

Franz von Liszt Institute Working Paper 2017/02

Judith Thorn

Is the Glass Half Full or Half Empty? – Gender and United Nations Police

An Overview on the Role and Functions of Women in the Police Component of United Nations Peace Operations

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**Franz von Liszt Institute Working Paper 2017/02
ISSN 2363-4731**

Franz von Liszt Institute - Justus Liebig University Giessen
October 2017

The working paper is published in the framework of the project “Comparative Legal Gender Studies-Network (CoLeGeS-Net): The Emilie Kempyn-Spyri of the past, present and future”. The project is supported by the Women’s and Gender Equality Representative of Justus Liebig University Giessen.

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ISSN-(Internet) 2363-4731

ISSN-(Print) 2363-4723

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Comparative Legal Gender Studies-Network (CoLeGeS-Net): The Emilie Kempyn-Spyri of the past, present and future

In January 2016, Prof. Dr. Thilo Marauhn, M. Phil. and Dr. Ayşe-Martina Böhringer launched a legal research project on women in the legal profession.

Over the project period of two years, a focal point of the project is the analysis of the role of law in women's career processes from university studies to the professional career. The project has a comparative approach analyzing the development and the current state of women in the legal profession in Germany, the United States of America and Turkey. The project is supported by the Executive Board of Justus Liebig University Giessen (based upon an initiative launched by the Women's and Gender Equality Representative of Justus Liebig University Giessen).

Named after Emilie ("Emily") Kempyn-Spyri who, among others, opened the path to legal professions for women, the project aims at integrating women and gender issues into legal research and teaching at the Faculty of Law. In particular, the project seeks to raise awareness of gender issues in the legal profession among junior academics and students. It will identify career opportunities in academia and practice as well as related challenges by means of a comparative analysis. Making use of various dynamic and interpersonal means of communication the project aims at establishing a network among a broad variety of actors.

The project contributes to the development of expertise in gender issues by identifying country-specific development stages and by demonstrating future options for governmental and non-governmental norm setting at the national as well as at the international level.

Seminars and colloquiums – as appropriate – are offered by visiting scholars and practitioners. Students and junior academics will benefit from frequent interaction with experts in the field of legal gender studies. Throughout the project, a broad spectrum of legal materials from selected countries – focusing upon Turkey, the United States of America and Germany – will be subject to comparative analysis.

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Abstract

This paper examines whether the United Nations have done enough to implement its gender goals regarding its peace operations in conflict and post-conflict environments. It takes into consideration the so-called 'multidimensional' aspect of the peace operations to discuss the role of women in such activities, focusing on the active position women can assume in peace processes. In order to establish the adequate context, the author also sheds light on some gender-related concepts, such as gender mainstreaming and gender equality. The paper delivers a historical approach to the development of gender in peace operations of the United Nations, accounting for the advancements that have been happening to end gender inequality within the security sector and providing an overview about the most important actions taken by the UN towards this aim, both politically and legally. It gives special attention to the Resolution 1325 (2000), scrutinizing its legal classification and its implementation. Moreover, it reviews the role of women regarding particularly UN Police Services, reinforcing the need of women to be fully integrated in the police tasks. The paper then proceeds to analyse statistics on Women and UN Police, exploring the connections between the presence of women in national police services and the countries' corresponding proportion of women in the UN. It also points out the lack of a comprehensive database on the participation of women in the security sector, acknowledging that the UN itself started to provide information on female police participation only in 2009 and, according to it, has failed to reach its goal of raising the proportion of women in the police component to 20% by 2014 (established in the Global Effort). The paper evaluates possible approaches to better integrate women to UN Police Services, such as the deployment of all-female Formed Police Units. Furthermore, it delivers an overview of the legal human rights framework governing the gender aspects concerning the work of police in peace operations of the UN, including the regulation of Sexual and Gender-based Violence. The paper concludes by suggesting how to improve the number of women in UN peace operations, recognizing the fact that there is no 'one size fits all' solution and the necessity to improve the conditions for women in the Member States as well as in the UN.

'Both men and women should feel free to be sensitive. Both men and women should feel free to be strong... It is time that we all perceive gender on a spectrum not as two opposing sets of ideals.' – Emma Watson¹

I. Setting the Stage²

Gender mainstreaming and gender equality have been leading questions in the context of the United Nations (UN) in the past years.³ Beginning in the 1970s the UN addressed 'gender' aspects appreciably. Gender issues therefore likewise were introduced to the context of peacekeeping. However, besides the addition of gender subjects to its agenda, the UN was challenged by substantial developments in the context of 'peacekeeping'; peace operations have become more complex over the last decades and the UN operations changed significantly in quantitative and qualitative terms. *Torunn L. Tryggestad* even speaks of a 'Changing Concept of Security' and thereby places the Security Council resolution 1325 (2000) on 'Women, Peace and Security' in a historical background and into the context of 'UN affairs as well as international relations more generally'⁴. Today so-called 'multidimensional' peace operations take on various roles and tasks; peacekeeping personnel thus in certain circumstances work in close connection to the community of the host state. Especially the 'police' usually have a close link to the society they serve. Therefore, it can be argued that the police 'must reflect the community in which it serves'⁵ to be effective.

¹ Emma Watson, 20 September 2014, Speech at a special event for the HeForShe campaign, United Nations Headquarters, New York, <http://www.unwomen.org/en/news/stories/2014/9/emma-watson-gender-equality-is-your-issue-too>, last accessed 13 February 2017.

² The author is grateful for feedback on an earlier draft from: Clara Becker, Ayşe-Martina Böhringer, Stefanie Fahlbusch, Elena Hilgers, Alexander Koll, Magdalena Jaś-Nowopolska, Professor Thilo Marauhn, Daniel Mengeler and Marie-Christin Stenzel. The article is attributable to the writer alone.

³ Lesley J. Pruitt, *The Women in Blue Helmets – Gender Policing, and the UN's First All-Female Peacekeeping Unit* (Oakland, California 2016), 88.

⁴ Torunn L. Tryggestad, *Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace, and Security*, in: *Global Governance* 15 (2009), 542 et seq.

⁵ Charlotte Anderholt, *Female Participation in Formed Police Units, A Report in the integration of Women in Formed Police Units of Peacekeeping Operations*, PKSOI Paper (Carlisle 2012), [https://www.pksoi.org/document_repository/doc_lib/PKSOI_Paper_Females_in_Formed_Police_Units_\(13-Sep-2012\).pdf](https://www.pksoi.org/document_repository/doc_lib/PKSOI_Paper_Females_in_Formed_Police_Units_(13-Sep-2012).pdf), 11, last accessed 13 February 2017.

The changes in the setting of the peacekeeping arena correspondingly pose great challenges for the UN and the international community, also in the context of gender mainstreaming and gender equality.⁶ Gender aspects thus are discussed on several (political and academic) levels. Yet, the 'gender' debate from time to time still revolves around terms like 'natural' roles of the sexes,⁷ stereotypes⁸ or men and women as binary opposites⁹. The 'male dominated notions of security'¹⁰ are criticised. Nevertheless, the visibility of women in the military and police component increased in the last years. If, however, the UN has done enough to implement its gender goals, can still be questioned. The issue can be raised: Is the glass half full or half empty? Additionally, the question arises which roles women play in post conflict environments and in the UN police. The first facet that comes into mind is the picture of women and girls (as well as men and boys) as victims of Sexual and Gender-based Violence (SGBV) in conflict and post-conflict situations.¹¹ However, women should not only be seen as victims but furthermore also as protagonists in post-conflict environments.¹² This article therefore focuses on the active role of women in peace processes, especially the role of women in the police component of the United Nations. It analyses the role of women in the UN Police service and scrutinises if the UN and its Member States adjusted the number of and the functions performed by women appropriately.

1. The Term 'Gender'

The term 'gender' was and still is used as a 'keyword' or 'vogue expression'. Yet, at the same time the expression is 'dazzling' and can be understood in different ways.¹³ 'Gender

⁶ See also Natalie Florea Hudson, En-gendering UN peacekeeping operations, in: *International Journal* 60 (2004-2005), 787.

⁷ Susan Willett, Introduction: Security Council Resolution 1325: Assessing the Impact on Women, Peace and Security, in: *International Peacekeeping* 17 (2) (2010), 145.

⁸ Willett (2010), 145; Christine Bell/Catherine O'Rourke, Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements, in: *International and Comparative Law Quarterly* 59 (2010), 945 with further references.

⁹ Willett (2010), 145.

¹⁰ Willett (2010), 145; Anderholt (2012), 45.

¹¹ Pruitt (2016), 22: 'overemphasis on the notion of women as victims'.

¹² Similar also Ann J. Tickner, *A Feminist Voyage Through International Relations* (Oxford 2014), 46 and Pruitt (2016), 54 et seqq.

¹³ Also Sahana Dharmapuri, Not just a Numbers Game: Increasing Women's Participation in UN Peacekeeping, in: *Providing for Peacekeeping* No. 4, July 2013 (International Peace Institute, New York), 22; Charlotte Bunch, Women and Gender, in: Thomas G. Weiss/Sam Daws (eds.), *The Oxford Handbook on the United Nations* (Oxford 2008), 486.

Studies' have evolved into a broad and sometimes unclear field of research. They occasionally even are criticised as some kind of 'anti-science',¹⁴ which is not keen to prove but moreover to refute a thesis.¹⁵ Taking a sober view at the dictionary yet reveals the following meaning of the term 'gender': 'the fact of being male or female, especially when considered with reference to social and cultural differences, not differences in biology.'¹⁶ Gender therefore 'refers to the social characteristics or attributes and opportunities associated with being male and female.'¹⁷ The term hence in this article is not to be understood as a synonym for women; gender rather 'shapes the experiences of males as well as females'¹⁸. Albeit, it can be criticised that the term 'gender' is sometimes 'understood as a synonym for women's issues'¹⁹.

The terms 'gender mainstreaming' and 'gender equality' should also be defined shortly.²⁰ 'Gender mainstreaming' is defined by the UN as follows: 'Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an

¹⁴ Harald Martenstein, *Schlecht, schlechter, Geschlecht*. Die Genderforschung behauptet, dass die Unterschiede zwischen Mann und Frau kulturell konstruiert sind. Unser Autor ist sich da nicht so sicher., *Die Zeit*, ZEITmagazin Nr. 24/2013, 6 June 2013, <http://www.zeit.de/2013/24/genderforschung-kulturelle-unterschiede>, uses the term 'Anti-wissenschaft'.

¹⁵ Martenstein (2013): 'Irgendwie scheint Genderforschung eine Antiwissenschaft zu sein, eine Wissenschaft, die nichts herausfinden, sondern mit aller Kraft etwas widerlegen will.'

¹⁶ Oxford Learners Dictionary, Online Edition, <http://www.oxfordlearnersdictionaries.com/definition/english/gender?q=gender>, last accessed 16 December 2016.

¹⁷ UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* (May 2003) and Office of the Special Adviser on Gender Issues (OSAGI) website; see also UN DPKO/DFS *Guidelines for Integrating Gender Perspectives into the Work of United Nations Police in Peacekeeping Missions*, June 2008, 38.

¹⁸ See also Bunch (2008), 496.

¹⁹ Dianne Otto, *The exile of inclusion: Reflections on gender issues in international law over the last decade*, in: *The Melbourne Journal of International Law* 10 (1) (2009), 13 with further references: 'However, in institutional practice, the term is understood as a synonym for women's issues, [...] which significantly limits its progressive possibilities because the contestability of conceptions of femininity and masculinity, as well as their relationality, is ignored [...]'.
²⁰ See also on these concepts Mona Lena Krook/Jacqui True, *Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality*, in: *European Journal of International Relations* 18 (1) (2010).

integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality²¹ 'Gender equality' refers to the 'equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. [...]'.²²

2. The Development of Gender in Peace Operations of the United Nations

The gender thematic emerged with the first steps of the 'new born' UN and began to develop further with its growth. The UN Charter itself entails references to women's rights and already in 1946 the UN established the Commission on the Status of Women (CSW),²³ under whose auspices the international women's conferences were held.²⁴ In the following decades (starting in the 1970s) the UN continued to place women and gender issues on the core of its agenda. In 1975 the UN announced the 'International Women's Year' followed by the 'International Decade for Women' from 1975 to 1985.²⁵ In the following years, the UN passed various general assembly resolutions and declarations; even treaties were concluded.²⁶ Furthermore, the first World Conference on Women took place in Mexico City in 1975, followed by the Conferences in Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995.²⁷ In the field of peacekeeping the UN likewise took several initiatives to implement gender aspects into its agenda and policies.²⁸ Subsequently, an overview of the most significant actions of the UN will be given.

²¹ UN DPKO/DFS, Policy, Gender Equality in UN Peacekeeping Operations, 26 July 2010, Ref. 2010.25, lit. E., 8, with reference to the Agreed Conclusion of ECOSOC Coordination Segment on Gender Mainstreaming 1997.

²² UN DPKO/DFS, Policy, Gender Equality in UN Peacekeeping Operations, 26 July 2010, Ref. 2010.25, lit. E., 8, with reference to the OSAGI homepage.

²³ On the CSW see Bunch (2008), 488 et seq.

²⁴ Tryggestad (2009), 545.

²⁵ Christine Chinkin, Feminism, Approach to International Law, in: Max Planck Encyclopedia of Public International Law, Online Edition, last updated October 2010, <http://opil.ouplaw.com/home/epil>, para. 1.

²⁶ Hudson (2005), 788.

²⁷ Hudson (2005), 788; see also UN Women, World Conferences on Women, <http://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women>, last accessed 16 December 2016.

²⁸ On the development see also Krook/True (2010), 112 et seqq.

a. Beijing – Fourth World Conference on Women (FWCW)

In September 1995, the UN held the Fourth World Conference on Women (FWCW). This event is declared as ‘a significant turning point for the global agenda for gender equality²⁹ and the outcome ‘has taken gender issues further than they have ever been taken’³⁰. The participating states – in total 189 countries, as well as 4,000 representatives from non-governmental organizations (NGOs) participated³¹ – unanimously adopted the Beijing Declaration and the Beijing Platform for Action.³² The outcome, however, is a political announcement or rather a plan of action, not a legally binding document.³³

The Declaration acknowledges the ‘equal rights, opportunities and access resources, equal sharing of responsibilities for the family by men and women’³⁴ and stipulates: ‘Women’s rights are human rights’³⁵. Furthermore, the Beijing Conference was the first to make ‘women and armed conflict’ a vocal point of discussion.³⁶ The adopted Platform of Action should ensure that a ‘gender perspective is reflected in all policies and programmes’ of the concerned governments³⁷ and ‘is an agenda for women’s empowerment’³⁸. It covers the rights of women in twelve crucial areas.³⁹ Furthermore, it declares that the national governments have the ‘primary responsibility for implementing the Platform for Action’.⁴⁰ Even though the outcome document was a huge step in the

²⁹ Ibid.

³⁰ Janet Hunt, Reflections on Beijing, in: *The Australian Feminist Law Journal* 6 (1996), 39.

³¹ UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace, A Global Study on the Implementation of United Nations Security Council resolution 1325* (New York 2015), 30.

³² UN Beijing Declaration and Platform for Action, 1995, <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>, last accessed 16 December 2016.

³³ See also Robbie Sabel, *Conferences and Congresses, International*, in: *Max Planck Encyclopedia of Public International Law*, Online Edition, last updated July 2008, <http://opil.ouplaw.com/home/epil>. (2008), para. 9 et seq.

³⁴ UN Beijing Declaration and Platform for Action, above n. 32, para. 15.

³⁵ UN Beijing Declaration and Platform for Action, above n. 32, para. 14.

³⁶ Tryggestad (2009), 545.

³⁷ UN Beijing Declaration and Platform for Action, above n. 32, para. 38.

³⁸ UN Beijing Declaration and Platform for Action, above n. 32, para. 1.

³⁹ For details see Bunch (2008), 500.

⁴⁰ UN Beijing Declaration and Platform for Action, above n. 32, para. 293.

right direction, it was also criticised for leaving certain questions unanswered and focusing on women as victims.⁴¹

b. Windhoek Declaration and the Namibia Plan of Action

A further step to address gender issues adequately was the adoption of the Windhoek Declaration and the Namibia Plan of Action. Both documents accentuate the role of gender in peace operations. The Windhoek Declaration and the Namibia Plan of Action were adopted at a seminar organised by the Lessons Learned Unit of the United Nations Department of Peacekeeping Operations (DPKO) and the Office of the Special Adviser on Gender Issues and the Advancement of Women, which was hosted by the government of Namibia in 2000.⁴² The Windhoek Declaration ‘called on DPKO to improve gender balance and increase gender equality in UN peacekeeping’⁴³. The Namibia Plan of Action on ‘Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations’ calls, in accordance with the Secretary-General’s target, for 50 per cent women in managerial and decision-making positions (by 2015).⁴⁴ Some characterised this target as ‘ambitious’⁴⁵ and from today’s perspective it must be conceded that the target was not met. All in all, ‘from 1948 to 2008 [...] only seven women have ever held the post of Special Representative of the Secretary-General (SRSG).’⁴⁶ Currently only eight out of 39 (Deputy) Special and Personal Representatives, Envoys and Advisers of the Secretary-General are women (approximately 20.5 %);⁴⁷ only five women led peace

⁴¹ Willett (2010), 148; Hunt (1996), 40 et seqq.

⁴² Bruce Oswald/Helen Durham/Adrian Bates, Documents on the Law of UN Peace Operations (Oxford 2010), 279; Rawwida Baksh-Soodeen, Gender Mainstreaming in Conflict Transformation: Building Sustainable Peace (London 2005), 57 et seq.

⁴³ Dharmapuri (2013), 2.

⁴⁴ See also Dharmapuri (2013), 2.

⁴⁵ Francesco Bertolazzi, Women with a Blue Helmet, The Integration of Women and Gender Issues in UN Peacekeeping Missions, UN-INSTRAW Working Paper Series, United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) (Santo Domingo 2010), 8.

⁴⁶ Camille Conaway/Jolynn Shoemaker, Women in United Nations Peace Operations: Increasing the Leadership Opportunities (Georgetown 2008), 8.

⁴⁷ The women come from Canada, Denmark, Ethiopia, Guinea, Ireland, Niger, Rwanda and the United Kingdom, figures based on data by the UN, United Nations Secretary-General Ban Ki-moon, Special and Personal Representatives, Envoys and Advisers of the Secretary-General, <https://www.un.org/sg/en/srsg/africa.shtml>, last accessed 3 November 2016.

operations as Special Representative of the Secretary-General in 2013-2014,⁴⁸ and only three today.⁴⁹

c. Resolution 1325 (2000) and Succeeding Resolutions on ‘Women, Peace and Security’

(1) The Adoption of Resolution 1325 (2000)

A crucial step in addressing gender issues in the context of conflict and peace was the unanimous adoption of resolution 1325 (2000)⁵⁰ on ‘Women, Peace and Security’ on 31 October 2000 by the Security Council. The 23rd Special Session of the General Assembly (Beijing plus Five) in June 2000 among other developments⁵¹ laid the basis for the adoption of resolution 1325 (2000).⁵² By agreeing on the resolution the members of the Council officially acknowledged the equal role of women⁵³ and the vital function of women ‘as constructive agents of peace, security and post-conflict reconstruction’⁵⁴.⁵⁵ For the first time the Security Council under a Namibian chairmanship⁵⁶ adopted a thematic

⁴⁸ They come from Niger, Norway, Sweden, Trinidad and Tobago and the USA, data from 2013-14, UN <http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>, last accessed 3 November 2016.

⁴⁹ Figures based on data by the UN, United Nations Secretary-General Ban Ki-moon, Special and Personal Representatives, Envoys and Advisers of the Secretary-General, <https://www.un.org/sg/en/srsg/africa.shtml>, last accessed 3 November 2016.

⁵⁰ United Nations Security Council, Resolution 1325 (2000), UN.Doc. S/RES/1325 (2000), 31 October 2000.

⁵¹ For the development see among others Tryggestad (2009), 543 et seqq. and Cora C. True-Frost, The UN Security Council Marks Seventh Anniversary of Resolution 1325 on Women, Peace and Security with Open Debate, in: ASIL Insights 29 (11) (2007), https://www.asil.org/insights/volume/11/issue/29/un-security-council-marks-seventh-anniversary-resolution-1325-women#_edn1, last accessed 13 February 2017. See also Otto (2009), 11 et seqq.

⁵² Willett (2010), 149.

⁵³ Also Pruitt (2016), 21.

⁵⁴ Willett (2010), 142.

⁵⁵ See also Bell/O’Rourke (2010), 943.

⁵⁶ Tryggestad (2009), 547 states: ‘It was no coincidence that Resolution 1325 was adopted in the month of October. This was the month of Namibia’s Security Council presidency. The Namibian government had a strong ownership stake in the Windhoek Declaration as well as positive experiences with the highly gender-sensitive UN operation in its country ten years earlier.’ (with further references).

resolution on 'Women, Peace and Security'.⁵⁷ The landmark resolution deals mainly with women and armed conflict and addresses gender mainstreaming, women's participation, women's specific needs in conflict and post-conflict situations as well as aspects of prevention. The resolution, therefore, rests upon four pillars: prevention, protection, participation, and peacebuilding and recovery.⁵⁸

The Security Council nowadays regularly deals with 'Women, Peace and Security' and in the last years adopted the landmark resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), and 2242 (2015). All resolutions are concerned with the role of women in the maintenance of peace and security and the protection of women in situations of armed conflict.⁵⁹

Concerning resolution 1325 (2000) *Oswald, Durham and Bates* highlight: 'A significant element of resolution 1325 is the Security Council's articulation of its willingness to incorporate a gender perspective into peacekeeping operations.'⁶⁰ *Preeti Nalwa* states: 'The vision of Resolution 1325 is potentially revolutionary providing a legal-political framework designating women and a gender perspective relevant to all aspects of peace processes.'⁶¹ However, the resolution is also criticised. *Sahana Dharmapuri* e.g. analysed three core issues: 'a lack of understanding about resolution 1325 and the UN policy and guidelines on gender equality in peace operations; a gap in data and analysis about this set of issues; and, most importantly, the prevalence of social norms and biases that perpetuate gender inequality within the security sector.'⁶² Other authors criticise that the implementation process of resolution 1325 (2000) has no gender perspective, is suffering from a lack of accountability for the non-implementation of gender-related policies and programmes, and lacks sufficient resources.⁶³ They particularly scrutinised the existence

⁵⁷ See also Louise Olsson/Theodora-Ismene Gizelis, An Introduction to resolution 1325, Measuring progress and impact, in: Louise Olsson/Theodora-Ismene Gizelis (eds.), *Gender Peace and Security, Implementing UN Security Council Resolution 1325*, (Oxon 2015), 1 and 3; Bell/O'Rourke (2010), 943 and Hudson (2005), 786.

⁵⁸ See also: UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace, A Global Study on the Implementation of United Nations Security Council resolution 1325* (New York 2015), 13.

⁵⁹ *Oswald/Durham/Bates* (2010), 279. For an overview please see the table below.

⁶⁰ *Oswald/Durham/Bates* (2010), 280.

⁶¹ Preeti Nalwa, Resolution 1325: Evolution of Gender Perspective in UN Peacekeeping Operations, in: *Journal of Defence Studies* 5 (1) (2011), 113.

⁶² *Dharmapuri* (2013), 12.

⁶³ Clara Fisher/Paige Harland/Kat Ilich/Erin McGown, UN Security Council Resolution 1325 in Peacekeeping – Challenges and Opportunities, The Elliot School of International Affairs, The George Washington University and Women in International Security (WIIS), August 2016, 6.

of a 'poor gender understanding' about the meaning of the term gender, an ineffective training, a gender imbalance, structural obstacles in the field and at headquarters.⁶⁴

Overview of the resolutions on 'Women, Peace and Security'

Resolution 1325 (2000)	First resolution that stresses the distinctive impact of war and conflict on women; ⁶⁵ promotes the role of women in fields of conflict and security and peacekeeping in post-conflict situations, as well as in negotiations; ⁶⁶ calls on all parties to armed conflicts to take special measures to protect women and girls from gender-based violence; ⁶⁷ established an 'Interagency Taskforce on Women, Peace and Security' ⁶⁸ ; urges all actors to increase female participation and incorporate gender perspectives in all areas of peace operations. ⁶⁹
Resolution 1820 (2008)	First resolution to exclusively address sexual violence in armed conflicts; ⁷⁰ categorises the use of sexual violence against women and children in armed conflict as a tactic of warfare ⁷¹ and thereby links sexual violence as a tactic of war with women, peace and security issues; ⁷² 'stresses the need for the exclusion of sexual

⁶⁴ Fisher/Harland/Ilich/McGown (2016), 6.

⁶⁵ UN Peacekeeping, Women, peace and security, <http://www.un.org/en/peacekeeping/issues/women/wps.shtml>, last accessed 16 December 2016.

⁶⁶ UN, Office of the Special Adviser on Gender, Issues and Advancement of Women, OSAGI, Landmark resolution on Women, Peace and Security, <http://www.un.org/womenwatch/osagi/wps/>, last accessed 18 December 2016.

⁶⁷ UN Security Council Resolution 1325 (2000), UN Doc. S/RES/1325 (2000), 31 October 2000, operative clause no. 10.

⁶⁸ UN, Office of the Special Adviser on Gender, above n. 66.

⁶⁹ UN Peacekeeping, Women, peace and security, <http://www.un.org/en/peacekeeping/issues/women/wps.shtml>; last accessed 13 February 2017.

⁷⁰ Suk Chun/Inger Skjelsbæk, Sexual Violence in Armed Conflicts, International Peace Research Institute (PRIO), Policy Brief 1/2010, 3.

⁷¹ United Nations Information Center, Vienna, Women, Peace and Security, United Nations Security Council Resolution 1820 (2008) Addresses Sexual Violence as Threat to International Peace and Security; Complements Resolution 1325, Background Information October 2008, http://www.unis.unvienna.org/pdf/women_peace_security_backgrounder_Oct08_e.pdf; last accessed 13 February 2017.

⁷² UN Peacekeeping, Women, peace and security, <http://www.un.org/en/peacekeeping/issues/women/wps.shtml>, last accessed 13 February 2017.

	violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts'. ⁷³
Resolution 1888 (2009)	Follow-up to resolution 1820 (2008); urges states to bring perpetrators to justice; ⁷⁴ requests the UN Secretary-General to appoint a special representative for sexual violence; ⁷⁵ urges the UN to include issues of sexual violence in peace negotiations and the outset of peace processes; ⁷⁶ addresses issues in relation to troop and police deployment; ⁷⁷ highlights the special role of women as peacekeepers; ⁷⁸ recommends the inclusion of provisions on the prevention of and response to sexual violence ⁷⁹ as well as the protection of women and children. ⁸⁰
Resolution 1889 (2009)	Addresses several measures to strengthen the participation of women at all stages of peace processes focusing on the post-conflict period; ⁸¹ the Security Council requests the Secretary-General to submit within six months a 'set of indicators for use at the global level to track implementation of its resolution 1325 (2000)' ⁸² ; furthermore, the Secretary-General shall submit 'a report to the Security Council within 12 months on addressing women's participation and inclusion in peacebuilding and planning in the aftermath of conflict' ⁸³ .
Resolution 1960 (2010)	The Security Council expresses deep concern on continuing violence against women and that 'some situations have become systematic and widespread, reaching appalling levels of brutality', ⁸⁴ encourages

⁷³ UN Security Council Resolution 1820 (2008), UN Doc. S/RES/1820 (2008), 19 June 2008, operative clause no. 4.

⁷⁴ UN Security Council Resolution 1888 (2009), UN Doc. S/RES/1888 (2009), 30 September 2009, operative clause no. 6.

⁷⁵ Ibid., operative clause no. 4.

⁷⁶ Ibid., operative clause no. 17.

⁷⁷ Ibid., operative clause no. 19 et seqq.

⁷⁸ Ibid., preambulatory clauses.

⁷⁹ Ibid., operative clause no. 11.

⁸⁰ Ibid., operative clause no. 12.

⁸¹ UN Meeting Coverage and Press Releases, Meeting Coverage, Security Council Urges Renewed Measures to Improve Women's Participation in Peace Processes, Reaffirming Key Role Women Can Play in Rebuilding War-Torn Societies, SC/9759, 5 October 2009, <https://www.un.org/press/en/2009/sc9759.doc.htm>, last accessed 13 February 2017.

⁸² UN Security Council Resolution 1889 (2009), UN Doc. S/RES/1889 (2009), 5 October 2009, operative clause no. 17.

⁸³ Ibid., operative clause no. 19.

⁸⁴ UN Security Council Resolution 1960 (2010), UN Doc. S/RES/1960 (2010), 16 December 2010, preambulatory clauses.

	the Secretary-General to give in his annual reports (pursuant to resolutions 1820 [2008] and 1888 [2009]) 'detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence' and to include a list of perpetrators ⁸⁵ ; intention to use the list as a basis for action, including the considerations of sanctions and other targeted measures. ⁸⁶
Resolution 2106 (2013)	Requests a consistent and rigorous prosecution of sexual violence crimes in armed conflicts; ⁸⁷ focuses on prevention as well as on fighting impunity and prosecution; emphasizes the important role of women, civil society (including women's organisations), formal and informal community leaders as well as networks; ⁸⁸ draws a link from sexual violence in armed conflict to HIV infections. ⁸⁹
Resolution 2122 (2013)	Repeats the commitments of resolution 1325 (2000) and recognises the need for consistent implementation; ⁹⁰ focuses on information and analysis; ⁹¹ emphasizes the 'continuing need to increase women's participation [...] in all discussions pertinent to the prevention and resolution of armed conflict' ⁹² and expresses 'its intention to focus more on women's leadership in conflict resolution and peacebuilding' ⁹³ ; calls for a 'significant implementation shift' with regards to the upcoming high-level review on the topic in 2015. ⁹⁴

⁸⁵ Ibid., operative clause no. 3.

⁸⁶ Ibid., operative clause no. 7. See also UN Meeting Coverage and Press Releases, Meeting Coverage, Security Council Adopts Text Requesting Detailed Information on Suspected Perpetrators of Sexual Violence during Armed Conflict, SC/10122, 16 December 2010.

⁸⁷ UN Security Council Resolution 2106 (2013), UN Doc. S/RES/2106 (2013), 24 June 2013, preambulatory clauses.

⁸⁸ Ibid., operative clauses no. 11, 21.

⁸⁹ Ibid., operative clauses no. 20.

⁹⁰ UN Security Council Resolution 2122 (2013), UN Doc. S/RES/2122 (2013), 18 October 2013, operative clauses no. 1.

⁹¹ Ibid., operative clauses no. 2.

⁹² Ibid., operative clauses no. 7.

⁹³ UN Meeting Coverage and Press Releases, Meeting Coverage, Security Council Adopts Resolution 2122 (2013), Aiming to Strengthen Women's Role in All Stages of Conflict Prevention, SC/11149, 18 October 2013.

⁹⁴ UN Security Council Resolution 2106 (2013), UN Doc. S/RES/2122 (2013), 18 October 2013, operative clauses no. 15.

Resolution 2242 (2015)	Aims to improve the implementation of the women, peace and security agenda by the UN and the Member States; ⁹⁵ decides to ‘increase attention to women, peace and security as a cross-cutting subject in all relevant thematic areas of work on its agenda’; ⁹⁶ stresses the effects of terrorism and violent extremism on women and girls; ⁹⁷ addresses the DPKO and Department of Political Affairs (DPA) regarding gender aspects ⁹⁸ as well as ‘continuing allegations of sexual exploitation and abuse by United Nations peacekeepers and non-United Nations forces’; ⁹⁹ calls on the Secretary-General ‘to initiate, in collaboration with Member States, a revised strategy [...] to double the numbers of women in military and police contingents of UN peacekeeping operations over the next five years’ ¹⁰⁰ .
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(2) Is Resolution 1325 (2000) legally binding?

Another critical aspect is the question how the resolution is to be classified in legal terms. Even though the political importance of resolution 1325 (2000) cannot be denied, the legal character of the resolution is disputed.¹⁰¹ Some authors ‘merely state’ or argue by referring to Art. 25 UN-Charter¹⁰² that resolution 1325 (2000) is legally binding on Member States of the UN.¹⁰³ *Tryggestad* states that especially NGOs and civil society

⁹⁵ UN Meeting Coverage and Press Releases, Meeting Coverage, Security Council Unanimously Adopts Resolution 2242 (2015) to Improve Implementation of Landmark Text on Women, Peace, Security Agenda, SC/12076, 13 October 2015.

⁹⁶ UN Security Council Resolution 2242 (2015), UN Doc. S/RES/2242 (2015), 13 October 2015, preambulatory clauses.

⁹⁷ *Ibid.*, preambulatory clauses.

⁹⁸ *Ibid.*, operative clauses no. 4, 7.

⁹⁹ *Ibid.*, operative clauses no. 9, 10.

¹⁰⁰ *Ibid.*, operative clauses no. 8.

¹⁰¹ On the discussion see also Cornelia Weiss, Barely Begun, The Inclusion of Woman as Peacemakers, Peacekeepers, and Peacebuilders in International Law and Practice, in: Cecilia Marcela Bailliet/Kjetil Mujezinović Larsen (eds.), *Promoting Peace Through International Law* (Oxford 2015), 281 et seqq. and *Tryggestad* (2009), 544.

¹⁰² See eg. Kwadwo Appiagyei-Atua, United Nations Security Council Resolution 1325 on Women, Peace, and Security – Is it Binding?, in: *Human Rights Brief* 18 (3) (2011), 2 et seqq.

¹⁰³ Among others Appiagyei-Atua (2011); Dina Francesca Haynes/Naomi Cahn/Fionnuala Ní Aoláin, Women in the Post-Conflict Process: Reviewing the Impact of Recent U.N. Actions in Achieving Gender Centrality, in: *Santa Clara Journal of International Law* 11 (1) (2012),

<http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1113&context=scujil>, 197, last accessed 13 February 2017; see also Hudson (2005), 789; Laura J. Shepherd,

(women's groups) invoke Art. 25 UN-Charter and the fact, that the resolution was adopted unanimously, to point out the legally binding nature.¹⁰⁴ Nevertheless, a resolution of the Security Council is an act of the UN, not a legally binding treaty of Public International Law which was signed and ratified by Member States.¹⁰⁵

However, according to Art. 25 UN Charter the Security Council is authorised to adopt legally binding acts. Thereby '[t]he Members of the United Nations agree to accept and carry out the **decisions** of the Security Council in accordance with the present Charter' (emphasis added). According to the systematic of the Charter, it must be differentiated between 'decisions' on the one hand and 'recommendations' on the other hand. While the former are legally binding, the latter are not.¹⁰⁶ Unfortunately, the Security Council very seldom refers to the specific legal basis of its action.¹⁰⁷ Chapter VI and Chapter VII of the Charter are of particular relevance. Resolutions under Chapter VII 'normally contain binding elements'.¹⁰⁸ Though, binding resolutions can be adopted under Chapter VII as well as under Chapter VI of the Charter.¹⁰⁹

According to the International Court of Justice (ICJ), the determination if a specific resolution or parts of a resolution are legally binding must be made in each case individually.¹¹⁰ It must be acknowledged that one resolution may contain binding and non-binding parts at the same time.¹¹¹ The following criteria are essential to determine the legal character of a text:

'The language of a resolution of the Security Council should be carefully analysed before a conclusion can be made as to its binding effect. In view of the

Power and Authority in the Production of United Nations Security Council Resolution 1325, in: *International Studies Quarterly* 52 (2008), 383.

¹⁰⁴ Tryggestad (2009), 544; see also Otto (2009), 11 et seqq.

¹⁰⁵ Also Willett (2010), 142.

¹⁰⁶ Anne Peters, Article 25, in: Simma, Bruno (et al.) (eds.), *The Charter of the United Nations: A Commentary*, Volume I, 3rd edn. (Oxford 2012), 792, para. 8.

¹⁰⁷ Munir Akram/Syed Haider Shah, *The Legislative Powers of the United Nations Security Council*, in: Ronald St. John MacDonald/Douglas M. Johnston, *Towards World Constitutionalism* (Leiden 2005), 439.

¹⁰⁸ Peters (2012), 793, para. 11.

¹⁰⁹ Peters (2012), 792, para. 11.

¹¹⁰ ICJ, *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West-Africa) Notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion)* [1971] ICJ Rep. 17, para. 114; see also Peters (2012), 792 et seq., para. 9 et seq. and Weiss (2015), 281 et seqq.

¹¹¹ Akram/Shah (2005), 437; Peters (2012), 793, para. 9 with reference to Jost Delbrück, Article 25, para 15 in: Simma, Bruno (et al.) (eds.), *The Charter of the United Nations: A Commentary*, Volume I, 2nd edn. (Oxford 2002), 452-464.

*nature of the powers under Article 25, the question whether they have been in fact exercised is to be **determined in each case**, having regard to the **terms of the resolution to be interpreted**, the **discussions leading to it**, the **Charter provisions invoked** and, in general, **all circumstances** that might assist in determining the legal consequences of the resolution of the Security Council' (emphasis added).¹¹²*

Resolution 1325 (2000) is framed in a rather soft language. Only once does the Security Council use the term 'decides'¹¹³ which indicates a legally binding paragraph. This paragraph addresses action of the Security Council, not the Member States. Furthermore, a reference to Chapter VII or Article 25 UN Charter is missing. However, resolution 1325 (2000) was adopted unanimously without any abstention.¹¹⁴ The Security Council though mostly uses terms such as 'urges', 'encourages', 'expresses', 'emphasizes', 'reaffirms', 'invites' or 'requests'. The 'stronger' term 'calls upon/on' is also used several times. The ICJ in the *Namibia* case found that paragraphs beginning with the term 'calls upon/on' may have legally binding effect.¹¹⁵ However, the term is not a clear case indicating binding effect. The determination on the legal effect must be undertaken in each case individually.¹¹⁶ Operative clause no. 9, which begins with the term 'calls upon', does not itself set legally binding norms but restates already existing legally binding treaties. Thereby the paragraph does not have a legally binding effect on its own. Öberg puts it as follows: 'Sometimes there is only an illusion of legal effects. This is the case when a resolution simply restates an obligation, a right or a power that already exists.'¹¹⁷ A similar conclusion can be drawn concerning operative clause no. 12 which 'calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design [...]'. The legal rules on the civil character of refugee camps and settlements and the protection of refugees and internally displaced persons are originally laid down in International Humanitarian Law, Refugee Law and

¹¹² ICJ, Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West-Africa) Notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep. 17, para. 114.

¹¹³ Operative clauses no. 18: 'Decides to remain actively seized of the matter.'

¹¹⁴ Voting Record S/Res/1325 (2000), available at:

[http://unbisnet.un.org:8080/ipac20/ipac.jsp?profile=voting&index=.VM&term=sres1325%20\(2000\)](http://unbisnet.un.org:8080/ipac20/ipac.jsp?profile=voting&index=.VM&term=sres1325%20(2000)), last accessed 18 December 2016.

¹¹⁵ Weiss (2015), 283 et seq.

¹¹⁶ See above n. 110 and Weiss (2015), 283 et seq.

¹¹⁷ Marko Divac Öberg, The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ, in: The European Journal of International Law 16 (5) (2006), 882.

Human Rights Law.¹¹⁸ The operative clauses no. 8¹¹⁹ and no. 10,¹²⁰ which use the phrase ‘calls on’, are framed in a more or less broad manner.

Bell and *O’Rourke* characterise the resolution 1325 as ‘a “thematic” resolution best understood as a Chapter VI UN Charter (nonbinding) resolution.’¹²¹ *Tryggestad* concerning the language of the resolution states: ‘Through Resolution 1325, the Security Council did not really decide on anything other than to “remain actively seized of the matter.” The Council members address the Member States, the Secretary-General, and the UN system using words and phrases such as “urges”, “encourages”, “invites”, “calls”, and “expresses its willingness”. In a UN context, this is not particularly strong language.’¹²² He adds that the Security Council seems to have qualified the resolution as ‘having low priority and few, if any, serious implications for them in practice.’¹²³ However, it is wrong to conclude that the resolution is without any effect, even if qualified as non-

¹¹⁸ International Committee of the Red Cross, Refugees and displaced persons protected under international humanitarian law, 29 October 2010, available at:

<https://www.icrc.org/en/document/protected-persons/refugees-displaced-persons>, last accessed 23 January 2017. Maja Janmyr, Refugees and Peace, in: Cecilia Marcela Bailliet/Kjetil Mujezinović Larsen (eds.), *Promoting Peace Through International Law* (Oxford 2015), 263 et seqq. On the protection of refugees via the three branches of international law see in detail Vincent Chetail, *Armed Conflict and Forced Migration, A Systemic Approach to International Humanitarian Law, Refugee Law, and Human Rights Law*, in: Andrew Clapham/Paola Gaeta (eds.), *The Oxford Handbook of International Law in Armed Conflict* (Oxford 2015), 704 et seqq.

¹¹⁹ ‘Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, [...]’

¹²⁰ ‘Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.’

¹²¹ *Bell/O’Rourke* (2010), 943, note 7. Also *Otto* (2009), 22 suggests a ‘non-binding status’ of the resolution.

¹²² *Tryggestad* (2009), 544.

¹²³ *Tryggestad* (2009), 544 with reference to Sanam Naraghi Anderlini, *Women Building Peace: What They Do, Why It Matters* (Boulder 2007), 197: ‘in all likelihood, Council members were not fully aware of the way in which women’s groups in civil society, governments, and the UN system would keep Resolution 1325 alive.’

binding in legal terms.¹²⁴ Furthermore, a non-binding resolution may gain legal effect if it is integrated into binding documents, e.g. binding resolutions.¹²⁵

(3) The Implementation of Resolution 1325 (2000)

The implementation of resolution 1325 is mainly a task of the UN and its Member States. In the Presidential Statement S/PRST/2002/32 the Security Council ‘encourages Member States [...] and other relevant actors, to develop clear strategies and action plans with goals and timetables, [...] and also to develop targeted activities, focused on the specific constraints facing women and girls in post-conflict situations, [...]’¹²⁶. The Security Council further encouraged the Member States in its Presidential Statements S/PRST/2004/40 and S/PRST/2005/52 as well as in UN Security Council resolution 2122 (2013) to adopt National Action Plans and/or other national strategies.¹²⁷ However, there is no set template for the implementation strategies, they can take on different forms.¹²⁸ Especially the national context must be taken into account to implement the resolutions for each country in the best possible way.¹²⁹ By now, 58 countries adopted National Action Plans on the implementation of resolution 1325.¹³⁰ Germany for example on 11 January 2017 adopted a second Federal Government Action Plan to implement resolution 1325 for the period 2017-2020.¹³¹

One aspect of the implementation of resolution 1325 should be mentioned explicitly. The resolution in operative clause no. 5 ‘urges the Secretary-General to ensure that, where

¹²⁴ See Weiss (2015), 284 with reference to Rosalyn Higgins, *Themes and Theories, Selected Essays, Speeches, and Writings in International Law* (Oxford 2009), 95: ‘it is incorrect to assume that non-binding resolutions are necessarily without legal effect’.

¹²⁵ True-Frost (2007): ‘[T]he Council has invoked Resolution 1325 in over twenty-five binding Chapter VII situation-specific resolutions, including those on Iraq, Cote d'Ivoire, Haiti, Democratic Republic of Congo (“DRC”), Burundi and Sudan.’

¹²⁶ United Nations, Statement by the President of the Security Council, 31 October 2002, UN Doc. S/PRST/2002/32.

¹²⁷ See also OSCE Study, <http://www.osce.org/secretariat/125727?download=true>, 13, last accessed 13 February 2017.

¹²⁸ Ibid.

¹²⁹ UN Women, *Women and Peace and Security: Guidelines for National Implementation*

¹³⁰ For an overview see: International Knowledge Network of Women in Politics, List of National Action Plans for the implementation of UNSCR 1325, <http://iknowpolitics.org/en/knowledge-library/website-database/list-national-action-plans-implementation-unscr-1325>, last accessed 13 February 2017.

¹³¹ Federal Foreign Office, Women, Peace and Security, http://www.auswaertiges-amt.de/EN/Aussenpolitik/Menschenrechte/03_Frauenrechte/Frauen-Konfliktpraevention_node.html, last accessed 20 January 2017 with further information on the Action Plan.

appropriate, field operations include a gender component¹³². Today, missions usually entail Gender Units, Gender Advisers¹³³, and Gender Focal Points.¹³⁴ The first gender specialists however were deployed already in 1999 to the UN Mission in Kosovo (UNMIK), the UN Transitional Authority in East Timor (UNTAET) and in Sierra Leone (UNAMSIL).¹³⁵ It followed a deployment of a gender specialist to the Democratic Republic of the Congo (MONUC) in 2000.¹³⁶

d. Global Effort

In August 2009, the UN Department of Peacekeeping Operations (DPKO) launched the so-called 'Global Effort', an initiative to recruit more women police into UN peacekeeping operations.¹³⁷ The Global Effort was part of the campaign 'Power to Empower' of the DPKO launched in May 2009 to ensure the shift of the UN to gender equality.¹³⁸ The campaign was the result of a series of 'in-country assessments and meetings with police-contributing countries, expert groups, focus groups, and senior female police officers'.¹³⁹ The most astonishing fact is that by announcing the 'Global Effort' the police component of the UN set itself a specific target, even though this goal is a political goal: 'The goal is to have Member States raise the number of female police officers serving in peacekeeping missions to 20 per cent by 2014, up from its current number of 8 per cent.'¹⁴⁰ The military component rather did not set itself a specific objective.¹⁴¹

Besides the proclaimed goal to increase women's participation in the UN Police, the UN initiative aims at encouraging the police-contributing states to support women to join national police services.¹⁴² The 'Global Effort' encourages police-contributing countries 'to

¹³² United Nations Security Council, Resolution 1325 (2000), 31 October 2000, UN.Doc. S/RES/1325 (2000), Operative Clause no. 5.

¹³³ For more information see United Nations Peacekeeping, Where we work, <http://www.un.org/en/peacekeeping/issues/women/wherewework.shtml>, last accessed 18 December 2016.

¹³⁴ Fisher/Harland/Ilich/McGown (2016), 4.

¹³⁵ Elisabeth Rehn/Ellen Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* (New York 2002), 63; see also Anderholt (2012), 28.

¹³⁶ Rehn/Johnson Sirleaf (2002), 63.

¹³⁷ UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <http://www.un.org/press/en/2009/pko218.doc.htm>, last accessed 16 December 2016.

¹³⁸ Ibid.

¹³⁹ Dharmapuri (2013), 11.

¹⁴⁰ UN, Press Release, above n. 137.

¹⁴¹ Dharmapuri (2013), 10.

¹⁴² See also UN, Press Release, above n. 137.

establish a policy that sets the percentage of their contribution of female police officers at par with their national police gender ratio.¹⁴³ The initiative also heartens the Member States concerned to ‘review their recruitment requirements and procedures for international deployment to ensure that female candidates are not restricted from applying; and they are asked to consider providing incentives for officers who serve in peacekeeping missions.’¹⁴⁴

e. Resolution 2185 (2014)

Resolution 2185 (2014) was the ‘first-ever stand-alone’¹⁴⁵ resolution, which is exclusively concerned with police in peace operations of the UN. It was adopted unanimously on 20 November 2014. The resolution ‘acknowledges the significant changing role of police in peacekeeping missions’¹⁴⁶ and ‘resolves to include [...] policing as an integral part of the mandates of United Nations peacekeeping operations and special political missions’¹⁴⁷. The resolution also deals with gender aspects. It recalls resolution 1325 (2000) and all subsequent resolutions on ‘Women, Peace and Security’, highlights the important role and the specific needs of women in conflict and post-conflict situations and the special function of women in the UN police service. The Security Council recalls the United Nations Global Effort initiative in 2009 and the set goal ‘to promote an increase in the percentage of female police officers in United Nations peacekeeping missions to 20 per cent by 2014’. The Security Council ‘[e]ncourages the police-contributing countries to increase the percentage of women police in deployments to United Nations peacekeeping operations, in particular senior officers, including in leadership roles, and requests the Secretary-General to continue to support innovative efforts to encourage such deployment of women police [...]’. However, this ‘encouragement’ of the police contributing states to send more female police officers is not binding on the Member States and must be read as a political initiative not a legally enforceable aim.

f. Gender Policy of the United Nations

Finally, the initiatives of the UN to strengthen its policies and guidelines concerning gender aspects should be mentioned. *Tryggestad* certified the DPKO to have come

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ UN, Security Council, Adopting Resolution 2185 (2014), Resolves to Make Policing Essential Part of Peacekeeping Mandates, Adequately Funded, Meeting Coverage, 7317th Meeting (AM), SC/11661, 20 November 2014, <http://www.un.org/press/en/2014/sc11661.doc.htm>, last accessed 13 February 2017.

¹⁴⁶ UN Security Council, Resolution 2185 (2014), UN Doc. S/RES/2185 (2014), 20 November 2014, Operative Clauses, 2.

¹⁴⁷ Ibid., Preambulatory Clause no. 1.

'furthest in implementing Resolution 1325' in relation to other UN entities.¹⁴⁸ In 2010 the UN adopted the policy 'Gender Equality in UN Peacekeeping Operations'¹⁴⁹, which superseded and replaced the version of the policy from 2006¹⁵⁰. The policy should ensure 'that gender is mainstreamed throughout peacekeeping operations'¹⁵¹. The policy is targeted to all peacekeeping personnel, including police personnel and the compliance with the policy is mandatory.¹⁵² Moreover, the DPKO/DFS Gender Forward Looking Strategy 2014-2018 should be added. It was developed in 2014. The aim of the Strategy is 'to work effectively at all levels to promote and achieve gender mainstreaming results in peacekeeping'¹⁵³ and advance gender equality and the mandates of the resolutions on 'Women, Peace and Security' in all peacekeeping activities.¹⁵⁴ It entails a timetable for its implementation and pursues the following three objectives: capacity, accountability, and engagement and partnerships. The strategy formulates the expected outcomes and outputs clearly.¹⁵⁵ However, it seems that the strategy is not used in the most efficient way:

'Another staff member pointed us to the DPKO's Gender Forward Looking Strategy, which includes recommendations and specific steps for implementation of the WPS [Women, Peace and Security] resolutions.^{156 157} This is one of a number of unimplemented strategic plans, memos, timelines, and opinion pieces

¹⁴⁸ Tryggestad (2009), 551.

¹⁴⁹ UN DPKO/DFS, Policy Gender Equality in UN Peacekeeping Operations, UN Doc. Ref. 2010/25, 26 July 2010.

¹⁵⁰ UN DPKO, DPKO Policy, Gender Equality in UN Peacekeeping Operations, 3 November 2006, http://www.un.org/en/peacekeeping/documents/gender_directive2006.pdf, last accessed 13 February 2017.

¹⁵¹ UN Peacekeeping, Gender and Peacekeeping, <http://www.un.org/en/peacekeeping/issues/women/>, last accessed 7 November 2016.

¹⁵² UN, DPKO/DFS, Policy, Gender Equality in UN Peacekeeping Operations, above n. 150, para. 3.

¹⁵³ UN, DPKO/DFS, Gender Forward Looking Strategy 2014-2018 (New York 2014), 1 <http://www.un.org/en/peacekeeping/documents/DPKO-DFS-Gender-Strategy.pdf>, last accessed 13 February 2017.

¹⁵⁴ *Ibid.*, 9.

¹⁵⁵ *Ibid.*, 16 et seqq.

¹⁵⁶ 'Women, Peace and Security' (WPS) resolutions include UNSCRs 1325, 1820, 1888, 1889, 1910, 2106, 2122, 2242.

¹⁵⁷ UN, DPKO/DFS, Gender Forward Looking Strategy 2014-2018 (New York 2014), <http://www.un.org/en/peacekeeping/documents/DPKO-DFS-Gender-Strategy.pdf>, last accessed 13 February 2017.

*written by DPKO and UN Women. There has been little pressure to use these plans, or any consistent strategy or sharing of best practices between missions. Many good documents appear to be available but unused.*¹⁵⁸

Furthermore, in 2015 the UN developed the so-called 'UN Police Gender Toolkit: Standardised Best Practices on Gender Mainstreaming in Peacekeeping'¹⁵⁹. This document entails comprehensive materials on the training and is composed as a collection of training materials with standardised best practices on gender mainstreaming in peacekeeping.¹⁶⁰

Last but not least the 'Strategic Guidance Framework for International Police Peacekeeping (SGF)' should be added. The Framework consists of several policies, guidelines and manuals and today basically comprises the Policy on United Nations Police in Peacekeeping Operations and Special Political Missions as well as four guidelines on capacity-building and development, police command, police operations and police administration. The development of the Framework started in 2009 and it should 'provide a cohesive and coherent framework for United Nations Police.'¹⁶¹

II. The Role of Women in UN Police Services

The military and also the police are traditionally male dominated spheres.¹⁶² However, the equal need of both men and women to create more peaceful societies has been recognised also by the UN.¹⁶³ The UN itself speaks of 'gender-sensitive policing'¹⁶⁴ and the 'operational necessity to address the differentiated security needs of women, men, girls and boys'.¹⁶⁵ The role of police in this setting could be described as 'creating trust

¹⁵⁸ Fisher/Harland/Ilich/McGown (2016), 12.

¹⁵⁹ UN Police, UN Police Gender Toolkit: Standardised Best Practices on Gender Mainstreaming in Peacekeeping, 1st edn. (New York 2015).

¹⁶⁰ UN Police, Gender Initiatives, Increasing the number of female police officers, <http://www.un.org/en/peacekeeping/sites/police/initiatives/globaleffort.shtml>, last accessed 5 December 2016.

¹⁶¹ UN Police, Strategic Guidance Framework for International Police Peacekeeping, <http://www.un.org/en/peacekeeping/sites/police/initiatives/framework.shtml>, last accessed 5 December 2016.

¹⁶² Among others Oliviera Simić, Does the Presence of Women Really Matter? Towards Combating Male Sexual Violence in Peacekeeping Operations, in: *International Peacekeeping* 17 (2) (2010), 192.

¹⁶³ Pruitt (2016), 17.

¹⁶⁴ UN Police, Gender Initiatives, <http://www.un.org/en/peacekeeping/sites/police/initiatives/globaleffort.shtml>, last accessed 18 December 2016.

¹⁶⁵ UN Police, Gender Initiatives, above n. 164.

and upholding law and order as they help civil society rebuild following a conflict and they play an essential role, training and coaching national police services in these situations.¹⁶⁶ UN Police sometimes even undertake the executive policing tasks on their own. Women have taken on very specific functions in post conflict situations, especially concerning SGBV. For example women and children seem to be more comfortable reporting their experiences to female police officers.¹⁶⁷ Furthermore, in some states it may be culturally inappropriate for women to speak to man, and therefore also to male peacekeepers.¹⁶⁸ Women should, however, not be downscaled to tasks that seem to be more 'women related' but should perform the full scale of police tasks.¹⁶⁹ Women can enrich the peacekeeping operations with their abilities and women and men can complement each other. Mr. Hughes (the United Nations Police Adviser in the DPKO during 2007-2009) said: 'Greater representation of women creates trust and boosts confidence for communities recovering from conflict, and helps the UN police to take into account all the needs of those societies'.¹⁷⁰ Women thereby cannot only be seen as the protected but moreover also as the protectors.¹⁷¹ Hence, women can inspire other women to join the national service and serve as a role model.¹⁷²

Yet, women in UN service have not always taken on the full scale of 'normal' police work. *Nalwa* reports 'that extra safety measures were imposed on them [female police] due to

¹⁶⁶ UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <http://www.un.org/press/en/2009/pko218.doc.htm>.

¹⁶⁷ Anderholt (2012), 41 et seq.; UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <http://www.un.org/press/en/2009/pko218.doc.htm>, last accessed 13 February 2017.

¹⁶⁸ Fisher/Harland/Ilich/McGown (2016), 9.

¹⁶⁹ See e.g.: Bertolazzi (2010), 19: The Case of Esther from Chad. See also Sabrina Karim/Kyle Beardsley, Ladies last, Peacekeeping and gendered protection, in: Louise Olsson/Theodora-Ismene Gizelis (eds.), *Gender Peace and Security, Implementing UN Security Council Resolution 1325* (Oxon 2015), 88.

¹⁷⁰ UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <http://www.un.org/press/en/2009/pko218.doc.htm>, last accessed 13 February 2017.

¹⁷¹ Tickner (2014), 46.

¹⁷² UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <http://www.un.org/press/en/2009/pko218.doc.htm>, last accessed 13 February 2017. See also UN, Gender Initiatives, Increasing the number of female police officers, <http://www.un.org/en/peacekeeping/sites/police/initiatives/globaleffort.shtml>, last accessed 13 February 2017.

their gender, including restrictions on their movements or on their working alone with either their colleagues or local male counterparts. It produced “chivalrous” support or monitoring by colleagues on the one hand and on the other hand, it also provoked exaggerated displays of masculinity reinforcing the perception of policing as being intrinsically masculine.¹⁷³

Furthermore, also critical views on the role of women in peace operations exist. The perception that women are more likely to speak with women for example might be helpful in some societies. But, “[t]he logic that female peacekeepers are required to interact with females could [also] be counter-productive to the desired outcome.”¹⁷⁴ Some argue that women are naturally less violent than men and therefore can help to change the atmosphere in the forces, but contrariwise it could be argued that women are a diverse group and not automatically more peace loving than men.¹⁷⁵ A differentiated approach seems to be necessary in terms of the tasks and roles of men and women in police services.

III. Statistics

Even though merely counting women is not enough¹⁷⁶ to evaluate the impact of women on peace processes, statistics provide an important background. Other aspects like the ‘important goal of integrating a gender perspective into the work of field missions’¹⁷⁷ nevertheless must not be forgotten. While the UN adopted in 2000 its landmark resolution 1325 on ‘Women, Peace and Security’ it only in 2009 started to provide statistics on women in UN Police,¹⁷⁸ even though a few women were already deployed to earlier missions.¹⁷⁹

¹⁷³ Nalwa (2011), 112. Similar for the military Karim/Beardsley (2015), 68.

¹⁷⁴ Nalwa (2011), 112.

¹⁷⁵ See for details Elin Bjarnegård/Erik Melander, Women’s participation and peace? The decline of conflict in East Asia, in: Louise Olsson/Theodora-Ismene Gizelis (eds.), *Gender Peace and Security, Implementing UN Security Council Resolution 1325* (Oxon 2015), 20.

¹⁷⁶ Louise Olsson/Anita Schjølset/Frida Möller Women’s Participation in international operations and missions, in: Louise Olsson/Theodora-Ismene Gizelis (eds.), *Gender Peace and Security, Implementing UN Security Council Resolution 1325* (Oxon 2015), 48; Pruitt (2016), 23.

¹⁷⁷ Dharmapuri (2013), 12.

¹⁷⁸ DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325, http://www.un.org/fr/peacekeeping/documents/gender_scre1325_chart.pdf, last accessed 13 February 2017.

¹⁷⁹ For more information on the early missions see Anderholt (2012).

1. Women in Peace Operations

The UN set itself new goals with the Security Council resolution 1325 in 2000 and the Global Effort in 2009. Especially the Global Effort formulated, as already mentioned, the aim to raise the proportion of women in the police component to 20 % by 2014. Yet, the UN failed to reach its goals as will be shown shortly.

Several decades ago, the amount of women in peacekeeping operations was marginal. In 32 years (1957-1989) only 20 uniformed women served as UN peacekeepers,¹⁸⁰ primarily as nurses in medical units.¹⁸¹ Also in the beginning of the 1990s the picture did not change significantly. In 1993 only 1 % of uniformed personnel were female.¹⁸² Separated statistics for the police and the military component were not available by that time.¹⁸³ Only in 2009 the first gender disaggregated statistics were published for the police personnel.¹⁸⁴ Even for the military statistics on women's participation were merely released in 2005.¹⁸⁵ In the military (military experts and troops) the percentage of women arose to 1.5 % by 2005. The police (Formed Police Units [FPUs] and Individual Police Officers [IPOs]) counted a percentage of 7.26 % at the time of the first official statistics in 2009. In 2014 only around 10 % of the police personnel were women; the goal of the Global Effort therefore was not met. Today, the police component consists in total of 13.040 police officers; 1.265 are women. The records nowadays even reveal a minor decline in the percentage of women serving in the UN Police. However, a slight success can be recorded. Compared to the military component the UN Police, especially in the field of the IPOs, consists of significantly more women.¹⁸⁶ In 2009, the percentage of women in the UN troops reached 2.42 %.¹⁸⁷ In August 2016 the ratio merely reached 3.32 %.¹⁸⁸ Nevertheless, the UN Police Division should work on achieving its own goals.

¹⁸⁰ UN, Women in Peacekeeping, A Growing Force, <http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>, last accessed 13 February 2017.

¹⁸¹ Dharmapuri (2013), 2 with further references.

¹⁸² UN, Women in Peacekeeping, A Growing Force, <http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>, last accessed 13 February 2017.

¹⁸³ On the problem of the quality of data see: Olsson/Schjølset/Möller (2015), 42.

¹⁸⁴ DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325, http://www.un.org/fr/peacekeeping/documents/gender_sces1325_chart.pdf, last accessed 13 February 2017.

¹⁸⁵ Ibid.

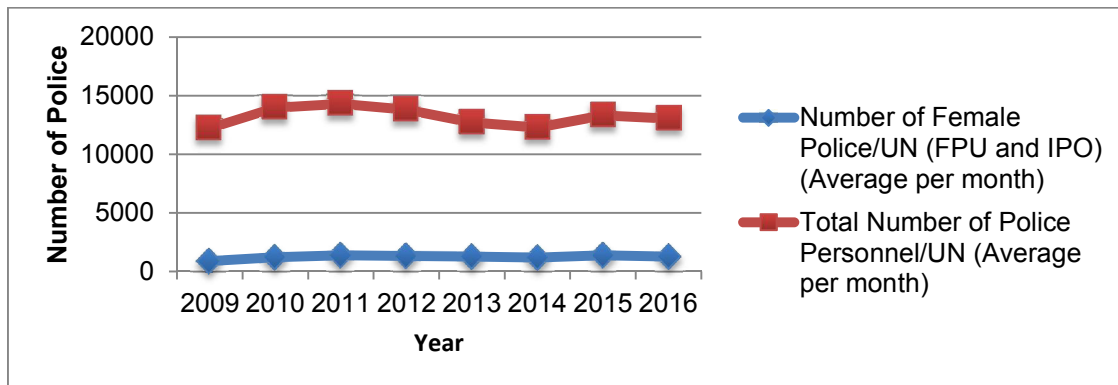
¹⁸⁶ See statistics Dharmapuri (2013), 5.

¹⁸⁷ DPKO/OMA Statistical Report on Female Military and Police Personnel in UN

Year	Number of Female Police (FPU and IPO) (Average per month)	Total Number of Police Personnel (Average per month)	Percentage of women (Average per month)
2009*	887	12,212	7.26 %
2010*	1,215	13,970	8.70 %
2011**	1,382.72	14,302.45	9.66 %
2012**	1,330.41	13,797.66	9.64 %
2013**	1,259	12,712	9.90 %
2014**	1,194	12,268	9.73 %
2015**	1,371	13,304	10.30 %
2016**	1,265.16	13,040.16	9.70 %

* Based on the DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325.¹⁸⁹

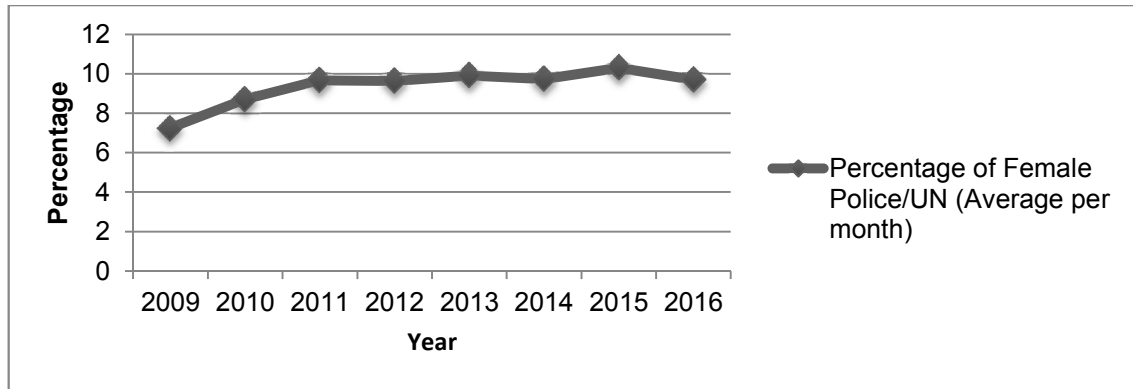
** See Annex 1 for a monthly overview.



Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325, http://www.un.org/fr/peacekeeping/documents/gender_scre1325_chart.pdf, last accessed 13 February 2017.

¹⁸⁸ Based on UN DPKO, Gender Statistics by Mission, August 2016, <http://www.un.org/en/peacekeeping/contributors/gender/2016gender/aug16.pdf>, last accessed 13 February 2017. For the development see also the statistics given by Dharmapuri (2013), 5.

¹⁸⁹ UN DPKO, Gender Statistics by Mission, August 2016, <http://www.un.org/en/peacekeeping/contributors/gender/2016gender/aug16.pdf>, last accessed 13 February 2017. For the development see also the statistics given by Dharmapuri (2013), 5.



2. Top Police Contributors

The UN has undertaken several steps to encourage the police contributing states to send more female police personnel. The UN for example has established the already mentioned policy that ‘sets the percentage of their [the police contributing states – PCCs] contribution of female police officers at par with their national police gender ratio.’¹⁹⁰ Furthermore, the UN encouraged the states to review their recruitment requirements and procedures for international deployment and to provide incentives to serve in peace operations.¹⁹¹ However, this is a difficult undertaking. The UN is, as in the field of the military, dependent upon the resources of the sending states. Therefore, several obstacles in the sphere of the UN on the one hand and the PCCs on the other hand may undermine the capability of women to participate and the states readiness to send women to international police operations. Obstacles for the recruitment of more female police officers for example entail the conditions in the field, the terms of deployment, the admission conditions for UN Police, the low rates of female officers in the national police forces, the preconditions for deployment in the Member States and possibly anti-women conditions in the forces, e.g. in terms of behaviour of colleagues or incompatibility of work and family obligations.¹⁹² The UN Best Practice Section in its ‘Ten-year Impact Study’ which was undertaken in 2010 adds the existing discrimination in the units and the fact that life is not easy for women because ‘minor tasks, are undervalued by their male colleagues, [they] lack opportunities for promotion, lack adequate facilities for their personal security and suffer from sexual harassment and abuse.’¹⁹³

¹⁹⁰ UN, Press Release, United Nations in Global Effort to Increase Number of Female Police in Peacekeeping Operations, PKO/218-WOM/1751, 7 August 2009, <https://www.un.org/press/en/2009/pko218.doc.htm>, last accessed 18 December 2016.

¹⁹¹ Ibid.

¹⁹² See in detail Pruitt (2016), 102 et seqq. and Anderholt (2012), 43 et seqq.; see also Bertolazzi (2010), 13 et seq. and Dharmapuri (2013), 12 et seqq.

¹⁹³ UN Peacekeeping Best Practices Section, Division of Policy, Evaluation and Training, Department of Peacekeeping Operations, Ten-year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in

Nevertheless, some states stand out in terms of the amount of women they send to peace operations of the UN.¹⁹⁴ The countries sending most female officers in 2013-2014 were Rwanda (183), Bangladesh (176), India (114), Nigeria (99) and Ghana (85).¹⁹⁵ Today the top-five female police contributors are Rwanda (135), Ghana (109), Burkina Faso (70), Nigeria (65) and Nepal (62).¹⁹⁶ Some of those states even showed particular initiative by engaging in the deployment of all-female Formed Police Units (FFPUs). According to the 2013-2014 statistics all-female FPU were deployed to Haiti (Bangladeshi Units), Liberia (Indian Units) and the DR Congo (Bangladeshi Units).¹⁹⁷

State	Total Number of Police (male and female)	Individual Police Officers (IPOs) Male	IPOs Female	Formed Police Units (FPUs) Male	FPUs Female	Total Number of Female Police (IPOs + FPU)	Percentage of Female Police
Rwanda	978	140	19	703	116	135	13.80 %
India	899	53	6	831	9	15	1.66 %
Jordan	885	142	4	739	0	4	0.45 %
Nepal	726	117	10	547	52	62	8.54 %
Egypt	699	96	4	599	0	4	0.57 %
Burkina Faso	493	157	56	266	14	70	14.20 %
Ghana	462	126	66	227	43	109	23.60 %
Nigeria	403	133	12	205	53	65	16.13 %
Togo	394	97	18	265	14	32	8.12 %
Cameroon	363	56	49	251	7	56	15.42 %

Top ten police contributors and the amount of female police officers (data as of August 2016)¹⁹⁸

Peacekeeping, Final Report to the United Nations Department of Peacekeeping Operations, Department of Field Support (New York 2010), 27.

¹⁹⁴ For further data on the top contributing countries in terms of proportions of women see Karim/Beardsley (2015), 66 et seq.

¹⁹⁵ UN, Women in Peacekeeping, A Growing Force, <http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>, last accessed 13 February 2017.

¹⁹⁶ Data as of August 2016, UN Monthly Summary of Troop Contribution to UN Operations, 31 August 2016, http://www.un.org/en/peacekeeping/contributors/2016/aug16_4.pdf, last accessed 13 February 2017.

¹⁹⁷ UN, Women in Peacekeeping, A Growing Force, <http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>, last accessed 13 February 2017.

¹⁹⁸ Data as of August 2016, UN Monthly Summary of Troop Contribution to UN Operations, 31 August 2016,

The data provided should be set in relation to other countries. Here only a glimpse on a few states can be given. Unfortunately, no comprehensive figures are available; the accessible data dates from different years. In England and Wales in 2015 the percentage of women in the police reached 28.2 %.¹⁹⁹ Other countries do not have such a 'high' rate of female officers. For example in India in 2014 only 6.11 % of the police were female, the neighbouring countries even reached a lower rate; in Pakistan only 1% were women and in Bangladesh 4.5%.²⁰⁰ In the USA the percentage of women in the police in 2013 merely reached 13 %.²⁰¹ Canada in 2015 reached 12.4 % in senior rank positions. In the lower ranks (non-commissioned officers, with a rank between that of a constable and lieutenant) the proportion of women increased from 9.7% in 2005 to 18.0% in 2015.²⁰² The Australian police in 2006 had 23 % female police personnel at its disposal.²⁰³ In Germany the 'Länder' police and the federal police offices reached rates around 14-40 % depending on the different police services.²⁰⁴ The lowest rate is counted at the Federal Police (Bundespolizei) (14 %), the Federal Criminal Police Office (Bundeskriminalamt)

http://www.un.org/en/peacekeeping/contributors/2016/aug16_4.pdf, last accessed 13 February 2017.

¹⁹⁹ National Statistics, Police workforce, England and Wales: 31 March 2015, <https://www.gov.uk/government/publications/police-workforce-england-and-wales-31-march-2015/police-workforce-england-and-wales-31-march-2015#police-officers>, last accessed 13 February 2017.

²⁰⁰ Aditi Malhotra, The Reasons Women Don't Join the Police in India, India Real Time, The Wall Street Journal, 20 August 2015, <http://blogs.wsj.com/indiarealtime/2015/08/20/reasons-women-dont-join-the-police-force-in-india/>, last accessed 20 January 2017.

²⁰¹ Jay Newton-Small, There Is a Simple Solution to America's Policing Problem: More Female Cops, July 14, 2016, Time with reference to the National Center for Women & Policing, <http://time.com/4406327/police-shootings-women-female-cops/>, last accessed 18 January 2017.

²⁰² Benjamin Mazowita and Jacob Greenland, Canadian Centre for Justice Statistics, Police resources in Canada, 2015, Release date: March 30, 2016, <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14323-eng.pdf>, last accessed 13 February 2017.

²⁰³ Australian Government, Composition of Australia's police services as at 30 June 2006, http://www.aic.gov.au/statistics/criminaljustice/police_services.html, last accessed 18 January 2017.

²⁰⁴ See statistics below in Annex 2.

had the highest amount (30-40 %) of female officers.²⁰⁵ The states (Länder) range somewhere in between 15-30 %.²⁰⁶

The data shows (even though a deeper analysis would be necessary and no final conclusions can be drawn) that a low rate of women in the national context does not exclude a high proportion of women in UN peace operations.²⁰⁷ For example India and Bangladesh in 2013-2014 ranked among the top-five female police contributors. For a conclusion on the correlation of the national ratios of women to the ratio of female police in the UN peace operations a detailed analysis of the data would be necessary.

A further aspect, however, should be highlighted: It is evident, that many of the top female police contributors are from Africa. But why is that so?²⁰⁸ First of all, the countries providing a high ratio of women also rank amongst the top-ten contributors in general. Further reasons may be found in the national backgrounds and the attempts to implement resolution 1325. Rwanda for example launched its National Action Plan to implement resolution 1325 in 2010.²⁰⁹ The state aimed to increase the number of women in peace and security at all levels.²¹⁰ The Government itself declared that '[w]omen have played a key role in the rebirth of Rwanda from the liberation struggle, through the reconstruction, reconciliation and peace building, to the remarkable progress in many areas of development.'²¹¹ The government successfully worked on a 'deliberate policy of recruitment and encouragement for women to join the forces.'²¹² Furthermore UN Women supported Rwanda.²¹³ Also Nigeria got support by UN Women to implement a gender

²⁰⁵ Based on the statistics provided by the Deutsche Polizeigewerkschaft DPoIG im Deutschen Beamtenbund (German Police Union) and the Gewerkschaft der Polizei GdP (German Police Union). See statistics below in Annex 2.

²⁰⁶ For further details please see statistics below in Annex 2.

²⁰⁷ See also Karim/Beardsley (2015), 74 et seq. For similar findings on the military sector see Olsson/Gizelis (2015), 7 with further references.

²⁰⁸ On possible reasons to send female police or military personnel in general see Karim/Beardsley (2015).

²⁰⁹ UN Women, Women police climb the ranks across Africa, 12 April 2016, <http://www.unwomen.org/en/news/stories/2016/4/women-police-climb-the-ranks-across-africa>, last accessed 13 February 2017.

²¹⁰ Ibid.

²¹¹ Republic of Rwanda, Country Report, Report on the Implementation of the Beijing Declaration and the Platform of Action (1995) and the outcomes of the Twenty-third special session of the general Assembly (2000), June 2014, 1, available at: http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/rwanda_review_beijing20.ashx, last accessed 13 February 2017.

²¹² Ibid, 27.

²¹³ Ibid, 27.

policy and to reduce the gender gap in the national police force.²¹⁴ The National Action Plan for Nigeria was released in 2013.²¹⁵

However, a detailed analysis would be necessary to examine, why women from African states are so actively engaged in the peacekeeping theatre, which obstacles for women to engage in the police continue to exist and if and how existing obstacles to serve in national police and the UN police can be further reduced.

To conclude: A lasting problem is the data gap concerning the participation of women in the police component of the UN. The UN only in 2009 started to provide data on female participation. Besides, some data is still not provided officially, e.g. data on the contribution of all-female FPU. Furthermore, a comprehensive database on the percentage of women around the world does not exist. Data access therefore is not easy and this fact makes it difficult to compare the various correlations. Reliable and recent data or statistics are often hard to find for each and every police force in the world. Further steps on enhancing the data accessibility could be taken. E.g. a comprehensive database on the female strength of the police of the PCCs and detailed data on how many of these women decided to participate in international operations could be helpful to systematically analyse the issues. Also a database on the concrete implementation measures of resolution 1325 (2000) by the UN and the Member States concerning the police component could provide further insights. Thereby a basis for a profound, comparative analysis of the reasons for women to join the national police and UN peacekeeping operations as well as the still existing obstacles could be provided.

IV. The Emergence of All-Female Formed Police Units (FPUs)

Another approach to integrate women to UN Police services is the deployment of all-female Formed Police Units. The first all-female FPU was deployed in January 2007 to Liberia and consisted of Indian police personnel.²¹⁶ This unit has served in nine rotations till February 2016.²¹⁷ The whole mission is seen as a huge success and the unit 'raised

²¹⁴ UN Women, Women police climb the ranks across Africa, 12 April 2016, <http://www.unwomen.org/en/news/stories/2016/4/women-police-climb-the-ranks-across-africa>, last accessed 13 February 2017.

²¹⁵ National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions in Nigeria, <http://www.nsrp-nigeria.org/wp-content/uploads/2014/03/National-Action-Plan.pdf>, last accessed 13 February 2017.

²¹⁶ Pruitt (2016), 1.

²¹⁷ UN News Centre, FEATURE: Hailed as 'role models,' all-female Indian police unit departs UN mission in Liberia, 12 February 2016, http://www.un.org/apps/news/story.asp?NewsID=53218#.V_UOtTald0, last accessed 13 February 2017.

the profile of female peacekeepers in general.²¹⁸ Colonel Madhubala Bala (contingent's commander of the United Nations Mission in Liberia [UNMIL]) told the UN News Centre in an interview: 'When the local women see the female peacekeepers, they get inspired by them – [they see] ladies can perform the same role as male counterparts'.²¹⁹ The Mission in Liberia was the first mission, which was set up after the adoption of resolution 1325.²²⁰ The deployment of an all-women FPU goes back to a joint initiative of India and the DPKO, especially Mark Kroeker, former Commissioner of Police for UNMIL (2003-2005) and Police Advisor of the Police Division of DPKO (2005 - 2007).²²¹ The first FFPU did not have a gender specific task²²² but was engaged in the 'usual' activities of the FPUs.²²³ They mainly take on three roles: 1) Public order management; 2) protection of United Nations personnel and facilities; and 3) supporting police operations that require a formed response and may involve a higher risk (above the general capability of individual United Nations police).²²⁴ It seems that this project had amongst other factors great influence in Liberia. This is also true for the women's rate in Liberian Police Service.²²⁵ While in 2007 only 9 % of women served in Liberian's Security Sector, in 2016 the number rose to 17 %.²²⁶ All in all, therefore, the deployment of all-female FPUs in Liberia was a success.²²⁷ However, the trend at the UN seems to lead to the use of mixed units.²²⁸ The DPKO/DFS Guidelines for

²¹⁸ Dharmapuri (2013), 6 with further references.

²¹⁹ UN News Centre, FEATURE: Hailed as 'role models,' all-female Indian police unit departs UN mission in Liberia, 12 February 2016, http://www.un.org/apps/news/story.asp?NewsID=53218#.V_UOtTtald0, last accessed 13 February 2017.

²²⁰ See also Pruitt (2016), 24.

²²¹ See details of the idea and process: Pruitt (2016), 27 et seq.

²²² See also Pruitt (2016), 40.

²²³ See also Pruitt (2016), 51: 'Discussions with the staff of the UN Mission in Liberia (UNMIL) and the Department of Peacekeeping Operations (DPKO) and review of the UN documents confirmed that officers of the FFPU do the same security work as their male colleagues in FPUs that are all male or male majority'.

²²⁴ UN DPKO/DFS, Policy (revised), Formed Police Units in United Nations Peacekeeping Operations, 1 March 2010, Ref. 2009. 32, para. 12.

²²⁵ Pruitt (2016), 79 et seqq.

²²⁶ UN News Centre, FEATURE: Hailed as 'role models,' all-female Indian police unit departs UN mission in Liberia, 12 February 2016, http://www.un.org/apps/news/story.asp?NewsID=53218#.V_UOtTtald0, last accessed 13 February 2017.

²²⁷ For the reaction of the press see Pruitt (2016), 71.

²²⁸ Interview at the DPKO in New York, June 2016; United Nations, UNPOL: 'Based on the experience with female officers in formed police units, which significantly enhanced

Integrating Gender Perspectives state: 'female peacekeepers underscore their willingness and ability to work with their male counterparts, they also show that mixed (male and female) teams and units are more effective.'²²⁹ *Pruitt* yet analysed that there appear to be differences in the way the all-female units work compared to mixed or all-male units.²³⁰

Since then further FFPU were deployed. Bangladesh sent all-female units to Haiti (MINUSTAH) and the Congo (MONUSCO).²³¹ A Samoan contingent was deployed to Timor Leste and in January 2013 a Peruvian all-female FPU was deployed to Haiti.²³² In 2015 the Rwandan government for the first time pledged to provide a FFPU which 'focus[es] on resolving gender related issues and escort duties, among others'²³³. This development was an outcome of the UN Leaders' Summit on Peacekeeping Operations in September 2015.²³⁴

V. The Legal Framework

Last but not least the legal framework governing the gender aspects concerning the work of police in peace operations of the UN shall be analysed. However, it must be noted that

the operational effectiveness, United Nations Police is prioritizing mixed-gender units, which have been identified as good practice, for deployment that include at least 32 female officers (one platoon)',

<http://www.un.org/en/peacekeeping/sites/police/initiatives/globaleffort.shtml>; see also

Pruitt (2016), 28;

²²⁹ UN DPKO/DFS Guidelines for Integrating Gender Perspectives into the Work of United Nations Police in Peacekeeping Missions, June 2008, 36.

²³⁰ *Pruitt* (2016), 52.

²³¹ Data as of May 2016, DPKO UNPOL Figures; Bangladesh Police, Rotation Plan, <http://www.police.gov.bd/fpurotationplan.php?id=90>, last accessed 13 February 2017; see also *Anderholt* (2012), 40 et seqq.

²³² *Dharmapuri* (2013), 6.

²³³ *The New Times*, Police 'ready to deploy' all-female unit to UN peacekeeping mission, 30 September 2015, <http://www.newtimes.co.rw/section/article/2015-09-30/193057/>, last accessed 13 February 2017.

²³⁴ For an overview on the pledges see: DPKO/DFS Strategic Force Generation and Capability Planning Cell, 2015 Leaders' Summit on Peacekeeping Summary of Member-State Commitments United Nations, October 2015, available at:

<http://www.challengesforum.org/Global/Forum%20Documents/2015%20Yerevan%20Annual%20Forum/2015%20%20Leaders%20Summit%20Pledge%20Summary.pdf>, last

accessed 17 January 2017; see also UN, United Nations Peacekeeping, Leaders' Summit on Peacekeeping, Pledges for current and future missions, available at: <http://www.un.org/en/peacekeeping/images/pk-summit2015.jpg>, last accessed

17 January 2017.

the legal framework is very broad and would give rise to an article on its own. Besides the several Security Council resolutions International Criminal Law (especially the Rome Statute for the International Criminal Court [ICC]), International Humanitarian Law and International Human Rights Law could be addressed. Here only a brief overview especially on the respective human rights framework will be given. A lot of International Human Rights treaties respect and include women's rights, e.g. the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The treaties not only cover women's rights by entailing the principle of equal treatment or non-discrimination but moreover also the specific rights may include gender aspects. For example the right to privacy, family and home, the right to freedom of thought, conscience and religion or the right to education may touch upon specific gender issues. Furthermore, international treaties may entail positive obligations.²³⁵ States hence can be obliged to take positive action to give effect to the rights enshrined in the treaties.²³⁶

Human Rights first of all are rooted in the national legal context of the police contributing states. Therefore, they build an essential background for each individual police officer, the participation of women and the protection of women's rights. For example the right to education can be essential for women to seize the profession as police officer. Other human rights related circumstances might affect the willingness and ability of women to become part of the national police.

Furthermore, police need to be trained in national and international human rights. Human rights build an important 'enclosure' for police work. This is true not only for the national context but also for police in UN peace operations. Police are bound to international human rights also in the context of the UN work, however, it must be admitted that it is disputed how this legal affiliation can be deduced.²³⁷ At least the applicability of customary Human Rights Law particularly *ius cogens* norms to the United Nations and

²³⁵ See Dinah Shelton/Ariel Gould, Positive and Negative Obligations, in: Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law* (Oxford 2013), 565 et seqq.

²³⁶ For an overview on negative and positive obligations see Shelton/Gould (2013), 562 et seqq.

²³⁷ For details please see Todd Howland, Peacekeeping and Conformity with Human Rights Law: How MINUSTAH Falls Short in Haiti, in: Ray Murphy/Katarina Månsson (eds.) *Peace Operations and Human Rights* (London 2008), 6; see also Patryk I Labuda, Peacekeeping and Peace Enforcement, in: Max Planck Encyclopedia of Public International Law (MPEPIL), Online Edition, last updated September 2015, <http://opil.ouplaw.com/home/epil>, para 54.

therefore the police component in peace operations is not seriously disputed.²³⁸ But UN Police are not only bound to human rights but also serve as role models and thereby can affect the society of the host state. Besides, they can serve as protectors of women and women's rights in post conflict environments. On the other hand, the violation of essential human rights like Sexual and Gender-based Violence (SGBV) by peacekeepers can affect the UN adversely, and discredit the organisation's reputation (e.g. in Liberia and the Congo).²³⁹

Last but not least the UN peacekeeper according to Art. 6 of the Model Status of Forces Agreement 'peace operations are to respect the law of the receiving State including its obligations under international law of which human rights are an important part.'²⁴⁰ Therefore Human Rights are a crucial part of peacekeeping operations of the UN. Subsequently, the key instruments, which address women's right, are outlined shortly.

1. Charter of the United Nations

The UN Charter itself acknowledges the 'equal rights of men and women' in its Preamble. Also Art. 1 No. 3 UN Charter takes this aspect into account and states: 'The Purposes of the United Nations are: [...] encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion [...]'. Further references to human rights are entailed in the articles 13, 55, 62, 68 and 76. Women's rights and gender equality thus have been on the agenda of the UN from its foundation in 1945.²⁴¹ However, the Charter as such does not define the actual content of the addressed human rights, neither does it entail a human rights catalogue.²⁴²

2. Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) 'further develops the human rights provisions of the UN Charter'²⁴³. It was adopted as General Assembly resolution 217 A on 10 December 1948. It was adopted by a vote of 48 in favour and eight members abstaining (Byelorussia, Czechoslovakia, Poland, Saudi Arabia, South Africa, the Soviet

²³⁸ Labuda (2015), para. 50; August Reinisch, Securing the Accountability of International Organizations, in: *Global Governance* 7(2) (2001), 136 with further references.

²³⁹ Labuda (2015), para. 63.

²⁴⁰ UN, Model Status-of-Forces Agreement for Peace-Keeping Operations, UN Doc. A/45/594, 9 October 1990.

²⁴¹ Oswald/Durham/Bates (2010), 279.

²⁴² Hilary Charlesworth, Universal Declaration of Human Rights (1948), in: Max Planck Encyclopedia of Public International Law, Online Edition, last updated February 2008, <http://opil.ouplaw.com/home/epil>, para. 2.

²⁴³ Gisella Gori, Compliance, in: Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law* (Oxford 2013), 894.

Union, Ukraine, and Yugoslavia); two members were absent during the vote (Honduras and Yemen).²⁴⁴ Even though the Declaration is not binding as such,²⁴⁵ most parts gained some legal status over the last decades.²⁴⁶ The Declaration entails several links to women's rights especially in Art. 1, 2, 3, 7, 21 (2), 23. Art. 2 of the Universal Declaration declares: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status[...]'.²⁴⁷ During the drafting of the Universal Declaration 'considerable energy [was] deployed [...] to give women's rights some prominence. The UNCHR [UN Commission on Human Rights] was given a specific mandate to deal with the status of women in the UDHR and various delegates took this charge very seriously.'²⁴⁸ However, the UDHR was also criticised for focusing on male lives.²⁴⁹

3. International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICCPR and the ICESCR derived out of the discussion how and if the rights in the UDHR should be divided.²⁵⁰ Even though at first only one comprehensive document was planned, in the end two different drafts were prompted to the General Assembly by the drafting commission.²⁵¹ While the ICCPR covers the civil and political rights the ICESCR entails economic, social and cultural rights. Both documents were adopted in 1966.²⁵² The ICCPR entered into force on 23 March 1976,²⁵³ the ICESCR on 3 January 1976.²⁵⁴

²⁴⁴ Charlesworth (2008), para. 1.

²⁴⁵ Gori (2013), 894.

²⁴⁶ Charlesworth (2008), para. 13.

²⁴⁷ Universal Declaration of Human Rights, General Assembly resolution 217 A, UN Doc. A/810, 10 December 1948.

²⁴⁸ Charlesworth (2008), para. 18.

²⁴⁹ See for further details Charlesworth (2008), para. 18.

²⁵⁰ See Shelton/Gould (2013), 564; Christian Tomuschat, International Covenant on Civil and Political Rights (1966), in: Max Planck Encyclopedia of Public International Law, Online Edition, last updated October 2010, <http://opil.ouplaw.com/home/epil>, para. 4.

²⁵¹ Tomuschat (2010), para. 4.

²⁵² Tomuschat (2010), para. 5.

²⁵³ See also Tomuschat (2010), para. 7.

²⁵⁴ UN Treaty Collection, Status of Treaties, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=_en, last accessed 25 November 2016.

168 states ratified the ICCPR²⁵⁵ and 164 states the ICESCR by today.²⁵⁶ The ICCPR especially comprises principles of non-discrimination in its articles 2, 3 and 26. The ICESCR includes similar rights in its articles 2, 3 and 7 (i). Furthermore, specific rights enshrined in the treaties can be of interest in particular cases.

4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women is ‘the first international human rights instrument to exclusively address violence against women.’²⁵⁷ The former attempts especially of the UN to address women’s rights in a non-binding manner were now ‘given legally binding form’.²⁵⁸ The Convention was adopted by resolution 34/180 at 18 December 1979 and entered into force on 3 September 1981. Today 189 states are party to the CEDAW.²⁵⁹

‘Discrimination against women’ is defined as:

‘[...] any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

According to Art. 2 CEDAW the Member States ‘pursue by all appropriate means and without delay a policy of eliminating discrimination against women’ by adoption of legislative and other measures (Art. 2 lit. a and b), through the establishment of competent national tribunals (Art. 2 lit. c) and the elimination of discrimination against women by public authorities and institutions or by any person, organization or enterprise (Art. 2 lit. d and e). Furthermore CEDAW calls upon the states to ‘take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women’ (Art. 2 lit. f) and to ‘repeal

²⁵⁵ Status of ratifications:

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=_en, last accessed 25 November 2016.

²⁵⁶ Status of ratifications: <http://indicators.ohchr.org>, last accessed 25 November 2016.

²⁵⁷ Institute for Security Studies (ISS) Gender in Peacekeeping, A practitioners’ manual for police gender advisers in peacekeeping missions (Pretoria et al. 2013), 7.

²⁵⁸ Oswald/Durham/Bates (2010), 279.

²⁵⁹ UN Treaty Collection, Status of Treaties,

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=_en, last accessed 13 February 2017.

all national penal provisions which constitute discrimination against women' (Art. 2 lit. g).²⁶⁰

The Convention also stipulates an enforcement and implementation mechanism.²⁶¹ Art. 17 CEDAW establishes the Committee on the Elimination of Discrimination against Women. This expert committee is established for 'the purpose of considering the progress made in the implementation' of the Convention (Art. 17 para. 1). According to Art. 18 CEDAW the state parties committed themselves to regularly (one year after the entry into force and thereafter at least every four years and further whenever the Committee so requests) write a 'report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made'. Under the preconditions of Art. 29 CEDAW a party may refer a dispute 'concerning the interpretation or application' of the CEDAW to the International Court of Justice.²⁶² Art. 2 of the Optional Protocol to the CEDAW even 'provides a Communications Procedure which allows either individuals or groups of individuals to submit individual complaints to the Committee.'²⁶³ Art. 8 of the Optional Protocol establishes a confidential inquiry procedure by the Committee if 'it has received reliable information of grave or systematic violations by a State Party of rights established in the Convention'.²⁶⁴ The Optional Protocol yet is only binding on states that signed and ratified it.

VI. The Law and Practice governing Sexual and Gender-based Violence (SGBV)

Another field is the legal regulation of Sexual and Gender-based Violence. Sexual and Gender-based Violence 'is often rampant in post-conflict countries.'²⁶⁵ The focus of documents frequently lies on SGBV against women and girls, however, sexual violence also occurs against men and boys. Yet, data on the last group is not as easily accessible. Police in this context first of all act in their function as trainer of the national police on the issues of SGBV as well as protectors of the people and as a role model. In special cases they can take on the law enforcement themselves. However, the concrete tasks of the police component in a specific mission depend on the mandate given by the Security Council.

In the various peace operations unfortunately there also have been cases of misbehaviour of peacekeepers including members of the UN Police. The UN, therefore,

²⁶⁰ See also further Chinkin (2010), para. 8 et seqq. and Weiss (2015), 278 et seqq.

²⁶¹ See also Chinkin (2010), para. 11 et seqq.

²⁶² Weiss (2015), 280.

²⁶³ Also Weiss (2015), 279.

²⁶⁴ See also Weiss (2015), 279 et seq.

²⁶⁵ UN DPKO/DFS Guidelines for Integrating Gender Perspectives into the Work of United Nations Police in Peacekeeping Missions, June 2008, 28.

developed a comprehensive strategy and stands in for a 'zero tolerance policy' against sexual exploitation or abuse and established a conduct and discipline procedure in cases of misconduct.²⁶⁶ However, the civil and criminal legal prosecution by the sending states or the host states still suffers from severe issues. The concrete legal design cannot be addressed in detail in this article.

Concerning the legal framework the following documents should be mentioned shortly. First of all, Human Rights Law is essential. Additionally, International Criminal Law²⁶⁷ and the International Law on Organised Crime²⁶⁸ and Trafficking in Persons²⁶⁹ must be recognised. Regional International Law instruments are also key legal instruments. Finally, the laws of the police contributing states and the host states are important, especially in terms of civil and criminal lawsuits.

VII. Conclusion

If a glass is half full or half empty always is a matter of perspective. Taking a pessimistic stance it could be argued that the UN still has not done enough to reach its goals. On the other hand, in the field of the police the UN has come further to implement its goals than the military component. For example the deployment of all-female FPUs in Liberia was a success. Also other countries showed significant achievements after the deployment of UN peace operations, even though the data focused on the overall implementation of resolution 1325.²⁷⁰ 'In Timor-Leste, women in the national police have increased from less than 100 in 2000 to 577 (20%) in 2010.'²⁷¹ Furthermore, the 'first female district police commissioner was appointed in September 2010 to lead a force of 100 police,

²⁶⁶ See details: UN Peacekeeping Conduct and Discipline,

<http://www.un.org/en/peacekeeping/issues/cdu>, last accessed 13 February 2017.

²⁶⁷ For an overview see: Claus Kreß, International Criminal Law, in: Max Planck Encyclopedia of Public International Law (MPEPIL), Online Edition, last updated March 2009, <http://opil.ouplaw.com/home/epil>.

²⁶⁸ For an overview see: Cyrille Fijnaut/Letizia Paoli, Transnational Organized Crime, in: Max Planck Encyclopedia of Public International Law (MPEPIL), Online Edition, last updated June 2008, <http://opil.ouplaw.com/home/epil>.

²⁶⁹ For an overview see: John Cerone, Human Trafficking, in: Max Planck Encyclopedia of Public International Law (MPEPIL), Online Edition, last updated March 2007, <http://opil.ouplaw.com/home/epil>.

²⁷⁰ See UN Peacekeeping Best Practices Section, Division of Policy, Evaluation and Training, Department of Peacekeeping Operations, Ten-year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in Peacekeeping, Final Report to the United Nations Department of Peacekeeping Operations, Department of Field Support (New York 2010).

²⁷¹ *Ibid.*, 25.

including 24 women.²⁷² Also in Sudan a positive development can be reported: a quota of 25 % for female police officers was implemented and the proportion of female senior police officers increased from 0 % to 20 %.²⁷³ Unfortunately, a positive trend cannot be shown for all countries. The ‘Ten-year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in Peacekeeping’ concluded: ‘In most of the countries under review, however, representation of women in the security sector remains low.’²⁷⁴

There is no ‘one size fits all’ approach. The deployment of all-female FPU’s may help (e.g. as in Liberia), but surely is not a panacea.²⁷⁵ In new approaches the UN pursues the deployment of Specialized Police Teams (SPTs). These small units are not necessarily all-female units but focus on a specific issue. According to the UN Policy on ‘UN Police in Peacekeeping Operations and Special Political Missions’²⁷⁶ SPTs are defined as ‘[a] group of experts in a particular police specialism assigned to serve with the United Nations on secondment by an individual country or a group of Member States at the request of the Secretary-General’²⁷⁷. The first SPT was specialised on the combat of SGBV. This SPT was provided by Norway and deployed to Haiti (MINUSTAH).²⁷⁸ Since then further SPTs were deployed, among others a German police unit to Southern Sudan (UNMISS) (October 2015) which also consisted of experts on the combat of SGBV.²⁷⁹

Another achievement is the adoption of gender policies by several national police services and armed forces with the support of the UN.²⁸⁰ However, policies always need

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ See also Dharmapuri (2013), 8: ‘It is important to underscore that women-only tactics such as deploying all-female units are not necessarily the best way to achieve these goals.’

²⁷⁶ UN DPKO/DFS, Policy, United Nations Police in Peacekeeping Operations and Special Political Missions, 1 February 2014, Ref. 2014.01.

²⁷⁷ UN DPKO/DFS, Policy, United Nations Police in Peacekeeping Operations and Special Political Missions, 1 February 2014, Ref. 2014.01, Section E, Terms and Definitions, Specialised Police Team.

²⁷⁸ Marina Caparini/Kari M. Osland, MINUSTAH’s Specialized Police Team to Combat Sexual Violence in Haiti, Norwegian Institute of International Affairs, NUPI Working Paper 867 (Oslo 2016), 14 et seqq.

²⁷⁹ Unterrichtung durch die Bundesregierung, Deutscher Bundestag, 18. Wahlperiode, Drucksache 18/9482, 25 August 2016, 14.

²⁸⁰ UN Peacekeeping Best Practices Section, Division of Policy, Evaluation and Training, Department of Peacekeeping Operations, Ten-year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in

to be implemented in the most effective way. Without a proper implementation policies cannot gain effect. E.g. in some countries like Afghanistan and the Democratic Republic of the Congo (DRC) being a member of the police is not seen as a honourable profession and a lack of trust in women prevails.²⁸¹ Female officers are not seen as a group, which deserves respect or even should be part of the police service; 'the role of female police is not well understood and is undervalued by society.'²⁸² Therefore, a lot of work is still to be done.

But, positive examples like the deployment of FFPU or SPTs exist and can serve as an example how women can be effectively included to police services and how the local women can be reached by UN peacekeepers. Certainly, the national context and the background of the conflict must always be taken into account. This is also true for the police contributing states. There is no standard solution. One key to include more women to UN police services lies within the national police forces of the Member States. The UN is dependent upon the police contributing states. Therefore, the obstacles in the national contexts must be evaluated and addressed.

Furthermore, it is important for the UN to set positive incentives for the police contributing states to send more female police officers. *Fisher, Harland, Ilich and McGown* for example propose 'a higher reimbursement rate to TCCs [Troop Contributing Countries] for female troops, police, and military advisers.'²⁸³

*'One option is to establish a slightly higher reimbursement rate to TCCs for the deployment of women over men to encourage gender balance. Other criteria for premiums could also be included, for example, if the contingent has more high-ranking female officers, or has undergone specialized training on gender issues. However, a group of like-minded states, such as the G7, must get behind these reforms to the TCC payment system.'*²⁸⁴

However, states do not get a reimbursement for Individual Police Officers; only in the field of FPU reimbursement to PCCs is paid.²⁸⁵ In fact, FPU at the moment represent two-

Peacekeeping, Final Report to the United Nations Department of Peacekeeping Operations, Department of Field Support (New York 2010), 26.

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ Fisher/Harland/Ilich/McGown (2016), 16.

²⁸⁴ Fisher/Harland/Ilich/McGown (2016), 16.

²⁸⁵ UN DPKO/DFS, Policy (Revised), Formed Police Units in United Nations Peacekeeping Operations, Ref. 2009.32, 1 March 2010, para. 77; Durch (2010), 13 et seq.

thirds of the UN Police component,²⁸⁶ but women in the IPO and SPT sector are equally important. Furthermore, on the short or long run this practice could lead to discrimination of male police personnel. A higher reimbursement rate hence could also have negative effects. It should also be kept in mind that not only numbers count. The police need to be competent.²⁸⁷ Deploying qualified and well-trained police officers is important to live up to the expectations of the people. UN Police serve as a role model for the national police. Women, therefore, can take on an important part by serving the United Nations. It is thus important to address the obstacles for women in the national services as well as the problems during their assignment to the UN. Alternatively, e.g. special training courses (partly) paid by the UN or the Member States could be offered. This could relieve the PCCs financially and organisationally during the training of the police, especially regarding women. Furthermore special scholarships for women by the UN or a specific fund could be set up. These incentives could also be initiated by bilateral or multilateral agreements of states. It must be admitted that these proposals could be hard to realise due to the financial commitments.

In the end it is important to improve the conditions for women in the Member States as well as the UN. Problems concerning the conditions in the police as well as recruitment policies, career opportunities and promotions must be addressed. Yet, there must be room for national solutions to take the differentiated needs of the states into account.

In a nutshell: There is still a lot to be done. Nevertheless, women are already an important part of the UN Police. The best outcomes can be achieved only by an equal integration of women to peacekeeping missions and a joint effort of men and women in UN missions. To conclude with the words of Harald Martenstein: 'Both genders have their strengths and weaknesses, which complement each other; surely no gender is "better" than the other.'²⁸⁸

²⁸⁶ Among others Sofia Sebastián, *The Role of Police in UN Peace Operations, Filling the Gap in the Protection of Civilians from Physical Violence*, Stimson Center, *Civilians in Conflict*, Policy Brief No. 3, September 2015, 11. See also the statistics of the UN: *Peacekeeping statistics*, <http://www.un.org/en/peacekeeping/resources/statistics/>, last accessed 17 January 2017.

²⁸⁷ Similar: Erwin A. Schmidl, *Polizeiaufgaben im Rahmen internationaler Friedenseinsätze*, in: Hubegger (et al.) (eds.), *Auslandseinsätze der Polizei, Eine Studie des Bundesministeriums für Inneres* (Wien 2011), 109. See also: Olsson/Gizelis (2015), 5 who highlight that the mere representation may not be enough and 'inclusion with voice can be a more relevant version of participation'.

²⁸⁸ Martenstein (2013): 'Beide Geschlechter haben Stärken und Schwächen, die sich ergänzen, und ganz sicher ist keines "besser" als das andere.'

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Annex 1 – Statistics on UN Police

Statistics for 2016²⁸⁹

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2015	1,227	12,722	9.644 %
November 2015	1,275	12,854	9.919 %
October 2015	1,323	12,973	10.198 %
September 2015	1,285	12,923	9.943 %
August 2016	1,251	12,902	9.696 %
July 2016	1,285	13,217	9.722 %
June 2016	1,304	13,079	9.970 %
May 2016	1,301	13,094	9.935 %
April 2016	1,222	12,628	9.676 %
March 2016	1,202	13,251	9.071 %
February 2016	1,194	13,279	8.991 %
January 2016	1,313	13,560	9.682 %
Total Average	1,265.16	13,040.16	≈ 9.70 %

Statistics for 2015²⁹⁰

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2015	1,411	13,858	10.181 %
November 2015	1,505	13,916	10.814 %
October 2015	1,506	13,915	10.822 %
September 2015	1,472	13,606	10.818 %
August 2015	1,416	13,555	10.446 %
July 2015	1,365	13,333	10.237 %
June 2015	1,315	13,098	10.039 %
May 2015	1,316	13,097	10.048 %
April 2015	1,306	13,185	9.905 %
March 2015	1,316	13,126	10.025 %
February 2015	1,260	12,532	10.054 %
January 2015	1,268	12,437	10.195 %
Total Average	1,371.33	13,304.83	≈ 10.30 %

²⁸⁹ Based on the monthly gender statistics provided by the UN, 2016:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed 13 February 2017.

²⁹⁰ Based on the monthly gender statistics provided by the UN, 2015:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed 13 February 2017.

Statistics for 2014²⁹¹

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2014	1,180	12,442	9.484 %
November 2014	1,138	12,430	9.155 %
October 2014	1,117	12,331	9.058 %
September 2014	n.a.	n.a.	n.a.
August 2014	1,120	11,465	9.768 %
July 2014	1,123	11,425	9.829 %
June 2014	1,200	12,202	9.834 %
May 2014	1,191	12,406	9.600 %
April 2014	1,155	11,929	9.682 %
March 2014	1,264	12,099	10.447 %
February 2014	1,326	13,061	10.152 %
January 2014	1,322	13,180	10.030 %
Total Average	1,194.18	12,268.18	≈ 9.73 %

 Statistics for 2013²⁹²

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2013	1,329	13,057	10.178 %
November 2013	1,273	12,917	9.855 %
October 2013	1,250	12,811	9.757 %
September 2013	1,241	12,709	9.764 %
August 2013	1,311	12,936	10.134 %
July 2013	1,313	13,216	9.934 %
June 2013	1,279	12,626	10.129 %
May 2013	1,251	12,460	10.040 %
April 2013	1,258	12,562	10.014 %
March 2013	1,223	12,551	9.744 %
February 2013	1,180	12,489	9.448 %
January 2013	1,198	12,215	9.807 %
Total Average	1,258.83	12,712.416	≈ 9.9 %

²⁹¹ Based on the monthly gender statistics provided by the UN, 2014:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed 13 February 2017.

²⁹² Based on the monthly gender statistics provided by the UN, 2013:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed: 13 February 2017.

Statistics for 2012²⁹³

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2012	1,218	12,369	9.847 %
November 2012	1,266	12,641	10.015 %
October 2012	1,329	13,635	9.746 %
September 2012	1,223	13,550	9.025 %
August 2012	1,250	13,493	9.264 %
July 2012	1,274	13,553	9.400 %
June 2012	1,354	14,098	9.604 %
May 2012	1,364	14,497	9.408 %
April 2012	1,368	14,340	9.539 %
March 2012	1,432	14,426	9.926 %
February 2012	1,434	14,476	9.906 %
January 2012	1,453	14,494	10.024 %
Total Average	1,330.41	13,797.66	≈ 9.64 %

Statistics for 2011²⁹⁴

Month	Number of Female Police (FPU and IPO)	Total Police Personnel	Percentage
December 2011	1,456	14,302	10.180 %
November 2011	1,444	14,306	10.093 %
October 2011	1,342	14,239	9.424 %
September 2011	1,341	14,310	9.371 %
August 2011	1,303	14,062	9.266 %
July 2011	1,250	13,627	9.172 %
June 2011	1,348	14,206	9.488 %
May 2011	n.a.	n.a.	n.a.
April 2011	1,427	14,669	9.727 %
March 2011	1,458	14,703	9.916 %
February 2011	1,435	14,526	9.878 %
January 2011	1,406	14,377	9.779 %
Total Average	1,382.72	14,302.45	≈ 9.66 %

²⁹³ Based on the monthly gender statistics provided by the UN, 2012:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed: 13 February 2017.

²⁹⁴ Based on the monthly gender statistics provided by the UN, 2011:

<http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>, last accessed 13 February 2017.

Annex 2 – Statistics on the German Police Authorities

Statistics on the German Police Authorities I²⁹⁵

State/Authority	Last Updated	Percentage of Female Personnel (approx.)
Federal State	01.01.2014	13.89 % (excluding aspirants)
Federal Criminal Police Office (BKA)	01.03.2014	38.60 %
Baden-Württemberg	01.04.2013	16.50 % (excluding aspirants) 18.00 % (including aspirants)
Bavaria	01.07.2013	15.48 % (excluding aspirants)
Berlin	30.06.2014	24.06 %
Brandenburg	01.10.2012	22.33 % (law enforcement) 29.85 % (total police personnel)
Bremen	01.06.2013	24.30 % (excluding aspirants) 25.20 % (including aspirants)
Hamburg	06.06.2013	24.70 % (law enforcement) 28.10 % (total police personnel)
Hesse	01.03.2013	21.11 % (excluding aspirants) 21.94 % (including aspirants)
Lower Saxony	01.01.2013	21.30 % (law enforcement)
Mecklenburg-Western Pomerania	08.10.2009	15.80 %
North Rhine-Westphalia	20.07.2009	16.70 % (excluding aspirants)
Rhineland-Palatinate	01.01.2013	17.50 % (police force/Schutzpolizei) (including aspirants) 17.60 % (criminal investigation/ Kriminalpolizei)
Saarland	29.05.2013	19.65 %
Saxony	01.01.2013	22.41 % (law enforcement) 29.00 % (total police personnel)
Saxony-Anhalt	01.01.2013	22.41 % (law enforcement) 29.00 % (total police personnel)
Schleswig-Holstein	02.05.2013	19.53 %
Thuringia	01.07.2009	20.15 %

²⁹⁵ Based on the data provided by the Deutsche Polizeigewerkschaft DPoIG im Deutschen Beamtenbund (German Police Union) based on the data provided by the Ministries of Interior of the states (Länder) and the federal state and contained in the Handbuch der Polizeien Deutschlands, 1st edn. 2008, data provided by the DPoIG to the author, last updated 08 October 2014.

Statistics on the German Police Authorities II²⁹⁶

State/ Authority	Last Updated	Percentage of Female Personnel (approx.)
Federal Police ²⁹⁷	2015	14.83 % (law enforcement)
Federal Criminal Police Office (BKA)	27.08.2015	33.30 %
Baden-Württemberg	August 2015	20.90 %
Bavaria	01.08.2015	16.40 %
Berlin	31.12.2014	25.80 %
Brandenburg	01.10.2014	24.30 %
Bremen	2015	23.50 %
Hamburg	24.10.2015	27.40 %
Hesse	01.01.2015	22.90%
Lower Saxony	July 2015	25.50 %
Mecklenburg Western-Pomerania	17.03.2015	21.60 %
North Rhine-Westphalia	31.12.2014	22.10 %
Rhineland-Palatinate	01.01.2015	22.00 %
Saarland	April 2015	17.00 %
Saxony	01.01.2015	26.10 %
Saxony-Anhalt	01.07.2015	24.80 %
Schleswig-Holstein	01.01.2015	21.20 %
Thuringia	29.04.2015	23.70 %

²⁹⁶ Based on the data provided by the Gewerkschaft der Polizei GdP (Police Union), last updated 01 December 2015.

²⁹⁷ Bundespolizei (Federal Police), Jahresbericht 2015, available at:

<https://www.komm-zur-bundespolizei.de/mediathek/pdf/download/66>, last accessed 31 January 2017.

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