

NOTE

Women in Peacekeeping Missions as a Key to Combat Sexual Exploitation by Peacekeepers

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More countries have understood that women's equality is a prerequisite for development.

~ Kofi Annan¹

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Introduction

“Sexual exploitation is about power more than gender or any physical attraction to a particularly sexed body. In the realm of peacekeeping, it is about the uniform; a sense of authority and superiority.”² Sexual exploitation by United Nations (UN) peacekeepers is directly related to the positions of the peacekeepers and of women in society.

Since time immemorial, what is seen now as acts of sexual abuse and violation was seen as normal spoils of war or the unfortunate realities of war torn

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1. Press Release, Secretary-General, Secretary-General, in Address to “Women 2000” Special Session, Says Future of Planet Depends Upon Women, U.N. Press Release SG/SM/7430, WOM/1203 (June 5, 2000), <https://press.un.org/en/2000/20000605.sgsm7430.doc.html>.

2. Brianna Nicole Hernandez, *Sexual Abuse in UN Peacekeeping: The Problem of Viewing Women as a ‘Quick Fix’*, E-INTERNATIONAL RELATIONS, Feb. 20, 2020, <https://www.e-ir.info/2020/02/20/sexual-abuse-in-un-peacekeeping-the-problem-of-viewing-women-as-a-quick-fix/>.

and volatile areas. However, this is not the case. Sexual violence, whether in peacetime or otherwise, occurs for the same reasons. “Sexual violence happens during war for the same reasons it happens during peacetime. It is a phenomenon rooted in inequality, discrimination, male domination, poverty, aggression, misogyny and the entrenched socialization of sexual myths.³ There was also little to no justice for the victims of sexual abuse in these circumstances. The creation of the United Nations after World War II led to a tidal wave of rights being enshrined for humanity; rights that were not codified nor implemented in any meaningful way before. However, the rights expressed in the charter were simply expressions, without defining them. Along with the fundamental rights first published in the United Nations Charter in 1945,⁴ the United Nations has created several conventions that would further human rights by enshrining them as international law.

Among these conventions was the international law protection of women. Conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) shed light on the stance that the United Nations took and facilitated regarding women.⁵ Although women were protected on paper, in war torn areas women continued to be sexually abused. What made the allegations more damning was the fact that sexual abuse allegations were made against the United Nations Peacekeepers while they were deployed on peacekeeping missions.⁶ It wasn’t until the Yugoslav and Rwanda Tribunals that crimes of a sexual nature were punished on an international level.⁷ This marked a landmark shift in the attitude and accountability for sexual crimes. The sister tribunals mandated, for the first time on an international level, investigations into reports of systematic detention and the rape of not only women, but men and children.⁸ Over a third of those convicted by the International Criminal Tribunal for the former Yugoslavia were found guilty of sexual crimes, and it was the first international criminal tribunal to enter rape as a form of torture, and for sexual enslavement as crimes against humanity.⁹

Part I of this Note focuses on the issue of sexual exploitation by peacekeepers. It discusses the history of the allegations against the UN Peacekeepers on missions and it explores the fight against sexual exploitation by the UN through the different avenues utilized. This chapter also discusses the consequences of these crimes, such as the large number of “peacekeeper babies” that face discrimination and have a lack of support.

3. Muna Ndulo, *The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions*, 27 BERKELEY J. INT’L LAW 127, 159 (2009).

4. See generally U.N. Charter.

5. Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

6. Rosa Freedman, UNAccountable: A New Approach to Peacekeepers and Sexual Abuse, 29 Eur. J. Int’l L. 961, 963 (2018).

7. See Kelly D. Askin, Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status, 93 Am. J. Int’l L. 97, 97 (1999).

8. *Crimes of Sexual Violence*, UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, <https://www.icty.org/en/features/crimes-sexual-violence> (last visited Sept. 1, 2024).

9. Christoph Schiessl, An Element of Genocide: Rape, Total War, and International Law in the Twentieth Century, 4 J. Genocide Res. 197, 207 (2002).

Part II focusses on women in peacekeeping. It explores the history of women in peacekeeping and the current status quo. It also explores the reasons for the low number of women deployed on peacekeeping missions and the United Nations' attempt to increase women's participation.

Part III discusses women in peacekeeping as a means to combat sexual exploitation by peacekeepers while on peacekeeping missions. This chapter discusses the benefits of women in peacekeeping, such as added skillsets and being better at dealing with potentially violent situations. It also critiques viewing women as a "quick fix" to the issue of sexual abuse by peacekeepers, for although women may better the situation, the onus must still be on the perpetrators of the crime. This chapter also explores the victims rights approach that the UN has adopted for dealing with these issues, which focuses on the needs of the victims more, rather than solely focusing on the perpetrators.

I. Sexual Exploitation by Peacekeepers

The history of the United Nations Peacekeeping Missions dates back close to the creation of the UN itself in 1948, with the first peacekeeping mission being the UN Truce Supervision Organization (UNTSO) in 1948 and the UN Military Observer Group in India and Pakistan (UNMOGIP).¹⁰ Both of these operations still exist today. These missions involve "unarmed military observers and lightly armed troops with primarily monitoring, reporting and confidence-building roles."¹¹ The first armed peacekeeping operation was deployed in 1956 to address the Suez Crisis, in which Israel invaded Egypt in order to take control of the Suez Canal which was nationalized as the Suez Canal Company by Gamal Abdel Nasser.¹²

Following this, the UN Operation of the Congo (ONUC) was launched in 1960, and "was the first large-scale mission having nearly 20,000 military personnel at its peak. ONUC demonstrated the risks involved in trying to bring stability to war-torn regions—250 UN personnel died while serving on that mission, including the Secretary-General, Dag Hammarskjöld."¹³

In the years that followed, peacekeeping missions were launched globally, and its impacts were greatly felt. The Nobel Peace Prize was awarded to UN Peacekeepers in 1988.¹⁴ "It is the considered opinion of the Committee that the Peacekeeping Forces through their efforts have made important contributions towards the realization of one of the fundamental tenets of the United

10. D.C. Jett, *A Brief History of UN Peacekeeping*, in *Why Peacekeeping Fails* 40 (Palgrave Macmillan 2d ed. 2019).

11. *Our History*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/our-history#:~:text=The%20earliest%20armed%20peacekeeping%20operation,military%20personnel%20at%20its%20peak> (last visited Mar 8, 2022) [hereinafter *Our History*].

12. Delegate, *Stories from the UN Archive: UN's First Peacekeeping Force*, The UN Intranet-iSeek for Member States, <https://www.un.org/en/delegate/stories-un-archive-uns-first-peacekeeping-force> (last visited May 20, 2025).

13. *Id.*

14. The Nobel Peace Prize 1988, NobelPrize.org, <https://www.nobelprize.org/prizes/peace/1988/summary/> (last visited May 20, 2025).

Nations. Thus, the world organization has come to play a more central part in world affairs and has been invested with increasing trust.”¹⁵

Following the fall of the Berlin Wall, the symbolic and literal end of the Cold War, the UN expanded its peacekeeping missions globally, from generally “observational tasks” to multidimensional enterprises.¹⁶ “The nature of conflicts also changed over the years. UN Peacekeeping, originally developed as a means of dealing with inter-State conflict, was increasingly being applied to intra-State conflicts and civil wars.”¹⁷ The tasks required from peacekeepers morphed into far more complex operations, and the scope of deployment expanded.¹⁸ This led to the Angola Verification Missions, the Cambodia Mission, the El Salvador missions and more.¹⁹

This coincided with the rise and combatting of sexual exploitation by the peacekeepers, as first seen in the Yugoslav and Rwandan tribunals.²⁰ Sexual violence was not scrutinized on the international stage, with the Nuremberg and Tokyo trials largely neglecting sexual violence.²¹ However, there was a change with the Yugoslav and Rwandan Tribunals, where it was noted that crimes of a sexual nature were no longer to be seen as unavoidable consequences of war.²² In 1993, the Vienna Conference on Human Rights helped to change this traditional view and contributed to the great deal of attention that sexual crimes have received in recent times. It “witnessed the extraordinary success of efforts by women’s rights activists worldwide to end the historic disregard of human rights violations of women.”²³ This combatting of crimes of a sexual nature was aided by the media coverage of the sexual crimes during the conflict in Yugoslavia along with NGO which campaigned for justice.²⁴

The first allegations of peacekeepers and aid workers committing sexual abuse occurred in 2001 when a report commissioned by the United Nations High Committee for Refugees (UNHCR) and Save the Children (UK) was published.²⁵ The report was to study sexual exploitation in Guinea, Liberia

15. Press Release, The Nobel Prize, Nobel Peace Prize 1988 (Sept. 29, 1988), <https://www.nobelprize.org/prizes/peace/1988/press-release/>.

16. Our History, *supra* note 11.

17. *Id.*

18. Traditional Peacekeeping’s Transformation into More Robust, Complex Operations Focus of Discussion in Fourth Committee, U.N. GAOR, 58th Sess., 4th Comm., U.N. Doc. A/C.4/58/SR. (Oct. 17, 2003).

19. See Our History, United Nations Peacekeeping, <https://peacekeeping.un.org/en/our-history> (last visited May 20, 2025).

20. See fn 7.

21. See generally, Hila Khen & Alona Hagay-Frey, *Silence at the Nuremberg Trials: The International Military Tribunal at Nuremberg and Sexual Crimes Against Women in the Holocaust*, 36 Women’s Rts. Rep. 123 (2014).

22. Tamara L. Tompkins, *Prosecuting Rape as a War Crime: Speaking the Unspeakable*, 70 NOTRE DAME L. REV. 845, 847-49 (1999).

23. Ndulo, *supra* note 3, at 131; see also Donna J. Sullivan, *Women’s Human Rights and the 1993 World Conference on Human Rights*, 88 AM. J. INT’L L. 152 (1994).

24. Ndulo *supra* note p131.

25. U.N. High Comm’r for Refugees & Save the Children-UK, *Note for Implementing and Operational Partners on Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone* (Feb. 2002).

and Sierra Leone.²⁶ The report confirmed that there was a real problem, and that the living conditions in these areas made them ripe for forms of sexual abuse.²⁷ Further allegations were made in 2004 against peacekeepers during the UN organization Mission in the Democratic Republic of Congo (MONUC). The UN office of Oversight (OIOS) found serious problems of sexual exploitation and sexual abuse.²⁸ The same year, the UN annual report found that not only had the sexual allegations doubled from the previous year, but that forty-five percent of those allegations were reports of sex with minors.²⁹ The 2005 figures were greater in almost every facet.³⁰ There was a drop in the number of reported cases of sexual abuse in the years that followed, and the UN attributed this to increased preventative measures, increase awareness, and the establishment of a legal framework to address these matters.³¹

Professor Muna Ndulo³² wrote in 2009:

While acknowledging the progress made in addressing the problem and the decrease in the numbers of cases in 2007, the figures continue to reveal a serious problem of sexual exploitation and sexual abuse by peacekeepers during United Nations missions. Given the widely acknowledged fact that sexual abuse is often not reported by victims who feel powerless and are frightened and intimidated at the prospect of being confronted by investigators, the figures could very well be an under-reporting of the problem.³³

This was the case, as the United Nations sent home 100 Sri Lankan peacekeepers in 2007 stationed in Haiti.³⁴ In the same year, 800 peacekeepers were suspended from Cote d'Ivoire for allegations of sex with minors and further reports of sexual violence in Sudan.³⁵ These are only some of the cases of reported sexual abuse by peacekeepers, and it has, unfortunately, continued to this day. In September 2021, it was reported that the UN withdrew 450 peacekeepers from the Central African Republic over sexual abuse claims, with the UN and the Defense Ministry in Gabon announcing that they will be investigating the

26. U.N. High Comm'r for Refugees & Save the Children-UK, Note for Implementing and Operational Partners on Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone (Feb. 2002).

27. U.N. Secretary-General, *Report of the Office of Internal Oversight Services: Rep. of the Secretary-General*, 7, U.N. Doc. A/57/451 (Oct. 4, 2002).

28. Ndulo *supra* note p142

29. U.N. Secretary General, *Special measures for protection from sexual exploitation and sexual abuse: Rep. of the Secretary-General*, 9, U.N. Doc. A/59/782 (Apr. 15, 2005).

30. Ndulo *supra* note p142

31. *Id* 143.

32. William Nelson Cromwell Professor of International & Comparative Law, Cornell Law School, and Director, Cornell University's Institute for African Development.

33. Ndulo, *supra* note 3, at 143.

34. CBC, *UN Removes Sri Lankan Peacekeepers Over Sex Abuse Allegations* (Sept. 21, 2017), <https://www.cbc.ca/news/world/un-removes-sri-lankan-peacekeepers-over-sex-abuse-allegations-1.640585> (last visited May 20, 2025).

35. Claudia Parsons, *Moroccan UN troops accused of abuse in Ivory Coast*, REUTERS (Aug. 9, 2007, 2:10 PM), <https://www.reuters.com/article/economy/moroccan-un-troops-accused-of-abuse-in-ivory-coast-idUSN20327686/>.

matter.³⁶ The UN released a press statement, in which it stated, “MINUSCA [(the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic)] “remains firmly committed to fighting sexual exploitation and abuse by its personnel and to fully implementing the United Nations’ zero tolerance policy with respect to sexual exploitation and abuse.”³⁷

An important step in the fight against sexual violence and exploitation was the adoption of UN Resolution 1325 on Women, Peace and Security in 2000.³⁸ This resolution primarily focused on rape and other forms of sexual violence in armed conflict.³⁹ Other policies, such as the zero-tolerance to sexual violence policy, was enacted for all UN personnel.⁴⁰ In 2008, UN Resolution 1820 on Sexual Violence in Armed Conflict was adopted unanimously, which further entrenched the Committee’s stance on this issue.⁴¹ “Further, the Council noted that violence can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security.”⁴² The tribunals effectively classified crimes of a sexual nature as forms of genocide, crimes against humanity, war crimes, and breaches of the Geneva Conventions.⁴³ The Rome Statue expanded the scope of these international crimes, especially where international law was deficient.⁴⁴ An example of this was the ICC explicitly stating that sexual crimes of any kind⁴⁵ were to be considered as grave as crimes against humanity.⁴⁶

Ensuring that peacekeepers followed these provisions was not straightforward, as the Geneva Conventions only applied to States, which the UN is not. This view was expressed by the UN Office of Legal Affairs, which stated that they were only bound by Security Council Mandates.⁴⁷ This had been a hindrance in the process of holding those guilty accountable, but the UN had approved new guidelines in 1999, which contained all the norms in the Geneva Conventions, thus meaning that the UN could “now be regarded as having

36. Al Jazeera, *UN Withdraws Gabon Peacekeepers from CAR over Sex Abuse Claims* (Sept. 15, 2021), <https://www.aljazeera.com/news/2021/9/15/un-withdraws-gabon-peacekeepers-from-car-over-sex-abuse-claims> (last visited May 20, 2025).

37. Press Release, United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (Sept. 15, 2021), <https://minusca.unmissions.org/en/press-release>.

38. See generally S.C. Res. 1325 (Oct. 31, 2000).

39. See Fact Sheet: *The Global Study on 1325: Key Messages, Findings and Recommendations, Preventing Conflict, Transforming Justice, Securing the Peace, A Global Study on the Implementation of United Nations Security Council Resolution 1325*, U.N. Women, <https://wps.unwomen.org/resources/fact-sheets/Fact-Sheet-and-Key-messages-Global-Study-EN.pdf> (last visited May 20, 2025).

40. U.N., Dep’t of Peacekeeping Operations, *Ten Rules: Code of Personal Conduct for Blue Helmets* (1996), <http://www.genderandpeacekeeping.org/resources/5-UN CodesofConduct.pdf>.

41. See generally S.C. Res. 1820 (June, 19, 2008).

42. Ndulo, *supra* note 3, at 133.

43. S.C. Res. 1820, U.N. Doc. S/RES/1820 (June 19, 2008).

44. *Rome Statute of the International Criminal Court*, U.N. Doc. A/CONF.183/9 (July 17, 1998, amended 2010).

45. Rape, sexual slavery, forced prostitution, and more.

46. See Altunjan T., *The International Criminal Court and Sexual Violence: Between Aspirations and Reality*, 22 German L.J. 878 (2021).

47. Roy Gutman, *United Nations and the Geneva Conventions, Crimes of War, A-Z Guide*.

effectively 'joined' the conventions by incorporating their contents into its set of rules and guidelines."⁴⁸ Furthermore, individuals could be prosecuted for war crimes.⁴⁹ States can adapt the conventions signed, but war crimes are prosecutable on an individual level. Many more conventions have been passed to further protect victims, such as the International Convention on the Elimination of All Forms of Racial Discrimination,⁵⁰ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁵¹ and Convention on the Elimination of All Forms of Discrimination Against Women.⁵²

A legal issue that has arisen is consent. Consensual sexual relationships between peacekeepers and civilians are not something that is unimaginable. Peacekeeper missions are conducted by human beings to assist fellow human beings, and consensual sexual relationships are to be expected. It is for this reason that "sexual abuse" and "sexual exploitation" are two separate violations.⁵³ Although the MONUC Code of Conduct defines an act of sexual abuse and/or sexual exploitation as (a) any exchange of money, employment, goods, or services for sexual intercourse, (b) sexual activity with a person under the age of 18, or (c) other sexual misconduct that has a detrimental effect on the image, credibility, impartiality, or integrity of the United Nations,⁵⁴ the 2003 bulletin by the UN Secretary General defined sexual exploitation as, "any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."⁵⁵ It further defines sexual abuse as the actual or threat of physical intrusion of a sexual nature, be it forcefully or coercive.⁵⁶ This is a very interesting clarification, as peacekeepers are unequivocally barred from any sort or form of sexual relationship with civilians and any breach of this amounts to a criminal act. The UN guidelines express the scope of sexual exploitation for peacekeepers, condemning consent to irrelevance. Professor Muna Ndulo continues to say:

No doubt that under this approach peacekeepers are held to a higher standard of morality than ordinary persons. This is because they are in a position of trust with regard to the local population and additionally their economic situation is

48. Ndulo, *supra* note 3, at 138.

49. See U.S. Dept of Army, Rule 158. Prosecution of War Crimes, in *The Law of Land Warfare*, at II-44-C (Field Manual No. 27-10, 1956, updated 2019).

50. International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

51. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.

52. Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

53. Muna Ndulo, *The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions*, 27 BERKELEY J. INT'L LAW 127, 159 (2009).

54. *Id.*

55. U.N. Secretary-General, Special Measures for Protection from Sexual Exploitation and Sexual Abuse, § 1, U.N. Doc. ST/SGB/2003/13 (Oct. 9, 2003).

56. U.N. Secretary-General, *Special measures for protection from sexual exploitation and sexual abuse*, § 1, U.N. Doc. ST/SGB/2003/13 (Oct. 9, 2003).

vastly superior to that of the local people. Their jobs are to advance peace and protect the local population and not exploit them.⁵⁷

A difficulty that exists in preventing the prosecution of peacekeepers for sexual exploitation is the fact that the United Nations does not have an army. Troops are sent from the military of different countries, and the Status of Force Agreements grant immunity to the peacekeeping troops from prosecution by the host state.⁵⁸ The jurisdiction for prosecuting troops is in the sending state.⁵⁹ “Under a typical SOFA signed with the United Nations, troop-contributing states retain exclusive criminal jurisdiction over their troops and the troops remain an integral part of their national military force.”⁶⁰ Without the Status of Force Agreement, this jurisdictional quandry would cease to exist.

A significant consequence of sexual relationships between peacekeepers and the local population is the rise of “Peacekeeper Babies.” These children, born to local mothers and peacekeeper fathers, are often abandoned by the fathers once rotation of peacekeepers occurs or when the peacekeeping mission is concluded.⁶¹ This is not a small issue. 24,500 peacekeeper babies were born in Cambodia,⁶² 6,600 children in Liberia,⁶³ 265 children in Haiti.⁶⁴ The Associated Press ran a by-line in 2015 which read, “[n]o one knows how many children have been fathered by U.N. peacekeepers over the decades in some of the world’s most troubled places.”⁶⁵ This appropriately encapsulates the problem. Many obstacles are in the way of addressing these issues, such as peacekeepers being from many different nations, the complexity of determining the paternity of the children for maintenance claims, the fact that the UN does not have an independent army which can easier address these issues, and the difficulty that those in poorer countries have in attempting to legally address these issues.

An interesting addition to the UN conventions was the Convention of the Rights of the Child, which forces states to take all feasible measures to protect children in armed conflict.⁶⁶ These steps have played a big role in providing justice for sexual crimes by having states abide by the standards therein, but, unfortunately, there has not been a decrease in sexual violence, especially in areas of conflict. This was confirmed by the Human Rights Watch report on the

57. Ndulo, *supra* note 3, at 146.

58. *Id.* at 154

59. *Id.*

60. *Id.* at 156.

61. Eva Svoboda, *Empty Promises: Peacekeeper Babies and Discretionary Impunity Within the United Nations*, 64 Harv. Int’l L.J. 1 (2023).

62. Smriti Rai, *Keepers of Peace or Perpetrators of Abuse?*, 1 Penn Undergrad. L.J. (2017).

63. Nicola Johnston, *Peace Support Operations*, in IN INCLUSIVE SECURITY, SUSTAINABLE PEACE: A TOOLKIT FOR ADVOCACY & ACTION 33, 41 (Int’l Alert 2004).

64.

65. Associated Press, ‘Peacekeeper babies’ an unintended consequence of sending in the United Nations, NATIONAL POST (June 13, 2015), <https://nationalpost.com/news/world/peacekeeper-babies-an-unintended-consequence-of-sending-in-the-united-nations>.

66. Convention on the Rights of the Child, Sept. 2, 1990, 1577 U.N.T.S. 3.

Democratic republic of Congo, where “tens of thousands of women and girls had suffered crimes during the armed conflict.”⁶⁷

In 2019, the UN Secretary General, António Guterres, established the Civil Society Advisory Board on Prevention of Sexual Exploitation and Abuse.⁶⁸ “The functions of the board will include making recommendations to strengthen preventive measures against sexual exploitation and abuse, including by reviewing mission and country team risk assessments and best practice, as well as tracking our performance in these areas.”⁶⁹

It is thus clear that, although many admirable and important measures have been taken, with more accountability present for UN peacekeepers being the intention of these measures, the fact that sexual assault still occurs with such severity and frequency leads one to believe that further measures must be taken to combat sexual abuse by peacekeepers on peacekeeping missions. The following chapters will explore women in peacekeeping missions and the increase of women peacekeepers as a method of combatting sexual abuse by peacekeepers.

II. Women in Peacekeeping

In order to discuss women in peacekeeping, one must first understand the role of peacekeeping. Currently, there are twelve active peacekeeping missions across three continents.⁷⁰ The role of peacekeepers has expanded, as discussed in Part I, which consist of several roles. “Today’s multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law.”⁷¹ Peacekeeping is guided by three principles, being the consent of the parties, impartiality, and most important to the topic of this Note, the non-use of force except in cases of self-defense of the defense of a mandate.⁷²

Peacekeeping is said to be one of the most effective tools that the UN uses to assist a troubled nation through to peace.⁷³ It is inherently a global partnership where the UN General Assembly, the Security Council, the Secretariat, troop and police contributors, and host nations come together to offer assistance in the various ways that peacekeepers offer with the objective of a smooth

67. HUMAN RIGHTS WATCH, *SEEKING JUSTICE: THE PROSECUTION OF SEXUAL VIOLENCE IN THE CONGO WAR I* (2005).

68. U.N. Secretary-General, *Note to Correspondents: Establishment of the Civil Society Advisory Board on Prevention of Sexual Exploitation and Abuse* (Feb. 19, 2019), <https://www.un.org/sg/en/content/sg/note-correspondents/2019-02-19/note-correspondents-establishment-of-the-civil-society-advisory-board-prevention-of-sexual-exploitation-and-abuse> (last visited May 20, 2025).

69. U.N. Secretary-General, *Special Measures for protection from sexual exploitation and abuse: a new approach*, § 65, U.N. Doc. A/71/818 (Feb. 28, 2017).

70. At the time of writing.

71. *What is Peacekeeping*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/what-is-peacekeeping> (last visited Mar. 8, 2022).

72. See *Principles of Peacekeeping*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/principles-of-peacekeeping> (last visited May 20, 2025).

73. *Id.*

transition to peace. The military and police personnel must be members of the national services from which they are citizens and are thus seconded to work with the UN on peacekeeping missions.⁷⁴

The UN published the ranking of contributions by country for 2021 in this regard, and it showcases the diversity of the peacekeeping officers. Bangladesh contributes the largest number, with 6,344, followed by India and Nepal with 5,548 and 5,438 respectively.⁷⁵ Rwanda and Ethiopia round out the top five largest contributors, with 5,299 and 4,846.⁷⁶ There are many countries around the world that contribute troops and police personnel. South Africa has contributed 980, Germany has contributed 643, and at the bottom of the list is Latvia, Madagascar, Qatar, and Timor-Leste, which contributed 1 each.⁷⁷

Interestingly, the United States of America made only 31 contributions in 2021, while countries that are much poorer with access to far fewer resources contributed more.⁷⁸ Zimbabwe contributed 51 and Liberia contributed 173 in 2021. Mexico and Vietnam did not contribute troops.⁷⁹ The explicit reason for the number of United States troops is the Presidential Decision Directive 25, signed by then President Bill Clinton on 3 May 1994.⁸⁰ This directive ordered the United States to limit its involvement in United Nations Peacekeeping Operations through “vital national interest” tests.⁸¹ This test for US involvement in military action has three primary requirements, being that the United States military has a US officer commanding the troops, the mission must be in the best interests of the United States, and that the mission has popular domestic support.⁸² President Bill Clinton wrote in the directive:

As President, I retain and will not relinquish command authority over U.S. forces. On a case-by-case basis, I will consider placing appropriate U.S. forces and personnel under the operational control of a competent UN commander for specific UN operations authorized by the Security Council. In making this decision, I will take into account such factors as the nature of U.S. interests, the size of the proposed U.S. force, the risk to U.S. personnel, the proposed duration of the mission and rules of engagement and the nature and mandate of the operation.⁸³

Thus, the first requirement cannot always be a guarantee, as the United Nations appoints officers, and the appointees can be from anywhere in the world. However, John McArthur and Krista Rasmussen wrote for Brookings that the United States is, by far, the largest contributor to multilateral organizations,

74. United Nations Peacekeeping, Military, <https://peacekeeping.un.org/en/military> (last visited May 20, 2025).

75. *United Nations Peacekeeping, Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors> (last visited Mar. 7, 2022).

76. *Id.*

77. *Id.*

78. *Id.*

79. *Id.*

80. Presidential Decision Directive No. 25, U.S. Policy on Reforming Multilateral Peace Operations (May 3, 1994).

81. *Id.*

82. *Id.*

83. *Id.*

such as the United Nations.⁸⁴ In 2018, the United States contributed \$14.1 billion per annum, which accounted for 22% of multilateral organizations' funding.⁸⁵ The U.K. follows suit, with it contributing \$7.6 billion, or 12%.⁸⁶ Japan contributed \$5.4 billion, and Germany contributed \$4.4 billion, or 7%.⁸⁷ The lack of representation through boots on the ground seems to be made up through the funding of the UN, in a substantial capacity, by many of the traditionally first-world countries. However, this must be put into context. The general Assembly approves the budget for peacekeeping missions.⁸⁸ The approved budget for the 2022-2023 peacekeeping fiscal year was \$6.45 billion.⁸⁹ This budget is capped, and with the United States in a position of veto power due to its status as a member of the UN Security Council, the United States effectively stops other countries from contributing more.

The only major world power anywhere near the top of the list of boots on the ground is China with 2,253 contributions, which is ironic considering China's abysmal record regarding human rights in recent times.⁹⁰ The role of UN peacekeeping is determined by mandate and the peacekeepers are supposed to cultivate an environment for peace and security.⁹¹ China sends troops for the purposes mandated in other countries, which clearly contradict internal Chinese government policy.⁹² China has imposed draconian laws to subdue Hong Kong, currently arbitrarily detains Turkic Muslims in concentration camps in Xinjiang while Muslim women are raped and sexually abused to the extent that some women allege that "[t]heir goal is to destroy everyone"⁹³ and silences human rights defenders and journalists.⁹⁴

Women in the UN are underrepresented, which is contradictory to the goals of the United Nations. The UN Charter in 1945, signed in San Francisco on the 26 June, stated the principles of equality between the sexes, amongst others. Note 1(3) states that one of the purposes of the United Nations is to achieve international co-operation solving international problems, be it economic, cultural or humanitarian while promoting respect for human rights

84. John A. McArthur & Krista Rasmussen, *Who Actually Funds the UN and Other Multilaterals?*, BROOKINGS: ORDER FROM CHAOS (Jan. 9, 2018), <https://www.brookings.edu/blog/order-from-chaos/2018/01/09/who-actually-funds-the-un-and-other-multilaterals/>.

85. *Id.*

86. *Id.*

87. *Id.*

88. See generally U.N. Charter.

89. U.N. Secretary General, *Approved resources for peacekeeping operations for the period from 1 July 2021 to 30 June 2022*, U.N. Doc. A/C.5/75/25 (June 29, 2021).

90. See U.N. Peacekeeping, *Contribution of Uniformed Personnel to UN by Country and Personnel Type: Experts on Mission, Formed Police Units, Individual Police, Staff Officer, and Troops*, <https://peacekeeping.un.org/en/troop-and-police-contributors> (last visited May 22, 2025).

91. See fn 72.

92. See generally, Benjamin Maizland, *China's Repression of Uyghurs in Xinjiang*, COUNCIL ON FOREIGN RELATIONS (Sept. 22, 2022), <https://www.cfr.org/backgrounder/chinas-repression-uyghurs-xinjiang>.

93. David Campanale, Joel Gunter, & Matthew Hill, 'Their goal is to destroy everyone': Uighur camp detainees allege systematic rape, BBC NEWS (Feb. 2, 2021), <https://www.bbc.com/news/world-asia-china-55794071>.

94. HUMAN RIGHTS WATCH, *WORLD REPORT 2021: CHINA EVENTS OF 2020*, <https://www.hrw.org/world-report/2021/country-chapters/china>.

and fundamental freedoms without distinction as to race, sex, language or religion.⁹⁵

In more recent times, the Security Council Resolution 1325 on Women, Peace, and Security recognized the “urgent need” for mainstream gender equality in peacekeeping operations,⁹⁶ noting the Windhoek Declaration and the Namibia Plan of Action of Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations.⁹⁷ The equality between the sexes is one of the 17 Sustainable Development Goals published by the UN, amongst others such as eradicating poverty and hunger, the implementation of good education worldwide for all, clean water and others.⁹⁸ Putting equality between the sexes on the same level as the pursuit of these other goals showcases the importance of equality itself. Thus, the UN understands the need for equality, but still must implement it within its own ranks.

The UN Military Experts on Mission and Staff Officers (UNMEMs + SOs) account for 18% of personnel deployed. ⁹⁹Troops have 8% of women as their personnel. ¹⁰⁰ These numbers are very underwhelming but must also be recognized as a massive improvement on the previous status quo. Only 1% of all deployed uniformed personnel were women in 1993.¹⁰¹ More women in these missions have been the States’ objective of the United Nations.¹⁰² The Uniformed Gender Parity Strategy 2018-2028 was published with the objective to “ensure that the uniformed component of United Nations peacekeeping is diverse and inclusive of women, reflecting the communities the United Nations serves.”¹⁰³ At the time that this was written, only 5% of all military, police, justice, and corrections service personnel were women. ¹⁰⁴This showcases only a 3% increase in three years. ¹⁰⁵ There have been reasons given for the lack of female representation. Externally of the UN, the reasons given are as follows:

- a. Women are not aware of the employment opportunities with the UN and there is a lack of women role models.
- b. Women report that some Member States restrict deployment opportunities to male members through implicit or explicit gender bias.

95. U.N. Charter art. 1, ¶ 3.

96. S.C. Res. 1325, *supra* note 19, at Preamble.

97. *Id.*

98. *Sustainable Development Goals*, UNITED NATIONS, <https://www.un.org/sustainable-development/sustainable-development-goals/> (last visited May 18, 2025).

99. See U.N. Peacekeeping, *Contribution of Uniformed Personnel to UN by Mission, Personnel Type, and Gender: Experts on Mission, Formed Police Units, Individual Police, Staff Officer, and Troops*, <https://peacekeeping.un.org/en/troop-and-police-contributors> (last visited May 22, 2025).

100. *Id.*

101. *Troop-Contributing Countries achieving gender parity targets*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/gender> (last visited May 18, 2025).

102. U.N. Peacekeeping, *Uniformed Gender Parity Strategy 2018–2028*, <https://peacekeeping.un.org/en/uniformed-gender-parity-strategy-2018-2028-full-text> (last visited May 22, 2025).

103. *Id.*

104. U.N. Peacekeeping, *Women in Peacekeeping*, <https://peacekeeping.un.org/en/women-peacekeeping#:~:text=In%202022%2C%207.9%20per%20cent%20of%20military%2C%20police%2C,increase%20from%20just%201%20per%20cent%20in%201993> (last visited May 22, 2025).

105. *Id.*

- c. A lack of family-friendly policies within Member States, and the likelihood for most uniformed personnel to be deployed for 12 months without the opportunity to travel to visit their families.
- d. A lack of training and self-development opportunities for women, including participation in Military Staff Colleges, Police Academies and UN-related courses, to meet qualification pre-requisites for UN deployments.
- e. Military components are largely composed of combat-related capabilities; while police components are largely composed of police with public order management or other operational policing experience. For some TCCs/PCCs these positions are only available to men, and/or women have only recently joined.
- f. Some Member States do not have sufficient women available or prepared to deploy.
- g. The role of seconded corrections officers in some missions is shifting from an advisory/mentoring role to an operational one which is largely held by male officers in many Member States which reduces the pool.
- h. Gendered perceptions of the role of women which mean they are excluded from taking part in national selection processes for peacekeeping (e.g., perception that women should be at home with the family).
- i. Personal circumstances mean some women choose not to volunteer to deploy due to the length of deployment, age of their dependents, or other personal responsibilities.¹⁰⁶

The United Nations has admitted to certain internal causes of the gender gap, albeit a shorter list than the external list. They are as follows:

- a. Proposed reductions in funding, including in Mission Subsistence Allowance, make field deployments less attractive for all individual uniformed members, and particularly for women, who may require more secure accommodation or additional protective equipment when working independently in the field.
- b. UN prerequisites and job descriptions can include unnecessary qualifications or unconsciously gender-biased wording that limit applications from and deployment of women.
- c. Women may be worried about being isolated and vulnerable to sexual harassment and exploitation when deployed.
- d. Field missions may not provide adequate security, accommodation and facilities to women.¹⁰⁷

Thus, it is fair to say that the blame is not on a single party, but on both member states and the UN itself which must be rectified. The UN does not directly require quotas. The onus, ultimately, is on the member states, as they choose the ratio of men to women in peacekeeping forces. Nations must be

106. Fn 105 S6

107. *Id* S7

strongly encouraged to deploy more balanced regiments for peacekeeping missions. In the list above, C. is troubling. A concern for women is being isolated and vulnerable to sexual harassment and exploitation when deployed, but nothing in the Parity Strategy says anything rebuking this. The UN acknowledges these concerns without assuring women that this is not the case or if it is, then it will be addressed. Reading this will not give women more confidence against these already existing concerns.

The UN also believes that “[i]n all fields of peacekeeping, women peacekeepers have proven that they can perform the same roles, to the same standards and under the same difficult conditions, as their male counterparts. It is an operational imperative that we recruit and retain female peacekeepers.”¹⁰⁸ Thus, the UN believes that, at least from a physical perspective, there should not be any hurdles to acquiring more women for the roles.

But the hurdles still exist, and these are significant hurdles, as the targets set out by the Uniformed Gender Parity report are far from the current state of things. “The OMA goal is to reach to reach 25% by 2028 (i.e. an additional 1% per year).”¹⁰⁹ In line with UNSCR 2242, OMA also plans to double the number of women in uniformed components overall by 2020.¹¹⁰ While it will be more difficult to address the situation within contingent troops, OMA has set a goal of 15% women by 2028.”¹¹¹ Methods to reach these goals are also mentioned, such as the creation of enabling environments, the recruitment and training of women, communication and outreach, and leadership and accountability in enacting these policies.

III. Women as a Key to Combat Sexual Exploitation

Women in peacekeeping, as explored in the chapters above, has improved significantly over the past three decades, but much more must be done. In order to discuss women as a means of combatting sexual abuse by UN Peacekeeping Missions, one must realize that sexual abuse is not an issue that is simple to resolve. Sexual violence has long been seen as being a part of the spoils of war.¹¹² Sexual violence was first tackled on the international stage in the Yugoslav and Rwandan sister tribunals.¹¹³ It is also of the utmost importance that sexual abuse by peacekeepers is tackled. “The gross violation of human rights and crimes against humanity that sexual violence in armed conflicts entail underscores the urgency of more concerted an effective international action to enforce international law banning it, and to provide security measures in the context of humanitarian operations to ensure the greater safety and especially to respond to the immediate health needs of at risk populations.”¹¹⁴

108. *Women In Peacekeeping*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/women-peacekeeping> (last visited Feb. 20, 2022).

109. Fn 105.

110. *Id.*

111. *Id.*

112. See generally Janie Leatherman, *Sexual Violence And Armed Conflict: Complex Dynamics Of Revictimization*, 12(1) INT'L J. PEACE STUD. 53 (2007).

113. *Id.*

114. *Id.* at 67.

In tackling this issue, one should ask: what can women bring to United Nations Peacekeeping? The UN itself believes that women bring many skills that may benefit the UN in its missions. "More women in peacekeeping means more effective peacekeeping."¹¹⁵ The United Nations has published a list of reasons why it believes women peacekeepers are important.¹¹⁶ The UN believes that having women in peacekeeping missions allows for improved operations and performance through diversity and a broadened skillset.¹¹⁷ This leads to better decision making and thus, results. Having women would undeniably bring in a greater diversity, be it of thought, belief, temperament and more. This point is vital in understanding the need for an increase in the number of women represented in the UN.

The UN believes that it would have better access to the population, especially with regards to women and children, which would provide critical information.¹¹⁸ Having women to confide would make it easier for victims to communicate with peacekeepers. This would also reflect the community served, from a gender perspective.

Women, additionally, help to prevent and reduce conflict and confrontation by effectively addressing the needs of women. This can be looked at from many perspectives, such as addressing physical and emotional needs that would not be best dealt with by men. The women would thus be more open to seeking assistance as they would be more comfortable addressing these issues with fellow women. In terms of long-term aspirations, having women in peacekeeping missions helps in inspiring young girls and being role models around the world, as examples of women who want to pursue non-traditional careers.¹¹⁹ In acknowledging this, the UN said that peacekeeping missions will, "[c]ontinue to invest in strengthening women's meaningful participation, including participation of women ex-combatants, in DDR [(Disarmament, Demobilization and Reintegration)] and SSR [(Security Sector Reform)] processes to achieve sustainable peace and political solutions."¹²⁰

The UN has experimented with the notion of having a far greater number of peacekeepers. In 2007, India sent in an all-women peacekeeping unit to Liberia.¹²¹ It was also announced in 2019 that an all-women Indian contingent was to assume their duties in MONUSCO.¹²² Although all women peacekeeping missions were not called for, it is interesting that these developments had occurred. However, this should not be the aim. Both men and women peacekeepers are required, as both men and women are in need of the services of peacekeepers in volatile situations. "A female Ukrainian officer who served in mixedgender environments in Liberia expressed her concerns about the FPUs

115. *Women in Peacekeeping*, *supra* note 60.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. UN PEACEKEEPING, POLICY BRIEF: WOMEN TRANSFORMING PEACE IN PEACEKEEPING CONTEXTS.

121. Huma Siddiqui, *Women Power: India Sends Another All Women Contingent for UN Peacekeeping Operations*, FIN. EXPRESS (June 1, 2019, 4:22 PM), <https://www.financialexpress.com/defence/women-power-india-sends-another-all-women-contingent-for-un-peacekeeping-operations/1614695/>.

122. *Id.*

[Formed Police Units] being commended as part of the UN commitment to gender mainstreaming: ‘as for me, when we are talking about equality, it should be real equality’¹²³

It also can be argued that male peacekeepers would inevitably behave in a much more palatable manner simply due to the presence of female peacekeepers. It is commonly believed that male peacekeepers would be pacified by the presence of female peacekeepers. “The idea is that this ‘pacifying effect’ will lead to a drop in the [number] of brothels that spring up around peacekeeping bases, a reduction of the number of abandoned children, and aid in the fight against sexually transmitted diseases.”¹²⁴ The mere presence of female peacekeepers will make the male peacekeepers behave much more in accordance with UN guidelines, and female civilians will have the oversight by, the care of, and avenues of redress through women peacekeepers, and the more women peacekeepers there are, the greater the specific contribution of women peacekeepers will be.

The use of women in peacekeeping missions to combat sexual abuse by peacekeepers has, thus, been an idea that the United Nations has taken on. With the benefits mentioned above, this is a good idea. The evidence that women will not only decrease the likelihood of sexual abuse by UN peacekeepers but also benefit the entire peacekeeping operation, from communication to insight and more, is vast. The increase of women can and will be instrumental in the fight against sexual abuse. However, the addition of women is not a quick fix to the systemic issue. There are a number of concerns that must be dealt with along with an increase in the number of women deployed.

Firstly, the wording of these intentions is worrisome. Women are seen as an easy fix to all these issues, which has connotations of it being women’s responsibility to solve the sexual abuse crisis in the United Nations. This is unfair, for it is not the female peacekeepers that are at the root of the abuse. It should be worded in a manner that makes it clear who the culprits are, and that women are not responsible for fixing an issue they themselves have not caused. “Here, we find, unfortunately common, language that tells international society men are not completely responsible for their own actions and women must play a role in curtailing less desirable aggressive male tendencies. This problematic notion is, in part, responsible for biased, unreasonable, and failed approaches to dealing with acts of sexual abuse and exploitation (SEA) during conflict—including acts committed by peacekeepers.”¹²⁵ Women can significantly improve the situation, but the onus must still be on the accused. Having women not only attending to their peacekeeping duties along with the additional responsibility of keeping their male counterparts in check is unfair in the first instance and this additional workload must be fairly compensated for by the United Nations.

As mentioned in Part II, one of the primary reasons that women are hesitant to join the UN on peacekeeping missions is the concern for their safety. This has not been adequately addressed. The United Nations must make a

123. Hernandez, *supra* note 2.

124. *Id.*

125. *Id.*

public effort to ensure that women who are deployed are not only safe from any harm committed by those they are meant to be protecting in war torn areas, but from male peacekeepers as well. The current public perception of the UN in this regard is far from ideal, and the situation is far from ideal as well. A lot of investment, time, and effort must go into the protection of female peacekeepers to ensure that safety is not a concern for any women who would like to be deployed on a peacekeeping mission. This goes hand in hand with ensuring that those accused of sexual abuse or exploitation are investigated and those guilty are punished accordingly. "In order to increase the multiple opportunities for prosecution, there is need to require every state to criminalize sexual abuse and sexual exploitation in the context of peacekeeping missions."¹²⁶ Bravery cannot exist without accountability.

It cannot be the sole responsibility of the UN to prosecute crimes of a sexual nature. Scope-related, collection of evidence, and jurisdictional issues arise. It is, further, unrealistic to expect the host nation of peacekeeping missions to prosecute UN peacekeepers, due to the lack of infrastructure in the war-torn areas that require peacekeepers. Even if the host state is able to prosecute, the short terms that peacekeepers have as well as the frequency of rotation make it difficult for the host state to regain custody of the alleged perpetrator.¹²⁷ The age of consent differs from state to state, and some countries do not allow for the extradition of nationals. Troop contributing countries have been either unable or unwilling to prosecute their troops. The biggest challenge may be that peacekeepers, similar to troops fighting in wars, operate within a different legal realm compared to civilians. Peacekeepers, thus, have immunity from prosecution, and even if a member of the military is tried, many countries have military courts that are difficult for civilians to access.¹²⁸ Additionally, a Status of Forces Agreement (SOFA) is generally signed between troop contributing nations and the United Nations that provide immunity for peacekeepers.¹²⁹

Thus, a viable option is prosecution in troop contributing states through regular legal channels that are accessible by civilians. Under SOFA, the contributing states retain criminal jurisdiction over their troops.¹³⁰ It is also possible that troops are prosecuted in a third country under universal jurisdiction, provided that it is legally allowed to do so according to the third country's

126. Ndulo, *supra* note 3, at 159.

127. *Deployment and Reimbursement*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/deployment-and-reimbursement> (last visited May 18, 2025) ("Personnel rotations, whereby contingent members are replaced with new personnel occur on a periodic basis, usually every 6 to 12 months.").

128. Hernandez, *supra* note 2; See also Rosa Freedman, *UNaccountable: A New Approach to Peacekeepers and Sexual Abuse*, 29 EUROPEAN J. OF INT'L L. 961, 966 (2018).

129. William Thomas Worster, *Immunities of United Nations Peacekeepers in the Absence of a Status of Forces Agreement*, 47/3-4 MILITARY L. & L. WAR REV. 277, 284 (2008) ("The two primary theories for State immunity are the 'fundamental right' theory and the 'State waiver' theory. The 'fundamental right' theory posits that the armed forces of a State are inherently immune from foreign State jurisdiction under international law and that they are accordingly immune when within the territory of a foreign State. The other theory, that of 'State waiver,' argues that one State's armed forces receive a grant of immunity, or, phrased a different way, a waiver of jurisdiction, from the host State out of concerns for comity and that this grant of immunity can be implied in the State's consent to their admission.").

130. *Id.*

own domestic law.¹³¹ Universal jurisdiction, however, can only be utilized for international crimes, and not all sexual crimes are considered to be international crimes. Thus, universal jurisdiction is not the most effective method of bringing those accused of sexual crimes on peacekeeping missions to justice, as not all sexual crimes can be tried in this manner. Evidence collection is another factor when prosecuting in a foreign nation. Sexual crimes often require genetic and DNA evidence, which would be difficult to gather from a foreign jurisdiction.¹³² “Part of the solution could be to encourage troop-contributing countries to hold field court martial proceedings in the peacekeeping zone.”¹³³ This would adequately cover the deficiencies that troop contributing prosecution and third-party prosecution would have. Field courts in the jurisdiction of the crimes, that would legally avoid the issues of peacekeeper immunity, may contribute greatly to the fight against sexual abuse by UN troops.

When discussing the issue of sexual abuse by peacekeepers, or sexual abuse in general, much emphasis has been placed on the abuser. This is understandable, but it may be beneficial to address the sexual abuse problem through the lens of victim’s rights. Viewing it in this manner may allow for a different perspective where one does not simply look for the punishment of the perpetrator, but the assistance and support for the victims as well.

The Office of the Victims’ Rights Advocate (OVRA) has been operational with these ideals in mind and aims to “deliver on the Secretary-General’s pledge to put victims at the center of all United Nations efforts to prevent and respond to sexual exploitation and abuse by its personnel.”¹³⁴ The mandate of the OVRA has been active since 2017 which includes facilitating victim’s access to justice and increasing accountability for perpetrators.¹³⁵

The United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse was finalized in 2019, which was planned to be rolled out by 2020. In it, it states:

The Victims’ Assistance Protocol is firmly rooted in the principles and rights underpinning a victim centered approach, such as safety, dignity and respect, care and treatment, privacy and confidentiality. The Victims’ Assistance Protocol marks an important step forward in the United Nations’ approach to victims and builds on the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel adopted by the General Assembly in 2007. The Victims’ Assistance Protocol also reflects the experience and what has been learned since then.¹³⁶

This is a passage that sparks optimism, as the United Nation’s supports a victim’s rights approach while simultaneously acknowledging that this approach must be utilized while dealing with abuse by UN staff.

131. See Van Beth Schaack & Ronald Slye, *International criminal law and its enforcement: Cases and materials* (2020).

132. Ndulo, *supra* note 3, at 157.

133. *Id.*

134. United Nations Victims’ Rights Advocate, *Annual Report 2019: Sexual Exploitation and Abuse*, 4, (2020).

135. *Id.*

136. *Id.* at 6.

OVRA has mapped services that are available to victims of sexual abuse, be it legal, medical, psychological and more, in 13 countries.¹³⁷ This has been done through several country visits, where the UN attempts to gain a better understanding of how sexual abuse is being addressed and to design prevention and response systems regarding sexual abuse that is inherently victim centered.¹³⁸ OVRA has actively been attempting to fix some of the issues that have arisen from the sexual abuse problem by UN peacekeepers, namely the large number of “Peacekeeper Babies.” “Another key area of work will be efforts to improve the United Nations’ role in facilitating and supporting the resolution of paternity and child support claims so that victims are provided with the necessary support and information on the status of their cases in a timely manner.”¹³⁹ Accountability from the fathers of these children will go a long way in combatting sexual abuse by the perpetrators.

The OVRA is relatively new, so time must pass before one can fully critique its effectiveness, but it does seem that the United Nations is committed to combat sexual abuse by peacekeepers and has taken steps necessary to achieve this.

Conclusion

Sexual violence is an issue that has only recently in human history been tackled. The nature and extent of sexual violence by United Nations peacekeepers on peacekeeping missions has had a spotlight shone on it. The United Nations has taken several steps to tackle the issue of sexual violence in this context. International law through conventions, tribunals, and recalling of troops has occurred. However, this is not enough. Much more needs to be done, considering claims of sexual abuse by UN peacekeepers has come up as recently as 2019.¹⁴⁰

This Note considered the idea of women in peacekeeping as a mechanism to combatting sexual violence. First, it tackled the history and status quo of women as a part of UN peacekeeping missions. It is clear that women are underrepresented on peacekeeping missions. Secondly, this Note looks at women in peacekeeping missions. The United Nations has supported the idea of increased numbers of women on missions. This is due to the United Nations acknowledging the vast benefits of having women in these situations, such as a diversity of skillsets, the ability of female peacekeepers to deal with female centric issues that may arise better than their male counterparts, their ability

137. *Id.* (“Bangladesh, Central African Republic, Colombia, Democratic Republic of the Congo, Greece, Haiti, Jordan, Kenya, Lebanon, Liberia, Mali, Mozambique and South Sudan. These countries include peace missions, humanitarian and development settings reflecting the system-wide nature of the OVRA mandate.”)

138. *Preventing Sexual Exploitation and Abuse*, UNITED NATIONS, <https://www.un.org/preventing-sexual-exploitation-and-abuse/> (last visited May 18, 2025).

139. United Nations Victims’ Rights Advocate, *supra* note 79, at 18.

140. Michael Brice-Saddler, *U.N. peacekeepers fathered, then abandoned, hundreds of children in Haiti, report says*, WASH. POST (Dec. 18, 2019), <https://www.washingtonpost.com/world/2019/12/18/un-peacekeepers-fathered-then-abandoned-hundreds-children-haiti-report-says/>.

to better deal with potentially violent situations and more. Most relevant to the scope of this Note, women on peacekeeping missions may be an effective method of regulating male peacekeepers behavior while on missions. Having the mere presence of women peacekeepers will not only force men peacekeepers to behave in a manner more consistent with UN guidelines, but they will also be an avenue for civilian women to find safety, comfort and to address female needs.

This Note agrees with these positions but warns against viewing women as a quick fix to the systemic issue of sexual violence. The primary issues that come up are viewing women as responsible for combatting sexual violence in this regard. The onus of crimes is on the perpetrators. Focus on holding the perpetrators accountable must not decrease, and full responsibility must still occur. Whether this is done by the removal of SOFAs or forcing states to hold their troops criminally liable, it still must be done. Maintenance for fathering "peacekeeper babies" must be paid, and countries must criminalize sexual abuse in the context of peacekeeping missions.

The fears that women have which deter them from joining UN peacekeeping missions have not been adequately addressed. Women feel that their safety may be in jeopardy, and the United Nations must ensure women's safety on peacekeeping missions and effectively communicate the measures that they must put in place. Only when women's safety on peacekeeping missions is guaranteed, which can only occur if those who commit these crimes are held accountable and the UN put in place safety measures for women peacekeepers, will the participation levels of women increase. And the increase of female participation is needed to combat not only sexual violence, but other issues in which female participation is highly beneficial.

It is a very good sign that the UN has adopted a victim's rights approach. This sheds a light on the victims of these crimes, instead of the light being solely on the perpetrators. Supporting the needs of victims, be it physically, psychologically, and more, is fundamental in the fight for equality and accountability. The creation of the OVRA is a big step, but since it is still a relatively new creation, time must pass before one can review the effectiveness of their actions. The intentions of the OVRA, being supporting victims while holding perpetrators liable, is admirable.

Thus, women in peacekeeping are vital in the fight against sexual abuse committed by United Nations peacekeepers during peacekeeping missions, but it is not a quick fix. Perpetrators must still be held liable, and the UN must create a safe and welcoming environment for increased female participation.