

Sexual Exploitation in Peace-keeping Missions

Query:

“The term “sexual corruption” is used to describe the misuse of power in e.g. situations of dependency but also refers to the behaviour of personnel in peace keeping forces. Can you explain how agencies are dealing with it? What is the response from gender activists / organisations? How is the issue legally dealt with? “

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Part 1: Introduction

In keeping with the commonly accepted definition of corruption as the abuse of power for private gain, we understand “sexual corruption” to refer to occasions when those in power abuse their authority in order to exploit persons (often, but not always, women and young girls) for sexual and/or financial and/or other personal advantage. In responding to this query we will address sexual corruption as it manifests itself in sexual exploitation in peace-keeping missions.

This is a timely query given that the UN just this week (on 04 December 2006) convened a high-level conference in New York on “Sexual Exploitation in UN peace-keeping missions” in response to grave reports of sexual abuse of children by peacekeeping missions in Haiti and Liberia. (See <http://news.bbc.co.uk/2/hi/americas/6197370.stm> and <http://news.bbc.co.uk/2/hi/americas/6208774.stm>). The issue is itself not a recent phenomenon, however, and in this U4 Expert Answer we briefly describe some of the problems of sexual corruption in peace-keeping missions. We then set out some of the agencies as well as gender and children’s rights organisations that are addressing these issues and undertake a brief consideration of the strategies, including the legal framework, that may be used to fight sexual exploitation in peace-keeping missions.

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Part 2: Background to the issue of “sexual corruption in peace-keeping forces

Sexual exploitation in peace-keeping missions has taken various forms including rape, paedophilia and human trafficking. Some of the cases documented in the last years include:

Recent allegations UN peace-keeping missions in Haiti and Liberia

The BBC recently broadcast two reports that unearthed sexual exploitation in UN peace-keeping missions in Haiti and Liberia. In Haiti, the BBC investigation revealed instances of children being paid for sex: <http://news.bbc.co.uk/2/hi/americas/6159923.stm> . In May this year, another BBC investigation discovered systematic abuse in Liberia, involving food being given out to teenage refugees in return for sex. The UN responded by heightening policing measures, appointing 500 monitors across the country, and introducing mandatory training of all personnel on appropriate conduct.

MONUC mission

Peacekeepers stationed in the Democratic Republic of Congo (the UN peace-keeping mission there is known as MONUC) have been the subject of several serious allegations of sexual exploitation. Just recently allegations were made that peacekeepers operated a child prostitution ring (<http://news.bbc.co.uk/2/hi/africa/5260210.stm>). In 2004 the UN was forced to undertake drastic measures to overhaul its system of monitoring gross abuses by its military and civilian personnel in light of 150 allegations of sexual exploitation on the part of peace-keepers. In October 2004, a team assessing the allegations concluded there was "zero compliance with zero tolerance," referring to the official policy of zero tolerance for sexual exploitation and abuse. The instances involved rape in some cases, and prostitution with children and adult women for money (between \$1-\$3), food, or jobs. After some peacekeepers raped girls, they tried to disguise it as prostitution by giving them money or food. The team also concluded that there was little awareness of UN standards of conduct, inadequate recreational facilities for soldiers, and protracted periods of separation for personnel from their families and communities—factors that contribute to a climate of exploitation. See <http://www.state.gov/g/tip/rls/tiprpt/2006/65992.htm>

Part 3: How are agencies and gender organisations responding to this issue?

In this section we examine the UN, NATO and the Organisation for Security and Cooperation in Europe (OSCE) responses to this serious problem as well as outline recommendations made by gender and children’s rights groups.

UN

Kofi Annan, at the UN high-level one day conference in New York, pledged to push forward the UN’s work on a binding treaty on the prosecution of sexual abuse committed by peacekeepers. About 80% of some 100,000 people who serve in peacekeeping operations cannot be disciplined by the UN because they belong to the various troop contributing countries, and the UN relies on those countries to discipline their personnel. The UN’s own figures show 316 peacekeeping personnel in all missions have been investigated, resulting in the summary dismissal of 18 civilians, repatriation of 17 members of Formed Police Units and 144 repatriations or rotations home on disciplinary grounds. The UN says it has firm

knowledge of only two concrete examples of sex offenders being sent to jail, although it believed there could be others it did not know about.

Participants (from UN agencies, children's and women's rights groups) also committed themselves to implementing ten strategic goals. They include policies on improving training for personnel, preventing those who commit abuse being re-hired and taking action to prevent retaliation after allegations of sexual abuse are made. Kofi Annan stated at the conference that it was essential that the UN create an environment in which people felt able to report allegations of sexual abuse without fear of retribution.

The UN has previously devised policies to enforce its "zero tolerance" of sexual corruption. In response to a major scandal involving humanitarian personnel at a refugee camp in West Africa in 2002, the UN Secretary General issued a bulletin in 2003 entitled "Special measures for protection from sexual exploitation and abuse." Please see <http://www.peacewomen.org/un/pkwatch/discipline/SGreportsexexpApr2004.pdf> . In the bulletin, sexual exploitation and abuse are characterized as acts of serious misconduct and are grounds for disciplinary action, including dismissal. It prohibits sexual activity with children under 18 years of age and with any other beneficiaries of assistance; it prohibits use of money, employment, goods, or services in exchange for sexual favors. United Nations staff is obligated to report misconduct or suspicious activities. Heads of department, office, or mission are responsible for undertaking necessary prevention measures and taking action to address any allegations of misconduct. Evidence of misconduct can be forwarded to national authorities for criminal prosecution. The UN can terminate any cooperative agreements with non-UN entities or individuals found to be violating this policy. The Secretary General's Special Advisor on Sexual Exploitation and Abuse by UN Peacekeeping Personnel, Prince Zeid, recommended this bulletin be part of the required standards of conduct for troops and that these standards be incorporated in Memoranda of Understanding between the United Nations and each troop-contributing country. In June 2005, the UN General Assembly broadened Prince Zeid's recommendation to make it applicable to all peacekeeping personnel.

NATO

A report entitled "Trafficking in Persons Report" published in June 2005 (see <http://www.state.gov/g/tip/rls/tiprpt/2006/65992.htm>) sets out the following information described in this section.

In June 2004, NATO member states and 19 partner nations adopted a Policy to Combat Trafficking in Persons. Please see <http://www.nato.int/issues/trafficking/index.html> . The provisions include a commitment for each country to: review its national legislation; ratify and implement the UN Convention Against Transnational Organized Crime and its supplementary protocol on trafficking in persons; conclude bilateral and multilateral agreements to prevent and counter human trafficking; provide appropriate antitrafficking training to all personnel taking part in NATO-led operations; support host country authorities in anti-trafficking investigations; incorporate contractual provisions prohibiting contractors from engaging in trafficking and impose penalties for failure to comply; and evaluate implementation of efforts as part of ongoing reviews. Since adoption of the policy, NATO's international military staff revised the Military Policy Guidance document to incorporate the policy's requirements on awareness and education. All NATO staff are bound by a special directive issued by NATO's Secretary General. Anti-trafficking directives will be included in all future NATO operational plans. Allies are examining how to ensure confidentiality for personnel or private citizens who report suspected incidences of trafficking, particularly within small missions.

NATO has created three anti-trafficking awareness training modules for all troops, commanders, and military police personnel. In 2005, the NATO school and the NATO Defense College began incorporating anti-trafficking into its curriculum for both senior commanders and staff officers. The NATO missions in the Balkans provide induction training for all personnel on a regular basis.

Member states and partners are responsible for disciplining personnel. NATO international forces or international military staff are subject to disciplinary action including dismissal if they support or facilitate trafficking. NATO conducts periodic mission reviews of NATO-led operations and can use this channel to report trafficking related incidences. NATO does not have a victim compensation program.

OSCE

The OSCE has policies to prevent personnel from engaging in human trafficking or sexual exploitation and abuse. The Code of Conduct for OSCE Officials addresses general conduct of mission members and is supplemented by a document titled "Staff Instruction 11" which specifically addresses preventing the promotion or facilitation of trafficking in persons. The staff instruction applies to all OSCE officials while on mission (including attending events in an official capacity). Regarding the deployment of international peacekeepers, the OSCE instruction specifically states, "Officials are not permitted to patronize any establishments or have professional or personal relationships with individuals with connections to trafficking." In December 2005, the OSCE Ministerial Council adopted a decision sponsored by the United States entitled "Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions." This decision focuses on the responsibility of OSCE member and partner states to take necessary measures to prevent trafficking, sexual exploitation, abuse, and forced labor by mission personnel, including investigating and punishing anyone who engages or facilitates these illicit activities. Reporting channels should ensure confidentiality of personnel or private citizens who report suspected incidences of trafficking.

OSCE officials and staff are subject to disciplinary action including dismissal if they are found to have supported or facilitated trafficking. Member states and partners are responsible for disciplining personnel assigned to the OSCE. Heads of Mission are obligated to take necessary measures to prevent involvement in trafficking by staff and to take any disciplinary action. Allegations of violations are to be reported to the OSCE Secretariat. OSCE does not have a victim compensation program. See

<http://www.state.gov/g/tip/rls/tiprpt/2006/65992.htm>

Children's Rights and Gender Rights Organisations

Gender organisations that work on this issue include "Peace Women", the Women's International League for Peace and Freedom (<http://www.peacewomen.org>). A useful portal for information on gender issues and war is found at <http://www.womenwarpeace.org/> . The Child Rights Information Network (CRIN) records the responses of organisations to issues involving children's rights. For example, see the response from Save the Children to the recent UN conference: <http://www.crin.org/resources/infodetail.asp?id=11677> .

In terms of specific recommendations that address issues of transparency and accountability and that are targeted at donors, we set out here the recommendations made by "Save the

Children” to tackle sexual exploitation and abuse (SEA) and sexual and gender-based violence (SGBV) by personnel of UN and NGOs.

Accountability of leadership

Accountability on the part of senior management is critical if sexual exploitation and abuse is to be eliminated. Policies, codes of conduct and organisational commitments are only as strong as their enforcement. Senior executives and managers must take personal responsibility for ensuring zero tolerance of SEA in their organisations and must demonstrate leadership on the issue. Proven complaints of misconduct should bear consequences for the individual directly implicated, and, as appropriate, for those all the way up the chain of management with responsibilities for preventing such behaviour in their organisation. For example, in Save the Children the conduct of staff is not only an issue for individual staff members and line managers but is a matter of corporate governance involving Directors, Board Members, and Trustees - as well as being a key accountability of the CEO. We recommend that all the senior leaders participating at this High Level Conference acknowledge their personal responsibility to play a leading role in addressing this issue.

Monitoring Progress

The problem of SEA transcends the boundaries of individual institutions. We call upon UN Principals and NGO CEOs to set delivery dates for plans of action that will make a reality of the steps that need to be taken to eliminate SEA. Plans of action by both bodies must include the monitoring of progress. As NGOs and the UN each take these steps, we must ensure that consolidated learning and progress achieved are shared.

Accountability by donors

Donors should call on agencies to exhibit much greater accountability to eliminate SEA and SGBV. Donor governments should develop stronger internal processes and procedures to address SEA. This could include, for example, the inclusion of the prevention of SEA in their emergency and country assessments, and steps to ensure that those they fund are fully compliant in addressing the issues of preventing and responding to SEA (and monitoring this through their evaluations).

Transparency and the sharing of information

Procedures for reporting complaints should be harmonised across different agencies. Reporting on SEA and SGBV should be simplified, with individual roles and responsibilities for staff within reporting systems made absolutely clear. Different agencies involved in humanitarian responses should agree on common monitoring and reporting frameworks in order to facilitate coordination and the sharing of information. A first step would be to set up inter-agency NGO and inter-agency UN reporting systems.

Address the root causes

Preventing SEA requires tackling the root causes of poverty. SEA will only be eradicated if its root causes are addressed. This involves overcoming the complex dynamic of endemic poverty and prolonged conflict that creates the power imbalances and desperation that sets the scene for sexual exploitation. We will only have maximum impact if we understand how our policy-making and practice on SEA interacts with other factors such as chronic insecurity, the loss of livelihoods and the weakening of community child protection mechanisms. This is particularly vital in crisis situations where displacement can significantly increase the risk of risk to children. Quality programming responses that address the need for livelihood

alternatives in post-conflict environments must be a particular focus for donors, NGOs and the UN.

Preventing SEA requires investment in national child protection systems

Investment is needed, not only to effectively roll out internal codes of conduct, but also to build effective national protection system in the country in which the emergency is taking place. Host governments have a responsibility to build up child protection mechanisms in countries so that when abuses do take place there is a support system to ensure they are investigated and that victims are offered adequate support. Preventing SEA requires investment in national child protection systems.

Financing

Eliminating SEA requires better-targeted investment from donors. Preventing and responding to SEA involves a range of activities of varying financial cost including training, specialist personnel and the development of materials - all of which require funding. We recommend that donor funding in emergencies be directed towards preventing and responding to SEA and SGBV under its own specific budget line. In addition, each organisation should create a core protection budget to support the range of activities required to effectively implement a policy of zero tolerance.