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# Specialized Committee I

## Sexual Exploitation and Abuse by U.N. Personnel

PEAMUN VIII  
October 30, 2016

**Please Note:** This background guide contains graphic accounts of sexual violence.

## **Letter from the Chair**

Dear delegates,

*What should we do when those we send to protect civilians are hurting them instead?*

That is the question we confront in this vitally important PEAMUN committee, the Special Committee on Peacekeeping Operations, which will attempt to build solutions that address acts of sexual assault and exploitation committed by UN peacekeepers. The prevalence of sexual assault and exploitation cases has rocked the United Nations — and the world — to its core, raising questions of whether the UN really is doing good in the world. Peacekeepers, also known as blue helmets, are supposed to be the UN's force for protection and peace. Yet the horrific international stories of assaults committed by peacekeepers have thrown into question whether the UN is a positive or negative force. From Haiti to Kosovo to Cambodia to the Congo, cases of sexual assault and exploitation have thrown missions and populations into turmoil and distrust.

This issue is complex, distressing, and can seem intractable. Yet we urge you to forge ahead and research thoroughly in an effort to find solutions. We encourage you to research whether sexual exploitation and abuse by UN personnel has occurred in your own country, if your country contributes personnel to the UN, and any official statements your country has made in regards to this issue. The victims of the assaults and exploitations that we have uncovered in our research are too often left without justice, and that is an issue that the organization sending

the perpetrators — the United Nations — has a responsibility to fix. Unlike committees that deal with one specific mission or region, this committee could be suggesting alterations to the very structure of all future UN peacekeeping mandates. This power makes it not only unique, but very important.

My name is Eric Tang, and I will be your chair for this committee, assisted by my exemplary staff: co-chair Oluwadara Okeremi and vice-chair Joaquin Riojas Zambrano. If you have any questions at all, or need some pointers for research, feel absolutely free to contact us at [etang@exeter.edu](mailto:etang@exeter.edu), [ookeremi@exeter.edu](mailto:ookeremi@exeter.edu), and [jriojas@exeter.edu](mailto:jriojas@exeter.edu). We wish you the best of luck as you uncover your country's position, search for solutions, and meet us on October 30 to build a better United Nations.

Sincerely,

Eric Tang

## Introduction

With 121,780 civilian and uniformed personnel deployed around the world, and 123 countries contributing peacekeepers or other uniformed personnel, the United Nations' peacekeeping missions may be the most visible show of power and global action that the UN takes on.<sup>1</sup> There have been 71 peacekeeping missions launched since the UN's inception in 1948.<sup>2</sup> Today, sixteen peacekeeping missions stretch across the globe, from Haiti to Liberia to Kosovo and beyond. As of April 2016, 123 different countries were contributing a total of 104,729 military personnel — including police, military experts, and peacekeeping troops — to United Nations peacekeeping operations.<sup>3</sup>

Yet the UN's missions to bring peace to beleaguered regions and provide care to civilians in need have been rocked by worldwide cases of sexual exploitation and abuse committed by UN personnel. In 2003, the United Nations defined sexual exploitation as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another." These cases have included peacekeepers trading food and money for sex, or withholding official aid until recipients have sex with the peacekeeper distributing the aid. The UN defines sexual abuse as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions".<sup>4</sup> Allegations of both sexual exploitation and abuse committed by United Nations personnel have been brought to light at peacekeeping missions around the world.

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<sup>1</sup> <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>

<sup>2</sup> Ibid.

<sup>3</sup> [http://www.un.org/en/peacekeeping/contributors/2016/apr16\\_1.pdf](http://www.un.org/en/peacekeeping/contributors/2016/apr16_1.pdf)

<sup>4</sup> <https://cdu.unlb.org/Policy/SexualExploitationandAbusePolicy.aspx>

In the period from January through April 2016 alone, the UN received 44 allegations of sexual abuse committed by UN personnel. Allegations in 2016 thus far have come from nine (of sixteen) regions that currently have active peacekeeping operations: the Central African Republic, the Democratic Republic of the Congo, Haiti, South Sudan, Ivory Coast, Mali, the Sudan-South Sudan border, and UN political missions overseeing Libyan peace talks, and overseeing Middle Eastern peace talks.<sup>5</sup>

Yet many observers, researchers, and directly affected civilians believe the number of victims of sexual assault and exploitation by peacekeepers is far higher than a few hundred. Researchers have estimated that peacekeepers fathered 25,500 children during the 1992 peacekeeping mission in Cambodia, and 6,600 children during the mission in Liberia. Many of these children may have been conceived during rape or exploitative acts of sex, though the estimates do not take a stance.<sup>6</sup> Similar numbers and confirmations of underreporting have emerged in Haiti, where a report by the UN's Office of Internal Oversight Services (OIOS) interviewed 225 women who had been sexually exploited, significantly more than the statistics reported by the UN.<sup>7</sup> A 2013 internal UN report which was leaked to the press detailed how the true number of sexual exploitation and abuse cases was much higher than the number reported by the UN, blaming under-reporting and poor record keeping.<sup>8</sup> As one teenage boy in South Sudan reported, "People don't report it because they are worried that the agency [the UN] will stop working here, and we need them."<sup>9</sup> A teenage girl in Cote d'Ivoire told a fieldworker, "We

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<sup>5</sup> <http://www.telegraph.co.uk/news/2016/05/18/un-says-it-has-received-44-new-sex-abuse-allegations-in-2016/>

<sup>6</sup> <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1058&context=facpub>

<sup>7</sup> <https://www.theguardian.com/world/2015/jun/10/sexual-exploitation-by-un-peacekeepers-remains-significantly-under-reported>

<sup>8</sup> <https://www.theguardian.com/global-development-professionals-network/2015/mar/24/sex-abuse-un-peacekeeping-leaked-report>

<sup>9</sup> [http://resourcecentre.savethechildren.se/sites/default/files/documents/no\\_one\\_to\\_turn\\_to\\_1.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/no_one_to_turn_to_1.pdf)

have never heard of anyone reporting the cases of abuse.”<sup>10</sup> As the OIOS report stated, “the UN does not know how serious the problem of SEA [sexual exploitation and abuse] is.”<sup>11</sup> While reported numbers have been declining over the past five years, reported numbers also reflect the probability that any given victim will report the crime.

The consequences of sexual exploitation and abuse are devastating. As the current UN High Commissioner for Human Rights, Zeid Ra’ad Zeid al-Hussein, wrote in 2005, “Victims frequently suffer from psychological trauma as a result of their experiences. Victims and abandoned peacekeeper babies may face stigmatisation by their families and communities, which deprive them of all support.”<sup>12</sup> In this background guide, we will provide some background on the issues of sexual exploitation and assault by examining four countries with active or former peacekeeping operations: the Central African Republic, Democratic Republic of the Congo, Haiti, and Kosovo (though remember that many more countries have been affected by peacekeeping missions today and in the past). Then we examine the status quo’s measures to deter peacekeepers from committing acts of sexual assault and exploitation. After that, we lay out some of the past actions taken by the UN to tackle sexual assault and exploitation, and finally, outline a few proposed solutions to the issue.

## **Case Study: Central African Republic**

On April 10, 2014, the UN Security Council authorized the deployment of a new peacekeeping operation, MINUSCA, to the Central African Republic (CAR), in order to stabilize

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<sup>10</sup> [http://resourcecentre.savethechildren.se/sites/default/files/documents/no\\_one\\_to\\_turn\\_to\\_1.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/no_one_to_turn_to_1.pdf)

<sup>11</sup> <http://www.aidsfreeworld.org/Newsroom/Press-Releases/2015/~media/Files/Peacekeeping/2013%20Expert%20Team%20Report%20FINAL.pdf>

<sup>12</sup> <https://www.theguardian.com/world/2005/mar/25/unitednations>

a violent sectarian conflict between predominantly Muslim Seleka rebels, and the predominantly Christian anti-Balaka group that has raged since 2012. This fighting has devastated the CAR's civilian population: in March 2014, the UN estimated that 650,000 people had been internally displaced and that roughly 2.5 million were in need of humanitarian aid.<sup>13</sup> The Security Council's 2014 mandate for MINUSCA authorized over 10,000 peacekeepers in the CAR, along with necessary civilian personnel. Today, roughly 12,000 peacekeepers and 1,000 civilian support personnel and staff are tasked with supporting the transitional government, humanitarian assistance, conflict prevention, and human rights in the CAR.<sup>14, 15</sup>

However, MINUSCA's peacekeepers have been dogged by allegations of sexual assault and misconduct throughout their mission, with allegations of rape, assault, and sex-for-food trades levelled at peacekeepers from 2014 to the present day. In May and June of 2014, interviewers from an NGO and UN personnel interviewed thirteen young boys, from ages 8 to 15, who had been sexually abused by UN peacekeepers. Some had been forced to perform sex in exchange for aid. Others had been orally or anally raped.<sup>16</sup> The findings, which were compiled into a report, implicated 23 soldiers and accused 16 peacekeepers of abusing the boys; of these peacekeepers, eleven were from France, three were from Chad, and two were from Equatorial Guinea.<sup>17</sup> The report, however, was kept internally in the UN and not acted upon until 2015, when a UN official leaked the report to the French government. The official who leaked the

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<sup>13</sup> <http://minusca.unmissions.org/en/about>

<sup>14</sup> <http://minusca.unmissions.org/en/about>

<sup>15</sup> <http://www.un.org/en/peacekeeping/missions/minusca/facts.shtml>

<sup>16</sup> <https://www.crin.org/en/library/news-archive/un-transparency-whole-story-behind-peacekeeper-sex-abuse-central-african>

<sup>17</sup> Ibid.

report was asked to resign, then investigated by a branch of the UN for leaking sensitive documents, though he was ultimately acquitted.<sup>18,19</sup>

In February 2016, the NGO Human Rights Watch interviewed eight refugees in the CAR who had been raped or sexually exploited by peacekeepers in late 2015. An 18-year old woman recalled that she and other woman had to perform sex in exchange for aid, saying, “Before, when we would go there, we had to have sex before they gave us things...It was always after sex that they gave us things.”<sup>20</sup> A 14-year old girl testified that she had been gang-raped by a group of peacekeepers:

The men were dressed in their military uniforms and had their guns. I walked by and suddenly one of them grabbed me by my arms and the other one ripped off my clothes. They pulled me into the tall grass and one held my arms while the other one pinned down my legs and raped me.<sup>21</sup>

All eight women interviewed by Human Rights Watch believed the peacekeepers responsible were from the Republic of the Congo or the Democratic Republic of the Congo. Of the eight women, only one had received any medical care or psychological counseling in the aftermath of their assault.<sup>22</sup>

The sexual assault charges in the CAR continue to mount. In March 2016, the UN announced 108 new charges of sexual assault against UN peacekeepers in the CAR, with the cases stretching from 2013 to 2016.<sup>23</sup> In both cases, the vast majority of victims were children.

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<sup>18</sup><https://www.crin.org/en/library/news-archive/un-transparency-whole-story-behind-peacekeeper-sex-abuse-central-african>

<sup>19</sup> This UN official, Anders Kompass, was investigated by the UN for having leaked sensitive documents, but ultimately acquitted of wrongdoing. In June 2016, Kompass resigned from the UN, accusing the organization of a failure to hold criminals accountable.

<https://www.irinnews.org/opinion/2016/06/17/exclusive-ethical-failure-%25E2%2580%2593why-i-resigned-un>

<sup>20</sup> <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>

<sup>21</sup> <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>

<sup>22</sup> Ibid.

<sup>23</sup> <http://www.aljazeera.com/news/2016/03/sex-abuse-alleged-car-peacekeepers-160331183645566.html>



Peacekeepers from Georgia, Tanzania, Burundi, Bangladesh, Egypt, and Gabon, among others, have been accused of sexual assault in the CAR.<sup>24,25</sup> Some countries have brought such peacekeepers to trial and convicted them: Bangladesh sentenced one of its peacekeepers to one year in prison for a sexual assault committed in the CAR, and Egypt sentenced one of its peacekeepers to five years in prison for a similar charge.<sup>26</sup> However, other countries have not prosecuted their own peacekeepers, and the UN lacks the power to punish peacekeepers. Some peacekeepers have been expelled from the force in the CAR, such as the 120 who were sent home in February 2016.<sup>27</sup> The Office of Internal Oversight Services, the branch of the UN tasked with overseeing peacekeeping missions and investigating breaches of conduct, had only one member in the CAR as of February 2016.<sup>28</sup>

Along with the peacekeepers who have been convicted or expelled, some senior UN officials have lost their positions over sexual assault charges in the CAR. In August 2015, the UN's envoy to the CAR, Babacar Gaye, was sacked for failing to properly deal with sexual assault charges.<sup>29</sup> In July 2015, the UN's deputy high commissioner for human rights, Flavia Pansieri, resigned amidst controversy that she had known of a UN report on sexual abuse in the CAR, yet failed to act on her knowledge.<sup>30</sup> Despite these high-profile resignations, however, sexual assault victims in the CAR continue to come forward with charges.

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<sup>24</sup> <https://www.crin.org/en/home/campaigns/transparency/uncover>

<sup>25</sup> <http://www.thehindu.com/news/international/peacekeepers-sexually-abused-98-girls-in-central-african-republic/article8418616.ece>

<sup>26</sup> <https://www.crin.org/en/home/campaigns/transparency/uncover>

<sup>27</sup> <https://www.crin.org/en/home/campaigns/transparency/uncover>

<sup>28</sup> <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>

<sup>29</sup> <http://www.bbc.com/news/world-africa-33890664>

<sup>30</sup> [http://www.nytimes.com/2015/07/23/world/africa/un-official-flavia-pansieri-resigns-central-african-republic-peace-keeper-sex-abuse.html?\\_r=0](http://www.nytimes.com/2015/07/23/world/africa/un-official-flavia-pansieri-resigns-central-african-republic-peace-keeper-sex-abuse.html?_r=0)

## **Case Study: Democratic Republic of Congo**

In November 1999, the United Nations Security Council created an organization mission to ensure the implementation of the Lusaka Ceasefire Agreement. However, violence continued until the UN assisted and the Democratic Republic of Congo had their first democratic president. The democracy has done little to decrease the systematic rape in this country from the armed forces. In July 2010, MONUSCO was created to decrease sexual abuse by UN peacekeepers and protect their civilians.<sup>31</sup> DRC receives peacekeepers that commit acts of sexual violence on children. The highest amount of alleged rape cases in the DRC were against troops from South Africa, a country that is in close proximity with the DRC.<sup>32</sup>

## **Case Study: Haiti**

Peacekeepers in the United Nations mission to Haiti, MINUSTAH, have also been charged with or convicted of sexual abuse and exploitation. As the Office of Internal Oversight (OIOS), the body which internally oversees the United Nations, reported in early 2014,

In OIOS-IED interviews in Haiti, 231 individuals admitted to transactional sexual relationships with MINUSTAH personnel for various reasons, including enabling the women and their families to continue schooling and improving their future prospects. For rural women, hunger, lack of shelter, baby care items, medication and household items were frequently cited as the “triggering need” . . . OIOS notes that each instance of transactional sex would classify as prohibited conduct under the 2003 bulletin, thus demonstrating significant underreporting. “<sup>33</sup>

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<sup>31</sup> <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-drc>

<sup>32</sup> <https://www.theguardian.com/world/2015/sep/17/stop-protecting-peacekeepers-who-rape-ban-ki-moon-tells-un-member-states>

<sup>33</sup> <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwjV55fF8ubNAhVDwGMKHTiDAwMQFgguMAI&url=https%3A%2F%2Ffoios.un.org%2Fpage%2Fdownload%2Ffid%2F13&usg=AFQjCNHnxiacg2z8EveX6S6kxtAXvB8CDQ&sig2=3KoyY8udesRQ6fEyMDE8Vg&bvm=bv.126130881,d.cGc>

One woman told reporters that in 2005, she was waiting for food to be distributed outside a UN center when a peacekeeper grabbed her, forced her inside the compound and raped her. She reported this rape to UN officials, and never heard back from the UN.<sup>34</sup> Some peacekeepers have been disciplined for sexual abuse: in March 2012, three Pakistani peacekeepers were court-martialed in Haiti for sexually abusing a fourteen year-old Haitian teen, and were found guilty. The peacekeepers were repatriated to Pakistan, where they were dishonorably discharged from the armed forces and imprisoned.<sup>35</sup>

### **Case Study: Kosovo**

During the UN's peacekeeping mission in Kosovo, UNMIK, an investigation discovered UN personnel frequenting brothels where women had been coerced into prostitution or held as sex slaves.<sup>36</sup> Amnesty International reported on the Kosovo prostitution scandal, writing that many prostitutes in Kosovo

are threatened, beaten, raped, and effectively imprisoned by their owners . . . . With clients including international police and troops, the girls and women are often too afraid to escape, and the authorities are failing to help them. It is outrageous that the very same people who are there to protect these women and girls are using their position and exploiting them instead - and they are getting away with it.<sup>37</sup>

A UN task force in Kosovo investigating these allegations has also found international non-military personnel at these prostitution rings.<sup>38</sup> Amnesty International argues that the UN peacekeeping mission, established in 1999, has led to an increase in prostitution and sexual

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<sup>34</sup> <http://www.aljazeera.com/news/2015/06/peacekeepers-sex-abuse-150616012115509.html>

<sup>35</sup> <http://www.un.org/apps/news/story.asp?NewsID=41538#.V5g3TpMrKAw>

<sup>36</sup> <https://www.theguardian.com/world/2005/mar/25/unitednations>

<sup>37</sup> <http://www.csmonitor.com/2004/1126/p06s02-wogi.html>

<sup>38</sup> <http://www.csmonitor.com/2004/1126/p06s02-wogi.html>

exploitation. They point to statistics showing that sites for prostitution in Kosovo increased from eighteen in 1999 to over two-hundred by 2003.<sup>39</sup> Some estimates estimate that 2,000 women have been forced into sex slavery in Kosovo.<sup>40</sup> "I was forced by the boss to serve international soldiers and police officers," stated one woman who had been forced into prostitution. She further added, "I never had a chance of running away and leaving that miserable life, because I was observed every moment by a woman."<sup>41</sup> By the end of 2003, ten UN police officers had been dismissed for allegations related to sexual trafficking. However, none of these officers were criminally prosecuted in their home countries.<sup>42</sup>

### **Disciplining UN Personnel**

While the UN can dismiss and repatriate peacekeepers,<sup>43</sup> the UN has no institution or protocol in place to further punish peacekeepers who commit acts of sexual exploitation or abuse. Instead, after conducting an investigation into an allegation of sexual exploitation or abuse, the UN entrusts the courts of the charged peacekeeper's home country to decide that peacekeeper's punishment.<sup>44</sup> UN Secretary-General Ban Ki-moon has recommended that peacekeepers who commit acts of sexual exploitation and abuse be court-martialed by their home countries.<sup>45</sup> However, there a number of obstacles that prevent many perpetrators of sexual exploitation and abuse from ever being punished. Firstly, many victims of exploitation or abuse do not report what has happened to them, due to fear or social stigma. If a child has just been

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<sup>39</sup> <http://news.bbc.co.uk/2/hi/europe/3686173.stm>

<sup>40</sup> <https://www.theguardian.com/world/2005/mar/25/unitednations>

<sup>41</sup> <http://news.bbc.co.uk/2/hi/europe/3686173.stm>

<sup>42</sup> <http://news.bbc.co.uk/2/hi/europe/3686173.stm>

<sup>43</sup> See **Actions Taken** for more information on the March 2016 Security Council resolution.

<sup>44</sup> <http://www.aljazeera.com/news/2016/03/adopts-resolution-sex-abuse-peacekeepers-160312064018396.html>

<sup>45</sup> <http://www.news24.com/Africa/News/3-sa-peacekeepers-face-sex-abuse-allegations-20160518>

abused by a UN peacekeeper, going to a UN base to report the crime can seem like the worst possible step to take, and a frightening one. This fear of reporting to UN personnel can be compounded by the fact that most UN peacekeepers and perpetrators of exploitation and abuse are men, and most civilian victims are women. Having no UN women at a nearby base to report crimes to can deter local women from reporting the crimes that have been inflicted on them. Even the UN Security Council has expressed concern about the underreporting of sexual exploitation and abuse cases. In the Security Council's Resolution 2272, passed in March 2016 and dealing with cases of peacekeeper sexual exploitation and abuse, one preambulatory clause reads, "*Expressing deep concern* about the serious and continuous allegations and under-reporting of sexual exploitation and abuse by United Nations peacekeepers . . . ."<sup>46</sup>

If an allegation of sexual exploitation or abuse is reported, this triggers a UN investigation of the personnel alleged to have committed the crime. The UN's investigation of its own personnel, has been heavily criticized for not acting on accusations, and for conducting slipshod investigations. Journalist Joanne Mariner writes that UN investigations of sexual exploitation and assault cases — which must be conducted before a peacekeeper is prosecuted by their home country — often "do not receive a thorough and immediate investigation".<sup>47</sup> In 2015, an independent panel studied the UN's response to allegations of sexual assault in the Central African Republic, concluding that the UN's response system was a "gross institutional failure".<sup>48</sup> They accused UN officials of failing to take action against peacekeepers from France, Equatorial Guinea, and Chad who had committed crimes within the CAR.<sup>49</sup> Roméo Dallaire, the Canadian

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<sup>46</sup> <http://www.un.org/press/en/2016/sc12277.doc.htm>

<sup>47</sup> <http://www.theguardian.com/global-development/2015/aug/20/un-peacekeepers-rape-sexual-abuse-criminals-car-ban-ki-moon>

<sup>48</sup> <http://www.un.org/News/dh/infocus/cenaficrepub/Independent-Review-Report.pdf>

<sup>49</sup> <http://www.bbc.com/news/world-35790697>

peacekeeper who led the UN's 1994 peacekeeping mission in Rwanda, said in 2015 that there was a "culture of silence" surrounding sexual exploitation and abuse among peacekeepers, which prevented many cases from being fully investigated, and many perpetrators from being brought to justice.<sup>50</sup>

The second factor that lets criminal behavior go unpunished is that while some troop-contributing countries do punish their peacekeepers for crimes committed on peacekeeping missions, many do not. Each country which contributes peacekeepers to the UN force negotiates its own Status of Forces Agreement (SOFA) with the UN, which typically grants the country the sole right to prosecute and punish its soldiers for criminal acts.<sup>51</sup> When cases of misconduct then arise, troop-contributing countries often have little interest in prosecuting their own soldiers. For example, between 2007 and 2009, the UN referred 450 cases of personnel misconduct (both sexual misconduct and other forms of misconduct) to troop-contributing countries. The home countries acted and responded to the UN in just 29 of these cases.<sup>52</sup> In this same period, fifty peacekeepers were punished in some way by their home country for charges of sexual exploitation or abuse — despite 322 allegations of sexual assault that were brought to the UN.<sup>53</sup> In addition, these fifty peacekeepers who were punished for sexually exploiting or abusing civilians all received comparatively light charges, including reduction of rank and withdrawal of officer payments. The longest prison sentence dealt out was eight months.<sup>54</sup> In 2012, five

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<sup>50</sup> [https://docs.google.com/document/d/1EXq6AbdpKpiL2fejbO0e\\_GIYr0STZ-EctYMhjOuMbGM/edit](https://docs.google.com/document/d/1EXq6AbdpKpiL2fejbO0e_GIYr0STZ-EctYMhjOuMbGM/edit)

<sup>51</sup>

<http://www.womenundersiegeproject.org/blog/entry/when-those-meant-to-keep-the-peace-commit-sexualized-violence>

<sup>52</sup> <http://www.independent.co.uk/news/world/politics/fifty-un-peacekeepers-punished-for-sex-abuses-1815403.html>

<sup>53</sup> <https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsforAllCategoriesofPersonnelPerYearSexualExploitationandAbuse.aspx>

<sup>54</sup> <http://www.independent.co.uk/news/world/politics/fifty-un-peacekeepers-punished-for-sex-abuses-1815403.html>

<sup>55</sup> <http://www.independent.co.uk/news/world/politics/fifty-un-peacekeepers-punished-for-sex-abuses-1815403.html>

Uruguayan peacekeepers brought before a court in Uruguay were judged not guilty of raping an 18 year-old Haitian teenager while serving in Haiti, despite a video of four of the peacekeepers carrying out the rape and holding down the teenager.<sup>56,57</sup> As some observers have pointed out, countries often have little interest in punishing their own peacekeepers because the victims of their crimes are thousands of miles away. In addition, different countries have vastly different cultures and views about the proper punishment for perpetrators of sexual exploitation or abuse, leading to vastly different punishments between different countries.

The absence of disciplinary action dealt out by the UN, and the unwillingness of many countries to prosecute their own peacekeepers, has created a culture of impunity and perpetuated sexual abuses in the eyes of many observers. After six new sexual assaults were alleged in the Central African Republic in 2016, the UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, stated that "Far too many of these crimes continue to go unpunished, with the perpetrators enjoying full impunity. This simply encourages further violations."<sup>58</sup>

Despite the many obstacles to a perpetrator being punished, some countries have successfully punished their peacekeepers when found guilty of wrongdoing. In 2016, Bangladesh sentenced one of its peacekeepers to one year in prison for sexual assault, and Egypt sentenced one of its peacekeepers to five years in prison for sexual assault. India has disciplined a handful of its peacekeepers in a military court, but only with military disciplinary measures, not criminal charges.<sup>59</sup> In a first for South Africa, the country announced in May 2016 that it would

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<sup>56</sup><http://www.womenundersiegeproject.org/blog/entry/when-those-meant-to-keep-the-peace-commit-sexualized-violence>

<sup>57</sup> <https://www.theguardian.com/commentisfree/cifamerica/2011/sep/03/minustah-un-haiti-abuse>

<sup>58</sup><http://www.aljazeera.com/news/2016/01/lack-accountability-drives-sex-abuse-car-160129094451860.html>

<sup>59</sup><http://www.theguardian.com/global-development/2015/aug/20/un-peacekeepers-rape-sexual-abuse-criminals-car-ban-ki-moon>

court-martial one of its peacekeepers, who is serving in the Democratic Republic of the Congo. As UN spokesperson Stephane Dujarric said of South Africa's choice, "This decision will permit the victims, and the affected communities in ... Congo to see justice at work."<sup>60</sup> In March 2012, two Pakistani peacekeepers became the first peacekeepers to be tried and convicted for crimes committed during the UN mission in Haiti; they were convicted by a Pakistani military court and sentenced to one year in prison.<sup>61</sup> However, given that even these countries have their own jurisdiction over how much to punish their own troops, outside observers and victims themselves can feel that the punishments are too light.

## **Actions Taken**

As allegations of sexual exploitation and abuse by UN peacekeepers and humanitarian operatives arose in the late 1990s peacekeeping operation personnel were issued the *Ten Rules of Personal Conduct for Blue Helmets* pocket card.<sup>62</sup> Rule four of said card states: "Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children."<sup>63</sup> In March 2002 the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises was established. In 2003, the IASC developed agreed definitions of sexual exploitation and abuse and behavioral standards that were to be adopted by both UN and NGO's codes of conduct.<sup>64</sup>

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<sup>60</sup> <http://www.news24.com/Africa/News/3-sa-peacekeepers-face-sex-abuse-allegations-20160518>

<sup>61</sup> <http://www.reuters.com/article/us-haiti-un-idUSBRE82C06C20120313>

<sup>62</sup> <https://cdu.unlb.org/Policy/EvolutionofInitiativesToAddressSexualExploitationandAbuse.aspx>

<sup>63</sup> <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDocH.pdf>

<sup>64</sup> <https://cdu.unlb.org/Policy/SexualExploitationandAbusePolicy.aspx>



On October 9th, 2003 Secretary-General Kofi Annan published the Secretary-General's bulletin on *Special measures for protection from sexual exploitation and sexual abuse*, which holds that:

1. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
3. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
4. Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
5. Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
6. United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.<sup>65</sup>

In 2005 the General Assembly adopted a two year package of reforms based on *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*, also known as the Zeid Report<sup>66</sup>. In 2007 the General Assembly adopted the resolution: *Criminal accountability of United Nations officials and experts on*

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<sup>65</sup><https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDocC.pdf>

<sup>66</sup><https://cdu.unlb.org/Portals/0/Documents/KeyDoc5.pdf>

<sup>50</sup><https://cdu.unlb.org/Policy/EvolutionofInitiativesToAddressSexualExploitationAndAbuse.aspx>

<sup>55</sup>[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2272\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2272(2016))

*missions* “to address the extension of jurisdiction to cover criminal misconduct of UN officials or experts on mission”<sup>50</sup>, which details how countries are to deal with allegations against their nationals working under the UN.

The most recent legislation passed dealing with sexual exploitation and abuse is Security Council resolution 2272, which passed by a 14-0 vote with one abstention in March 11, 2016. Security Council resolution 2272 calls upon “Member States deploying non-United Nations forces authorized under a Security Council mandate to take appropriate steps to investigate allegations of sexual exploitation and abuse, hold perpetrators accountable and repatriate units when there is credible evidence of widespread or systematic sexual exploitation or abuse by those units.”<sup>67</sup> The resolution requests that the Secretary-General “assess whether a Member State has taken the appropriate steps to investigate, hold accountable and inform him of the progress of its investigations when determining whether that Member State should participate in other current or future United Nations peacekeeping operations”<sup>55</sup> and that when a Member State has failed to take the proper steps to “replace all military units and/or formed police units of the troop- or police-contributing country in the United Nations peacekeeping operation where the allegation or allegations arose with uniformed personnel from a different troop-or police-contributing country”.<sup>68</sup> The resolution further requests that the Secretary-General ensure the replacement country “has upheld standards of conduct and discipline and appropriately addressed allegations against or confirmed acts, if any, of sexual exploitation and abuse by its personnel”<sup>55</sup>. Furthermore, the resolution welcomes the expansion of all vetting procedures to ensure UN peacekeepers do not have a history of sexual misconduct, as well as “efforts by

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<sup>67</sup> <http://www.un.org/press/en/2016/sc12277.doc.htm>

<sup>68</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2272\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2272(2016))

Member States to strengthen sexual exploitation and abuse pre-deployment training of troop and police contributors to United Nations peace operations”<sup>55</sup> and the “decision of the Secretary-General to require certificates of compliance by troop- and police-contributors to this effect”.<sup>55</sup> Finally the resolution urges States “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”<sup>55</sup>.

### **Possible Solutions**

“Wherever there is conflict, women must be part of the solution,” said Under-Secretary-General Michelle Bachelet, the Head of UN-Women.<sup>69</sup> In February 2016, it was recorded that less than 4% of all UN peacekeepers are women.<sup>70</sup> Most women are not trained to be peacekeepers, thus the women pool of troops is significantly less than the male. Increasing the amount of female peacekeepers sent on a mission is necessary to send the message that males are not the dominant sex during operations. This would decrease the sexual exploitation of women. In 2005, Zeid Ra'ad Zeid al-Husseini wrote, "The presence of more women in a mission, especially at senior levels, will help to promote an environment that discourages sexual exploitation and abuse."<sup>71</sup> Balancing the gender in a peacekeeping operation can make a woman

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<sup>69</sup><http://www.un.org/press/en/2012/sc10840.doc.htm>

<sup>70</sup> <http://globalsolutions.org/blog/2016/04/Hey-UN-Where-Are-All-Women#.V3Dz4eYrKDV>

<sup>71</sup> <https://www.theguardian.com/world/2005/mar/25/unitednations>

feel more comfortable. According to Irena Dzisiewska, “For a lot of women, or even men, who have suffered sexual violence, history has shown us they only want to speak to women.”<sup>72</sup>

Other solutions involve the structure of the bases at peacekeeping missions. One proposal is to instate better surveillance of UN bases, or stricter curfew hours, so that peacekeepers are under better supervision. Another proposed solution is to create more recreational activities for peacekeepers at their bases.

Another possible solution that has been contemplated but so far not enacted would be for the UN to try peacekeepers on its own, which would require renegotiating the Status of Forces Agreements that give most troop-contributing countries’ soldiers immunity from foreign prosecution. In typical cases of sexual assault, peacekeepers are sent back to their home countries and the peacekeepers are not held accountable for their actions. “If countries won’t prosecute their own troops, they have virtual impunity to commit all kinds of crimes,” said one senior UN source.<sup>73</sup> Countries need to feel the pressure to ensure that peacekeepers are punished for their actions and results from the courts are made public.<sup>74</sup> Trying peacekeepers in their home country would maintain national sovereignty. UN peacekeepers come from about 120 countries all over the world.<sup>75</sup> Peacekeepers are protected from prosecution in their countries due to the various jurisdictions in each country. Therefore, one solution could be to try peacekeepers in the country that they committed the act of sexual abuse.

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<sup>72</sup> <http://globalsolutions.org/blog/2016/04/Hey-UN-Where-Are-All-Women#.V3Dz4eYrKDV>

<sup>73</sup> <https://www.theguardian.com/world/2015/sep/17/stop-protecting-peacekeepers-who-rape-ban-ki-moon-tells-un-member-states>

<sup>74</sup> <https://www.theguardian.com/global-development/2015/aug/20/un-peacekeepers-rape-sexual-abuse-criminals-car-ban-ki-moon>

<sup>75</sup> <http://www.womenundersiegeproject.org/blog/entry/when-those-meant-to-keep-the-peace-commit-sexualized-violence>

Another approach towards the solution would be to identify the organization or country that will take responsibility for the sexual abuse of the peacekeepers. Edmond Mulet, the Chief of Staff to the Secretary-General said “Accountability is a shared responsibility requiring action by Member States”.<sup>76</sup> According to Karen Naimer, “Frankly, there’s a role here for the United Nations, whether it’s the Department of Peacekeeping or the U.N. high commissioner for human rights, to put a lot of pressure on troop-contributing countries to hold them accountable for their behavior.”<sup>77</sup> Action from troop-contributing countries is important as well as the UN is required to achieve accountability, justice, preservation of evidence, protection of all involved in assault and potential victims. However the balance of responsibility between the home countries of the peacekeepers, sectors of the United Nations and even NGOs need to be determined.

### **Special Committee on Peacekeeping Operations**

The Special Committee on Peacekeeping Operations was established by the UN General Assembly in 1965, in order to “conduct a comprehensive review of all issues related to peacekeeping.”<sup>78</sup> The Special Committee on Peacekeeping Operations meets annually to review these issues. The Committee reports to the General Assembly through the fourth body (Special Political and Decolonization Committee, SPECPOL), and has the power to make only suggestions and recommendations.<sup>79</sup> However, its reports carry great weight and the potential to significantly alter policy both in the General Assembly and in the Security Council. As of 2015, the Committee was comprised of 151 members.<sup>80</sup> States who have contributed peacekeepers to

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<sup>76</sup> <http://www.un.org/sg/offthecuff/index.asp?nid=4464>

<sup>77</sup> <http://foreignpolicy.com/2015/08/13/bangui-un-car-minusca-sexual-violence-rape/>

<sup>78</sup> <http://www.un.org/en/peacekeeping/ctte/CTTEE.htm>

<sup>79</sup> Ibid.

<sup>80</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/69/19](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/19)

the UN are eligible for membership in the committee, along with some other states. In addition, the Committee had 13 observer states, including international organizations like Interpol, the African Union, and the European Union, in 2015.<sup>81</sup>

Delegates at PEAMUN will be representing states at a meeting of the Special Committee on Peacekeeping Operations in October 2016. As the Committee functions very similarly to a General Assembly, at PEAMUN 2016, we will follow the parliamentary procedure of a General Assembly. Just like a General Assembly, in this committee, a proposed resolution will require the affirmative votes of two-thirds of voting members to pass.

### **Questions to Consider**

1. How have sexual exploitation and abuse charges affected the United Nations, UN personnel, and civilian communities?
2. How is your country related to UN peacekeeping operations?
3. What major factors increase rates of sexual exploitation and abuse by UN personnel?
4. What prevents some sexual exploitation and abuse cases from being reported? Should more survivors of sexual exploitation and abuse be encouraged to report, and if so, how?
5. How can survivors of sexual exploitation and abuse be adequately supported?
6. Should UN personnel who commit acts of sexual exploitation and abuse continue to be sent back to their home countries to face charges, or should other protocols be enacted? If other protocols should be enacted, what should they be?

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<sup>81</sup>Ibid.

7. What roles and responsibilities should troop-contributing countries have regarding sexual exploitation and abuse?
8. How effective have previous UN actions been at addressing the issue of sexual exploitation and abuse? How have these actions affected your country?
9. How will your country's suggested actions affect countries who contribute troops to the UN?
10. How will your country's suggested actions affect civilians in countries with active peacekeeping operations?

## Further Reading

<https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers> (Testimonies by victims of sexual assault in the Central African Republic).

<http://foreignpolicy.com/2015/08/13/bangui-un-car-minusca-sexual-violence-rape/> (Long overview of UN personell and sexual assault).

<http://www.womenundersiegeproject.org/blog/entry/when-those-meant-to-keep-the-peace-commit-sexualized-violence> (Overview of the problem. Uruguayan and Pakistani peacekeepers being let off lightly for rapes, despite evidence. Statistics on sex in Cambodia and Liberia).

<https://www.theguardian.com/world/2005/mar/25/unitednations> (A 2005 report to the UN, supported by Kofi Annan. Some suggestions were actually enacted).

<https://foreignpolicy.com/2015/08/12/u-n-car-envoy-steps-down-amid-allegations-of-abuse-by-peacekeepers/> (Babacar Gay, head of the UN operations in the CAR, resigns in August 2015 over peacekeepers' sexual assaults. Ban Ki-Moon asked for Gay to turn in his resignation papers).

<http://www.theglobeandmail.com/news/national/canadians-join-campaigners-calling-for-end-to-un-peacekeeper-sex-abuse/article24420285/> (Former head of peacekeeping operations in Rwanda alleges that there is a “culture of silence” surrounding abuse among peacekeepers).

<http://www.aljazeera.com/news/2015/06/peacekeepers-sex-abuse-150616012115509.html> (June 2015 report on peacekeepers trading food for sex. Nearly 300 cases in Haiti alone).

[https://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_number\\_of\\_UN\\_peacekeepers](https://en.wikipedia.org/wiki/List_of_countries_by_number_of_UN_peacekeepers) (List).

[http://www.unicef.org/graca/a51-306\\_en.pdf](http://www.unicef.org/graca/a51-306_en.pdf) (Report submitted to General Assembly on Peacekeepers and children. Page 22 onward deals with sexual assault).

<http://www.csmonitor.com/2004/1126/p06s02-wogi.html> (Sexual imprisonment and slavery in Kosovo, supported and frequented by UN Peacekeepers. Also a list of assaults in five other countries).

<http://www.npr.org/sections/goatsandsoda/2016/01/15/462940913/why-is-sexual-abuse-such-a-problem-with-u-n-peacekeepers> (Includes a set of posters outlining the UN's policy against bartering for sex).



<https://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car> (Anders Kompass's leaked report).

<https://www.crin.org/en/home/campaigns/transparency/uncover> (Timeline of sexual abuse in CAR).

<http://www.un.org/apps/news/story.asp?NewsID=53583#.V12jRZMrJE4> (CAR scandal, from the UN News Center)

<http://www.thehindu.com/news/international/peacekeepers-sexually-abused-98-girls-in-central-african-republic/article8418616.ece> (Sexual abuse in CAR dating back to 2013).

<http://www.telegraph.co.uk/news/2016/05/18/un-says-it-has-received-44-new-sex-abuse-allegations-in-2016/> (44 sexual assault cases across all UN missions in 2016).

<http://www.codebluecampaign.com/un-docs/> (Excellent source compiling all previous UN actions).

<http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> (Helpful fact sheet on peacekeeping operations).

<http://www.aljazeera.com/news/2016/03/adopts-resolution-sex-abuse-peacekeepers-160312064018396.html> (Overview of the March 2016 SC resolution).

<http://www.aljazeera.com/news/2016/01/lack-accountability-drives-sex-abuse-car-160129094451860.html> (UN High Commissioner for Human Rights decries the culture of impunity).

<https://www.theguardian.com/world/2015/jun/10/sexual-exploitation-by-un-peacekeepers-remain-s-significantly-under-reported> (Reports on the prevalence of sexual assault).

<http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1058&context=facpub> (Page 154 explains peacekeeper immunity, and the Status of Forces Agreement (SOFA) that each troop-contributing country negotiates with the UN).

<http://www.un.org/en/peacekeeping/ctte/CTTEE.htm> (Information about the Special Committee on Peacekeeping Operations).

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/69/19](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/19) (Report from the Special Committee on Peacekeeping Operations, 2015. End of report has full list of the 151 members).