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THE ROLE OF WOMEN IN PEACEKEEPING AND PEACEMAKING: DEVISING SOLUTIONS TO THE DEMAND SIDE OF TRAFFICKING

CONNIE DE LA VEGA*
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INTRODUCTION

Trafficking of women and children for forced prostitution is an abuse of human rights. It violates the rights of women and children to liberty and security of person, to physical and mental integrity, and may even violate their right to life. It exposes women and children to a series of human rights abuses at the hands of traffickers and those who buy their services. Women and children are made vulnerable to such violations by governments that fail to protect them from exploitation at the hands of traffickers.¹

It is estimated that approximately eight hundred thousand women and children are trafficked across borders each year,² with intra-country estimates ranging from two to four million.³ Many of these victims are trafficked during or in the wake of armed conflict or natural disasters, when borders are neglected and physical security is lacking.⁴ When individuals are displaced by armed conflict or natural disaster, women and children become more vulnerable to trafficking.⁵

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1. See, e.g., Amnesty Int'l, *Kosovo (Serbia and Montenegro): "So Does It Mean That We Have the Rights?" Protecting the Human Rights of Women and Girls Trafficked for Forced Prostitution in Kosovo*, 1, AI Index EUR 70/010/2004, May 6, 2004.

2. U.S. DEPT OF STATE, *TRAFFICKING IN PERSONS REPORT 6* (2004), available at <http://www.state.gov/g/tip/rls/tiprpt/2004> [hereinafter TIP REPORT 2004].

3. U.N. Population Fund, *Trafficking in Human Misery*, <http://www.unfpa.org/gender/trafficking.htm> (last visited Jan. 25, 2006).

4. See, e.g., TIP REPORT 2004, *supra* note 2, at 8.

5. ELISABETH REHN & ELLEN JOHNSON SIRLEAF, *UNIFEM, WOMEN, WAR, PEACE: THE INDEPENDENT EXPERTS' ASSESSMENT ON THE IMPACT OF ARMED CONFLICT ON WOMEN AND WOMEN'S ROLE IN PEACE-BUILDING* 12 (2002).

The breakdown of law and order during these times contributes to an environment in which trafficking flourishes.⁶

Sexual exploitation of women is inextricably linked to international and internal armed conflict.⁷ "Once considered a by-product of war, it is now recognized that women and girls are regularly and intentionally targeted for abuse, particularly sexual abuse"⁸ and trafficking, and used as pawns between warring factions.⁹ Women and young girls are kidnapped, blindfolded, beaten, and then forced into temporary or permanent sexual slavery.¹⁰ Many of these young girls and women are forced to watch as their families are killed before they are abducted and forced to live in sexual servitude, or far too often, to have children by the traffickers.¹¹ Regularly, women are trafficked out of one country and sold into another for forced prostitution.¹²

The liberation of a nation from armed conflict is a time of increased lawlessness and chaos that increases the vulnerability of women and children.¹³ There is little protection for women from exploitation during this period because the exploitation is either state condoned or state tolerated, with countries' own armed forces¹⁴ and United Nations (U.N.) peacekeeping forces¹⁵ committing or permitting some of the most egregious violations.

6. *Id.* at 14; The Special Rapporteur on Violence Against Women, *Violence Against Women Perpetrated and/or Condoned by the State During Times of Armed Conflict*, ¶ 53, delivered to the Comm'n on Human Rights, U.N. Doc. E/CN.4/2001/73 (Jan. 23, 2001) [hereinafter Special Rapporteur Report].

7. REHN & SIRLEAF, *supra* note 5, at 14.

8. Kelly D. Askin, *The Quest for Post-Conflict Gender Justice*, 41 COLUM. J. TRANSNAT'L L. 509, 509 (2003).

9. REHN & SIRLEAF, *supra* note 5, at 12-13.

10. *Id.* at 11.

11. *Id.* at 12.

12. *Id.* at 14.

13. See, e.g., *id.* at 13-14; Special Rapporteur Report, *supra* note 6, ¶ 57. See also Jamie L. Bone, "Gendercide: From Forced Impregnation to Forced Prostitution: Repatriation in the Balkans," 1 CONTEMPORARY TOPICS IN FORCED MIGRATION, WORKING PAPER SERIES 2 (2005), available at http://www.ccis-ucsd.org/fml/wrkg1_fml.pdf.

14. Special Rapporteur Report, *supra* note 6, at 8.

15. Some of the most well known examples of U.N. peacekeeper involvement in trafficking are the U.N. mission to Bosnia and the U.N. mission to Kosovo. See generally Amnesty Int'l, *supra* note 1; Jennifer Murray, Note, *Who Will Police the Peace Builders? The Failure to Establish Accountability for the Participation of United Nations Civilian Police in the Trafficking of Women in Post-Conflict Bosnia and Herzegovina*, 34 COLUM. HUM. RTS. L. REV. 475 (2003). More recently, U.N. peacekeepers in the Democratic Republic of Congo (DRC) were found to have sexually exploited local women and to have taken part in trafficking operations. See The Secretary-General's Special Advisor on Sexual Exploitation and Abuse, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*, ¶¶ 3-13, delivered to the General Assembly, U.N. Doc. A/59/710 (Mar. 24, 2005).

A country's post-conflict period is a critical time for including gender equality and ensuring women's involvement in the political processes that will subsequently shape the state.¹⁶ If new standards and conditions are to solidify into substantive changes in the post-conflict era and sexual slavery is to end, women must be involved in defining these new standards throughout the peace process.¹⁷ Yet, women are far too frequently left entirely out of peace discussions regarding the future of their nation, the drafting of peace accords, and the implementation of peace accords in the reconstruction period.¹⁸

On October 31, 2000, the U.N. Security Council unanimously passed Security Council Resolution 1325, which sought to address the unequal and detrimental effects of armed conflict on women and children.¹⁹

Resolution 1325 addresses protection of women during armed conflict, and calls for an end to impunity for gender-based abuses during and after conflict, the integration of a gender perspective in peace-making and peace-keeping, and the participation of women in all levels of decision-making and issues related to prevention management and resolution of conflict.²⁰

Resolution 1325 specifically urged the Secretary General to foster women's participation in all levels of decision-making in peace processes, including negotiating peace agreements and reconstructing war torn societies.²¹ The resolution, a commitment made by the U.N. and member states to take action on the identified issues, also spelled out specific responsibilities of member states, parties to peace accords, and the Secretary-General on behalf of the U.N. toward implementation of the primary goal of Resolution 1325: equal participation of women in all levels of peace processes.²²

16. REHN & SIRLEAF, *supra* note 5, at 82-83.

17. *Id.* at 82-85. See also The Special Rapporteur on Systematic Rape, Sexual Slavery, and Slavery-Like Practices During Armed Conflict, *Contemporary Forms of Slavery*, ¶ 115, delivered to the Subcomm'n on Prevention of Discrimination and Protection of Minorities, U.N. Doc. E/CN.4/Sub2/1998/13 (June 22, 1998).

18. U.N. Div. for the Advancement of Women, *Report of the Expert Group Meeting, Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women — A Framework of Model Provisions*, 7, U.N. Doc. EGM/PEACE/2003/REPORT (Dec. 10, 2003). See also REHN & SIRLEAF, *supra* note 5, at 78-82.

19. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

20. Amnesty Int'l, *Women, Peace and Security, Fourth Anniversary of Security Council Resolution 1325*, 2, AI Index IOR 52/004/2004, Oct. 28, 2004.

21. S.C. Res. 1325, *supra* note 19, ¶ 13.

22. *Id.* ¶¶ 12-16.

In 2001, as obligated by Resolution 1325, the U.N. Development Fund for Women (UNIFEM) commissioned an Independent Expert Assessment.²³ The report chronicled the pervasiveness of violence against women during conflict and the great need to involve women at all levels of the peace process in order to put an end to such violence.²⁴ The report also identified sexual exploitation as a predominant form of violence against women in conflict.²⁵ As this article discusses, women's participation in peace processes can ensure that patterns of sexual exploitation during conflict, including trafficking, are addressed.²⁶ Thus, U.N. Security Council Resolution 1325 is an effective accountability tool that can, and should, be used to break the cycle of trafficking women and children.²⁷

Increased militarism worldwide in response to the U.S.-led war on terrorism potentially creates a heightened state of violence against women.²⁸ Increased military presence in countries has served to exacerbate the crisis of trafficking of women and girls outside of traditional armed conflict situations.²⁹ With an increased number of troops placed in foreign countries, there is a corresponding increase in patronization of prostitutes and sex clubs by foreign military personnel.³⁰ Such demand is met over time by the trafficking of vulnerable women and children into local brothels.³¹ Lack of

23. REHN & SIRLEAF, *supra* note 5, at 3.

24. *Id.* at 6-7.

25. *Id.* at 11-12.

26. See discussion *infra* Part II.

27. REHN & SIRLEAF, *supra* note 5, at 3.

28. Amaya N. Roberson & Lisa Bennett, *NOW Calls for Peace as Bush Wages War*, NAT'L NOW TIMES, Spring 2003, <http://www.now.org/nnt/spring-2003/war.html>.

29. See EAST ASIA-U.S.-PUERTO RICO WOMEN'S NETWORK AGAINST MILITARISM, FINAL STATEMENT OF THE FOURTH INTERNATIONAL GATHERING 1 (2002) [hereinafter WOMEN'S NETWORK AGAINST MILITARISM]; Equality Now, United States: The Role of Military Forces in the Growth of the Commercial Sex Industry, http://www.equalitynow.org/english/actions/action_2301_en.html (last visited Jan. 25, 2006); Lucinda Marshall, *Militarism and Violence Against Women*, 17 Z COMMENTARY ONLINE, Apr. 2004, <http://zmagsite.zmag.org/Apr2004/marshall0404.html>; Stop Violence Against Women, Trafficking in Women: Factors that Contribute to Trafficking in Women: Conflict Zones and Militarization, http://www.stopvaw.org/Conflict_Zones_and_Militarization.html (Jan. 16, 2006). See also Isabelle Talleyrand, *Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women*, 27 SYRACUSE J. INT'L L. & COM. 151, 154 (2000) (using the example of forced prostitution near U.S. military bases during World War II).

30. JOSHUA S. GOLDSTEIN, *WAR AND GENDER: HOW GENDER SHAPES THE WAR SYSTEM AND VICE VERSA* 332-402 (2001).

31. DONNA M. HUGHES, KATHERINE Y. CHON & DEREK P. ELLERMAN, *MODERN-DAY COMFORT WOMEN: THE U.S. MILITARY, TRANSNATIONAL CRIME, AND THE TRAFFICKING OF WOMEN*, 4-8 (2004), available at http://www.uri.edu/artsci/wms/hughes/modern_day_comfort_women.pdf; Equality Now, *supra* note 29. Press Release, Samantha L. Quigley, American Forces Information Service, DoD Fights Human Trafficking with

specific protections for vulnerable trafficking victims in militarized and war-torn countries perpetuates the trafficking.³² Explicit protections for trafficked victims must be put into place to avoid exacerbation or taking advantage of the crisis by traffickers.

Recognizing the growing trafficking crisis, the U.N. Commission on Human Rights, the U.N. body primarily responsible for the monitoring and enforcement of human rights,³³ appointed a Special Rapporteur on Trafficking in Persons, Especially in Women and Children, in March 2004.³⁴ Although the issue of trafficking had been addressed in the U.N. system to some extent by the Special Rapporteur on Violence Against Women, investigation and recommendations on the issue of trafficking were minimal given the number of other issues under the broad umbrella of "violence against women."³⁵ Appointment of the Special Rapporteur on

Training, Awareness (Sept. 21, 2004), http://www.dod.gov/news/sep2004/n09212004_2004092109.html (quoting U.S. State Dep't Rep. John Miller) ("Demand drives sex trafficking. . . . Historically . . . national forces going from one country to another lead to increased prostitution and an increased number of trafficking victims. National forces include the military as well as peacekeepers . . .").

32. REHN & SIRLEAF, *supra* note 5, at 14-16, 21-22.

33. Office of the High Comm'r for Human Rights, About OHCHR, <http://www.ohchr.org/english/about/index.htm> (last visited Jan. 25, 2006).

34. U.N. Econ. & Soc. Council (ECOSOC), Comm'n on Human Rights, *Integration of the Human Rights of Women and the Gender Perspective*, U.N. Doc. E/CN.4/2004/L.62 (Apr. 15, 2004) [hereinafter *Gender Perspective*]. See also Office of the U.N. High Comm'r for Human Rights, Special Rapporteur on Trafficking in Persons, Especially in Women and Children, <http://www.ohchr.org/english/issues/trafficking/bio-note.doc> (last visited Jan. 25, 2006).

35. Since the mandate for the Special Rapporteur on Violence Against Women was created, the Special Rapporteur has investigated and provided official recommendations on a variety of forms of violence against women, including: female genital mutilation, honor killings, witch hunting, forced marriages, female baby killings, incest, forced abortions, domestic violence, discrimination, violence in prison, rape, sexual harassment, sexual violence, and trafficking. The Special Rapporteur on Violence Against Women, Its Causes and Consequences, *Integration of the Human Rights of Women and the Gender Perspective, Violence Against Women, delivered to ECOSOC*, U.N. Doc. E/CN.4/2003/75 (Jan. 6, 2003). See also The Special Rapporteur on Violence Against Women, Its Causes and Consequences, *Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Comm'n Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, delivered to ECOSOC*, U.N. Doc. E/CN.4/1997/47/Add.3 (Feb. 24, 1997); The Special Rapporteur on Violence Against Women, Its Causes and Consequences, *Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Comm'n Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, delivered to ECOSOC*, U.N. Doc. E/CN.4/1997/47 (Feb. 12, 1997); The Special Rapporteur on Violence Against Women, Its Causes and Consequences, *Further Promotion and Encouragement of Human Rights and*

Trafficking in Persons created a specific international monitoring mechanism to address the root causes of, and accountability for, trafficking of women and children.³⁶ Trafficking is a financially lucrative trade.³⁷ Thus, in addressing these causes, it is essential to focus on the economic forces contributing to the perpetuation of the business, including demand for trafficked victims. In 2005, the U.N. Commission on the Status of Women, the U.N. body primarily responsible for promoting women's rights and for implementing equality between men and women,³⁸ acknowledged this need and passed a resolution identifying the need to address the demand side of trafficking.³⁹

The mandate of the Special Rapporteur on Trafficking in Persons is broadly focused "on the human rights aspects of the victims of trafficking in persons, especially women and children."⁴⁰ It is fundamental to the elimination of trafficking that her mandate include both investigation and recommendations regarding the role of the military and U.N. Peacekeepers in creating a demand for trafficked women and children, as well as the use of U.N. Security Council Resolution 1325 as an accountability tool to combat trafficking. A link must be made between the mandate of the Special Rapporteur and the mandate of the U.N. Security Council Resolution 1325, as increased coordination can lead to better, more specific accountability for trafficking in the context of armed conflict.

Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Comm'n Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, delivered to ECOSOC, U.N. Doc. E/CN.4/1997/47/Add.2 (Jan. 21, 1997); The Special Rapporteur on Violence Against Women, Its Causes and Consequences, Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Comm'n Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, delivered to ECOSOC, U.N. Doc. E/CN.4/1996/53 (Feb. 6, 1996).

36. *Gender Perspective*, *supra* note 34.

37. U.N. Office on Drugs & Crime, Fact Sheet on Human Trafficking, http://www.unodc.org/unodc/trafficking_fact_sheet.html (last visited Jan. 25, 2006) ("Europol estimates that the [trafficking] industry is now worth several billion dollars a year."). See also REHN & SIRLEAF, *supra* note 5, at 14 (estimating that trafficking in persons generates between five and seven billion dollars per year).

38. Div. for the Advancement of Women, U.N. Dep't of Econ. and Soc. Affairs, Comm'n on the Status of Women (CSW), <http://www.un.org/womenwatch/daw/csw/> (last visited Jan. 25, 2006).

39. E.S.C. Res. 49/2, U.N. ESCOR Comm'n on the Status of Women, 49th Sess., Supp. No. 7, at 13, U.N. Doc. E/CN.6/2005/11 (Feb. 28 - Mar. 11 & 22, 2005).

40. *Gender Perspective*, *supra* note 34, ¶ a.

This article endeavors to demonstrate how women's equal participation in all levels of peacemaking and peacekeeping, as required by U.N. Security Council Resolution 1325, is vital to the elimination of trafficking in women and children. Part I of the article offers a description and analysis of U.N. Security Council Resolution 1325. Part II presents the unique, disparate impact that armed conflict has on women and children and discusses the role that domestic and foreign placed militaries have in perpetuating trafficking during times of conflict. Part III demonstrates how trafficking thrives in the post-conflict period because of military and U.N. peacekeepers' complicity in the practice and a lack of specific protections for trafficked victims. Part IV establishes that women's absence from peace processes perpetuates trafficking because immunity for trafficking and sexual exploitation of women and girls during conflict is often included in peace accords and post-conflict laws. Part V discusses how the growing militarization and the war on terror have aided the perpetuation of trafficking outside of typical armed conflict scenarios.

I. UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325

U.N. Security Council Resolution 1325 on Women, Peace and Security is a specific acknowledgment of the unequal and detrimental effects armed conflict has on women and children.⁴¹ The resolution calls for equal participation of women in all peace processes, gender training in peace operations, protection of women and girls and respect for their human rights, and gender mainstreaming in the reporting and implementation systems of the U.N. relating to conflict, peace, and security.⁴² The commitment made by the U.N. and member states in passing the resolution is to take affirmative action, as identified in eighteen steps, to combat the detrimental effect of armed conflict on women and children.⁴³ To this end, the resolution lays out specific responsibilities of member states, parties to armed conflict, and the U.N. system itself.⁴⁴ All parties, including member states, are expected to comply and work towards implementation of the particular goals identified in the

41. S.C. Res. 1325, *supra* note 19, ¶ 4.

42. *Id.* ¶¶ 5, 6, 8, 16.

43. *Id.* ¶¶ 12-29. *See also* GENDER & PEACEBUILDING WORKING GROUP OF THE CANADIAN PEACEBUILDING COORDINATING COMM., UNDERSTANDING U.N. RESOLUTION 1325: A FACT SHEET (2004) [hereinafter CANADIAN PEACEBUILDING COORDINATING COMM.].

44. S.C. Res. 1325, *supra* note 19, ¶¶ 12-29.

resolution.⁴⁵ The significance of this is that individuals, human rights groups, and international institutes can hold member states and the U.N. accountable for failure to implement Resolution 1325.⁴⁶

Specifically, Resolution 1325 calls on member states to increase women's representation at all decision-making levels,⁴⁷ including reaching out to local women's organizations to identify representatives to participate in peace negotiations and peace accords.⁴⁸ Based on this provision, individuals, nongovernmental organizations, and international institutions can advocate for inclusion of specific women in all aspects of conflict resolution by calling for accountability for commitments made in the resolution.⁴⁹ Member states are also called upon to fund and provide support for gender sensitive training for their militaries and governments.⁵⁰ Most importantly, member states are called upon to end impunity for crimes against women and to prosecute those responsible for gender-based violence.⁵¹ Accordingly, member states should and can be held accountable under Resolution 1325 to exclude immunity clauses for sexual exploitation in peace accords following conflict.

The resolution also provides specific duties for parties to armed conflict, including: respect for international law concerning the rights and protection of women and girls; implementation of special measures to ensure protection for women and girls from gender-based violence; specific attention to the needs of women and girls in conflict, peace, and security; and adoption of measures to support local women's initiatives to involve women in all stages of peace processes.⁵² These provisions can and should be used to hold parties to armed conflict accountable for ensuring the freedom of movement and physical security of women during and following conflict and to provide specific protections for women and children against trafficking and sexual exploitation.

Resolution 1325 calls on the U.N. to increase women's participation at decision-making levels in conflict resolution and peace processes.⁵³ To facilitate this increased participation, the Secretary-General is required to appoint more women to senior levels and involve more women in U.N. field missions as military observers,

45. *Id.*

46. CANADIAN PEACEBUILDING COORDINATING COMM., *supra* note 43.

47. S.C. Res. 1325, *supra* note 19, ¶ 12.

48. *Id.* ¶¶ 19, 26.

49. *Id.* ¶ 26.

50. *Id.* ¶ 18.

51. *Id.* ¶¶ 20-22.

52. *Id.* ¶¶ 19-22.

53. *Id.* ¶ 13.

civilian police, and human rights and humanitarian officers.⁵⁴ To all appointees, the U.N., through the Secretary-General, is mandated to provide gender training guidelines and materials on protection, rights, and needs of women and girls in conflict situations.⁵⁵ To all civilian and military peacekeeping forces, the resolution mandates the provision of gender sensitive training.⁵⁶

In addition, Resolution 1325 obligates the U.N. to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building, and the gender dimensions of peace processes and conflict resolution.⁵⁷ In response to Resolution 1325, the U.N. Development Fund for Women (UNIFEM) commissioned an Independent Expert Assessment in 2001 that reported how insidious sexual violence against women is during conflict in the absence of women's involvement in peace processes.⁵⁸

In October 2002, the Security Council held a follow-up open debate on Women, Peace and Security.⁵⁹ Representatives from thirty-seven countries participated,⁶⁰ affirming the Independent Expert's assessment that "if the plight of women in war is to be improved, the U.N. and member states must make a greater effort to include women in all aspects of peace operations, including crafting peace and reconciliation programs."⁶¹ Similar open debates held in 2003 and 2004 noted progress toward women's inclusion in peace processes but ultimately concluded that greater effort and greater coordination were required.⁶²

II. THE MILITARY'S ROLE IN PERPETUATING TRAFFICKING

There is a high correlation between military presence during and following a conflict and the sexual exploitation of women,

54. *Id.* ¶¶ 14-16.

55. *Id.* ¶ 17.

56. *Id.*

57. *Id.* ¶ 27.

58. REHN & SIRLEAF, *supra* note 5, at 12-18, 83-85.

59. GENDER & PEACEBUILDING WORKING GROUP OF THE CANADIAN PEACEBUILDING COORDINATING COMM., HOW CAN WE USE RESOLUTION 1325: A FACT SHEET 1 (2004) [hereinafter GENDER & PEACEBUILDING WORKING GROUP]; Women's Int'l League for Peace & Freedom, United Nations Security Council Resolution 1325: History & Analysis, <http://www.peacewomen.org/un/UN1325/1325index.html> (last visited Jan. 25, 2006) [hereinafter 1325 History & Analysis].

60. GENDER & PEACEBUILDING WORKING GROUP, *supra* note 59.

61. *Id.*

62. 1325 History & Analysis, *supra* note 59; Press Release, Women, Peace & Sec., Women Crucial to Preventing Conflict, Building Peace, Yet Remain Excluded, Says Report to U.N. Security Council 1-2 (Oct. 28, 2004), <http://www.peacewomen.org/un/4thanniversary/UNDPIPressRelease.pdf>.

including expansion of local commercial sex industries and trafficking.⁶³ Throughout history, soldiers have abducted, raped, and enslaved women during conflict,⁶⁴ and the practice has increased in recent years.⁶⁵ Women who are victims of trafficking often find themselves forced into prostitution in brothels that service both local and foreign militaries.⁶⁶ Some commanders even “argue that peacekeepers purchasing sex is in the interest of the mission and a soldier’s right.”⁶⁷ Other commanders may do little to change their troops’ practices, shrugging them off with a nonchalant attitude that makes it especially difficult to address the problems associated with the forced transfer and sexual abuse of women during armed conflict.⁶⁸

Moreover, rapid proliferation of military personnel leads to an increase in patronization of prostitutes and sex clubs.⁶⁹ Such an upsurge in patronage contributes to a consistent demand for cheap

63. REHN & SIRLEAF, *supra* note 5, at 13; Amnesty Int’l, *supra* note 1, at 1.

64. *Sexual Violence in Armed Conflict*, WOMEN2000 AND BEYOND (Women’s Rights Unit, U.N. Div. for the Advancement of Women, Dep’t of Econ. & Social Aff.), Apr. 1998, at Part 2, available at <http://www.un.org/womenwatch/daw/public/w2apr98.htm>.

65. REHN & SIRLEAF, *supra* note 5, at 12.

66. U.N. DEV. FUND FOR WOMEN (UNIFEM), ISSUE BRIEF ON TRAFFICKING 5 (2005), available at http://www.womenwarpeace.org/issues/trafficking/trafficking_pfv.pdf [hereinafter UNIFEM TRAFFICKING].

67. Combating Human Trafficking: Achieving Zero Tolerance, *Hearing Before the H. Int’l Relations Comm.*, 108th Cong. 5 (statement of Sarah Mendelson, Senior Fellow of the Center for Strategic and International Studies), available at http://www.csis.org/media/csis/pubs/trafficking_testimony_iii-sem-march_2005.pdf (quoting one Army commander in Kosovo as explaining, “[t]he commanding officer may be thinking: . . . ‘this guy [his soldier] is happy and he is happier if he had a half hour with a beautiful 17 year old — whether he knows she is forced or not — he is happier — he will do his mission better’ . . . the commander can be a great guy but maybe he will turn a blind eye — and think that boys will be boys”). See also Emily Nyen Chang, Note, *Engagement Abroad: Enlisted Men, U.S. Military Policy and the Sex Industry*, 15 NOTRE DAME J.L. ETHICS & PUB. POL’Y 621, 624-25 (2001).

68. Catherine Hill, *Planning for Prostitution: An Analysis of Thailand’s Sex Industry*, in WOMEN’S LIVES AND PUBLIC POLICY: THE INTERNATIONAL EXPERIENCE 133, 135 (Meredith Turshen & Brianvel Holcomb eds., 1993); U.N. Official Wants Action Against Personnel Involved with Sex Trade, U.N. WIRE, Feb. 10, 2003, <http://www.unwire.org/unwire/20030210/31956-story.asp> (quoting Madeline Rees, U.N. Human Rights official) (“There is this whole ‘boys-will-be-boys’ attitude about men visiting brothels. There’s a culture inside the U.N. where you can’t criticize it. That goes all the way to the top.”); Melanie O’Brien, *Overcoming Boys-Will-Be-Boys Syndrome: Is Prosecution of Peacekeepers in the International Criminal Court for Trafficking, Sexual Slavery & Related Crimes Against Women a Possibility?* (2004) (unpublished M.A. thesis, University of Lund), available at [http://www.jur.lu.se/Internet/english/essay/Master th.nsf/0/74642C18466271E0C1256F63002CB543/\\$File/xsmall.pdf](http://www.jur.lu.se/Internet/english/essay/Master th.nsf/0/74642C18466271E0C1256F63002CB543/$File/xsmall.pdf).

69. See, e.g., Equality Now, *supra* note 29. There is a long tradition of militaries setting up their own brothels. See, e.g., GOLDSTEIN, *supra* note 30, at 342-48.

sex that is met over time by the trafficking of vulnerable women and children into local brothels.⁷⁰

Although Part III expands upon the effect of military personnel on trafficking in further detail, it is important to illustrate the point here in the context of armed conflict. For example, the Vietnam War of the late 1960s and early 1970s illustrates how the establishment of military bases in foreign countries catalyzed the development of commercial sex industries in those countries.⁷¹ Countries hosting U.S. troops, including those in Southeast Asia, had thriving red light districts surrounding them.⁷² These red light districts grew with the American military presence to meet the increased demand for cheap prostitution, which was filled by the trafficking of women and children into local brothels surrounding the military bases.⁷³

The U.S. government has recently increased focus on the military's role in trafficking.⁷⁴ In 2003, the U.S. Department of Defense (DoD) established a "zero tolerance" policy and the DoD Inspector General created a Human Trafficking Assessment Project.⁷⁵ The Project focuses on the military's actions in South Korea, Bosnia-Herzegovina, and Kosovo and has placed businesses and establishments identified as being involved in trafficking and prostitution off-limits to U.S. soldiers.⁷⁶ The effects of these policies, however, have not been reported.

In order to effectively eradicate trafficking, the demand created by local and foreign placed militaries must be addressed.⁷⁷ The

70. See, e.g., HUGHES, CHON & ELLERMAN, *supra* note 31, at 8; Press Release, Samantha L. Quigley, *supra* note 31.

71. Elizabeth Rho-Ng, *The Conscription of Asian Sex Slaves: Causes and Effects of U.S. Military Sex Colonialism in Thailand and the Call to Expand U.S. Asylum Law*, 7 ASIAN L.J. 103, 104 (2000). See also Nancy Beyer, Note, *The Sex Tourism Industry Spreads to Costa Rica and Honduras: Are These Countries Doing Enough to Protect Their Children from Sexual Exploitation?*, 29 GA. J. INT'L & COMP. L. 301, 304 (2001).

72. See Judith Mirkinson, *Red Light, Green Light: The Global Trafficking of Women*, 18.1 BREAKTHROUGH 10-15 (Spring 1994), available at <http://feminism.eserver.org/gender/sex-work/trafficking-of-women.txt>; Talleyrand, *supra* note 29, at 154.

73. See UNIFEM TRAFFICKING, *supra* note 66, at 5.

74. See, e.g., Joseph E. Schmitz, Inspector Gen., Dep't of Def., Suppressing Slavery in the 21st Century: From Legislation to Enforcement, Address at the Organization for Security and Cooperation in Europe (OSCE) Forum for Security Cooperation (Nov. 17, 2004), available at http://www.dodig.osd.mil/IGInformation/Speeches/OSCE_Forum_112204K.pdf, at 1 (quoting Inspector General Joseph E. Schmitz) ("Over the past two and a half years, the United States Department of Defense has implemented a principle-based 'zero tolerance' policy to ensure that our military forces are part of the solution and not part of the problem.").

75. *Id.* at 1-2.

76. *Id.* at 2-4.

77. UNIFEM TRAFFICKING, *supra* note 66, at 5; J. Kelly Ryan, Dep. Asst. Sec'y for Population, Refugees and Migration, Statement on Trafficking in Persons, Remarks

following examples demonstrate the impact that military presence in armed conflict can have on increasing violence against women and demand for trafficked women and girls in local commercial sex industries.

In the DRC, armed forces on all sides of the conflict have committed systematic rape and abductions for sexual slavery.⁷⁸ The military is also known to have assisted in the forced movement of women out of the DRC.⁷⁹ In 2002, there were also reports of Rwandan-backed Congolese militias operating in the DRC abducting women and children for forced labor and sexual exploitation.⁸⁰ Additionally, from October 2002 to February 2003, women's associations in the Uvira province reported five thousand rapes by soldiers: forty rapes per day.⁸¹

In Sudan, a country that continues to be embroiled in a conflict despite a signed ceasefire,⁸² the number of women and children abducted for sexual exploitation from their villages or the internally displaced persons camps continues to rise, according to the Special Rapporteur on Violence Against Women.⁸³ Moreover, government sponsored Arab tribe militias and security forces have abducted thousands of Sudanese women and children for use as sex slaves in Sudan and in other countries.⁸⁴

Prepared for Delivery to the Human Dimension Implementation Meeting (Oct. 4, 2004), available at <http://www.state.gov/g/prm/rls/43219.htm>, at para. 8.

78. HUMAN RIGHTS WATCH, SEEKING JUSTICE: THE PROSECUTION OF SEXUAL VIOLENCE IN THE CONGO WAR, 1 (2005), available at <http://hrw.org/reports/2005/drc0305text.pdf>; Press Release, United Nations Children's Fund (UNICEF), UNICEF Ambassador Jessica Lange Shocked and Deeply Moved by Systematic Rape of Women and Children in Eastern DRC (Aug. 11, 2003), <http://www.unicef.org/media/media-13275.html>. See generally U.N. DEV. FUND FOR WOMEN, GENDER PROFILE OF THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO (2005), available at http://www.womenwarpeace.org/drc/docs/drc_pfv.pdf [hereinafter UNIFEM DRC].

79. The Special Rapporteur on Violence Against Women, *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women*, ¶ 196, delivered to the Comm'n on Human Rights, U.N. Doc. E/CN.4/2003/75/Add.1 (Feb. 27, 2003).

80. UNIFEM DRC, *supra* note 78, at 3.

81. *Id.* UN Inter-Agency Mission Visits the DR Congo to Look into Internal Challenges, RELIEFWEB, Feb. 21, 2003, <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/57a8fd01a253b1785256cd4006dd096> (citing U.N. Office for the Coordination of Humanitarian Affairs).

82. *Fighting Continues on Darfur Despite Ceasefire Pledge, African Union Says*, CBC NEWS, Dec. 19, 2004, <http://www.cbc.ca/story/world/national/2004/12/19/darfur-041219.html>.

83. The Special Rapporteur on Violence Against Women, *Visit to the Darfur Region of the Sudan*, ¶¶ 4, 6-7, delivered to the Comm'n on Human Rights, U.N. Doc. E/CN.4/2005/72/Add.5 (Dec. 23, 2004). See also *Country Focus: Sudan, Darfur: A Region in Crisis, Slavery in Our Midst, The Human Toll of Trafficking*, GLOBAL RTS. MAGAZINE 8 (2004).

84. See, e.g., TIP REPORT 2004, *supra* note 2, at 78.

In Myanmar (Burma), military soldiers are known to rape and traffic Burmese women into prostitution in neighboring Thailand.⁸⁵ Along Myanmar's militarized borders, military personnel pursued a relentless campaign against minority ethnic women.⁸⁶ For example, in January 2003, eight government soldiers reportedly raped an ethnic minority woman during a visit by the International Red Cross officials to the region.⁸⁷ Refugees International released a report in April 2003 documenting forty-three rapes and abductions for forced sexual slavery by the Myanmar military of ethnic women living along the border.⁸⁸ The Shan Women's Action Network indicated that rape and forced sexual slavery was being used by the military as a weapon of war.⁸⁹ The group documented 173 incidents of sexual violence committed by soldiers between 1992 and 2001.⁹⁰ In addition, "[a]rmy officers guarding forced labor projects reportedly demand sexual favors in return for lighter duties or release from conscription."⁹¹ The military's policy of using forced labor is estimated to be a driving force behind the trafficking.⁹²

III. POST-CONFLICT LACK OF PROTECTIONS AND THE MILITARY, AND PEACEKEEPER'S COMPLICITY IN TRAFFICKING

Women and children face rampant violence and discrimination in their post-conflict lives. The Independent Expert Assessment of 2001 found that increased levels of sexual violence and trafficking of women continue into the post-conflict period, that criminal activity thrives, and that law enforcement, domestic military forces, and U.N. peacekeeping forces are often complicit in these acts.⁹³

85. See, e.g., U.S. DEPT OF STATE, *TRAFFICKING IN PERSONS REPORT 41* (2003), available at <http://www.state.gov/gltip/rls/tiprpt/2003> [hereinafter TIP REPORT 2003].

86. See, e.g., Comm'n on Human Rights, Res. 2001/15, ¶ 4(c)-(d), U.N. Doc. E/CN.4/Res/ 2001/15 (Apr. 18, 2001); Amnesty Int'l, *Unsung Heroines: The Women of Myanmar*, 45, AI Index ASA 16/040/2000, May 24, 2000.

87. Press Release, Shan Women's Action Network: Military Gang-Rape Occurs as International Red Cross Visits Shan State (Feb. 11, 2003), <http://www.shanwomen.org/pressroom.html>.

88. VERONIKA MARTIN & BETSY APPLE, *REFUGEES INT'L, NO SAFE PLACE: BURMA'S ARMY AND THE RAPE OF ETHNIC WOMEN* 25-26 (2003).

89. The Shan Human Rights Found. & The Shan Women's Action Network, *License to Rape: The Burmese Military Regime's Use of Sexual Violence in the Ongoing War in Shan State*, intro. (May, 2002), <http://www.shanland.org/resources/bookspub/humanrights/LtoR>.

90. *Id.* at app. 5.

91. Burma: Country in Crisis, <http://www2.soros.org/burma/CRISIS/index.html> (follow "Women" hyperlink) (last visited Jan. 25, 2006).

92. *Id.*

93. REHN & SIRLEAF, *supra* note 5, at 13-15.

This part discusses both national militaries and U.N. peacekeepers' role in the perpetuation of trafficking.

A. National Militaries

Often, "warlords," or those primarily responsible for violence against women and children, succeed to key positions within transitional or new government structures and continue the pattern of previous exploitation against women and children.⁹⁴ Military forces are moreover complicit or guilty of exploiting trafficked women and children in the chaos after war.⁹⁵ Tragically, such exploitation is often state condoned or state tolerated.⁹⁶

For example, Pashtun women in Afghanistan experienced an upsurge in sexual violence once the conflict surrounding the U.S.-led invasion subsided, becoming specific targets of reprisal in the post-Taliban period.⁹⁷ In 2002, women of all ethnicities restricted their participation in public life to avoid being targets of violence by armed factions.⁹⁸ Afghan women, especially those outside of Kabul, continued to report serious threats of sexual violence and threats to their freedom of movement, denying them "the opportunity to exercise their basic human rights and to participate fully in the rebuilding of their country."⁹⁹

Iraq provides another poignant example. In 2003, reports of sexual violence and abduction of women and girls in Iraq rose sharply, directly following the fall of Saddam Hussein's regime.¹⁰⁰ Since then, women have been threatened by military forces, some even killed.¹⁰¹ More than four hundred Iraqi women reported being kidnapped and raped in the immediate post-war chaos that gripped

94. Faiza Jama Mohamed, Speech at the ARRIA Formula Meeting on Women, Peace and Security: Somali Women's Role in Building Peace and Security (Oct. 23, 2004), available at http://www.womenscommission.org/projects/P&P/arrria/eq_now.shtml.

95. REHN & SIRLEAF, *supra* note 5, at 13.

96. See generally TIP REPORT 2004, *supra* note 2 (providing examples of state tolerance of and complicity in the exploitation of women).

97. UNIFEM, A PORTAL ON WOMEN, PEACE & SECURITY, GENDER PROFILE OF THE CONFLICT IN AFGHANISTAN 3 (2005), available at http://www.womenwarpeace.org/afghanistan/docs/afgh_pfv.pdf [hereinafter UNIFEM AFGHANISTAN].

98. See, e.g., HUMAN RIGHTS WATCH, BRIEFING PAPER: TAKING COVER: WOMEN IN POST-TALIBAN AFGHANISTAN 6 (2002), available at <http://www.hrw.org/backgrounders/wrd/afghan-women-2k2.pdf>.

99. *Id.* at 1. See also HUMAN RIGHTS WATCH, BETWEEN HOPE AND FEAR: INTIMIDATION AND ATTACKS AGAINST WOMEN IN PUBLIC LIFE IN AFGHANISTAN 2 (2004), available at <http://hrw.org/backgrounders/asia/afghanistan1004/afghanistan1004.pdf>.

100. Amnesty Int'l, *Iraq: Decades of Suffering, Now Women Deserve Better*, 10, AI Index MDE 14/001/2005, Feb. 22, 2005.

101. See, e.g., *id.* at 9.

the country.¹⁰² That number may be inaccurate because many victims do not or cannot report such violence.¹⁰³ The increase in exploitation has been attributed to the U.S.-led occupying forces and the Iraqi civilian administration's failure to provide for immediate public security, which increased women's vulnerability to being trafficked or exploited.¹⁰⁴ Reports of "disappeared" women believed to be trafficked were innumerable according to a human rights organization working in Iraq during 2004 and early 2005.¹⁰⁵

B. U.N. Peacekeeping Personnel's Role in Perpetuating Trafficking

The arrival of peacekeeping forces in a war-torn country often signals hope for women who have been targeted for violence and abuse during the armed conflict period, particularly those women who are most vulnerable to being trafficked in the post-conflict period.¹⁰⁶ There is documentation, however, that the U.N. peacekeeping personnel in various parts of the world are guilty themselves of perpetuating abuse of women and children in the host countries.¹⁰⁷ Individual peacekeepers patronize establishments linked to trafficking networks, and U.N. missions frequently fail to do enough to actively combat trafficking networks.¹⁰⁸ Although there has been some decrease in the participation of U.N. personnel in trafficking in recent years, due perhaps to heightened awareness of the problem, the arrival of peacekeeping personnel still often correlates to greater prostitution and sexual exploitation of women and children as the U.N. personnel presence creates a demand for ready and available sexual services, which is often fulfilled over time by trafficking.¹⁰⁹

102. *More Than 400 Iraqi Women Kidnapped, Raped in Post-War Chaos: Watchdog*, 1325 PEACEWOMEN E-NEWS, Sept. 5, 2003, at 2, http://www.peacewomen.org/news/1325News/PW_News_issue30.pdf.

103. See, e.g., Amnesty Int'l, *supra* note 100, at 10; HUMAN RIGHTS WATCH, CLIMATE OF FEAR: SEXUAL VIOLENCE AND ABDUCTION OF WOMEN AND GIRLS IN BAGHDAD 1-2 (2003), available at <http://hrw.org/reports/2003/iraq0703/iraq0703.pdf> [hereinafter CLIMATE OF FEAR]; UNIFEM, PORTAL ON WOMEN, WAR & PEACE, GENDER PROFILE OF THE CONFLICT IN IRAQ 16 (2005), http://www.womenwarpeace.org/iraq/docs/iraq_pfv.pdf [hereinafter UNIFEM IRAQ].

104. CLIMATE OF FEAR, *supra* note 103, at 1.

105. UNIFEM IRAQ, *supra* note 103, at 6.

106. See, e.g., REHN & SIRLEAF, *supra* note 5, at 12-16.

107. See, e.g., *id.* at 16-17.

108. Stop Violence Against Women, U.N. Peacekeeping Mission Personnel and Trafficking in Women, http://www.stopvaw.org/UN_Peacekeeping_Missions.html (last updated Sept. 1, 2005).

109. See *supra* notes 66-69 and accompanying text. See also REHN & SIRLEAF, *supra* note 5, at 14.

Part of the difficulty is that U.N. peacekeeping personnel are provided immunity during peacekeeping operations for their actions in host countries under the 1946 Convention on the Privileges and Immunities of the U.N.¹¹⁰ "U.N. peacekeepers function under the exclusive criminal jurisdiction of their nation of origin."¹¹¹ More recently, the Ten Rules Code of Personal Conduct for Blue Helmets¹¹² guides U.N. personnel behavior in peace-keeping operations.¹¹³ Unfortunately, the Code does not sufficiently provide for protection of women from sexual abuse and trafficking.¹¹⁴ In addition, each U.N. mission sets its own specific terms for conduct, privileges, immunities, and jurisdiction, with most providing for complete immunity for military and civilian employees.¹¹⁵ Together, these policies exacerbate trafficking by preventing accountability within the U.N. peacekeeping structure.

For example, in Bosnia, organized crime and local corruption were allowed to flourish in the void following the conflict, engendering both an intense demand for and ready supply of trafficked women and children.¹¹⁶ "Local Bosnian police officers facilitate[d] the trafficking by creating false documents; visiting brothels to partake of free sexual services; and sometimes engaging in the trafficking directly."¹¹⁷ The arrival of foreign troops and international organizations further heightened this demand.¹¹⁸ In May 2001, significant numbers of local police, international military forces, and some stabilization forces were reported to be complicit in the ongoing trafficking of women and children into the area.¹¹⁹ In June 2002, International Police Task Force (IPTF) officers were still visiting nightclubs as clients of trafficked women and girls, arranging to have trafficked women delivered to their residences,

110. Convention on the Privileges and Immunities of the U.N. art. 5, Feb. 13, 1946, 1 U.N.T.S. 15.

111. Stop Violence Against Women, *supra* note 108.

112. See U.N. DEPT OF PEACEKEEPING OPERATIONS, TEN RULES CODE OF PERSONAL CONDUCT FOR BLUE HELMETS (1995), available at http://www.un.org/depts/dpko/training/tes_publications/books/peacekeeping_training/pocket_cards/ten_in.pdf.

113. See Press Release, Security Council, Acting on Situation in Africa, Calls Attention to Importance of Strengthening Effectiveness of Arms Embargoes, U.N. Doc. SC/6574 (Sept. 16, 1998).

114. See, e.g., Stop Violence Against Women, *supra* note 108.

115. *Id.*

116. Press Release, Human Rights Watch, Bosnia and Herzegovina: Traffickers Walk Free — Local Corruption and Presence of Internationals Exacerbate Abuses (Nov. 26, 2002), <http://www.hrw.org/press/2002/11/bosnia1126.htm>.

117. *Id.*

118. Amnesty Int'l, *supra* note 1, at 1.

119. HUMAN RIGHTS WATCH, WORLD REPORT 2002: WOMEN'S HUMAN RIGHTS 542 (2002), available at <http://www.hrw.org/wr2k2/pdf/women.pdf>.

and in at least one case, tampering with a witness to conceal an IPTF officer's complicity.¹²⁰

In 2002, the U.N. mission in Bosnia-Herzegovina (UNMIBH) Special Trafficking Operation Program (STOP), "designed to improve police investigations into trafficking . . . had carried out 476 raids on brothels suspected of imprisoning trafficked women and 186 trafficking victims had been repatriated."¹²¹ The collusion of local police and troops in the trade severely hindered further efforts to abate trafficking of women and children into Bosnia.¹²² In 2003, it was estimated that internationals, including peacekeepers, accounted for approximately thirty percent of revenues in the over nine hundred brothels throughout Bosnia.¹²³ According to the Sarajevo office for the U.N. Office of the High Commissioner for Human Rights (OHCHR), the increased demand for prostitutes led to an increase in trafficking, exacerbated because foreigners are charged more than locals and thus generate disproportionately higher profits for the brothels.¹²⁴ "Stopping the internationals from patronizing brothels is the only thing that will make the trafficking of women less lucrative."¹²⁵

After the installation of the transitional administration in Timor-Leste, the trafficking of women and girls from West Timor camps increased.¹²⁶ In 2001, there were reports to international human rights organizations that parents were selling their young girls to work as prostitutes in order to survive.¹²⁷ In 2002, in the newly independent Timor-Leste, where the U.N. maintained a presence, women continued to plead urgently for the U.N. to intervene to stop the trafficking of Thai women into local brothels.¹²⁸

120. HUMAN RIGHTS WATCH, *HOPES BETRAYED: TRAFFICKING OF WOMEN AND GIRLS TO POST CONFLICT BOSNIA AND HERZEGOVINA FOR FORCED PROSTITUTION* 50 (2002), available at <http://www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf>; Press Release, Human Rights Watch, *supra* note 116.

121. Murray, *supra* note 15, at 502. See also The Secretary-General, *Report on the U.N. Mission in Bosnia and Herzegovina*, ¶ 18, delivered to the Security Council, U.N. Doc. S/2002/618 (June 5, 2002).

122. Murray, *supra* note 15, at 503.

123. REHN & SIRLEAF, *supra* note 5, at 71.

124. *Id.*

125. *Id.* (quoting Madeleine Rees, former head of the Sarajevo Office of the OHCHR).

126. UNIFEM, PORTAL ON WOMEN, PEACE & SECURITY, GENDER PROFILE OF THE CONFLICT IN TIMOR-LESTE 4 (2005), available at http://www.womenwarpeace.org/timor_lete/timo_pfv.pdf.

127. *Id.*

128. Barbara Crossette, *Behind the Front Lines: Far Away and Out of Sight, U.N. Peacekeepers Engage in Sex Trafficking*, SEATTLE POST INTELLIGENCER, June 15, 2003, at F1.

The peacekeeping mission in the DRC is receiving attention with numerous allegations of sexual exploitation of women and girls and complicity in trafficking by U.N. peacekeepers.¹²⁹ Particularly within the context of the DRC, but within other contexts as well, it is important to note that although the conduct of peacekeepers has at times been reprehensible, it is a drop in the bucket compared to the conduct of warring factions within the region.¹³⁰

Kosovo provides the most pertinent example of how the U.N. peacekeeping forces' current practices create a consistent demand for trafficked victims. Since deployment in 1999 of forty thousand international peacekeeping forces under KFOR (Kosovo Force) and the establishment of the U.N. Interim Administration Mission in Kosovo (UNMIK), Kosovo has become a major destination country for women and girls trafficked into forced prostitution.¹³¹ "Women are trafficked into Kosovo . . . predominantly via Serbia."¹³² At the same time, increasing numbers of women and girls are trafficked within Kosovo and out of Kosovo.¹³³ Less than three months after deployment of international forces and police forces to Kosovo, UNIFEM reported that several brothels had arisen around military bases occupied by international peacekeepers.¹³⁴ "Most of the clients were reported to be members of the international military presence, while some KFOR soldiers were allegedly involved in the trafficking process itself."¹³⁵ By January 2000, the Organization for Security and Cooperation in Europe (OSCE), UNMIK's Gender Advisor, and the International Organization for Migration (IOM) acknowledged KFOR and UNMIK as a cause of the increase in trafficking for prostitution.¹³⁶ In 2001, U.N. police officers in Kosovo were known

129. Maggie Farley, *Congo Sex Scandal Prompts Efforts for Reform in U.N.*, L.A. TIMES, Dec. 18, 2004, at A1. The Secretary-General's Special Advisor on Sexual Exploitation and Abuse, *supra* note 15, ¶ 8 ("Between May and September 2004, the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) received 72 allegations of sexual exploitation and abuse [by peacekeepers.]").

130. See, e.g., *United Nations Organization Mission in the Democratic Republic of Congo: A Case for Peacekeeping Reform: Briefing and Hearing Before the Subcomm. on Africa, Global Human Rights & Int'l Operations & the H. Comm. on Int'l Relations*, 109th Cong. 64 (2005) (statement of Anneke Van Woudenberg, Senior Researcher on the Democratic Republic of Congo, Human Rights Watch) ("I think we have to put into context what has happened with U.N. peacekeepers, but remember as well that far more women and girls suffer in Congo, because of the abuse being carried out by armed groups.").

131. See, e.g., Amnesty Int'l, *supra* note 1, at 1.

132. See, e.g., *id.* at 1.

133. See, e.g., *id.*

134. See, e.g., *id.* at 47.

135. *Id.* at 7.

136. *Id.* at 1.

to have set up brothels exploiting trafficked Eastern European women.¹³⁷

"Despite subsequent measures taken by UNMIK and others to combat trafficking, by July 2004 there were over 200 bars, restaurants, clubs and cafes in Kosovo where trafficked women were believed to be working in forced prostitution,"¹³⁸ and some women were as young as 12 years old.¹³⁹ Both UNMIK and KFOR personnel are immune from prosecution in Kosovo under a UNMIK regulation.¹⁴⁰ "Civilians, including UNMIK police, may therefore only be prosecuted if a waiver is granted by the U.N. Secretary-General; immunity for KFOR personnel may be waived by the head of their national battalion."¹⁴¹

Outside of Kosovo, trafficking in the Balkans has continued to grow.¹⁴² Reports of trafficking of women and children for forced prostitution in post-conflict Serbia and Montenegro also increased in 2004 and 2005.¹⁴³ Demobilized military forces, reconstituted as local police forces, have been known to provide security at venues where trafficking victims were located.¹⁴⁴ Virtual immunity for trafficking continues because of failure to prosecute.¹⁴⁵ In 2002, after successful arrests of known traffickers, Montenegro refused to prosecute specified police and former military officials involved in the local trafficking ring.¹⁴⁶

IV. THE ABSENCE OF WOMEN FROM POST-CONFLICT PEACE PROCESSES PERPETUATES TRAFFICKING

Excluding women from participating in the various processes leading up to and following peace agreements ignores the specific impact that armed conflict has on women and children.¹⁴⁷ Women's absence from the peace table often equates to silence in a peace

137. *Id.*

138. *Id.*

139. *Id.* (quoting a twelve-year-old, internally-trafficked Albanian girl as claiming, "I was forced by the boss to serve international soldiers and police officers").

140. *Id.* at 9 (citing UNMIK Reg. No. 2000/47, U.N. UNMIK/REG/2000/47 (Aug. 18, 2005)).

141. *Id.* at 9.

142. TIP REPORT 2004, *supra* note 2, at 170-72.

143. *Id.* at 170.

144. *Id.*

145. *Id.* at 171.

146. *Id.*

147. The Secretary-General, *Women's Equal Participation in Conflict Prevention, Management and Conflict Resolution and in Post Conflict Peace-Building*, ¶¶ 16, 19, delivered to ECOSOC, U.N. Doc. E/CN.6/2004/10 (Dec. 22, 2003) [hereinafter *Women's Equal Participation*].

agreement about accountability for gender crimes committed during war¹⁴⁸ and fails to include a role for women in the implementation of any eventual peace agreement.¹⁴⁹ These problems would be avoided if compliance with Resolution 1325 were enforced. The mandate of U.N. Security Council Resolution 1325 is thus an essential tool in ensuring the protection of women's human rights, including freedom of movement and security of person in the post-conflict period.

A. Negotiations

The 2004 Report of the Secretary-General on the progress of Resolution 1325 implementation emphasized that "while women's mobilization for peace has commonly occurred alongside . . . official peace negotiations, women continue to be largely absent from formal negotiations."¹⁵⁰ Negotiating teams are often entirely composed of or dominated by leaders of warring factions, excluding women because they are not military leaders or political decision makers.¹⁵¹ Additionally, negotiators often fail to consult with local women's groups.¹⁵² This exclusion of women from peace talks ensures that the issues directly affecting women in armed conflict, including sexual exploitation and trafficking, will not be addressed.¹⁵³ In order for post-conflict peace to be sustainable, women's equality and concerns must be prioritized by ensuring that women participate in the negotiations leading to peace.¹⁵⁴

B. Peace Agreements and Impunity

U.N. Security Council Resolution 1325 calls for women's equal participation in all aspects of peace processes, including the drafting of peace accords.¹⁵⁵ The 2004 Report of the Secretary-General on U.N. Security Council Resolution 1325 aptly states: "The absence of women from the peace table results in insufficient attention to and reflection of their concerns in peace agreements."¹⁵⁶ Without women participating in the drafting process, parties to the peace accord can

148. *Id.*

149. *Id.* ¶ 26.

150. *Id.* ¶ 11.

151. *Id.* ¶ 13.

152. *Id.*

153. *Id.* ¶¶ 17, 19.

154. *Id.* ¶ 18.

155. S.C. Res. 1325, *supra* note 19, ¶¶ 12, 19.

156. *Women's Equal Participation*, *supra* note 147, ¶ 17.

provide for full immunity for past crimes committed during the conflict, including sexual exploitation and trafficking.¹⁵⁷

Amnesty provisions are commonly placed in peace agreements between warring parties in an attempt to “end all conflict” and start fresh.¹⁵⁸ With few exceptions, those who commit heinous crimes against women in war are not punished.¹⁵⁹ Impunity arrangements serve to perpetuate trafficking and exploitation during and after conflict because parties to peace accords know that it is unlikely that they will ever be held accountable for such human rights violations.¹⁶⁰

Peace agreements also serve to provide a framework for the creation of new laws in the post-conflict period.¹⁶¹ As previously mentioned, women and children find negligible protection from state tolerated exploitation of women and children in the aftermath of conflict.¹⁶² Peace agreements must include provisions for the ongoing physical security and freedom of movement of women and children.¹⁶³ In order to realize this goal, women must be ensured a place at the peace table and a central role in the drafting of any peace accord.¹⁶⁴

In Sierra Leone, the Lomé peace accord¹⁶⁵ granted a blanket amnesty to all combatants in the civil war for their atrocities during the war, including sexual violence against women and children.¹⁶⁶ Only two women participated in the peace negotiation process.¹⁶⁷ After signing the accord, the combatants, including the Revolutionary United Front (RUF) rebels and Armed Forces Revolutionary Council (AFRC) forces, continued to rape and abduct women and young girls in renewed outbreaks of fighting.¹⁶⁸ “Despite egregious attacks on women, the Sierra Leonean police and the U.N. Mission in Sierra

157. *Id.* ¶ 19. See also REHN & SIRLEAF, *supra* note 5, at 92-94.

158. Askin, *supra* note 8, at 517.

159. REHN & SIRLEAF, *supra* note 5, at 18, 92-94.

160. U.N. Div. for the Advancement of Women Expert Group Meeting, *supra* note 18.

161. See *Women's Equal Participation*, *supra* note 147, ¶ 23.

162. REHN & SIRLEAF, *supra* note 5, at 92. See also Special Rapporteur Report, *supra* note 6, ¶ 53.

163. U.N. Div. for the Advancement of Women Expert Group Meeting, *supra* note 18.

164. *Id.*

165. Peace Agreement Between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone-R.U.F/S.L., July 7, 1999, available at <http://www.sierra-leone.org/lomeaccord.html> [hereinafter Lomé Accord].

166. *Id.* art. IX.

167. UNIFEM, PORTAL ON WOMEN, WAR & PEACE, GENDER PROFILE OF THE CONFLICT IN SIERRA LEONE 2 (2005), available at http://www.womenwarpeace.org/sierra_leone/docs/sierraleone_pfv.pdf [hereinafter UNIFEM SIERRA LEONE].

168. See, e.g., HUMAN RIGHTS WATCH, “WE’LL KILL YOU IF YOU CRY”: SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT 3, 26 (2003), available at <http://www.hrw.org/reports/2003/sierraleone/sierleon0103.pdf>.

Leone (UNAMSIL) did very little to protect women from further attacks and investigate cases to ensure that perpetrators were captured and punished.”¹⁶⁹ In 2004, human rights organizations reported that women remained specifically targeted for rape and forced prostitution by armed forces.¹⁷⁰ However, the Sierra Leonean police have recently made efforts to train officers in anti-trafficking measures and have begun arrests of known traffickers.¹⁷¹ The effects of these efforts need to be studied.

In the DRC, a “culture of impunity” is pervasive despite the daily occurrences of rape and widespread documentation of trafficking for sexual slavery.¹⁷² Women have not had a means of seeking any form of justice.¹⁷³ This situation is compounded by the fact that all sides continue to commit forced sexual slavery and routine rape of women despite signing the final act of peace negotiations, the Inclusive Transition Agreement, in April 2003.¹⁷⁴

C. Implementation of Peace Agreements in Post-Conflict Reconstruction

Women can only effectively provide for their protection and equality in the post-conflict reconstruction period if peace accords contain a commitment to the development of laws and policies aimed at eradicating trafficking and sexual slavery, and women have a central role in their implementation. The 2004 Report of the Secretary-General emphasized, “[p]eace agreements are crucial components of peace processes. . . . Silence in a peace agreement about the position of women perpetuates and institutionalizes the marginalization of women in the political processes after the conflict. . . .”¹⁷⁵ Women must be afforded an opportunity to participate in the actual implementation of these peace accords because those who rebuild a nation redefine it and their role in it.¹⁷⁶ Women must be able to make sure that there is a meaningful impact on the women of their country during the rebuilding of their nation. Unfortunately, however, women are often entirely excluded or their role is minimized in the rebuilding of their nations.

169. Human Rights Watch, 2001 World Report, <http://www.hrw.org/wr2k1/women/women3.html> (last visited Jan. 25, 2006).

170. UNIFEM SIERRA LEONE, *supra* note 167, at 6.

171. U.S. Dep’t of State, Trafficking in Persons Interim Assessment, <http://www.state.gov/g/tip/rls/rpt/40247.htm> (last visited Jan. 25, 2006).

172. UNIFEM TRAFFICKING, *supra* note 66, at 27.

173. *Id.* at 3.

174. UNIFEM DRC, *supra* note 78, at 24.

175. *Women’s Equal Participation*, *supra* note 147, ¶¶ 6-7.

176. *Id.*

For example, in the aftermath of the conflict and war in Bosnia, the nation's women were entirely excluded from the peace-building process.¹⁷⁷ It took almost four years after the start of the U.N. mission to Bosnia for the international agencies delegated to rebuild the country to acknowledge local women's groups' pleas to be included in the decision-making process of shaping the future of their society.¹⁷⁸ Even then, only a few women initially participated in the reconstruction and peace-building process of the country.¹⁷⁹

In Sierra Leone, two women attended the Lomé peace negotiation, and the resulting agreement included only one reference to women's rights.¹⁸⁰ In constructing the transitional government that would carry out much of Sierra Leone's rebuilding and reconstruction, "British authorities installed 150 'paramount chiefs,' of whom 147 were men."¹⁸¹ In November 2003, the Secretary-General reported that "despite the fact that article 51 of the Transitional Coalition [of the DRC's] calls for the 'meaningful representation' of women at all decision-making levels, the Transitional Government includes only six female ministers out of thirty-six and two vice-ministers out of twenty-five."¹⁸²

In Afghanistan, it took an international lobbying campaign to include two local women in peace discussions at the Bonn conference.¹⁸³ The Loya Jirga, which ratified the country's post-conflict draft constitution, was comprised of 502 people, only ninety-five of whom were women.¹⁸⁴ Many female delegates reported that even though they were present, they felt silenced by the male delegates to the assembly.¹⁸⁵ In practice, "[w]omen have not been included in the planning and decision making processes with respect to a wide

177. See, e.g., Igo Rogova, *A Cautionary Tale from Kosovar Women to Women in Post-War Iraq*, 1325 PEACEWOMEN E-NEWS, May 5, 2003, at 4, <http://www.peacewomen.org/news/1325News/issue23.html>.

178. *Id.*

179. UNIFEM, A PORTAL ON WOMEN, PEACE & SECURITY, GENDER PROFILE OF THE CONFLICT IN BOSNIA AND HERZEGOVINA 14 (2005), http://www.womenwarpeace.org/bosnia/docs/bosnia_pfv.pdf.

180. Lomé Accord, *supra* note 165, art. VVXIII(2) ("Given that women have been particularly victimized during the war, special attention shall be accorded to their needs and potentials in formulating and implementing national rehabilitation, reconstruction and development programmes, to enable them to play a central role in the moral, social and physical reconstruction of Sierra Leone.").

181. Lesley Abdela, Op-Ed, *No Place for a Woman*, TIMES (LONDON), Apr. 29, 2003, at Features.

182. UNIFEM DRC, *supra* note 78, at 4.

183. Abdela, *supra* note 181.

184. UNIFEM AFGHANISTAN, *supra* note 97, at 4.

185. *Id.*

range of policy areas affecting them,"¹⁸⁶ including prosecution for violations of their human rights.¹⁸⁷

In Iraq, at the first gathering to discuss the rebuilding of the nation, only four of the eighty delegates were women, even though Iraqi women constitute at least fifty-five percent of the country's population.¹⁸⁸ Only three women attended the interim Iraqi Governing Council in July 2003, and women were neither included in the nine member rotating presidential council nor the committee on constitutional reform.¹⁸⁹ In September 2003, a woman attending the Governing Council was killed by unidentified assailants.¹⁹⁰

The situation is much the same in the DRC. There, despite the mandate to involve women in all levels of decision-making, Congolese women remain severely underrepresented at all levels of the reconstruction government and remain victims of repeated sexual violence, including risk of being trafficked.¹⁹¹

V. MILITARIZATION, THE WAR ON TERROR, AND THE IMPACT ON TRAFFICKING

As previously mentioned, increasing militarization worldwide fuels the trafficking of women and girls outside of traditional armed conflict situations.¹⁹² The global war on terrorism has likely exacerbated this effect, as it has led to the deployment of considerable numbers of troops in foreign countries.¹⁹³ As noted above, with an increase of troops placed in a community, there is a corresponding increase in patronization of brothels and sex clubs by military personnel that contributes to a demand for prostitutes.¹⁹⁴ This demand is met over time by trafficking vulnerable women and children into local brothels.¹⁹⁵ There is also considerable evidence of

186. *Women's Human Rights in Post Conflict Afghanistan: An Interview with Ariane Brunet*, WHRNET, Feb. 2003, <http://www.whrnet.org/docs/interview-brunet-0302.html>.

187. *Id.*

188. Abdela, *supra* note 181.

189. UNIFEM IRAQ, *supra* note 103, at 2.

190. *Id.*

191. *DRC: Women Remain Under Represented in Government*, INTEGRATED REGIONAL INFORMATION NETWORKS, Mar. 10, 2005, <http://www.irinnews.org/print.asp?ReportID=46034>.

192. *See, e.g.*, Marshall, *supra* note 29.

193. *See* WOMEN'S NETWORK AGAINST MILITARISM, *supra* note 29, at 1; Marshall, *supra* note 29.

194. *See, e.g.*, Talleyrand, *supra* note 29, at 153 (discussing a similar phenomenon during World War II).

195. *See, e.g.*, HUGHES, CHON & ELLERMAN, *supra* note 31.

forced prostitution by military forces as a government-regulated industry to service stationed troops.¹⁹⁶

Although there is evidence that some attempts to address the problem have been made at the domestic level and in U.N. peace-keeping operations,¹⁹⁷ more must be done in light of the increase in militarization globally. Resolution 1566, passed by the Security Council in 2004, reminded states to ensure that any measures taken to combat terrorism comply with existing obligations under international law and that measures should be taken in accordance with international human rights, refugee, and humanitarian law.¹⁹⁸ Holding domestic and internationally stationed military forces accountable for violations of women's human rights is consistent with the mandate of Resolution 1566¹⁹⁹ and is essential to any approach to reducing trafficking.

The U.S. military personnel's demand for sex spurned the creation of sex industries outside military bases in Vietnam, South Korea, Thailand, the Philippines, and Okinawa.²⁰⁰ The military's burgeoning demand for sex became so potentially lucrative to countries hosting U.S. troops that Thailand formally passed the Entertainment Places Act in 1966, which coincided with a new Thai state policy to increase revenue from tourism, particularly from U.S. forces stationed there.²⁰¹ The presence of U.S. Army bases in Thailand stimulated the growth of massage parlors, hired-wife services, and bars as "Rest and Recreation" for soldiers.²⁰² In 1967, one year after the passage of the Entertainment Places Act, it was estimated that spending by U.S. military on "rest and recreation" in Thailand came to approximately five million dollars and rose to twenty million in 1970.²⁰³ "By the mid-70s there were 800,000 prostituted Thai women."²⁰⁴ The practice continued throughout the 1980s, and increased in the 1990s with increased U.S. military presence in Thailand. Until recently, almost every U.S. military

196. GOLDSTEIN, *supra* note 30, at 346-48; Rho-Ng, *supra* note 71, at 105; Beyer, *supra* note 71, at 304-05. See also Talleyrand, *supra* note 29, at 152-54.

197. See, e.g., WOMEN'S NETWORK AGAINST MILITARISM, *supra* note 29.

198. S.C. Res. 1566, ¶ 6, U.N. Doc. S/RES/1566 (Oct. 8, 2004).

199. See *id.*

200. Talleyrand, *supra* note 29, at 152-54, 160.

201. HUMAN RIGHTS WATCH, A MODERN FORM OF SLAVERY: TRAFFICKING OF BURMESE WOMEN AND GIRLS INTO BROTHELS IN THAILAND § II(B) (1993), available at <http://www.hrw.org/reports/1993/thailand>.

202. Hnin Hnin Pyne, AIDS and Prostitution in Thailand: Case Study of Burmese Prostitutes in Ranong 18 (1992) (unpublished M.A. thesis, on file with author).

203. THANH-DAM TRUONG, SEX, MONEY AND MORALITY: PROSTITUTION AND TOURISM IN SOUTHEAST ASIA 161 (1990).

204. Mirkinson, *supra* note 72.

base has had a thriving red light district near it, providing consistent demand for trafficked victims.²⁰⁵ Assessments of whether changes in policy have made a difference in this area still need to be conducted.

Similarly, South Korea became a "source, transit, and destination country for women" trafficked from many southeast Asian countries for sexual exploitation.²⁰⁶ Just outside the U.S. military base in South Korea, U.S. soldiers were known to purchase women for sex.²⁰⁷ In the 1990s, the Korean government arranged for women to be brought in on special entertainment visas in order to meet the military demand for prostitutes.²⁰⁸ In 2001, more than 8,500 foreign women, mostly Russian and Filipino, used entertainment visas to enter Korea.²⁰⁹ In efforts to address the issue of trafficking and military involvement, South Korea stopped issuing E-6 visas to foreign entertainers in 2003.²¹⁰ The Korean government also cooperated with U.S. forces in Korea in identifying brothels suspected of exploiting trafficking victims and barring U.S. soldiers' access to them as part of the U.S. Department of Defense's "zero tolerance" policy.²¹¹ The effect of the zero tolerance policy has not yet been evaluated.

The Philippines provides another poignant example. "During the first Gulf War, there were reports of 'rest and recreation' ships, each with 50 Filipinas for the use of U.S. troops who could not enter Islamic countries."²¹² A huge prostitution system was organized and regulated to service U.S. military stationed in several bases in the Philippines.²¹³ The opening of twenty-two ports for U.S. troops in the Philippines as part of the increase in efforts against terrorism has

205. *See id.*

206. TIP REPORT 2004, *supra* note 2, at 99.

207. Donald McIntyre, *Base Instincts: Filipina and Russian Women Are Being Sold into Sexual Slavery in the Seedy Bars and Nightclubs that Serve U.S. Military Bases in South Korea*, TIME ASIA, Aug. 5, 2002, at 1. *See also* CAMP ARIRANG (documentary film) (Mediarights, 1995).

208. Vivian Vinsan, *Base Intentions: The US Military Whitewashes the Exploitation and Trafficking of Women in S. Korea*, PEACEWORK, May 2004, <http://www.afsc.org/pwork/0405/040506.htm>.

209. McIntyre, *supra* note 207, at 1.

210. TIP REPORT 2004, *supra* note 2, at 99.

211. Schmitz, *supra* note 74, at 3-4.

212. *Women Unite Against the War! Oppose the U.S. Imperial Dreams!*, 1325 PEACEWOMEN E-NEWS, Apr. 4, 2003, at 6, <http://www.peacewomen.org/news/1325News/issue21.html>.

213. Coalition Against Trafficking in Women (CATW), *The Factbook on Global Sexual Exploitation: The Philippines: Trafficking*, <http://www.catwinternational.org/factbook/philippines.php> (last visited Jan. 25, 2006).

fueled the trafficking of Filipinas.²¹⁴ Moreover, the Philippine government continues to issue documents that are known to facilitate the recruitment of Philippine entertainers to Japan, a process that traffickers exploit.²¹⁵

To effectively end the cycle of trafficking of women and children, the demand for trafficked victims created by military forces, particularly U.S. forces, must be openly acknowledged and addressed.

VI. CONCLUSION

The international community, including the U.N. and member states, must not overlook the fact that trafficking and exploitation of women and children during and after armed conflict cannot be eradicated without full inclusion of women into all levels of decision-making in peace processes and without addressing the specific root causes of trafficking, in particular the demand for trafficked victims. There are now several accountability components that post-conflict nations, member states, and the U.N. itself can and should utilize in a coordinated manner to address the problem of trafficking.

First, it is imperative that the Special Rapporteur on Trafficking investigate and make recommendations regarding the role the military and U.N. peacekeeping forces have in creating a consistent demand for trafficked victims. The Special Rapporteur's inquiry must include a review of countries' implementation of clear codes of conduct for their military and accountability for their militaries' personnel participating in trafficking. Implementation of the mandate of U.N. Security Council Resolution 1325 must also be considered when investigating the causes of and solutions to trafficking. Links must be drawn between women's exclusion from peace processes and incidences of trafficking in recommendations made by the Special Rapporteur on Trafficking to the Commission on Human Rights and to member states of the U.N. To be effective in truly addressing the issue of trafficking, the Special Rapporteur must be aided by the U.N. Secretary-General, member states, and the U.N. system through full cooperation with information gathering efforts. In particular, countries in conflict and post-conflict reconstruction must be visited by the Special Rapporteur, and investigations must be provided full transparency.

214. *Id.*

215. U.S. Dep't of State, *Trafficking in Persons Interim Assessment East Asia and the Pacific*, <http://www.state.gov/g/tip/rls/rpt/40252.htm> (last visited Jan. 25, 2006); U.S. DEPT OF STATE, *TRAFFICKING IN PERSONS REPORT 178* (2005), available at <http://www.state.gov/g/tip/rls/tiprpt/2005>.

Second, because of the immense impact that military and peacekeeper presence and practices in host countries have on creating a consistent demand for trafficked victims in local commercial sex industries, military and U.N. peacekeeping personnel must be held to strict, clear codes of conduct that specifically protect the physical security and ensure the freedom of movement of women and children during and after conflict. Under U.N. Security Council Resolution 1325, the U.N. is mandated to provide gender sensitive training and materials on protection of women and girls in conflict to civilian and military soldiers. The training must include materials on trafficking and specific training for commanders in the appropriate forms of discipline for offending soldiers. Clearly, women must be involved in the development of these materials. In addition, the military structure must implement an internal method of punishment for commanders who fail to discipline their troops for violations of the clear codes of conduct. This requires a limited end to the immunity enjoyed by U.N. peacekeepers. The effect of these measures should be reported publicly so that their effectiveness may be assessed both domestically and internationally. For example, it would be helpful to know whether the measures taken by the United States military in South Korea has had an effect on reducing trafficking to that country.

Third, U.N. Security Council Resolution 1325 spells out specific duties of member states in implementation of the resolution, including equal involvement of women at all stages of peace processes. This obligation includes a duty to affirmatively reach out to local women's organizations to identify women to participate in negotiations leading to formal peace agreements. Yet, to make this participation by women a reality, member state governments must be held accountable to provide effective mechanisms to ensure immediate and ongoing guarantees for the physical security of women and children during the transitional period following any armed conflict, including specific guarantees of prosecution for violations of sex exploitation and trafficking. To that end, member states must ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children²¹⁶ to permit real prosecution for trafficking. Traffickers will continue to take advantage of vulnerable women and children unless they are held accountable for their actions. Most importantly, parties to peace

216. Office of the High Comm'r for Human Rights, *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, U.N. Doc. A/45/49 (Sept. 9, 2003).

accords must not be permitted to incorporate amnesty provisions for sexual exploitation or trafficking during conflict into any peace agreements.

Fourth, U.N. Security Council Resolution 1325 provides specific duties for parties in armed conflict, including respect for international law on the rights and protection of women and girls; implementation of special measures to ensure protection for women and girls from gender-based violence; specific attention to the needs of women and girls in conflict, peace, and security; and adoption of measures to support local women's peace initiatives to involve women in all stages of peace processes. Therefore, post-conflict reconstruction governments must include a commitment to adopt and implement standards to eliminate the trafficking of women and children, for women's equal participation in society, and for the integration of international human rights treaties, including the Convention for Elimination of Discrimination Against Women,²¹⁷ into their constitutions. Women must be able to ensure that there is a real positive impact on the women of their country during the rebuilding of their nation.

Finally, a link must be made between the mandate of U.N. Security Council Resolution 1325 and the mandate of the Special Rapporteur on Trafficking in Persons. To this end, all U.N. peacekeeping operations should include a gender unit within the military operation for monitoring compliance with established, strict codes of conduct. Further, peacekeeping commanders should be required to report to the Special Rapporteur on Trafficking any violations by soldiers or peacekeepers as part of standard U.N. peacekeeping mission reporting. There must also be increased coordination of procedures between bodies of the U.N., in particular the Commission on Human Rights, the Commission on the Status of Women, and the Office of Peacekeeping Operations. Without such coordination, accountability for implementing these recommendations will be lost.

217. Office of the High Comm'r for Human Rights, *The Convention for Elimination of Discrimination Against Women*, U.N. Doc. A/34/36 (Sept. 3, 1981).