

CIVILIANS IN CONFLICT POLICY BRIEF NO. 1 | FEBRUARY 2015

# Reducing Sexual Exploitation and Abuse in UN Peacekeeping

## TEN YEARS AFTER THE ZEID REPORT

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A photograph showing the silhouettes of a woman and a young child looking out a window. The window is covered with light-colored curtains featuring a pink floral pattern. The scene is backlit by bright natural light from the window, creating a strong contrast with the dark figures of the subjects. The woman is on the right, holding the child, and both are looking towards the left side of the frame.

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## POLICYMAKER TAKEAWAYS

The UN has taken commendable actions to address sexual exploitation and abuse in the 10 years since the Zeid Report was released. The following recommendations build on these new programs and protocols and suggest a direction for future UN policy.

To prevent sexual exploitation and abuse, the UN should:

- Continue to improve training tools for peacekeepers based on available technology, particularly computer-based instruction modules.
- Continue community awareness-raising efforts to combat the perception that sexual exploitation and abuse is acceptable and educate the public about available reporting mechanisms.

To enforce standards and increase accountability, the UN should:

- Strengthen the “partnership approach” between the UN and troop contributing countries (TCCs). This approach facilitates follow-up and information sharing about violations in the field, and if strengthened, would enable better tracking of TCC investigation and prosecution of alleged abusers.
- Enhance the vetting capabilities of the Misconduct Tracking System (MTS) to include all categories of personnel, including UN staff and military personnel.

To provide remedial action following abuses, the UN should:

- Improve victim assistance mechanisms and develop stronger in-country partnerships in all missions. In-country partnerships include community-based organizations and non-governmental organizations (NGOs) that provide support to victims and are coordinated through an in-mission UN focal point.

To ensure the effectiveness of the overall effort, the UN should:

- Improve the UN’s investigative procedures so that they meet the standards of the new UN Administration of Justice system, which adjudicates UN internal disputes and disciplinary matters. In the absence of these needed reforms, dismissals of mission staff determined to have committed abuses may be overturned due to lack of acceptable evidence.
- Undertake a comprehensive and independent evaluation of the approach undertaken by the UN Secretariat to eliminate SEA.

## Introduction

*“In the evening hours the peacekeepers come out and stand near to the water pump. Some of the girls from the village will come and collect water. The men call to the girls and they go with them into the compound. One of them became pregnant and then went missing. We still do not know where she is.”*<sup>1</sup> —YOUNG BOY, SOUTH SUDAN, 2008

In 2004, after numerous allegations of sexual exploitation and abuse (SEA) by United Nations (UN) peacekeepers made international headlines, both the UN Security Council and US Congress deliberated over what actions should be taken to solve the problem of peacekeepers violating the populations they were sent to protect. UN Secretary-General Kofi Annan asked the Permanent Representative of Jordan, His Royal Highness Prince Zeid Ra’ad Zeid al-Hussein, a former civilian peacekeeper and the UN ambassador of one of the major peacekeeping troop contributors, to prepare a comprehensive report on sexual exploitation and abuse in UN peacekeeping missions.<sup>2</sup>

The Zeid Report, released in March 2005, recommended the establishment and implementation of a comprehensive strategy to eradicate SEA by UN peacekeeping personnel.<sup>3</sup> The report’s recommendations included propagation of UN standards of conduct, reforming the investigative process, strengthening organizational, managerial and command responsibility, and instituting individual disciplinary, financial and criminal accountability.<sup>4</sup> Releasing the Zeid Report was a significant step for the UN in its effort to combat SEA. The report was an acknowledgement by the Secretary-General that SEA in peacekeeping was a major problem and set forth a rough plan for action.

This year marks the 10-year anniversary of the Zeid Report’s release. Since then, the UN has taken several steps to implement these recommendations. First, an entirely new Conduct and Discipline Unit (CDU) was established at UN headquarters. Second, training, investigative and victim assistance procedures have been developed through a “three-pronged” strategy of prevention, enforcement and remedial action. Third, the UN’s administrative justice system was overhauled.

There has been a general downward trend in allegations of SEA since the implementation of many Zeid Report recommendations, even though the number of total personnel serving in peacekeeping operations has increased within the last 10 years from 81,199 to 122,984.<sup>5</sup> In examining the data, it is important to remember that many allegations of SEA still go unreported; however, avenues of community reporting have also been strengthened. If the data represents the trend, if not the precise number of incidents, then UN reforms and initiatives may be having an impact.

This brief assesses the development of the UN’s SEA policy in the 10 years since the Zeid Report’s recommendations were released. It describes the progress made in reducing the overall number of SEA occurrences and what policy areas the UN will focus on in the future. The brief recommendations are derived from interviews with UN officials and research of policies implemented within the last decade.

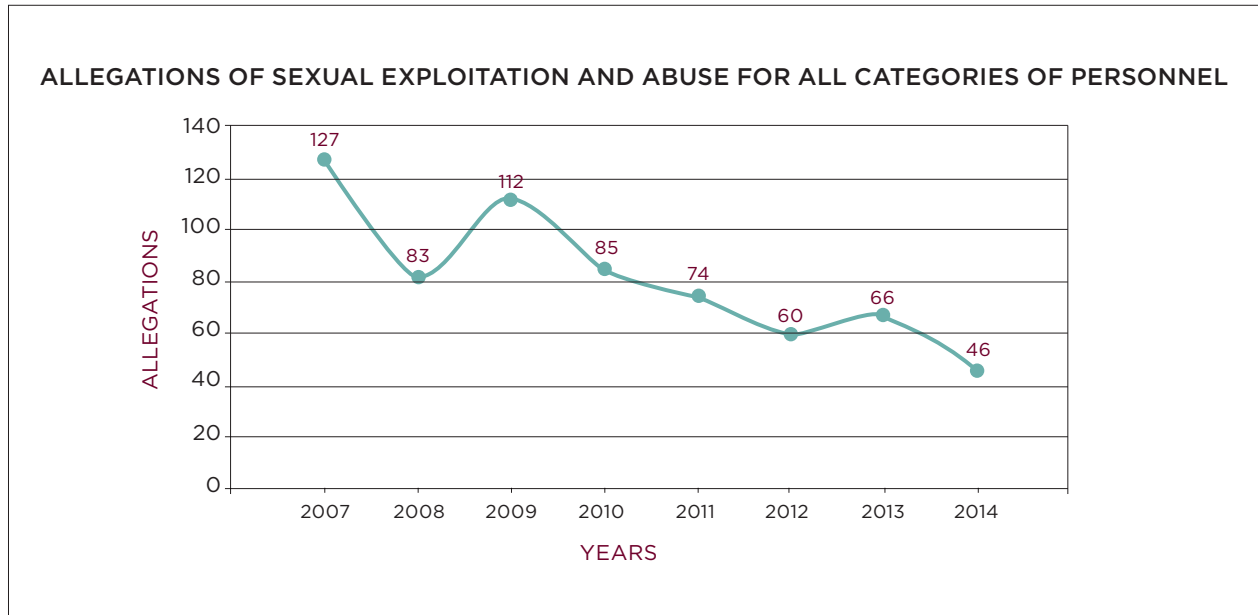
1 Corinna Csáky, *No One to Turn To: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers* (United Kingdom: Save the Children, 2008), 6.

2 UN Secretary-General Report, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations* [hereinafter Zeid Report], A/59/710, March 24, 200, 1.

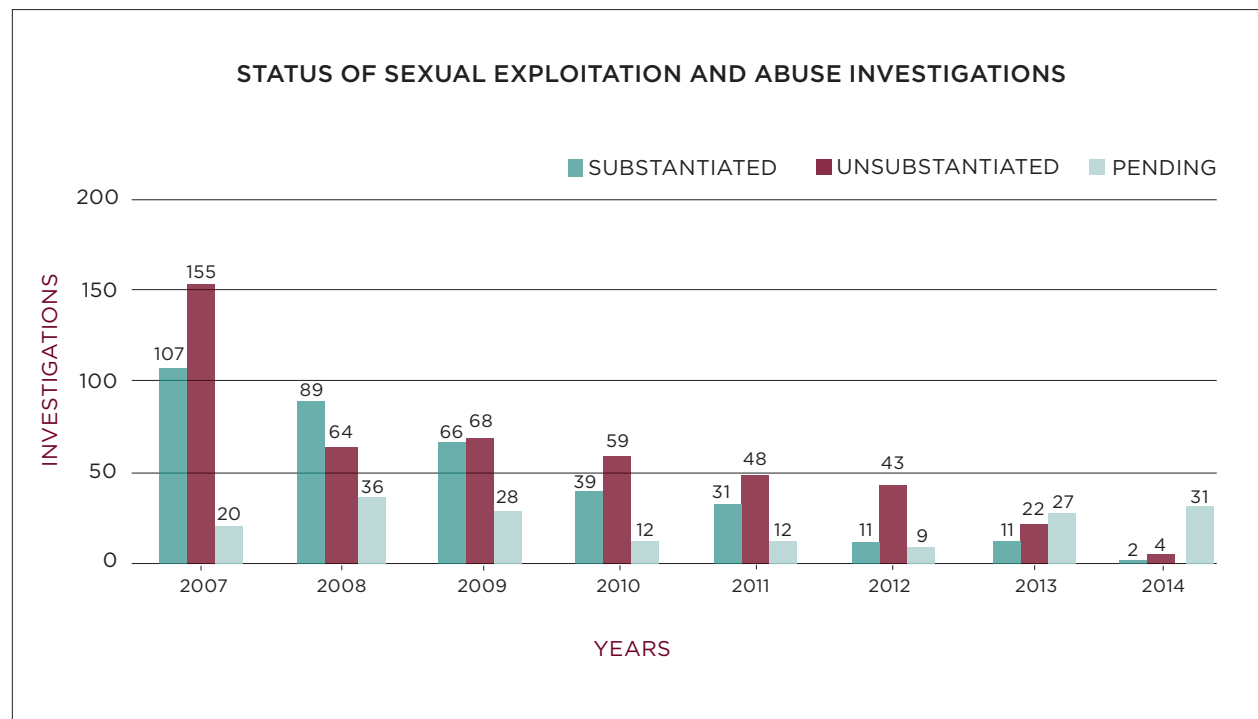
3 UN peacekeeping personnel include military, police and civilian personnel. Civilian personnel include international and local staff, as well as UN volunteers.

4 Ibid., 2.

5 UN Department of Peacekeeping Operations, *UN Peacekeeping Operations Fact Sheet* (New York: United Nations, 2014).



Source: Office of Internal Oversight Services (OIOS); data reflects OIOS reports dated up until Oct. 31, 2014.



Source: Office of Internal Oversight Services (OIOS); data reflects OIOS reports dated up until Sept. 1, 2014.

Note: Substantiated and unsubstantiated allegations refer to completed investigations. Unsubstantiated allegations also include false allegations.



## WHAT IS SEA?

The UN defines sexual exploitation and sexual abuse as two separate violations. Sexual exploitation is defined 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.” Sexual abuse is “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”

The UN prohibits sexual relations in a situation where one takes advantage of the victim, regardless of the victim’s age, and all sexual relations where the victim is under 18 years old. Transactional sex including prostitution is banned. The zero-tolerance policy does not prohibit all sexual relations with the local population, but considers most to be unequal and therefore “strongly discouraged.”<sup>i</sup>

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i. UN Secretary-General's Bulletin, *Special measures for protection from sexual exploitation and sexual abuse*, ST/SGB/2003/13, October 9, 2003.

STOP ABUSE  
SEX WITH PROSTITUTES IS PROHIBITED  
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United Nations

## Sexual Exploitation and Abuse in UN Peacekeeping

*“[I]t is hard to get food sometimes—if you don’t have a husband or someone to fight for you. I don’t have anyone else to turn to. The UN soldiers help girls like me—they give us food and things if we go with them.”<sup>6</sup> —YOUNG GIRL, DEMOCRATIC REPUBLIC OF CONGO, 2004*

The problem of sexual exploitation and sexual abuse by peacekeepers is not new. Allegations of peacekeeper SEA arose in the Balkans, Cambodia and Timor-Leste in the 1990s and in West Africa in 2002. In 2003, the UN Secretary-General issued a bulletin outlining a zero-tolerance policy, prohibiting all forms of transactional sex and sexual activities with persons below 18 years, as well as strongly discouraging sexual relationships between UN staff and the host population.<sup>7</sup> However, instances of exploitation and abuse continued. In 2004, the media reported on SEA of Congolese women and girls in the UN Mission in the Democratic Republic of Congo (MONUC).<sup>8</sup> Public outrage led to an investigation by the UN Office of Internal Oversight Services (OIOS).<sup>9</sup> The investigation found serious problems of SEA in the mission.<sup>10</sup>

Not only does SEA increase the suffering of an already vulnerable sector of the population, but it undermines the peacekeeping mission’s ability to achieve its mandate. Peacekeeper SEA damages both the image and the credibility of the UN in the eyes of the host state government and local population. For example, a peacekeeping mission cannot credibly advise the government on adherence to international human rights standards while its peacekeepers are violating international human rights law.

The post-conflict settings in which peacekeeping missions operate generally suffer from collapsed economies, weak or nonexistent justice systems and ineffective law enforcement. In these war-ravaged environments, significant power differentials exist between peacekeepers and local populations. Some peacekeepers exploit these unequal power dynamics to commit rape and other forms of violence. Instances where sex is exchanged for food, medicine or money lead to further desperation, disease and dependency.<sup>11</sup> Implementing effective SEA policies is a challenge in this fragile environment.

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6 Csáky, 6.

7 UN Secretary-General’s Bulletin, *Special measures for protection from sexual exploitation and sexual abuse*, ST/SGB/2003/13, October 9, 2003.

8 In 2010, MONUC was renamed MONUSCO.

9 The UN Office of Internal Oversight Services (OIOS) assists the Secretary-General in fulfilling his oversight responsibilities through investigating reports of staff mismanagement and misconduct. OIOS aims to promote a culture of accountability and transparency within the UN.

10 UN Secretary-General Report, *Investigation by the Office of Internal Oversight Services into Allegations of Sexual Exploitation and Abuse in the United Nations Organization Mission in the Democratic Republic of the Congo*, A/59/661, January 5, 2005.

11 There have also been instances of “rape disguised as prostitution,” in which a woman was raped and given money or food afterwards to give the appearance of a consensual transaction.



## UNITED STATES INVOLVEMENT

As the largest funder of UN peacekeeping, the United States has been paying close attention to the problem of SEA in peacekeeping.<sup>ii</sup> A State Department official says, “When the scandal broke [in 2004] we took it seriously, we are by far the largest financial contributor and we don’t want to be in the position to pay for people committing abuses.”<sup>iii</sup> After allegations of SEA in MONUC became public, the State Department organized interbureau meetings almost immediately and there was congressional interest from the beginning. Both the Bush and Obama administrations have engaged on the issue throughout their terms.

The State Department has reported to Congress continuously over the last 10 years. The International Organizations Bureau (IO) is required to brief Congress every month on the status of each peacekeeping mission. This briefing includes a summary of all SEA allegations and investigations. An IO Office Director personally briefs the Senate Foreign Relations Committee, the House Foreign Affairs Committee and the Senate Armed Services Committee. The State Department also sends formal written reports to Congress on SEA twice a year. These reports include SEA statistics and UN policy action.

In early 2014, the State Department sponsored an associate expert position in the UN Conduct and Discipline Unit. This program recruits American citizens under a bilateral agreement between the UN and US government to work for the UN Secretariat on projects that promote international peace and security. The position is fully funded by the United States using “pariah funds,” which are monies withheld from international organizations supporting states the United States does not support. The associate expert was placed in the CDU in order to assist with improvements in tracking and reporting on SEA and implementation of awareness-raising strategies on the impact of SEA in mission.

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ii. According to the UN website, the United States assessed dues for 2013-2015 are 28.38 percent of the peacekeeping budget. Assessed dues are based on a special scale of assessments under a formula established by member states. This formula takes into account, among other things, the relative economic wealth of member states, with the five permanent members of the Security Council required to pay a larger share.

iii. Author interview, October 2014.

## Challenges

Even with the implementation of stronger SEA policies and procedures, holding perpetrators accountable remains a challenge. Peacekeeping missions operate in a complex working environment; peacekeepers are dispersed across the globe, speak different languages, and have different relationships with the UN depending on their classification. For example, while troop contributing countries (TCCs) retain disciplinary responsibility for their military forces, UN staff, including civilian staff and police, are disciplined by the UN through administrative sanctions, such as fines, dismissal or repatriation.<sup>12</sup>

There are several operational challenges to developing effective SEA policies given the nature of the abuses and the environments in which they occur. First, victims may be reluctant to report SEA. Many victims face stigmatization and ostracism from their families and communities if they report instances of sexual abuse. Victims may also fear retaliation by the perpetrator, who in some cases carries a weapon. In countries where peacekeeping missions operate, there may be general mistrust of authority where the state's own law enforcement is corrupt and ineffective. A young girl in Haiti explained, "No one would go to the organization—not even the local leader, as he is scared of them kicking him out of the village."<sup>13</sup> Many victims consider reporting to be futile because they believe the peacekeeping mission will believe the perpetrator's word over the victim's. Further, in cases involving prostitution, there is an economic disincentive to report misconduct. A teenage girl in Côte d'Ivoire explained that reporting jeopardizes survival; the peacekeeper may be "using the girl but without him she won't be able to eat."<sup>14</sup>

Second, UN peacekeepers come from nearly 120 nations and bring their individual cultural attitudes and experiences to each mission. The legality of prostitution, the age of consent and the age of marriageability vary from country to country. For example, in many TCCs the age of consent is below age 18, and purchasing sex from prostitutes over the age of 18 is legal.<sup>15</sup> Peacekeeper cultural variance increases the importance of training and outreach activities. Peacekeepers must be clearly informed about what constitutes misconduct, especially where UN standards differ from those in their home country.

Finally, peacekeeping troops are under the exclusive authority of their home country, not the UN. Under the UN Model Status of Forces Agreement (SOFA), military members are generally immune from prosecution in the host country. The TCC is responsible for investigating alleged misconduct and has the exclusive right to prosecute members of its military. Although this immunity may be waived, that is unlikely where host state justice systems are dysfunctional and due process is in doubt. It has so far proven difficult for the UN to require TCCs to investigate and prosecute alleged perpetrators. The UN has instead used other indirect methods, such as "blaming and shaming" the TCC into taking action.<sup>16</sup> Many TCCs are reluctant to admit the misconduct of their peacekeepers, especially where such misconduct can be traced back to inadequate training, and would rather sweep allegations under the rug.

12 William J. Durch et al., *Improving Criminal Accountability in United Nations Peace Operations* (Washington, DC: Stimson Center, 2009), ix.

13 Csáky, 13.

14 Ibid., 12.

15 Carlyn van der Mark, *Sexual Exploitation and Abuse by UN Peacekeepers – Why the Problem Continues to Persist* (New York: PeaceWomen, 2012), 37-38.

16 "Blaming and shaming" is accomplished through pressure by the public, third-party states and other organizations.

## IMPLEMENTING THE ZEID REPORT'S RECOMMENDATIONS

In 2005, the Zeid Report addressed the challenges to confronting sexual exploitation and abuse in UN peacekeeping. The Zeid Report found that measures in place at the time were “ad hoc and inadequate to deal with the problem” and suggested “radical change” was needed.<sup>iv</sup> A number of reforms were recommended across all categories of personnel, including the following:

- Applying standards of conduct to all categories of personnel, including military contingents, and requiring wider dissemination of standards throughout the mission.
- Establishing a permanent professional investigative mechanism to investigate serious misconduct, including SEA, committed by all categories of personnel.
- Holding the UN accountable for extensive training, effective community outreach and personnel quality of life.
- Incorporating the implementation of measures to eliminate sexual exploitation and abuse into the performance goals and evaluation of civilian managers and military commanders.
- Requiring individual disciplinary, financial and criminal accountability, including liability to victims and dismissal from UN service, for all categories of personnel.
- Amending the memorandum of understanding (MOU) that regulates the relationship between the TCC and the UN to require TCC reporting of any action taken on cases referred through UN investigation.<sup>v</sup>

Based in part on the Zeid Report's recommendations, the UN has taken the following steps:

- Standards of conduct were clarified for both civilian and military peacekeepers, and the UN's Administration of Justice System has undergone a complete overhaul.
- A Conduct and Discipline Unit (CDU) was established at UN headquarters to organize training, monitoring and enforcement activities of civilian and military peacekeepers, and investigation mechanisms have been reinforced.
- Standardized measures for outreach and training were established across all categories of personnel, as well as procedures to improve peacekeeper morale and welfare.
- Civilian managers and military commanders have instituted more severe measures, such as curfews, lists of off-limits establishments, off-duty uniforms and abuse-reporting telephone hotlines.
- Protocols for assistance and support to victims have been issued by the UN General Assembly and Secretariat to field missions.
- MOUs between the TCCs and the UN have been revised to unequivocally lay out the obligations of states regarding conduct and discipline of their troops.<sup>vi</sup>

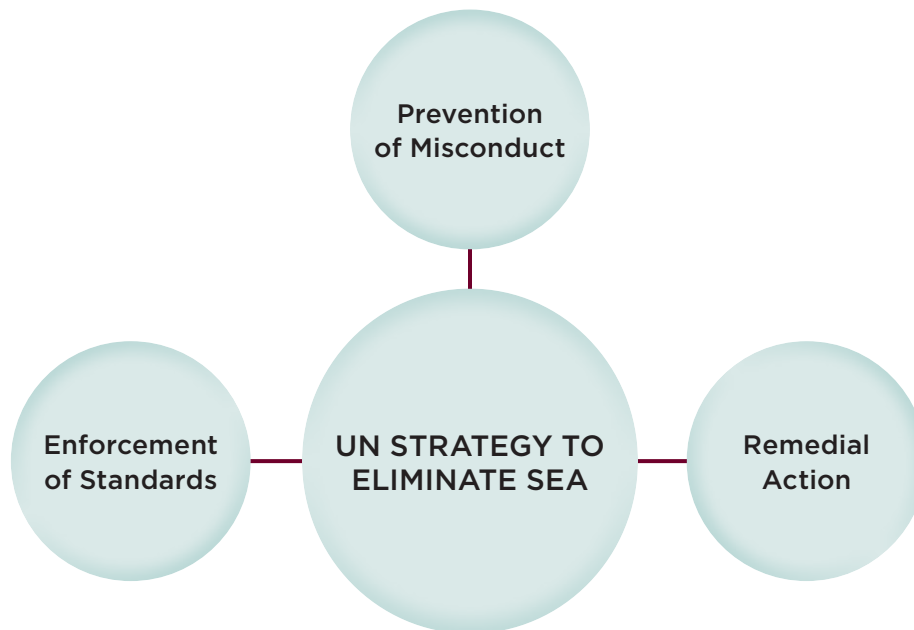
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<sup>iv</sup> Zeid Report, 9.

<sup>v</sup> Ibid., 4-6.

<sup>vi</sup> Katherine N. Andrews, *Signs of Progress in Improving UN Peacekeeper Accountability* (Washington, DC: Stimson Center, 2007).

## Policy Strategy: Prevention, Enforcement, Remedial Action



Consistent with the recommendations of the Zeid Report, the UN's first step was to create the UN Conduct and Discipline Unit (CDU) at UN headquarters.<sup>17</sup> The CDU is located in the Department of Field Support (DFS) and provides overall direction for field mission conduct and discipline by formulating policies, training and outreach activities and tracking allegations of misconduct. The CDU oversees Conduct and Discipline Teams (CDTs) on the ground through quality assurance and guidance. CDTs are often the first to receive allegations of SEA in the field and report to the Head of Mission on all allegations of misconduct. CDTs do not conduct investigations but examine allegations in order to make recommendations as to whether an investigation is necessary. If the CDT receives a report of SEA, the allegation is referred to the UN Office of Internal Oversight Services (OIOS).

The DFS has implemented the Zeid Report's recommendations through a "three-pronged" strategy of addressing misconduct, consisting of prevention, enforcement and remedial measures.

### Prevention

The first prong, prevention, includes an internal and external information-sharing strategy. Inadequate training has been a major contributing factor to peacekeeper SEA,<sup>18</sup> and improved training (in quality and quantity) is believed to be the most effective prevention measure.<sup>19</sup> Since 2005, SEA training has been mandatory for all personnel upon arrival in a peacekeeping mission. All international civilian staff receive predeployment training from the UN Department of Peacekeeping Operations (DPKO), while TCCs and Police Contributing Countries (PCCs) are responsible for providing mandatory predeployment training for military and police personnel.

<sup>17</sup> UN Department of Peacekeeping Operations, *Press Release: UN Establishes Peacekeeping Conduct and Discipline Units* (New York: United Nations, 2005).

<sup>18</sup> Zeid Report, 62.

<sup>19</sup> *Peacekeepers and Sexual Violence in Armed Conflict* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2006).

The CDU assists troop and police contributors with SEA training by developing and sharing training modules. CDTs also partner with mission training components to translate training materials into the languages of contingents and national staff. According to a UN official, the UN is “constantly monitoring, training and working to make the mandatory nature [of SEA training] actually mandatory.”<sup>20</sup> While the delivery and impact of predeployment training is harder to measure, all military and police personnel are trained when they arrive at the mission.

Technology has made it easier for the UN to train peacekeepers and track training requirements. In 2006, the UN produced a training video, “To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse.” The video was updated in 2013 to include new SEA survivor stories from different peacekeeping missions. The UN is also currently involved in a two-year e-learning training development project on standards of conduct, including those related to SEA. The CDU does not expect computer-based training to replace face-to-face training, but a mandatory e-learning link will better enable the UN to allow for flexible delivery and tracking of such training.

Externally, prevention efforts include outreach to local communities and the broader public. Educating local communities about what actions are considered SEA and where to report occurrences is critical to prevention efforts. The UN is making a concerted and creative effort to inform the local population about SEA reporting mechanisms. For example, the United Nations Mission in Liberia (UNMIL), recently partnered with religious leaders and community radio to conduct talk shows discussing how and where to report sexual exploitation and abuse involving UN personnel. In the Democratic Republic of Congo (DRC), community outreach activities have focused on sensitizing youth. In South Sudan, a national campaign called “16 Days of Activism against Gender Violence” incorporated public messages to encourage SEA reporting. The campaign involved a group of well-known local singers explaining prevention efforts through song.

**Recommendation:** The UN should continue to improve sexual exploitation and abuse training tools based on available technology, particularly computer-based modules. The UN must also continue to work with community leaders and local police by training them to understand and recognize SEA within their community. Awareness-raising efforts must combat the perception that sexual exploitation and abuse is acceptable or “normal.”

## Enforcement

The second prong, enforcement, includes mission mechanisms for receiving complaints and tracking follow-up action and investigations of civilian personnel by the OIOS. Investigations are conducted by OIOS, which is independent of the peacekeeping mission. OIOS independence fulfills a main recommendation of the Zeid Report because the reporting line for OIOS investigations initially bypasses mission leadership and goes directly to the UN Secretariat in New York. If the investigative mechanism were instead dependent on mission leadership, there would be a risk of bias; mission leadership could have an incentive to conceal allegations and avoid controversy.

OIOS is responsible for investigating all allegations of SEA by civilian personnel. When allegations are substantiated, the UN may repatriate the individual and ban him or her from serving in future operations. SEA investigations are extraordinarily difficult in the peacekeeping context, where many victims and witnesses are reluctant to provide testimony, and the UN lacks criminal jurisdiction to compel testimony under oath.

In another move toward enforcement, the UN memorandums of understanding (MOUs) with TCCs were amended in 2007 to make them consistent with the recommendations of the Zeid Report. In the case of military contingents, the TCC is now required to report back to the CDU on the outcome of misconduct

<sup>20</sup> Author interview, September 2014.

investigations and prosecutorial actions taken. Although at first many TCCs neglected to follow this new requirement, TCC information sharing has recently improved. Whereas 2011 and 2012 statistics hovered around a 50 percent response rate, 2013 statistics showed a response rate of over 90 percent.<sup>21</sup> This increase in information sharing can be attributed to the “partnership approach” undertaken by the CDU. After an initial follow-up is sent to a TCC, the CDU sends a monthly reminder until the TCC shares the required information. This revised approach includes more systematic follow-up and better communication of expectations between the UN and the TCCs.

Further, the Department of Field Support’s CDU launched the Misconduct Tracking System (MTS), a global database and confidential tracking system for all allegations of misconduct. Both the CDU and the field mission teams track actions taken in handling allegations of sexual exploitation and abuse through the MTS. More recently, the system has been used to vet UN international staff members applying to work in field missions. Also, database interface projects were completed in 2013 to ensure that potential military observers, police officers and military staff officers are screened against records of prior misconduct. An information-sharing agreement formalized the processes whereby UN volunteers who have previously served in peacekeeping operations are being screened against MTS records, and the UN is currently exploring methods of screening military contingent and police personnel.

The CDU is also developing a framework for enhancing accountability related to misconduct occurring in field missions. The framework will require mission leadership to track the progress of procedures designed to reduce SEA under the “three-pronged” strategy. Mission leadership will be required to record and report on actions taken to prevent SEA and cooperation during investigations. The accountability framework will systematically and simultaneously assess the quality of current action and develop a clear direction for future action. The reporting requirement will also allow the CDU to better keep track of strategy implementation in the field. The accountability framework will be implemented in the third quarter of 2015.

Issues of enforcement are complicated by the fundamental nature of peacekeeping. The UN has nothing more than administrative jurisdiction over military contingents.<sup>22</sup> Responsibility for investigating and taking action against a perpetrator falls on the TCC. The Zeid Report found this problematic because TCCs are reluctant to admit publicly to acts of wrongdoing. Although this is still true today, the UN has worked to mitigate such concerns. Today, every peacekeeping MOU obligates reporting, and the CDU monitors and maintains pressure on TCCs to encourage them to take required actions. Further, MTS has made it easier to track and follow up on cases. As long as data are entered correctly, the UN Secretariat and mission can track each and every SEA allegation. By improving MTS vetting and tracking capabilities over the coming years, the UN will make it easier to follow up with TCCs and make sure repatriated individuals cannot return to UN peacekeeping missions.

**Recommendation:** The UN’s “partnership approach” to troop contributing country (TCC) follow-up and information sharing should be strengthened in order to better track TCC investigation and prosecution. The vetting capabilities of the Misconduct Tracking System (MTS) should be enhanced to include all categories of personnel.

21 UN Department of Field Support, Conduct and Discipline Unit, *UN Follow-up with Member States (Sexual Exploitation and Abuse)* (New York: United Nations, 2013).

22 Administrative jurisdiction includes the ability to fine, dismiss, or repatriate peacekeeping troops, but does not include criminal prosecution.



## Remedial Measures

*“They come in our country to help us and they don’t help us; they have kids with us and leave. I need aid for my child, to pay for school. It’s MINUSTAH’s responsibility. We’re in a country without work. We need the UN’s help. They know MINUSTAH troops leave babies here, children without dads.”<sup>23</sup> —ROSELAINE DUPEVAL, HAITI, 2014*

The third prong, remedial action, encourages field missions to use preexisting local services in supporting the victims of sexual exploitation and abuse. The 2007 “UN Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel” calls for the establishment of an assistance mechanism for victims of SEA in every country in which missions are deployed.<sup>24</sup> According to a UN official, this policy’s goal is to ensure “basic services are available as soon as a victim comes forward.” The victim’s strategy envisages providing medical, legal and psychological care to victims, as well as facilitating the pursuit of paternity and child support claims.

Because the Comprehensive Strategy lacks an independent funding mechanism, the success or failure of remedial actions rests heavily on the host country’s “in-country network.” “In-country networks” are composed of pre-existing service organizations, including community-based organizations and non-governmental organizations (NGOs), and are coordinated through an in-mission UN focal point. Although the internal guide to the Comprehensive Strategy tasks humanitarian and resident coordinators with the responsibility of ensuring an operational in-country network, over the last few years, the CDT has stepped in as the interim focal point.

Throughout 2013, field missions’ CDTs have updated the mapping of services and assistance available to victims. “Mapping has been difficult because of the security in many [host] countries,” says a UN official, “but coordination has been improving.” Missions in the DRC and South Sudan are currently working with country teams to improve their victim assistance mechanisms, and the mission in Haiti set up its own “in-country network” in 2014.

Establishing adequate partnerships to provide victim assistance is difficult and time-consuming. CDT focal points are implementing the assistance strategy on top of many other initiatives and without separate funding. Potential community-based partners are also reluctant to assist CDTs because of the perception that SEA is a “peacekeeping” problem that the UN should handle on its own.<sup>25</sup> However, the UN’s focus on prevention efforts over the last 10 years, including training, focal point designation and communication mechanisms, has laid the foundation for a robust victim assistance strategy.

**Recommendation:** The UN should increase its attention toward improving victim assistance mechanisms and developing strong in-country partnerships in all missions. CDTs must be provided with adequate personnel and resources to map victim services and establish relationships with community-based partners.

23 Amy Bracken, “Haitian Moms Demand UN Help for the Babies Their Peacekeepers Left Behind,” *Public Radio International*, 2014.

24 UN Secretary-General Report, *Implementation of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel*, A/64/176, July 27, 2009.

25 Ibid.

## UN Administration of Justice for Nonmilitary Personnel

The UN's internal justice system was created to resolve nonmilitary staff disputes, including those involving SEA-related disciplinary actions. Because UN personnel have immunity from local jurisdiction and cannot be sued in national courts, administrative sanctions are the UN's only disciplinary recourse. In 2009, the system underwent sweeping changes after a panel of international jurists concluded that the previous system was ineffective.<sup>26</sup> Replacing the former dysfunctional system was part of a larger UN effort to increase organizational accountability. The UN Administrative Tribunal and accompanying peer-reviewed advisory boards were replaced by the new formal system of justice, composed of a United Nations Dispute Tribunal (UNDT) and the United Nations Appeals Tribunal (UNAT).

A study found the new system better protects the rights of staff members overall.<sup>27</sup> However, in a 2010 case before the UNAT, the tribunal ruled that charges that were "solely based on anonymous statements made to an Office of Internal Oversight Services (OIOS) investigator" could not be upheld, and information gained through anonymous statements could not warrant personnel dismissal.<sup>28</sup> Since SEA cases often involve anonymous witnesses, this ruling may make it difficult for the UN to discipline those who have been accused of SEA.<sup>29</sup>

Further, the Secretary-General concluded that the UN administration is increasingly cautious in its pursuit of peacekeeping mission disciplinary cases because of the new tribunal jurisprudence. In many cases, the decision not to pursue a disciplinary measure is made because "the underlying investigation and supporting evidence failed to meet the higher evidential and procedural standards" required by the new tribunals.<sup>30</sup>

**Recommendation:** The UN must strengthen its investigative procedures to ensure that evidence is acceptable to the new UN Administration of Justice system. In the absence of needed reforms, dismissals of staff who committed abuses may continue to be overturned by the United Nations Appeals Tribunal (UNAT).

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26 Durch et al., *Improving Criminal Accountability*.

27 Shelley Waldan and Bea Edwards, *Tipping the Scales: Is the United Nations Justice System Promoting Accountability in the Peacekeeping Missions or Undermining It?* (Washington, DC: Government Accountability Project, 2012).

28 This case involved a former UNOCI transport assistant. He contested the Secretary-General's decision to dismiss him after his photo was anonymously identified by two women alleging he committed SEA. Ibid.

29 Ibid.

30 UN Secretary-General Report, *Practice of the Secretary-General in Disciplinary Matters and Possible Criminal Behaviour, 1 July 2011 to 30 June 2012*, A/67/171, July 24, 2012, 17.

## SEA IN AFRICAN UNION PEACEKEEPING

In the failed state of Somalia, African troops are confronting Al-Shabaab and other armed opposition groups who pose a threat to the recognized Somali government and the security of the Somali people. These troops are fighting under the command of the African Union Mission in Somalia (AMISOM). AMISOM is now being asked to confront a new threat—the threat of sexual exploitation and abuse that their own troops pose to Somali women and girls.

African Union (AU) peacekeeping operations are young compared to UN operations and are just beginning to build their institutional capacity. AMISOM is the flagship AU mission and, with 22,126 uniformed personnel, is the largest and most challenging of all the AU missions. Even with so many troops on the ground, the AU was doing business without focusing on conduct and discipline until 2013. AMISOM's zero-tolerance policy toward sexual exploitation and abuse was launched in September 2013, and only recently has the AU committed to establishing the policies, procedures and expertise necessary to reduce instances of sexual exploitation and abuse.

AMISOM's credibility and reputation have suffered as a result of recent sexual exploitation and abuse allegations. In September 2014, Human Rights Watch released a report that accused internationally-funded AU peacekeepers in Somalia of raping women and girls as young as 12 and trading food and medicine for sex.<sup>vii</sup> Since the allegations surfaced, AMISOM has worked to reinforce sexual exploitation and abuse prevention efforts.

According to Mumbi Mathangani, the AU Commission's senior conduct and discipline advisor, "there are many parallels between the African Union and the UN." Mathangani says the AU's "aim is to really draw from the UN how they deal with conduct and discipline issues and find out what will work in [the African Union] context."<sup>viii</sup>

The AU has committed to making sexual exploitation and abuse policy a priority. A "Leadership Capacity Building and Strategy Formulation Workshop on Sexual Exploitation and Abuse" was held between October 9 and 11 of last year. At the opening of the workshop, the head of AMISOM, Ambassador Maman Sambo Sidikou explained, "AMISOM must continually seek to improve our systems and processes in order to respond to the dynamics of the mission, particularly on issues that affect the most vulnerable in society, such as those of sexual exploitation and abuse of women and girls."<sup>ix</sup> Mathangani hopes "leadership will buy in and appreciate why this is an issue, so they are committed to dealing with [SEA] in the mission." Her objective is to "get leadership to internalize the issue themselves."<sup>x</sup>

Because member state troop contributors have exclusive jurisdiction to investigate and punish crimes committed by their soldiers, involvement of the African Union's Peace and Security Council is essential. Mathangani says that although troop-contributing countries are "hard on their troops for misconduct, they don't report."<sup>xi</sup> She believes the Peace and Security Council's military attaché committee must be made more robust in order to follow up effectively with member states and keep track of troop contributing country investigations of SEA.

“We should be able to better follow-up with member states than the UN,” says Mathangani. The Peace and Security Council is structured differently from the UN, without permanent members or veto powers. This contributes to a “quicker, direct link [between the AU and] its member states on every issue and there is a clear sense of solidarity among African states in dealing with conflicts.”<sup>xii</sup>

The AU plans to release multiple policy documents intended to reduce the occurrence of sexual exploitation and abuse, including an overall policy framework on conduct and discipline. The framework will focus on the “long-term and not just immediate solutions,” says Mathangani.<sup>xiii</sup> The AU plans to develop specialized sexual exploitation and abuse training modules and establish a telephone hotline, through which the community can report abuses.

However, any sexual exploitation and abuse policy must be implemented by personnel on the ground. The AU is currently recruiting personnel experienced in sexual exploitation and abuse prevention to establish a conduct and discipline team in AMISOM. So far, the process has been extremely difficult. Mathangani says the AU is struggling to hire experienced investigators who are willing to work in volatile Somalia when they could instead work in UN missions, which are generally safer. “The African Union terms of reference are just not as attractive as the UN’s,” says Mathangani.<sup>xiv</sup>

The AU also has to deal with a financial framework with which the UN does not have to contend. Financial resources for hiring personnel are in a trust fund that is not directly under AU control. Staff recruitment is constrained by this structure, which limits the number of personnel that can be hired through the regular budget.

Mathangani believes the AU must also do a better job of communicating prevention efforts to the public. “A more robust communication system is needed to share the achievements that are being made and discuss the difficult context the AU is dealing with,” says Mathangani. Mathangani believes “the media is interested in the negatives, but a lot of positive things are happening in the African Union.”<sup>xv</sup>

<sup>vii</sup> “*The Power These Men Have Over Us*”: Sexual Exploitation and Abuse by African Union Forces in Somalia (New York: Human Rights Watch, 2014).

<sup>viii</sup> Author interview, September 2014.

<sup>ix</sup> African Union Mission in Somalia, *Press Release: Incoming African Union Special Representative for Somalia and Head of AMISOM, Ambassador Maman S. Sidikou Takes a Tough Stand on Sexual Exploitation and Abuse in Somalia* (Johannesburg: African Union, 2014).

<sup>x</sup> Author interview, September 2014.

<sup>xi</sup> Ibid.

<sup>xii</sup> Ibid.

<sup>xiii</sup> Ibid.

<sup>xiv</sup> Ibid.

<sup>xv</sup> Ibid.

## Evaluating SEA Measures

The UN has consistently monitored and assessed SEA policies over the last 10 years. In 2013, a small team of experts consisting of a former high-ranking military officer, an academic scholar and a high-ranking UN official was established to assess and identify risk factors that could potentially undermine the UN's zero tolerance policy.<sup>31</sup> The experts were deployed to the four missions with the highest levels of reported SEA: MINUSTAH (Haiti), UNMIL (Liberia), UNMISS (South Sudan), and MONUSCO (Democratic Republic of Congo). The experts' separate reports on each mission and an overall summary report were released internally in the fall of 2013. The report of the team of experts highlights the difficulty of developing a strategy to combat SEA across all peacekeeping missions. The experts emphasized the different problems faced by each of the four missions and how geography and contingent discipline affect rates of SEA occurrence.

The team of experts' findings led the UN to create an interdepartmental and interagency working group in January 2014. The working group brings together the DFS, OIOS, Department of Peacekeeping Operations (DPKO), Office of Legal Affairs (OLA), Office of Human Resources Management (OHRM) and Department of Safety and Security (DSS), among others. It is anticipated that the working group's report and recommendations will be considered during high-level consultations on SEA in 2015. Some key areas for discussion include the following:

- reviewing, enhancing, monitoring and tracking mandatory training on conduct and discipline for all personnel;
- outreach to communities and strengthening partnerships with civil society and agencies, funds and programs;
- regular risk assessment activity for prevention;
- strengthening accountability of senior mission leadership and commanders; and
- strengthening investigations.

Although UN measures to address SEA have been subject to ongoing monitoring and assessments, more needs to be done. There has not yet been an independent evaluation of the entire approach undertaken by the UN Secretariat to eliminate SEA since the Zeid Report. According to OIOS, oversight efforts have focused on specific aspects of the zero-tolerance policy and the "three-pronged" strategy, "rather than evaluating the relevance, efficiency, effectiveness and impact of the overall effort."<sup>32</sup>

**Recommendation:** On the occasion of the Zeid Report's 10-year anniversary, the UN should undertake a comprehensive and independent evaluation of the entire approach used by the UN Secretariat to eliminate SEA.

<sup>31</sup> UN Secretary-General Report, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, A/68/756, February 14, 2014, 10.

<sup>32</sup> UN Office of Internal Oversight Services, Inspection and Evaluation Division, *Inception Paper: Evaluation of the Protection from Sexual Exploitation and Abuse by United Nations and Related Personnel in Peacekeeping Operations* (New York: United Nations, 2013), 16.

## Conclusion

In the 10 years since the release of the Zeid Report, much progress has been made. The UN is continually expounding on policies and learning from best practices. New conduct and discipline expertise and an increase of resources to reduce sexual exploitation and abuse are having an impact on the ground. The organization now has a robust prevention strategy, and over the last few years enforcement efforts have greatly improved.

There has been significant progress in peacekeeper training and community outreach. Today, all personnel receive SEA training when they arrive in mission, and the CDU is providing troop contributors with training modules on UN standards. In the future, computer-based trainings could more effectively ensure all peacekeepers are aware of SEA regulations. Community outreach activities are educating the public about SEA prevention and where to safely report abuses.

The independence of UN investigators has been reinforced, and procedures have been standardized across missions. Revised MOUs have mandated TCCs to investigate SEA committed by their military contingents, and TCCs are better communicating the status of investigations and criminal prosecutions with the UN Secretariat.<sup>33</sup> The new misconduct database better enables the Secretariat and mission teams to track cases from inception through closure, and vetting procedures are being strengthened.

Although lacking an independent focal point and funding mechanism, the UN's Victim Assistance Strategy is being implemented on the ground. Field mission CDTs are currently mapping services and working with community-based organizations to provide medical, legal and psychological care to SEA victims.

There has been an overall downward trend of SEA incidents, which may indicate UN reforms and initiatives are having an impact. The UN's approach to addressing SEA is now so advanced that other international organizations, such as the African Union (AU) and North Atlantic Treaty Organization (NATO), have consulted with UN officials on how best to deal with sex crimes.

The UN has taken commendable steps. Nevertheless, as long as instances of sexual exploitation and abuse continue to occur, there is more work to be done. The UN should address the recommendations outlined in this report to prevent SEA, enforce standards, provide remedial action following abuses, and increase accountability.

### RESEARCH METHODOLOGY

This brief draws upon interviews and desk research regarding UN sexual exploitation and abuse policies developed over the last decade. The interviews were conducted in September and October 2014 with individuals within the UN Secretariat, the African Union Commission and the US Department of State. The desk research focused on UN resolutions and secretary-general reports, academic scholarship, news sources, and both internal and external UN policy documents.

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<sup>33</sup> In 2012, a Pakistani military tribunal convicted two peacekeepers of raping a 14-year-old boy. This was the first time that members of any UN military contingent deployed in Haiti had been tried and sentenced within Haitian borders.



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Jenna Stern is a visiting fellow in Stimson's Future of Peace Operations program. Before joining Stimson, Stern worked with the United Nations Department of Field Support's Conduct and Discipline Unit in New York. She has worked on numerous projects for the unit, including assisting in the development of an accountability framework and scorecard for field missions, updating personnel training modules, and comprehensively reviewing victim's assistance policies. She has also worked with the US Department of State's International Organizations Bureau, the US Mission to the United Nations Legal Office, and the US Department of Justice. Stern holds a Juris Doctorate from Vanderbilt Law School and a Bachelor of Arts in history and political science from the University of Florida.

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# Reducing Sexual Exploitation and Abuse in UN Peacekeeping

## TEN YEARS AFTER THE ZEID REPORT

*This year, a high-level independent panel appointed by the UN Secretary-General is undertaking a comprehensive review of UN peace operations. This review is the first of its kind since the groundbreaking “Brahimi Report,” published in 2000, which laid the foundation of modern peace operations. Like the Brahimi Report, the Panel’s findings could change the course of peace operations. This policy brief is the first in a series of Stimson’s Civilians in Conflict project publications, which will explore issues relevant to the review and its implementation, with a focus on how UN interventions can better protect civilians.*  
—Alison Giffen, Senior Associate, Co-Director of the Future of Peace Operations Program, and Director of the Civilians in Conflict Project.

United Nations (UN) peacekeepers help people living in the most volatile regions of the world emerge from conflict in the hope of a better future. Despite the important role peacekeeping missions play in restoring peace and security to fragile nations, there have been instances of peacekeepers taking advantage of the people they were sent to protect. This year marks the 10th anniversary of the seminal “Zeid Report,” which recommended an overhaul of UN sexual exploitation and abuse policy. In the decade since the report was released, the UN has taken commendable steps to prevent and respond to instances of sexual exploitation and abuse (SEA).



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