations, as well as the knowledge and skills to mainstream gender considerations, uphold human rights, and collaborate effectively with other stakeholders to address SGBV in your area of work.

Module Syllabus

	Subject
1	Definition and Forms of SGBV
	Prevalence and Impact of SGBV on Individuals and Communities
2	Impact of SGBV on Individuals and Communities
	Prevention and Response to SGBV Incidents
3	Gender Mainstreaming, Sensitivities and Equality in Security Operations
	Biases and Social Norms; Bias against Survivors
4	Male-Dominated Institutions
	Factors Contributing to Male-Dominated Institutions
5	Addressing SGBV in Security Operations
6	Responding to SGBV Incidents with Sensitivity and Empathy
	Supporting Survivors of SGBV and Ensuring Access To Justice
7	Collaboration with Civil Society and Support Services for SGBV Victims
8	Some Challenges in Enforcing Laws that Protect Women and Girls
	International and Regional Instruments and Procedures on SGBV

Teaching Methodologies

Interactive Lectures

1. Provide an overview of the key concepts, definitions, and international legal frameworks related to SGBV.
2. Discuss the root causes, risk factors, and consequences of SGBV.

3. Highlight trends, statistics, and case studies to illustrate the magnitude of the problem.

Case Studies and Scenario-Based Learning

- Present real-world case studies of SGBV incidences, responses, and interventions.
- Engage participants in analyzing the cases, identifying key issues, and discussing appropriate prevention and response strategies.
- Use role-playing exercises to simulate SGBV scenarios and practice effective response techniques.

Survivor-Centered Approaches

- Invite survivors of SGBV to share their personal experiences and perspectives.
- Emphasize the importance of a survivor-centered, trauma-informed approach in addressing SGBV.
- Discuss strategies for providing compassionate, non-judgmental support to survivors.
- Discuss practical skills, such as psychological first aid, referral pathways, and case management for SGBV survivors.
- Offer training on self-care and vicarious trauma prevention for professionals working on SGBV issues.

Multimedia Presentations

- Use videos, documentaries, or multimedia resources to illustrate the impact of SGBV and the lived experiences of survivors.
- Analyze the portrayal of SGBV in media and discuss the importance of ethical, sensitive, and accurate representation.

Small Group Discussions

- Facilitate discussions in smaller groups to encourage active participation and peer-to-peer learning.
- Assign specific topics or questions for the groups to explore, such as barriers to reporting SGBV, or the role of social norms and cultural practices.
- Encourage the groups to share their insights and recommendations with the larger group.

Comprehensive Training for Security Forces

- Security personnel require comprehensive and ongoing training on SGBV, including definitions, root causes, risk factors, and appropriate response protocols.
- Training should cover topics such as interviewing techniques, evidence collection, referral pathways, and provision of psychosocial support to survivors.
- Training should also address issues of gender sensitivity, non-discrimination, and the avoidance of re-traumatization.
- Conduct awareness-raising campaigns to deepen participants' understanding of SGBV in local contexts.

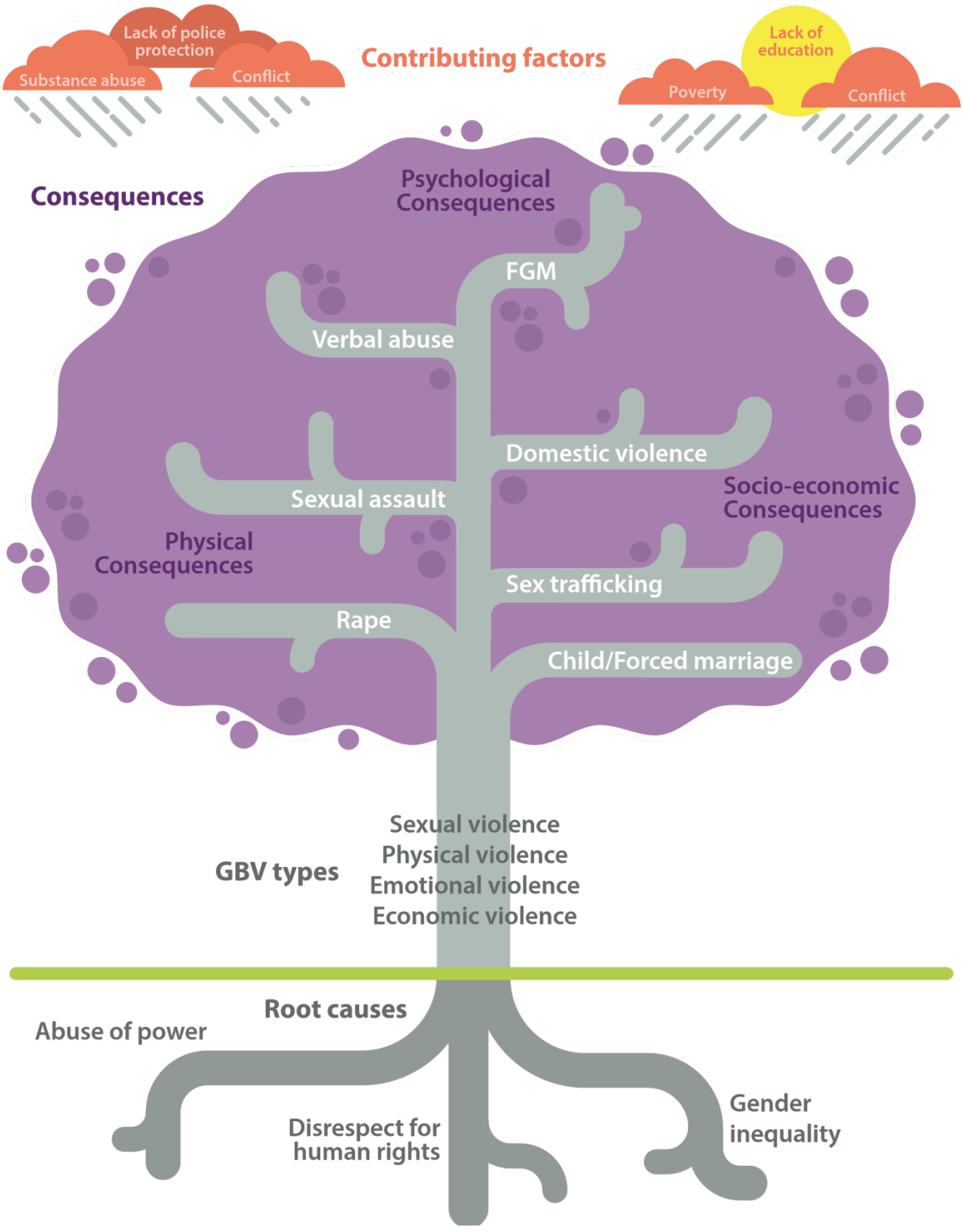
Topics	Content	Learning objectives
1. Definition and forms of SGBV	• What is SGBV? • Forms of SGBV • Settings in which SGBV occur	• Understand the meaning of SGBV in general and technical terms • State the range of harmful behaviours that form SGBV • Identify the settings within which SGBV occur
2. Prevalence and impact of SGBV on individuals and communities	• Prevalence of SGBV on Individuals and Communities • Impacts of SGBV on individuals and communities	•Understandhow does SGBV affect demographic groups and communities •Understand the effects of SGBVon boys and girls in various communities •State the negative impacts of SGBV on individual communities
3. Prevention and response to SGBV incidents	• Engagement with the entire sector • Prevention and response to SGBV	• Identify key players in SGBV-related cases • Identify all relevant sectors handling SGBV cases • Know the steps and strategies for the prevention of SGBV • Know the process of responding to SGBV-related cases
4. Gender mainstreaming, sensitivities and equality in security operations	• Gender Mainstreaming • Gender Sensitivities • Gender Equality	• Understand the concepts of gender mainstreaming, sensitivities and equality in security operations • Identify discrimination-related acts during security operations
5. Biases and social norms bias against survivors	• Survivor Blaming • Stereotyping and Stigmatization • Normalization of Violence • Intersectional Biases	• Identify biases and social norms that significantly influence perceptions of survivors of SGBV • Know when it is been used and ways of curbing it

6. Collaboration with civil society and support services for SGBV victims	• Building Partnerships • Integrated Service Delivery • Capacity Building • Community Outreach and Education • Legal and Policy Advocacy • Monitoring and Evaluation • Funding and Resource Allocation • Cultural Sensitivity and Inclusivity	• Know how collaboration can contribute to supporting the SGBV course • Identify key stakeholders in building resilient for SGBV prevention • Understand the support service schemes for SGBV
7. Collaboration with civil society and support services for SGBV victims	• Building Partnerships • Integrated Service Delivery • Capacity Building • Community Outreach and Education • Legal and Policy Advocacy • Monitoring and Evaluation • Funding and Resource Allocation • Cultural Sensitivity and Inclusivity	• Know how collaboration can contribute to supporting the SGBV course • Identify key stakeholders in building resilient for SGBV prevention • Understand the support service schemes for SGBV
8. Male-dominated institutions	• Security sector • Workplace and professional fields • Factors contributing to male-dominated institutions	• Identify various fields and areas of male domination • Know the factors contributing to male-dominated institutions
9. Addressing SGBV in security operations	• Policy Development and Implementation • Training and Capacity Building • Accountability and Reporting Mechanisms • Support Services for Victims • Community Engagement and Awareness • Gender Balance in Security Forces • Monitoring and Evaluation	• Identify the approaches to addressing SGBV in security operations • Understand the applicability of the various approaches to addressing SGBV

	• International Standards and Best Practices	
10. Strategies for preventing SGBV in security settings	• Policy and Regulation Development • Training and Education • Leadership and Accountability • Support Systems for Victims • Cultural and Behavioral Change • Monitoring and Evaluation • Collaboration and Partnerships • Gender Balance in Security Forces	• Identify the most feasible strategies for SGBV prevention in security settings • Know how to apply certain strategies when the need arises
11. Responding to SGBV incidents with sensitivity and empathy	• Immediate Response • Confidentiality and Privacy • Empathetic Communication • Information provision • Support Services • Follow-Up Care • Training and Sensitization • Monitoring and Evaluation • Creating a Supportive Environment • Vulnerability	• Know how to respond to SGBV cases • Identify the most sensitive cases of SGBV and apply a befitting response mechanism • Understand how to address cases of vulnerable individuals and communities
12. Some challenges in enforcing laws that protect women and girls	• Cultural and Social Norms • Lack of Awareness and Education • Weak Legal Frameworks and Implementation • Institutional Barriers • Corruption and Bias • Lack of Support Services • Fear of Retaliation	• Know some of the challenges to the protection of SGBV survivors • Know the setbacks in enforcing the laws that protect women and girls • Identify the solutions pertinent to the challenges in enforcing the laws

	• Socio-Economic Barriers	
13. International and Regional Instruments and Procedures on SGBV	• International instruments • Regional instruments • International and regional enforcement mechanisms	• Know the various international and regional treaties on SGBV • Identify the mechanisms for enforcement of SGBV
14. National Frameworks (Laws, Policies and Programs) on SGBV	• Laws of The Gambia • Law enforcement and judicial mechanisms	• Identify primary and secondary legislation on SGBV • Know how the legislation is applied • Identify judicial mechanisms pertaining to SGBV • Understand the jurisdiction of courts in The Gambia •
15. Supporting survivors of SGBV and ensuring access to justice	• Immediate and Long-Term Support • Legal Assistance and Advocacy • Ensuring Access to Justice • Community Engagement and Awarenes • Monitoring and Accountability	• Identify the best cause of action for SGBV survivors • Know the best avenue for access to justice • Know the procedure for seeking justice • Identify the rules relating to case management
Case Studies		

SGBV TREE


Lack of police protection
Substance abuse
Conflict
Contributing factors
Lack of education
Poverty
Conflict
Consequences
Psychological Consequences
FGM
Verbal abuse
Domestic violence
Socio-economic Consequences
Sexual assault
Physical Consequences
Sex trafficking
Rape
Child/Forced marriage
GBV types
Sexual violence
Physical violence
Emotional violence
Economic violence
Root causes
Abuse of power
Disrespect for human rights
Gender inequality

1. Definition and Forms of SGBV

(1) What is SGBV?

Sexual and gender-based violence (SGBV) refers to any harmful act perpetrated against a person's will, based on socially ascribed gender differences and unequal power relationships. SGBV encompasses a wide range of abuses.

(2) Forms of SGBV:

1. Domestic Violence:
    - Physical, sexual, emotional, and economic abuse within the home or intimate partner relationship.
    - This can include spousal/intimate partner violence, child abuse, and elder abuse.

2. Sexual Violence:
    - Rape, sexual assault, sexual harassment, and other non-consensual sexual acts including groping, forced kissing, and fondling.
    - This can occur in both private and public spaces and can be perpetrated by known or unknown individuals.

3. Harmful Traditional Practices:
    - Female genital mutilation/cutting (FGM/C)
    - Child/forced marriage
    - Honor-based violence

4. Human Trafficking:
    - Exploitation of individuals, often women and children, for the purposes of forced labour, sexual exploitation, or other forms of abuse.

5. Violence against Women in Conflict:
    - Rape, sexual slavery, forced prostitution, and other forms of sexual violence used as a tactic of war.
    - Displacement, loss of livelihoods, and disruption of support systems can also increase vulnerability to SGBV.

6. Online and Technology-Facilitated Violence:
    - Cyberbullying, non-consensual sharing of intimate images, online harassment, and stalking.

7. Institutional and State-Sponsored Violence:
    - Involves the direct participation or complicity of state actors, such as law enforcement and includes acts of abuse, exploitation, and discrimination against women and key populations.

8. Harassment in the Workplace
    - Unwelcome conduct that can create a hostile, intimidating or offensive work environment and interfer with an individual’s work performance.

Common examples include offensive jokes, slurs, physical assaults or threats, intimidation, ridicule or mockery, as well as unwanted physical contact or advances.

Prevalence and Impact of SGBV on Individuals and Communities

Women and Girls

- Women and girls are disproportionately affected by various forms of SGBV, including domestic violence, sexual assault, human trafficking, and harmful traditional practices like female genital mutilation.
- The risk of experiencing SGBV is heightened for women and girls due to entrenched gender inequalities, power imbalances, and discriminatory social norms that normalize violence against them.

Men and Boys

- While women and girls are predominantly affected by SGBV, it is important to acknowledge that men and boys can also experience various forms of SGBV, including sexual assault, and rape. However, due to social stigma and traditional gender norms, male survivors may be less likely to report their experiences.
- Men and boys can be subjected to sexual violence in both conflict and non-conflict settings, perpetrated by individuals or groups of the same or different gender.
- Certain populations of men and boys, such as refugees, internally displaced persons, and those in detention, may face heightened risks of SGBV due to their precarious living conditions and lack of protection.
- Male survivors of SGBV often face unique challenges in seeking help and support, as they may fear being stigmatized, ostracized, or perceived as less masculine.

3. Impacts of SGBV on Individuals and Communities

The Multifaceted Impacts of SGBV have far-reaching and devastating impacts, affecting the physical, psychological, social, and economic well-being of both individuals and communities.

Physical Impacts

- Physical injuries, including wounds, bruises, fractures, and chronic pain
- Reproductive health issues, such as sexually transmitted infections, unwanted pregnancies, and gynecological problems
- Increased risk of disability, long-term health problems, and even death

Psychological Impacts

- Trauma, anxiety, depression, and post-traumatic stress disorder (PTSD)
- Low self-esteem, feelings of shame, and social withdrawal
- Suicidal idealization and increased risk of substance abuse

Social Impacts

- Disruption of family and community relationships
- Stigma, discrimination, and social isolation of survivors
- Barriers to education, employment, and participation in public life

Economic Impacts

- Loss of productivity and income due to physical and mental health consequences
- Increased healthcare and legal costs for survivors and their families
- Intergenerational cycle of poverty and marginalization

Community-Level Impacts

- Erosion of social cohesion and trust within communities
- Perpetuation of harmful gender norms and power imbalances
- Destabilization of communities and barriers to sustainable development

4. Prevention and Response to SGBV Incidents

(1) Engagement with the entire sector

Addressing SGBV requires a comprehensive, multi-sectoral approach that engages a wide range of stakeholders. Effective prevention and response to SGBV cases necessitates the active involvement and coordination of various sectors and relevant actors.

(2) Prevention and response to SGBV

a. Government: Enact and enforce laws and policies that criminalize SGBV, protect survivors' rights, and hold perpetrators accountable.

b. **Civil Society Organizations (CSOs) and NGOs:** Provide direct support services to survivors of SGBV, including counselling, medical care, legal assistance, and shelter.

c. Community Leaders and Religious Institutions: Mobilize community members to address SGBV collectively, create safe spaces and an enabling environment for SGBV prevention and response, and support survivors on their journey to healing and recovery.

d. **Healthcare Providers:** Offer comprehensive medical care for survivors of SGBV, including treatment for physical injuries, STI testing and treatment, emergency contraception, and reproductive healthcare services.

e. **Law Enforcement Agencies:** Investigate SGBV cases promptly, thoroughly, and impartially, ensuring the safety of survivors, confidentiality, and access to justice.

f. **Educators and Schools:** Integrate comprehensive sexuality education and SGBV prevention curriculum into the school curricula to promote healthy relationships, consent, gender equality, and respect.

g. **International Organizations:** Provide technical assistance, capacity-building support, and funding to governments, CSOs, and other stakeholders to strengthen SGBV prevention and response efforts.

3**. Gender Mainstreaming, Sensitivities, and Equality in Security Operations**

a. **Gender Mainstreaming**: Gender mainstreaming involves integrating gender perspectives into all aspects of security operations, including policy development, planning, implementation, monitoring, and evaluation.

b. **Cultural Sensitivities**: Security operations should be culturally sensitive and respectful of diverse cultural norms, values, and practices.

c. **Gender Equality**: Security operations should ensure equal treatment and protection for all individuals, regardless of gender, race, ethnicity, religion, nationality, sexual orientation, or other characteristics.

5**. Biases and Social Norms; Bias against Survivors**

Biases and social norms can significantly influence the perceptions of victims of crimes, including those of SGBV.

The following is how social norms can lead to bias against survivors of SGBV:

a. **Survivor Blaming and "just world fallacy":** biases and social norms may lead to the belief that victims are somehow responsible for their victimization. This can manifest as blaming victims for their choice of clothing, behaviour, or actions, rather than holding perpetrators accountable for their abusive behaviour.

b. **Stereotyping and Stigmatization**: biases based on gender stereotypes may lead to the perception that certain individuals are more "deserving" or "worthy" of victimization based on their gender. For example, societal norms around masculinity may lead to disbelief or trivialization of male victims of SGBV.

c. **Normalization of Violence**: biases stemming from cultural and social norms may normalize or trivialize SGBV, leading to the belief that such violence is inevitable or acceptable in certain contexts. This normalization can contribute to victim blaming and minimize the seriousness of the crime.

d. **Intersectional Biases and Multiple Marginalization**: individuals who belong to marginalized or disadvantaged groups may face intersecting biases based on factors such as race, ethnicity, socioeconomic status, sexual orientation, or disability.

6. (1) Male-Dominated Institutions

Many key sectors and institutions, such as the security sector, technology, engineering, construction, and manufacturing, are often characterized as male dominated. In these organizations, men hold the majority of positions of power,

influence, and decision-making authority, perpetuating practices, cultures, and norms that favour men over women.

6. (2) Factors Contributing to Male-Dominated Institutions

a. **Historical and Cultural Norms:** Traditional gender roles have historically positioned men as leaders and decision-makers, creating long-standing biases.
b. **Gender Bias and Discrimination:** Implicit and explicit biases can influence hiring, promotion, and evaluation processes, favouring men over women.

c. **Lack of Representation and Role Models:** Women may be discouraged from pursuing careers in male-dominated fields due to the lack of representation and mentorship.

7. Addressing SGBV In Security Operations

Effective strategies to address SGBV within security operations can be multi-faceted, involving policy changes, training, accountability mechanisms, and community engagement.

Key steps to address SGBV in security operations

a. Policy Development and Implementation:

- **Comprehensive Policies:** Develop and enforce comprehensive policies and standard operating procedures (SOPs) that explicitly address SGBV. These should include clear definitions, reporting mechanisms, and consequences for violations.

- **Zero-Tolerance Policy:** Implement a zero-tolerance policy on SGBV within security forces, ensuring that all personnel understand that such behaviour is unacceptable and will be met with strict disciplinary action.

b. Training and Capacity Building:

- **Regular Training:** Provide regular and mandatory training for all security personnel on SGBV, gender sensitivity, and human rights. Training should cover recognizing SGBV appropriate responses, and victim support.

- **Specialized Units:** Establish specialized units or designate officers within security forces trained to handle SGBV cases with the necessary sensitivity and expertise.

8. Responding to SGBV Incidents with Sensitivity and Empathy

Preventing SGBV in security settings requires a proactive, comprehensive approach that integrates policy, training, accountability, and cultural changes. To achieve these, the following are relevant:

a. Policy and Regulation Development:

- **Zero-Tolerance Policy:** Establish a clear, zero-tolerance policy for SGBV within your institutions. This policy should define SGBV explicitly, outline prohibited behaviours, and specify the consequences for violations.

- **Comprehensive Guidelines:** Develop and enforce comprehensive guidelines and standard operating procedures (SOPs) for preventing and responding to SGBV incidents. These should include procedures for reporting, investigation, and victim support.

b. Training and Education:

- **Mandatory Training Programs:** Implement mandatory, regular training programs for all security personnel on SGBV, gender sensitivity, and human rights. Training should cover the identification of SGBV, appropriate responses, and support mechanisms.

9. Supporting Survivors of SGBV and Ensuring Access to Justice

Handling incidents of SGBV with sensitivity and empathy is crucial for the well-being and recovery of survivors, through the provision of sensitive, empathetic, and effective support to survivors of SGBV, helping them to recover and seek justice with dignity and respect.

Strategies for ensuring a compassionate and effective response

1. Immediate response and medical attention: When responding to cases of Sexual and Gender-Based Violence (SGBV), the immediate priority is to ensure the safety and well-being of the survivor. This involves a two-pronged approach: removing the survivor from the dangerous environment and providing prompt medical attention. The priority in responding to SGBV incidents is to ensure the immediate safety and well-being of the survivor, and that the survivor receives prompt medical attention if needed, whilst keenly listening to their possible complaints.

2. Confidentiality and Privacy: Conduct all discussions in a private, secure setting where the survivor feels safe and comfortable and maintains confidentiality at all times.

3. Empathetic Communication: speak calmly, gently, and in a reassuring manner and respect their choices.

4. Providing Information and procedures: Provide clear, honest, and detailed information about their options, including medical, legal, and psychological support, and explain any procedure or process that will follow.

5. Psychological Support: Offer access to counselling and psychological support to help the survivor cope with the trauma. Trauma-informed care practices should be emphasized.

6. **Legal Assistance**: Provide information about their legal rights and options, including how to file a report if they choose to do so. Offer access to legal counsel to help navigate the justice system.

7. Other support: Follow-up care, training and sensitization for personnel, monitoring and evaluation, and creation of a supportive environment.

10. Collaboration with Civil Society and Support Services for SGBV Victims

1. Immediate and Long-Term Support: Provide immediate medical care, including treatment for injuries, post-exposure prophylaxis for HIV, emergency contraception, and forensic examinations.

2. **Psycho-social Support:** provide access to trauma-informed counselling and mental health services. Continuous psychological support can help survivors process their experiences and begin healing.

3. **Legal Assistance and Advocacy:** educate survivors about their legal rights and options. Ensure they understand the processes involved in seeking justice and provide access to free or affordable legal representation.

4. **Ensuring Access to Justice:** advocate for comprehensive SGBV laws that criminalize all forms of gender-based violence and provide clear guidelines for accountability.

5. Training for Law Enforcement and Judiciary: train police, prosecutors, and judges on handling SGBV cases with sensitivity and fairness.

11. Some Challenges in Enforcing Laws that Protect Women and Girls

1. Cultural and Social Norms: deeply ingrained patriarchal norms and attitudes can perpetuate gender discrimination and violence. These cultural beliefs may lead to victim-blaming and underreporting of SGBV.

2. Lack of Awareness and Education: limited public awareness about SGBV laws and the rights of women and girls can prevent victims from seeking justice. Many women and girls may not know that certain behaviours constitute abuse or that legal recourse is available.

3. Weak Legal Frameworks and Implementation: even when laws exist, poor implementation can be a significant barrier. This includes delays in processing cases, lack of resources, and corruption within the legal system.

4. Institutional Barriers: law enforcement agencies and judicial systems may lack the necessary resources, such as trained personnel, forensic facilities, and funding, to effectively handle SGBV cases.

12. International and Regional Instruments and Procedures on SGBV

International and regional instruments and procedures play a crucial role in combating SGBV by establishing legal standards, promoting human rights, and providing mechanisms for accountability.

(1) International and Regional Instruments

International		**Regional**
1.	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)	African Charter on Human and Peoples' Rights (ACHPR) (1981)
2.	The Convention on the Rights of the Child (CRC) (1989	Protocol on the Rights of Women in Africa (Maputo Protocol) (2003)
3.	The Rome Statute of the International Criminal Court (ICC) (1998)	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of *Belém do Pará*) (1994)
4.	UN Security Council Resolutions on Women, Peace, and Security	Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (2011)

(2) Procedures and Mechanisms

1.	UN Special Rapporteur on Violence Against Women	Seek and receive information on violence against women, recommend measures to eliminate violence
2.	Universal Periodic Review (UPR	Review human rights records of all UN member states by the UN Human Rights Council
3.	CEDAW Optional Protocol	Allows individuals or groups to submit complaints on violations under CEDAW and initiates inquiries
4.	Regional Human Rights Courts and Commissions	
	i. African Court on Human and Peoples' Rights and African Commission on Human and Peoples' Rights *ii. European Court of Human Rights*	Addresses cases of human rights violations, including SGBV, in Africa. Addresses cases of human rights violations, including SGBV, in Europe. Addresses cases of human rights violations, including SGBV, in America.

	iii. Inter-American Court of Human Rights and Commission on Human Rights	

13. National Framework: Legislation and Policies Addressing SGBV in The Gambia

There are several pieces of legislation and policies in place to address SGBV and protect the rights of survivors. These laws and policies demonstrate commitment to addressing SGBV and protecting the rights of survivors. However, effective implementation and enforcement remain crucial to ensuring that these legal and policy frameworks translate into tangible improvements in the lives of SGBV survivors.

Key Legislation

1. **The Gambia 1997 Constitution:** s. 21 - Protection from inhuman Treatment, s. 27 – Right to marry, s. 28 – Rights of women, s. 33 -Non-discrimination,

2. **The Tourism Offences Act 2003:** s. 5 - Criminalizes sexual advancement towards children, s. 6 - offense relating to tourists sexually abusing children

3. **The Children's Act 2005**: This Act protects the rights of children, including protection from all forms of violence, abuse, and exploitation, which can include SGBV. S.9 - Right to health, s. 19 - Harmful Social and Traditional Practices, s. 24 – Prohibition of child marriage, Part IV – (A, B, C),

4. **Trafficking in Persons Act (2007):** s. 28 – Prohibition of trafficking, s. 38, s. 45

5. **The Women's Act 2010**: This Act prohibits all forms of discrimination against women and provides for the protection of women's rights, including protection against SGBV. Part II – (ss. 3, 4, 5, 6, 7, 10, 12), Part III – s. 14 – Government's obligation to eliminate all forms of discrimination, Part IV to Part IX,

6. **Sexual Offences Act (2013):** s. 3 – Rape, s. 5 – Defilement

7. **Domestic Violence Act 2013**: This Act criminalizes domestic violence and provides for the protection, safety, and well-being of victims of domestic violence, which can include SGBV.

8. **The Sexual Offences Act 2013**: This Act defines and criminalizes various forms of sexual offenses, including rape, sexual assault, and sexual harassment.

9. **Criminal Code:** Part XV, Part XVI

10. **Women's Amendment Act (2015)**

11. **The Prevention and Prohibition of Torture Act (2023):** s. 3 – what constitutes torture, s. 5 – accountability for acts of torture

Relevant Policies

1. **The National Action Plan on Gender-Based Violence (2021-2025)**: This policy framework outlines the government's strategy to prevent and respond to SGBV, including through strengthening legal and institutional frameworks, improving service delivery, and promoting behavioral change.
2. **The National Policy for the Advancement of Gambian Women (2010-2020)**: This policy aims to promote gender equality and the empowerment of women, including addressing SGBV and providing support to survivors.

3. **The National Youth Policy (2009-2018)**: This policy recognizes the vulnerability of young people, particularly girls and young women, to SGBV and outlines strategies for their protection and empowerment.

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14. Law Enforcement and Judicial Mechanisms for Addressing SGBV

The Gambian government has taken several steps to strengthen its legal and institutional framework for addressing SGBV through law enforcement and judicial mechanisms.

Specialized Units for SGBV Cases

1. The Gambian government has established specialized units within the Gambia Police Force and at the Ministry of Justice to handle cases of SGBV.

2. These units are responsible for investigating and prosecuting SGBV cases, providing support to survivors, and ensuring fair and effective prosecution of offenders.

3. The personnel within these specialized units receive training on handling SGBV cases with sensitivity and in accordance with best practices.

Competent Courts for SGBV Cases

1. All courts of competent jurisdiction in The Gambia can hear and address cases of SGBV, depending on the nature and severity of the offense.

2. However, cases of rape can only be heard by the High Court, which has exclusive jurisdiction over such matters.

3. The courts are responsible for ensuring that SGBV cases are adjudicated fairly, with due process, and in a manner that respects the rights and dignity of survivors.

4. Judges and prosecutors handling SGBV cases also receive specialized training to enhance their knowledge and skills in addressing these sensitive matters.

Challenges and Limitations

While there is significant progress in establishing specialized mechanisms for addressing SGBV, there are still some challenges and limitations:

1. Survivors may face barriers in accessing justice due to stigma, lack of awareness of their rights, and limited availability of legal aid services.
2. The capacity of law enforcement and judicial personnel to effectively investigate, prosecute, and adjudicate SGBV cases may still be limited in some areas.

3. The backlog of cases and delays in the judicial system can prolong the trauma and suffering of SGBV survivors.



MODEL CASE STUDIES

CASE STUDY 1

Captain Tantang is the head of the military training school. Every morning, he will move for inspection. During this, he will hit the bum/buttocks of female officers and make comments such as “good, better, best”. Any officer who took offence to the Captain’s goodwill gesture is given severe punishment.

QUESTION:

1. What form of SGBV is Captain Tantang’s act?
2. What steps can be taken by the female officers to ensure that Captain Tantang is punished?
3. How can the institution deal with this type of violation?

CASE STUDY 2

In a rural community, 14-year-old Sara was married off to Brahma, a thirty–eight–year–old man. She could not complete her Grade 9 examination and became pregnant which led her to suffer numerous health complications.

QUESTIONS:

1. Identify the issues in this scenario.
2. What are the effects of child marriage?
3. Are the legislations in place prohibiting child marriage?

CASE STUDY 3

King Paul is married to Fatou. They are blessed with four beautiful daughters. Fatou is unemployed and depends on King Paul for sustenance. During the birth of their fourth child, the doctor advised that it was risky to have another child.

Fatou's husband is refusing to provide for the upkeep of the home. As a result, Fatou is struggling to survive with the kids. Further, King Paul is insisting that she must have another child. is threatening her that he will bring in another wife in the matrimonial home if she refuses to get pregnant.

QUESTIONS:

1. Identify the issues.
2. How can Fatou get help?
3. Can the Court address such issues? If yes, how?

CASE STUDY 4

During a security operation in a conflict area of the country, local women approach the security personnel with information about suspicious activities in their community. The women are wary of interacting with the male security officers as they insist that they can only speak with the women if they remove their veils.

QUESTIONS:

1. What are the issues in this scenario?
2. What rights are violated by the officers?
3. How can the women address these violations?

CASE STUDY 5

Commissioner Mafi of the 5th Police Region is known for having sexual affairs with junior officers. Any officer who refuses his advances is posted to remote stations. He spends time in his office where the junior officers will come and meet him.

During the last round of promotions, he recommended five Police Corporals with whom he had affairs for promotion to the rank of Inspector. They were all promoted to the rank of Inspector just under 3 years of service.

QUESTIONS:

1. What are the issues in this scenario?
2. Can the 5 female officers be punished? How?
3. What safeguards can be put in place to protect female officers?

Referral Mechanisms

Multi-sectoral services and support mechanisms are essential in providing a comprehensive and coordinated response to SGBV. Key services and support mechanisms available for victims and survivors of SGBV include:

One-Stop Centers

The Gambia has established One Stop Centers in various regions across the country to:

- provide comprehensive, multi-sectoral services for SGBV survivors.
- offer medical care, psychosocial support, legal assistance, and referrals to other relevant services under one roof.
- improve accessibility for survivors.

GBV Helplines

- The two dedicated GBV helplines for survivors to access support:
    - 1313 - The National GBV Helpline
    - 117 - The Police Emergency Helpline

Ministry of Health

- The Ministry of Health plays a crucial role in providing medical care and treatment for SGBV survivors.
- Healthcare facilities under the Ministry offer services such as post-exposure prophylaxis, treatment of injuries, and referrals for further care.

Ministry of Gender, Children and Social Welfare

- This ministry is responsible for coordinating the national response to SGBV.
- It oversees the implementation of policies and programs aimed at preventing and addressing SGBV.
- The ministry also provides social services and support to SGBV survivors.

Police Emergency Services

- The Gambia Police Force has specialized units and personnel trained to respond to SGBV cases.
- The 117-emergency helpline connects survivors with the police for immediate assistance and referrals to other services.
- The police play a crucial role in investigating SGBV incidents and ensuring perpetrators are held accountable.

Civil Society Organizations (CSOs)

- Various CSOs are actively supporting SGBV victims and survivors, including:
- Providing psychosocial counselling and support
- Offering legal aid and assistance in navigating the justice system
- Conducting awareness-raising and community mobilization activities
- Advocating for stronger laws and policies to protect SGBV survivors

National Human Rights Commission

- Protects human rights in the country
- Receives complaints of human rights violations, including SGBV
- Monitors and investigates complaints of human rights violations
- Recommends remedial actions to Government and private entities and provides redress to victims
- Advises Government on enforcement and implementation of laws

ANNEXURES

1. RESPONSE TO CASE STUDIES

1) International Human Rights Law

CASE STUDY 1

(1) Unconstitutional change of government, right to life, freedom of expression, right to privacy, sexual violence, and right to political participation.
(2) Cpt. Mumbasa, Gen. Blake and Cpt. Savvy
(3) 1. The perpetrators can be tried at the domestic court (local court).
2. They can be tried at the Regional Level (Special Tribunal, African Court, or the International Level (ICC).

CASE STUDY 2

(1) Right to religion, freedom of expression, right to non-discrimination, right to political participation, right to education, right to work, freedom of movement, right to life, degrading & inhuman treatment and extra-judicial killings.
(2) Solomani Java
(3) Domestic Court, African Court, and ECOWAS Community Court.

CASE STUDY 3

(1) Right to a fair trial, right of liberty, freedom of expression, freedom of association and assembly and the right to receive information
(2) President Samba Jumani
(3) Municipal, Regional, and International (UN Human Rights Committees)

2) International Humanitarian Law (IHL)

CASE STUDY 1

1. No, the conflict cannot be considered as an armed conflict. IHL is the Law of armed conflict. For the conflict to amount to an armed conflict, it must involve a coordinated militia that occupies a territory with a good command system. The attacks against the military must be intense and not isolated incidences.

2. The conflict can be classified as another situation of violence. The conflict is a civil uprising In the case of Juan Carlos Abella v. Argentina, the InterAmerican Court ruled that a situation of an intense fight within a short time between the state and a group of people was classified as an armed conflict. *Juan Carlos Abella v. Argentina, Case 11.137, Report Nº 55/97, Inter-Am. C.H.R., OEA/Ser.L/V/II.95 Doc. 7 rev. at 271* (1997)

3. The uprising shall be tried by a domestic Court and the protected can be prosecuted for staging a protest without a permit amongst other crimes.

CASE STUDY 2

1. Non-International Armed Conflict.
2. Non-International Armed Conflict.
3. International Armed Conflict.
4. Non-International Armed Conflict.
5. Internationalised Armed Conflict.

CASE STUDY 3

1. Principle of distinction, humanity, precaution, proportionality, and military necessity, use of child soldier.
2. Domestic courts in Zamba and the International Court of Justice.
3. Yes, for their crimes. However, command control responsibility can be applicable.
4. The International court of justice.
5. Yes. The protection given to Prisoners of War

3) Sexual and Gender-Based Violence (SGBV)

CASE STUDY 1

(1) Sexual harassment, sexual assault
(2) Report to the Military Police or Head of Department
(3) Establishment of strong SGBV Policy and accountability mechanisms

CASE STUDY 2

(1) Early and forced marriage, marrying of underage, right to education and right to health, violation of child rights, health risks associated with early pregnancy, disruption of education
(2) Psychological trauma, stigmatization, and health risks
(3) (3) 1997 Constitution, Children's Act, Sexual Offences Act, Women's Act

CASE STUDY 3

(1) Domestic violence, power dynamics, economic abuse
(2) Report to the police or social welfare
(3) Yes, the Court can punish him for domestic violence

CASE STUDY 4

(1) Disregard for cultural sensitivities
(2) Rights to culture and religion
(3) Report to the Head of Mission

CASE STUDY 5

(1) Sexual abuse, power dynamics, abuse of office
(2) Yes, they can be punished. Punishments include dismissal, demotion, admonition

CASE STUDY 6

(1) Discrimination, male-dominated institutions
(2) Constitution, Labour Act, Women's Act

2. LIST OF KEY INSTRUMENTS

1) International and National Human Rights Law

1. The 1997 Constitution of The Gambia;
2. The Women's Act (2010);
3. The Children's Act (2005);
4. International Covenant on Civil and Political Rights (16 December., 1966)
   i.Optional Protocol (16 December 1966) individual complaint procedure)
   ii. Second Optional Protocol (15 December 1989) (abolition of the death penalty);
5. Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment (10 December 1984)
6. International Covenant on Economic, Social, and Cultural Rights (16 December 1966)
   i. Optional Protocol (10 Dec. 2008) (individual complaints procedure);
7. Convention on the Elimination of All Forms of Discrimination Against Women (18 December 1979);
   i.Optional Protocol (10 December 1999) individual complaint procedure);
   ii. Optional Protocol (12 December 2002) (establishment of the subcommittee on prevention & consent to inspections);
8. Convention on the Rights of the Child (20 November 1989)
   i. Optional Protocol (25 May 2000) (involvement of children in armed conflict)
   ii. Optional Protocol (25 May 2000) (sale of children, prostitution, and pornography)
   iii. Optional Protocol (14 April 2014) (individual complaints procedure).
9. African Charter on the Rights and Welfare of the Child (1990)
10. African Charter on Human and Peoples' Rights
11. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

2) List of Conventions on IHL

1. The First Geneva Convention on the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949);
2. The Second Geneva Convention on for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949);
3. The Third Geneva Convention on Prisoners of War (1949);
4. The Fourth Geneva Convention on Protection of Civilian Persons in Time of War (1949);
5. The First Additional Protocol to the Four Geneva Conventions relating to Protection of Victims of International Armed Conflicts (1977);
6. The Second Additional Protocol to the Four Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (1977);
7. The Third Additional Protocol to the Four Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem;
8. The Hague Convention (IV): Respecting the Laws and Customs of War on Land and its Annex (1907);
9. Convention on the Prohibition of Biological Weapons (1972);

10. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993);
11. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997);
12. The Optional Protocol to the Convention on the Rights of the Child in the Involvement of Children in Armed Conflict (2000);
13. The Protocol on Non-Detectable Fragments (Protocol I) (1980);
14. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 CCW Convention as amended on 3 May 1996)
15. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (1980).

3) Legal Framework on SGBV

1. The 1997 Constitution of The Gambia;
2. The Women's Act (2010);
3. The Children's Act (2005);
4. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979);
5. The Convention on the Rights of the Child (CRC) (1989);
6. African Charter on the Rights and Welfare of the Child (1990)
7. African Charter on Human and Peoples' Rights
8. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
9. The Rome Statute of the International Criminal Court (ICC) (1998);
10. The Prevention and Prohibition Against Torture Act (2023).