

## Preventing and addressing sexual abuse by U.N. Peacekeepers

### Introduction

Peacekeepers perform the most sensitive and difficult roles of the United Nations, monitoring peace agreements, ensuring care for civilians and demobilized soldiers, and being ready to help prevent a return to armed violence. Often fully integrated into the communities they protect, they also have great power over local residents. Their relatively high pay (compared to local residents) gives them great economic clout. There are possibilities for making illegal or unacceptable demands, and for corrupt practices. Policing the peacekeepers is a major part of UN responsibilities.

The need became urgent in the early 2000s, when peacekeepers were discovered using their power for sexual exploitation of the people they are charged with protecting. The problem is especially serious for the UN because it suffers from a serious shortage of peacekeeping

personnel. Many of the world's largest and wealthiest countries refuse to release their troops for peacekeeping duties, or limit participation to token numbers. Unable to get troops from major militaries, or afford well-trained personnel from other states, the UN must welcome peacekeepers from poor countries. These soldiers often are poorly educated, inadequately led. They often are underpaid, creating pressure on them to illegally seize private property. And many bring cultural biases emphasizing the subordination of women, and denying the reality of sexual violence. Sometimes peacekeepers from wealthy, better trained background are found acting the same way, evidence of poor training for peacekeeping and inadequate supervision.

How to deal with the problem of recruiting and affording peacekeepers, while preventing the problems they can bring, is a treacherous riddle for the UN.



Since its establishment in 1948, United Nations Peacekeeping Operations (UNPKO) have deployed over half a million troops contributed from 122 countries into 71

operations world-wide.<sup>1</sup> At its birth, peacekeeping activities, overseen by the UN

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<sup>1</sup> "Peacekeeping Fact Sheet. United Nations Peacekeeping." UN News Center, 2015.

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Department of Peacekeeping Operations, DPKO, gave hope to the international community in helping to create a more peaceful world than ever before, leading most to the conclusion that nothing but positive attitudes could be felt towards the peacekeepers themselves.

However, as the world saw the effects of some Peacekeeping Operations over the years, attitudes have changed greatly. While some operations ended with great success, others in countries like Rwanda and peacekeeping forces deployed to the Bosnian city of Srebrenica, were

### Background

In addition to accusations of being unable to prevent violence, the UNPKO has also been accused to in some cases be the cause of human rights violations. A very difficult issue in peacekeeping can be seen in the UN's peacekeeping mission in the Democratic Republic of Congo within MONUC. In this case, after statistics showing that the rate of rape and prostitution incidents have grown since the arrival of peacekeepers, local women and children have reported and been proved to have been taken advantage of and sexually abused by the very men who have committed themselves to serve them as peacekeepers. Often times, women and girls as young as 13 would offer sexual favors to the peacekeepers distributing aid in order to obtain enough goods for survival.<sup>2</sup> Although dealing with this situation is very complicated and often impossible for the UN, a serious response to the allegations was immediate in the UN's Office of Internal

considered serious failures due to their inability to uphold human rights. In addition, the behavior of UN peacekeepers has also been questionable in some cases, such as the operations in the Central African Republic, Haiti, and the Democratic Republic of Congo.

The UN requires peacekeepers and needs to recruit the best peacekeepers possible. Since many donor countries refuse to commit their personnel, the UN has to make do with the troops can get. How to resolve the challenge of this situation is a major issue for the United Nations.

Oversight Services (OIOS), who responded by creating an investigation.<sup>3</sup>

Similar problems emerged among peacekeepers in Central African Republic (CAR) in 2014, where soldiers from France and other countries were found to be demanding sexual contact for favors.<sup>4</sup> The result was great pressure to withdraw the peacekeepers. Disclosures like these undermine the faith of protected people in the peacekeeping process and threaten to undermine the stability of post-conflict settlements.

### Current Situation

With intense scrutiny for the UN, Member States, deploying militaries, host country governments and civil society organization, the issue of peacekeeper sexual exploitation is receiving unprecedented attention. Progress has been made identifying and resolving to the

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<sup>3</sup> Ibid.

<sup>4</sup> *Taking Action on Sexual Exploitation and Abuse by Peacekeepers Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*, New York: United Nations, 15 December 2015, <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>

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<sup>2</sup> Aoi, Chiyuki. "Sexual Exploitation and Abuse." In *Unintended Consequences of Peacekeeping Operations*, 44-54. Tokyo: United Nations University Press, 2007.

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problem. But prevention remains is a serious concern, especially since the UN still struggles to find enough peacekeeping personnel, regardless of their training, readiness or suitability.

Today, Peacekeeping operations receive much criticism for lacking the ability to keep peace. With the numerous different cultures and nationalities that comprise the PKO troop count as well as the complexities of the situations they have to face, it is not surprising that the issues that rise during Peacekeeping Missions are very hard to solve. Each mission is asked to tackle the complex causes that lie behind their failures, mainly rooted in the structure and constitution of the United Nations. The UN has made it its priority to observe these mistakes in PKOs, in order to learn from them and create an improved system.

It seems to be the understanding of peacekeepers that the UN has very limited jurisdiction over their actions and they often can get away with their actions within their national authorities.<sup>5</sup> In addition, weak coordination between military and civilian personnel creates an incomplete system of reporting incidents.<sup>6</sup> Often, the incidents don't even get reported in the first place because the locals view the men in the blue helmets as savior figures, who they don't want to chase away by holding them accountable for their wrongful actions. They find it more appealing to withstand their human rights being abused than to risk losing the peacekeepers' presence.

The UN's actions have also sent out mixed signals to peacekeepers due to their weak and insufficient response to these issues that merely attempt to cover up the effects of sexual abuse instead of eradicating the problem. According to numbers, peacekeepers have been accused of spreading AIDS/HIV when local women sell sex to them for goods, acting as a bridge within the

local groups in the spread of the virus.<sup>7</sup> To resolve the issue specifically involving the spread of sexually transmitted diseases, the UN distributed condoms to their peacekeepers. However, this sends completely wrong signals to the peacekeepers, "on the one hand, the United Nations promulgates abstinence and faithfulness to family and partner, and on the other distributed condoms, which is perceived as encouraging sex."<sup>8</sup>

Reasons for the UN's inability to deal with the main issue include the simple fact that maintaining discipline among over 80,000 civilian as well as military personnel scattered across the world is extremely difficult.<sup>9</sup> In addition, the responsibility of disciplining, training, and commanding the troops lie completely in the hands of the contributing member states. While it may seem that the organization condones or turns a blind eye to the abuse of human rights through sexual assault, the truth is that serious institutional limitations bound the UN from being able to enforce their standards. The then Secretary General of the UN took productive steps to solve this limitation by opening dialogue with the countries contributing troops. He appointed the Jordanian ambassador to lead this process and develop disciplinary standards and training procedures as part of a comprehensive reform.<sup>10</sup> Part of the disciplinary proceedings within the comprehensive reforms was financial accountability for abusers not to only pay for child support but also for compensations to the victim.<sup>11</sup> In addition, educating the local populations has been an important part of the UN's strategy to promote a safe environment for host populations, to enable them to enjoy their human rights instead of

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> "Tough UN Line on Peacekeeper Abuses," *UN News Center*, 9 December 2015.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

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being exposed to an environment that undermines them, because that is not only the violation of international law but the perversion of the entire international system that was meant to prevent such crimes against humanity.<sup>12</sup>

In total, the failures of UNPKO have brought some positive reforms that helped to create a system based on more realistic expectations. The massacre at Srebrenica has opened the eyes of many in the international community, placing the blame on the main actors, being the states in charge of the resolutions created to mandate the mission. Responsibility to Protect (R2P), as well as the Peacebuilding Commission, were outcomes that the DPKO's failure contributed to. The human rights violations in the DRC have influenced the UN to find ways to open dialogues with its member states to hold disciplinary proceedings in cases of human rights violations. This has not been common in the past, with the UN itself lacking authority to enforce its zero tolerance policies. While it is important to note that UN Peacekeeping Operations have done much good in the world, it is also vital to observe each and every one of their failures, so that the structure of the organization can improve for future operations.

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<sup>12</sup> Aoi, Chiyuki. "Sexual Exploitation and Abuse." In *Unintended Consequences of Peacekeeping Operations*, 44-54. Tokyo: United Nations University Press, 2007.

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Figure 1. Peacekeeper training



Source: <http://www.npr.org/sections/goatsandsoda/2016/01/15/462940913/why-is-sexual-abuse-such-a-problem-with-u-n-peacekeepers>

### United Nations Action and Landmark Resolutions

Following the repulsive mistakes continuously being made by the Peacekeeping forces, the United Nations have made several announcements condemning these atrocities and ensured responsive actions. After being pressured for months following the events in the DPC and CAR, the UN Security Council launched its first resolution focused on tackling corruption and abuse within the Peacekeeping Operations.<sup>13</sup> The US proposed SC Resolution 2272, which passed with a 14-0-1 vote, the abstention of Egypt was due to the failure of

their final amendment. This resolution allows the UN to removed police and military forces if there is evidence of systematic abuse or corruption. The resolution also ensures the Secretary General the power to replace forces in the event that:

- crimes are not reported or properly investigated,
- suspects are not held accountable, or
- the office of the UN Secretary General is not informed.

<sup>13</sup> "UN Adopts Resolution against Sex Abuse by Peacekeepers," *Al Jazeera*, 2016. <http://www.aljazeera.com/news/2016/03/adopts-resolution-sex-abuse-peacekeepers-160312064018396.html>.

The amendment proposed by Egypt was rejected for attempt to require that all of the factors listed above instead of one.<sup>14</sup> In addition, to ensure the removal of responsible parties or

<sup>14</sup> Ibid

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suspects Ban Ki Moon has agreed to announce the states of the suspects as well, despite the complains of Russia and Egypt.

### UN Security Council resolution S/RES/2272:

In preparation of this committee you are expected to review this resolution discussed above to further your understanding of the topic. Officially ratified in early March of 2016 many of the clauses may still have yet to be properly implemented or practiced. Although this is the first resolutions that solely focuses on the issue at hand there are several references to previous statement made by the President of the Security Council, dating back to 2005.

The establishment of a panel to oversee responses made by the UN in the event of abuse by Peacekeepers has also been established by SG Ban Ki-Moon.<sup>15</sup> The purpose of this panel is to ensure swift action is being taken as well as assessing the adequacy of procedures and punishments. The panel is responsible for reporting any missteps taken by the UN and providing beneficial advice for the UN to better handle these situations. The panel has full access to any and all documents, reports, etc. made by the UN, with these sources at the panel's disposal it would be difficult to allow patterns that lead to mistakes. All reports and finding are to be completely confidentially, with the exception of pressing matters, until the Secretary General decided it is appropriate for any forms of public announcements of the reports.

The most important part of the current resolution sets expectations for Member States

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<sup>15</sup> "Secretary-General Appoints Independent Review Panel on UN Response to Allegations of Sexual Abuse by Foreign Military Forces in Central African Republic | Meetings Coverage and Press Releases." *UN News Center*, 2015. <http://www.un.org/press/en/2015/sgsm16864.doc.htm>

deploying peacekeeping personnel to carefully supervise them:

Urges all troop-contributing countries to take the steps necessary to conduct investigations of allegations of sexual exploitation and abuse by their personnel and to conclude such investigations as expeditiously as possible, in line with the Secretary-General's request, further urges all troop- and police-contributing countries to take appropriate steps to hold accountable those personnel responsible for sexual exploitation and abuse and to report to the United Nations fully and promptly on actions undertaken and welcomes the request by the Secretary-General for troop- and police-contributing countries to deploy national investigation officers in their contingents to support these efforts... (S/RES/2272, para. 11)

The resolution also makes clear that the primary responsibility for peacekeeper's behavior is their national command authority, the governments that send them. But the UN also shares responsibility for the consequences of their acts.

Under Secretary General for Field Support, Atul Khare, proposes a support system for the victims of these crimes performed by those in blue helmets. Khare further stresses the importance of providing support to the victims by acknowledging the UN's role in the crimes as well as its absence in solutions. "First and foremost, the victims – many of whom are children – need our protection and support. The provision of assistance to victims is an area where experience has shown that the United Nations needs additional resources and strong collaboration among peacekeeping, the United Nations, and local actors to have a tangible

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impact.”<sup>16</sup> The crimes committed by Peacekeepers have caused irreparable damages to the suffering communities and has tarnished the UN’s reputation. However, Khare is proposing a way to respond to the mistakes that have been made by helping the communities recover with trust funds. This trust fund would provide funding for services needed to help the communities cope such as counselors and support for child born as a result of crimes committed by those in blue helmets.

### Issues Facing the Body and Key Arguments

As members of this body one of your biggest issues to face will be restoring the credibility of not only the Peacekeeping Operations but the entirety of the UN. As previously discussed in this brief, many remain skeptical of the current actions of the UN due to the lack of urgency when responding to accusations. It will be exceptionally difficult to earn the trust of civilians around the world, especially the communities with large numbers of victims affected by these crimes. It is essential to keep in mind the initial mistakes made by the UN that resulted in mixed signals such as the distribution of condoms to peacekeepers. Tread lightly as some courses of action may seem more encouraging to abusers than reprimanding, which in turn draws the attention of a cynical eye.

Issues also tend to arise when dealing with individual nations whom may feel defensive when accused of harboring a large number of abusers. It will not be an easy feat to overcome,

however, the body implores you to discuss the issues of naming the nationalities of the suspects. Despite the issue of many states having come forward with arguments against this decision we trust that the members of this body will emphasize the concept of accountability. Keep in mind that although many states may disagree with this course of action many civilians deserve justice, comprise is challenging yet crucial.

Additionally, the body encourages the members of this committee to evaluate the overall structure of Peacekeeping Operations. With oppression plaguing a vast majority of the world the UN scrambles to recruit blue helmets. The sheer numbers of recruits is helpful as it is destructive considering the challenge of providing proper oversight of the UNPKO. The UN is facing tremendous difficulty attempting to apply pressure on its troops, keep in mind that you are trying to ensure discipline to over 100 thousand troops that come from various states.

Legally through an unofficial agreement between member states and the UN, peacekeepers are to abide by the laws that are in place in the host state for the mission they are serving in. Despite this informal understanding, UN does not have jurisdiction over individuals. That is the responsibility of the states in which they are citizens of. This leaves the troop contributing state responsible to extradite and prosecute their citizens for crimes they committed while serving on the mission in another country. Beyond actions like withholding pay or terminating the personnel’s position in the mission, the UN only has jurisdiction to extradite if the troop contributing state is unable to. This disconnection between the UN’s, the host state’s, and the troop contributing member state’s authority causes most cases to simply go away and end without conviction or even prosecution<sup>17</sup>.

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<sup>16</sup> "We Have an Agenda before Us' – UN Officials Reiterate Need for Measures against Sexual Abuse." UN News Center. 2016. Accessed July 20, 2016.

<http://www.un.org/apps/news/story.asp?NewsID=53939#.V-nyvFeTXHg>.

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<sup>17</sup> "Report of the Special Committee on Peacekeeping Operations." The Dag Hammarskjold Library. 21 March 2014.

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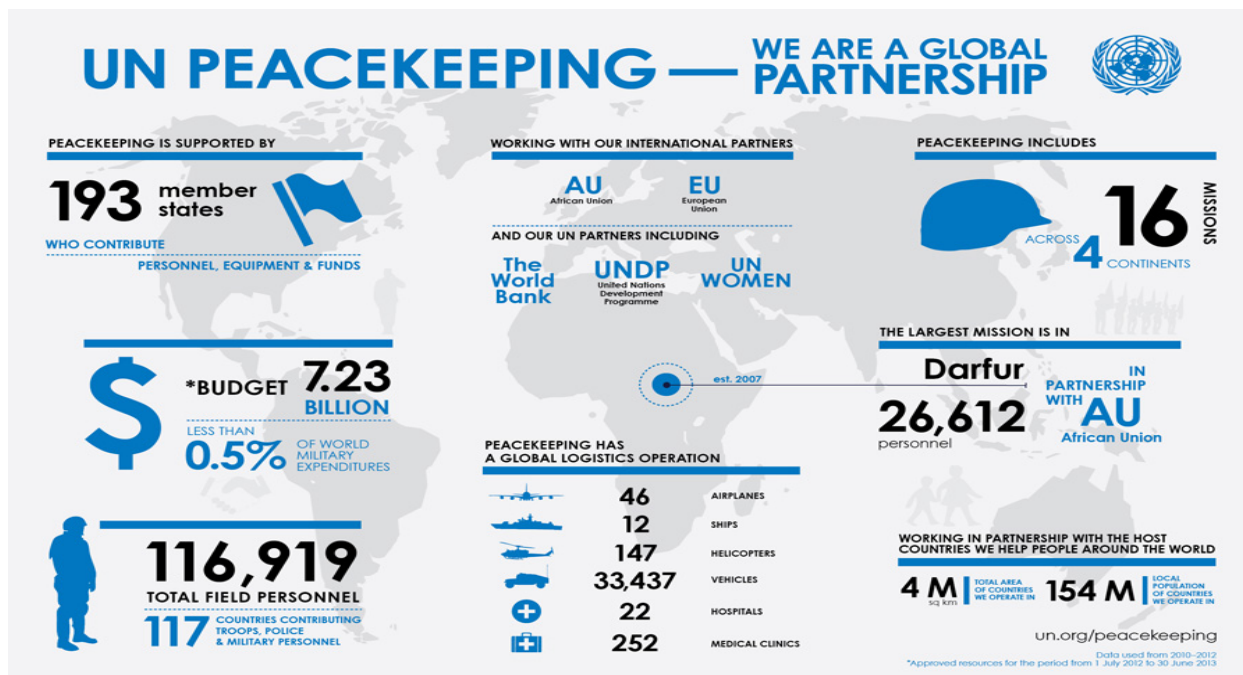
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Figure 2. The Scale of Global UN Peacekeeping



Source: *unece.org*

**Options for the General Assembly**

The UN has passed resolutions strongly criticizing sexual crimes by UN peacekeepers. It has established the responsibility of the peacekeepers home governments and the need to easy reporting of crimes and investigation. What it lacks are mechanisms to ensure such crimes cannot occur in the future, without endangering the entire peacekeeping system by dissuading governments from sending personnel, or convincing host countries not to accept them. Further reforms will require

- Permanently financing treatment and recovery services for victims of sexual assault by peacekeepers.
- Enlarging the UN Department of Peacekeeping Operations (DPKO) so it can properly oversee its operations. It needs additional personnel and funding,

neither of which governments are inclined to offer.

- Wealthier and large countries should take more direct responsibility for peacekeeping, sending their own personnel, and offering logistical support to the troops of all countries that are deployed, regardless of their origin.
- Formal academies for training peacekeepers will help indoctrinate troops in how to behave, and help others become more sensitive to the dangers they can must be alter to. Again, funding to establish an academy and send potential peacekeepers is a major problem.
- A permanent peacekeeping corps under the command of the UN or its Member States would help ensure quick reaction

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forces when peacekeeping deployments are needed. Again, funding and command arrangements would have to be developed.

- More minimally, the General Assembly might choose to simply oversee the situation, maybe setting up a permanent office with limited powers, while relying on home governments to train and discipline their troops.

### Country and Bloc Positions

Country positions for this topic may be tricky, namely for countries that have troops facing allegations. The UN recently announced a number of countries in which sent troops involved in sexually assaulting those they were meant to protect. Countries with accusations against their troops are bound to have repercussions for their involvement. The reputations of the countries involved are bound to falter within the international community. On the other hand, countries with exceptionally large sums of victims will find it difficult to reestablish the trust that has been broken.

*African Union:* African host countries have seen repeated reports of sexual abuse by peacekeepers.<sup>18</sup> Their accounts of ‘transactional’ sex are consistent with many other women in CAR and other countries in Africa.<sup>19</sup> The peacekeepers often come from African countries as well. In the face of charges, some African countries have ended their peacekeeping participation, weakening key operations.

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<sup>18</sup> Story Kevin Sieff. "The Growing U.N. Scandal over Sex Abuse and 'peacekeeper Babies'" Washington Post. 27 February 2016. <http://www.washingtonpost.com/sf/world/2016/02/27/peacekeepers/>

<sup>19</sup> Ibid

*Asian* states like Nepal, Philippines and Thailand are willing to dispatch peacekeepers. Their training is well regarded, but supervision and oversight has been a problem. Poorer countries who send peacekeepers are especially hard-pressed to maintain training and educational standards. They also are sensitive to criticism and hesitant to send their personnel in situations where they might encounter suspicion or resentment.

*Europe Union:* Accusations for sexual assault by peacekeepers in Europe occurred, most notably, in Bosnia during the 1990’s extending into the 2000s. Reports state that during this time children and women were trafficked from Bosnia, Romania, Moldova, Ukraine and other Eastern European countries to serve UN troops in Bosnia.<sup>20</sup> The allegations were not proven, but reveal the state of global suspicions. The EU also is the primary source of funding for peacekeeping operations. With its resources stretched, additional funding must be found to implement any reform package.

*Latin American* countries often contribute to peacekeeping operations and are sensitive to the problems, with a reputation for rigorous training. But most lack the ability to finance any operations but their own. Even then they often require financial support from wealthier Member States.

*Permanent Five Members of the UN Security Council:* For the five permanent Security Council members (the P5, China, France, Russia, the United Kingdom and United States), peacekeeping is all about relying on others. With a few exceptions—such as France in West

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<sup>20</sup> "Bolkovac: 'UN Tries to Cover up Peacekeeper Sex Abuse Scandal', *Deutsche Welle*, 29 February 2016. <http://www.dw.com/en/bolkovac-un-tries-to-cover-up-peacekeeper-sex-abuse-scandal/a-19082815>

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Africa—the P5 are small contributors to UN peacekeeping. They prefer to pay poorer countries to send their forces. This makes them part of the problem. Better training, more formal preparation for deployments, and careful oversight requires money, which only the

wealthier countries can afford. Their engagement will be decisive. Most effective of all would be an agreed mandate by the P5 to commit more of their own high-quality personnel.

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