

SEXUAL VIOLENCE BY PEACEKEEPERS AGAINST CHILDREN AND OTHER CIVILIANS – *A PRACTICAL GUIDE FOR ADVOCACY*



About CRIN (www.crin.org)

Our goal: A world where children's rights are recognised, respected and enforced, and where every rights violation has a remedy.

Our organisation: CRIN is a global research, policy and advocacy organisation. Our work is grounded in the United Nations Convention on the Rights of the Child.

Our work is based on five core values:

- We believe in rights, not charity
- We are stronger when we work together
- Information is power and it should be free and accessible
- Societies, organisations and institutions should be open, transparent and accountable
- We believe in promoting children's rights, not ourselves.

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Illustrations by Miriam Sugranyes Coca
Designed by Remember Creative

TERMS OF REFERENCE

Abbreviations and Acronyms

CAR: Central African Republic

CDU: Conduct and Discipline unit

CDT: Conduct and Discipline team

CRC: Convention on the Rights of the Child

DPKO: Department of Peacekeeping Operation

GA: General Assembly

IRP: Independent Review Panel

ICC: International Criminal Court

HRDDP: Human rights due diligence policy

HRUF: Human Rights up Front (initiative)

HRJS: Human Rights and Justice Section of MINUSCA

MINUSCA: Multidimensional Integrated Stabilization Mission in the Central African Republic

MRM: Monitoring and reporting mechanism

MOU: Memorandum of Understanding

NGO: Non-Governmental Organisation

OHCHR: Office of the High Commissioner for Human Rights

OIOS: Office of Internal Oversight Service

OLA: Office of Legal Affairs

PSEA: Peacekeepers sexual exploitation and abuse

SC: Security Council

SEA: Sexual exploitation and abuse

SEA/VAM: Sexual exploitation and abuse/ victim assistance mechanism

SG: Secretary-General

SRSG: Special Representative of the Secretary-General

TCC: Troop Contributing Country

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

USG: Under-Secretary General

USG for DPKO: Under Secretary-General for the Department of Peacekeeping Operations

USG for OIOS: Under-Secretary General for OIOS

Terminology

Impunity: Exemption from punishment.

Jurisdiction: The right or power to administer justice and to apply laws.

Redress: Remedy or compensation for a wrong or grievance.

Reparations: The action of making amends for a wrong one has done, by providing payment or other assistance to those who have been wronged.

Sexual violence: Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

Sexual exploitation: Is 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 the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Whistleblower: The term 'whistleblower' is traditionally reserved for insiders –organisation members who disclose wrongdoing under the control of that organisation –and this is generally the focus of national laws.

Child: Every human being under the age of eighteen years old.

UN staff and related personnel: United Nations staff member, consultants, individual contractors, individual contractors, UN volunteers, experts on mission and contingent members.

Human Rights up Front: The Human Rights up Front (HRuF) initiative was launched by the UN Secretary-General in late 2013. Its purpose is to ensure the UN system takes early and effective action, as mandated by the Charter and UN resolutions, to prevent or respond to large-scale violations of *human rights* or international humanitarian law.



Introduction

As of 2016, more than 90,000 military personnel serve on peacekeeping operations under a UN mandate.¹ They play a vital role in providing security and help countries make the difficult transition from conflict to peace. Today's peacekeeping operations also facilitate the political process and support the organisation of elections, assist in the restoring rule of law and the promotion of human rights, while protecting civilians and assisting in disarmament and demobilisation.²

The majority abide by the law, but in a number of well-documented cases peacekeepers have perpetrated, or otherwise been implicated in, sexual violence against local civilians, including children. Since the 1990s, sexual violence by UN peacekeepers is known to have occurred in Bosnia, Cambodia, Central African Republic (CAR), East Timor, Democratic Republic of the Congo, East Timor, Haiti, Liberia, and South Sudan.³

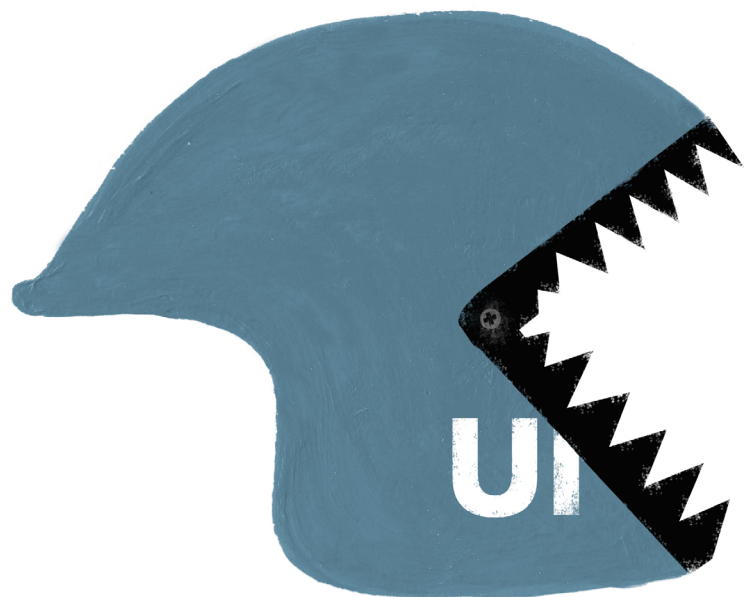
After multiple reports emerged in 2014 of the sexual abuse of children by French soldiers serving in the UN peacekeeping operation in CAR, the UN's response – at all levels up to and including the Secretary-General – was evasive. The hierarchy's over-riding motivation was to punish the official who leaked the information, who was suspended from his job. The need to provide for the welfare of the children affected, which ought to have been the primary consideration, was overlooked. So was the need to hold the perpetrators to account.

Later scrutiny in the media, combined with advocacy by NGOs and from within the UN, prompted an independent review. The report, published in December 2015, found that the UN, UNICEF and others had widely failed in their duty to put human rights first and to protect the best interests of children.⁴ In view of the huge scale of UN peacekeeping worldwide, the well-established fact that sexual violence is common in military settings, and the evident vulnerability of the civilians that peacekeepers are sent to protect – especially children⁵ – the risk is and remains substantial. There is no doubt that sexual violence by UN peacekeepers continues today; the number of reported cases rose from 52 in 2014 to 69 in 2015. Most of these were in CAR, despite the scandal of 2014.

The UN has since taken steps to respond. The independent review that followed the abuse in CAR was one of a number of high-level inquiries commissioned during the last decade in response to reports of abuse by peacekeepers. In May 2015, before the CAR independent review was published, the UN General Assembly adopted a report on the issue; the UN announced that it would implement 40 of its recommendations.

CRIN acknowledges the progress made, but believes that the steps taken so far fall well short of what is needed to ensure that civilians, and children in particular, will not suffer at the hands of UN peacekeepers again. Due to the complexity of the UN, especially its peacekeeping structures, it can be difficult for non-governmental organisations (NGOs) and states to know how to advocate for change. CRIN has been asked by NGOs and some governments to explore what could be done now, and how.

This guide makes 10 'next steps' recommendations, each of which would help to safeguard children and other civilians in the long-term. It also suggests how to pursue these recommendations and whom to partner with. The guide is a work in progress and we welcome feedback on any aspect of it.



1 Throughout, 'UN peacekeepers' means military personnel serving on peacekeeping operations with UN authorisation, whether or not they are under direct UN command.

2 Available at: <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml>

3 Throughout, 'sexual violence' means any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work. Available at http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf

4 Available at <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>.

5 Throughout, 'child' means to any person below the age of 18 years, as defined by the Convention on the Rights of the Child.

Sexual violence in CAR is rooted in a conflict that began in late 2013 when mostly Muslim rebels overthrew the government in this Christian-majority country, setting off a cycle of revenge killings that in Bangui fell largely along religious lines. The UN mission, a 12,000 member organisation which includes troops from 46 countries and is known as MINUSCA, was established to provide security and protect civilians.⁶

Allegations of sexual violence came to light in 2015 when the then Director of Field Operations at the Office of the High Commissioner for Human Rights (OHCHR), Anders Kompass, advised French authorities about a report on child sexual abuse carried out by French peacekeepers in CAR between December 2013 and July 2014, and the subsequent story was published in the Guardian newspaper.

After the release of a UN report on sexual violence by UN mandated peacekeepers, pressure mounted on senior UN figures for how they responded to abuse allegations which eventually resulted in the sacking of the mission chief by the UN Secretary-General (SG).⁷ Furthermore, the reoccurrence of allegations of sexual violence by peacekeeping forces has led the UN to conduct a number of high level inquiries into the problem over the last decade.

An updated report was adopted by the UN General Assembly in May 2015, and the UN announced that it is implementing more than 40 measures from the report to deal with this ongoing issue.⁸ Despite this, the number of cases of sexual violence has continued to rise from 52 reported cases in 2014, to 69 in 2015. To date, 41 cases have been documented in 2016 in the CAR alone.⁹



⁶ Available at: http://www.un.org/en/peacekeeping/missions/minusca/&sa=D&ust=1464776766284000&usq=AFQjCNEKcgp8ryn2lhsz0AV_cmJRz_UDsg.

⁷ UN receives new allegations of rape by Minusca peacekeepers in CAR, Guardian, August 2015, Available at: <https://www.theguardian.com/world/2015/aug/19/un-receives-new-allegations-of-by-minusca-peacekeepers-in-car>.

⁸ Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General (A/70/729), UN General Assembly, Feb 2016

⁹ Conduct and discipline unit, Office of Internal Oversight Services (OIOS), Available at: <https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsforAllCategoriesofPersonnelPerYearSexualExploitationandAbuse.aspx>

Advocacy opportunities: ten recommendations and how to take them forward

The report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic provides strong recommendations, but their focus is narrow, centred mainly on the situation in CAR.¹⁰ In order to safeguard children and other civilians most effectively in the long-term, a number of improvements are necessary to international processes, the design of UN peacekeeping, and the conduct of operations in the field. The following ten recommendations cover these three areas.

International processes

- 1. Whistleblower protection
- 2. Prosecution mechanisms
- 3. Repatriation/courts-martial
- 4. Accountability

Peacekeeping personnel

- 5. Training and vetting
- 6. Female peacekeepers

During peacekeeping operations

- 7. Improved evidence gathering processes
- 8. Complaint mechanisms
- 9. Local independent peacekeeping ombudsperson
- 10. Redress for victims



International processes

1. Whistleblower protection

The right of access to information is essential for the public's democratic participation in political affairs, particularly in holding those with power to account. Whistleblowers have been indispensable in highlighting malpractice, wrongdoing and abuse, which would otherwise have remained unchallenged. Those who disclose information of malpractice and abuse should be protected in law and in practice.

At the UN, basic structural gaps have put whistleblowers at risk. Few UN whistleblower complaints are appropriately investigated and allegations of reprisals against the individuals concerned are common.¹¹ For many UN whistleblowers, the UN Ethics Office offers little protection and the justice system is largely inaccessible. Between 2006 and 2014, despite 403 inquiries being sent to the UN Ethics Office from staff members who have reported misconduct or cooperated with an audit or investigation and believe they had been retaliated against, only four were established as retaliatory cases.¹² The case of Anders Kompass is a reminder that even senior officials can face punitive action as a consequence of a conscientious deed.¹³

Who holds greater responsibility?

As stated in the SG's bulletin on the "Protection against retaliation for reporting misconduct and for cooperating with duly authorised audits or investigations"¹⁴, the UN Ethics Office is the body mandated to protect staff from being punished for reporting misconduct or for cooperating with an official audit or investigation.

Recommendations

The SG and the UN Ethics Office should review existing whistleblower protection policies and strengthen them substantially. The practice of subjecting whistleblowers to lengthy internal appeals processes for contesting disciplinary actions against them should end. Due to the often-traumatic nature of these processes, whistleblowers

¹¹ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, September 2015, A/70/361, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/361

¹² Ibid, p.20

¹³ UN whistleblower who exposed sexual abuse by peacekeepers is exonerated, Guardian, January 2016, Available at: <https://www.theguardian.com/world/2016/jan/18/un-whistleblower-who-exposed-sexual-abuse-by-peacekeepers-is-exonerated>

¹⁴ Protection against retaliation for reporting misconduct and for cooperating with duly authorised audits or investigations, December 2005, ST/SGB/2005/21, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2005/21

¹⁰ Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, December 2015, Available at: <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>

should have access to appropriate psychological support as needed.

An external independent mechanism should also be established to evaluate claims of retaliation and to settle disputes, and appropriate disciplinary action should be taken against senior staff who seek to retaliate against whistleblowers, including the possibility of removal from their post and personal liability.¹⁵

A specific commitment from the new SG on the need to strengthen whistleblower protection, in line with the SG's Bulletin on protection against retaliation, would be a powerful statement of intent. Lastly, punishment of those who retaliate should not be merely disciplinary, and should include the possibility of removal from their post and personal liability.¹⁶

What the UN has done so far

In September 2015, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression published a report on the issue¹⁷, which recommended “particular attention must be paid to the effectiveness and independence of existing reporting and justice mechanisms, given the lack of access of whistleblowers to any other formal justice system.”

No new actions or initiatives protecting individuals who pass on information about malpractice in the UN have emerged since the exoneration of Anders Kompass in May 2015.

What can be done now (and who to partner with)

International level

The appointment of a new SG in 2017 provides an opportunity to show renewed commitment to a more transparent and accountable UN. Some candidates for the position have commented on the importance of strengthening whistleblower protection. It is also important that the new SG and the UN Ethics Office guarantee that those who have been found to retaliate against whistleblowers, especially those in senior positions, receive appropriate disciplinary action.

State level

Certain Member States, which have shown strong interest in championing whistleblower protection at the UN, such

as Sweden and Ecuador, could be allies in calls for a re-evaluation and strengthening of the UN's approach. Other States, which have strong domestic legislation or a culture of safeguarding the rights of whistleblowers, such as Iceland and South Africa, could also be allies.

Civil Society

The Code Blue Campaign has been among the most active advocates for change following the UN's failed response to sexual violence in CAR and have highlighted the need to improve whistleblower protection.¹⁸ Other NGOs active in this field include the Government Accountability Project (GAP), which worked to advance whistleblower protection at the UN for two decades,¹⁹ and the Whistleblowing International Network, which connects and strengthens civil society organisations that defend and support whistleblowers.²⁰

2. Prosecution mechanisms

The UN has no jurisdiction to prosecute either peacekeeping troops or civilian staff. Peacekeepers provided by UN Member States are also immune from the jurisdiction of the country to which they are deployed, but their home nations can prosecute them for crimes committed on duty. Successful prosecutions by troop-contributing countries are rare²¹; soldiers are usually allowed to return home without repercussions. When prosecutions happen, such as in the case of Uruguayan peacekeeping troops who raped a child in Haiti, punishment can be far less severe than in domestic cases.²²

UN staff are immune from any legal process for any act performed in their official capacity²³, which can create a barrier to prosecution. The SG has the right to waive this immunity where it would “impede the course of justice”²⁴ but this power is used rarely. Consequently, prosecutions of UN civilian staff who are alleged to have committed crimes while on overseas missions is also extremely rare.

In resolution 1820, passed 19 June 2008, the Security Council recognised that “rape and other forms of sexual violence

¹⁵ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, September 2015, A/70/361, p.20, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/361

¹⁶ Ibid, p.21

¹⁷ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, September 2015, A/70/361, p.24, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/361

¹⁸ <http://www.codebluecampaign.com/>

¹⁹ <https://www.whistleblower.org/>

²⁰ <https://whistleblowingnetwork.org/>

²¹ As of August 2016, two peacekeepers serving in CAR have been imprisoned in Egypt and Bangladesh for crimes committed in CAR. Several trials involving peacekeepers for sexual violence related crimes committed in CAR are ongoing.

²² Reduced Charges Against Uruguayan MINUSTAH Troops Latest Example of Lack of UN Accountability, Centre for Economic and Policy Research, Available at: <http://cepr.net/blogs/haiti-relief-and-reconstruction-watch/reduced-charges-against-uruguayan-minustah-troops-latest-example-of-lack-of-un-accountability>

²³ Convention on the Privileges and Immunities of the United Nations, Article V, Section 18(a).

²⁴ Convention on the Privileges and Immunities of the United Nations, Article V, Section 20.

can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.²⁵ The Rome Statute of the ICC and the case law of International Criminal Courts also establish that sexual violence can amount to a war crime, crime against humanity and a constitutive act with respect to genocide.

The Rome Statute provides that “rape, sexual slavery, enforced prostitution, forced pregnancy, ... enforced sterilization, or any other form of sexual violence” are war crimes in respectively international and non-international armed conflicts. The Rome Statute also adds sexual violence to the list of acts constituting crimes against humanity. To amount to a crime against humanity, sexual crimes must however be committed as “part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. In other words, there must be a policy or a practice of committing crimes that are tolerated or condoned by a government or de facto authority.

Who is responsible

The responsibility for prosecuting peacekeeping troops, military observers or police personnel who have committed crimes currently lies with the troop-contributing countries. However, the responsibility for reforming how jurisdiction is exercised in peacekeeping operations ultimately rests with the Member States of the UN General Assembly and the Security Council. Much depends on whether Member States have the political will to reform how jurisdiction is exercised.

Recommendations

The General Assembly should reopen discussion on an international convention to deal with crimes committed on peacekeeping operations. A professional investigative team should be established, staffed by experts with experience in investigating sexual violence in conflict settings. Both proposals were initially discussed in a report by the UN Group of Legal Experts in 2006.²⁶ Their proposals also included: the establishment of hybrid courts²⁷; the shared exercise of jurisdiction by the host State and other States; and the establishment of an international tribunal with jurisdiction to try peacekeepers for alleged offences. The report remains a standing item on the UN General Assembly’s Sixth (Legal) Committee, but no action has been taken.

The Office of the Prosecutor of the International Criminal Court (ICC) must consider investigating cases of sexual violence committed by peacekeepers.

What the UN has done so far

In March 2016 the Security Council adopted Resolution 2272 endorsing the decision of the SG to repatriate the units of a military contingent when there is credible evidence of widespread or systemic sexual violence. The SG has also urged Member States to re-open and conclude their discussions on the 2006 Group of Experts proposals for the establishment of an international convention to ensure accountability of peacekeeping personnel. States’ failure to conclude discussions on the Group of Experts report sent “a terrible signal to the world”, he said²⁸. The SG has also urged the General Assembly to extend the UN’s judicial jurisdiction to include individuals serving in overseas peacekeeping operations.

What can be done now (and who to partner with)

International

Matters of international peace and security fall under the Security Council’s jurisdiction, whose resolutions are binding. The General Assembly usually passes non-binding declarations. The Security Council was able to pass the resolution 1612 that created the Working Group on Children and Armed Conflict and the Monitoring and Reporting Mechanism on grave violations of children’s rights in armed conflict.²⁹ The Security Council could exercise its authority in a similar manner to redress peacekeepers’ general immunity from prosecution.

Individuals who hold UN mandates could also play a significant role. The Special Representative to the Secretary General (SRSG) on Children and Armed Conflict (CAC) was criticised for failing to follow up on the allegations in CAR. The SRSG should push for stronger action on this issue during the Security Council’s bi-annual CAC debates. Her office should also negotiate the signature of action plans with governments included on the list of countries she monitors to plan the State’s appropriate response to the violations committed by UN peacekeepers.

State level

Advocacy is needed with Member States to encourage them to support an international jurisdiction mechanism that allows for peacekeeping troops and UN civilian staff to be prosecuted.

²⁵ Available at: <http://www.un.org/press/en/2008/sc9364.doc.htm>

²⁶ Report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations, A/60/980, August 2006, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/471/41/PDF/N0647141.pdf?OpenElement>

²⁷ The Office of the High Commissioner of Human Rights (OHCHR) defines hybrid courts as courts of mixed composition and jurisdiction, encompassing both national and international aspects, usually operating within the jurisdiction where the crimes occurred. Read more about hybrid courts here: <http://www.ohchr.org/Documents/Publications/HybridCourts.pdf>.

²⁸ The future of United Nations peace operations: implementation of the recommendations of the High-Level Independent Panel on Peace Operations: Report of the Secretary-General, September 2015, A/70/357–S/2015/682, p.25, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/682

²⁹ Available at: <http://www.un.org/press/en/2005/sc8458.doc.htm>

Civil society

AIDS Free World run the Code Blue campaign focussing directly on ending impunity for individuals who commit sexual violence during UN peacekeeping missions and has the support of numerous influential individuals. Watchlist focus exclusively on children and armed conflict conducting targeted advocacy around Security Council debates.³⁰ The Coalition for the International Criminal Court (CICC) is a network of 2,500 civil society organisations in 150 different countries working to strengthen international cooperation with the ICC, ensure that the Court is fair, effective and independent and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

3. Repatriation/Courts-martial

Security Council resolution 2272 endorsed a proposal of the SG calling for the repatriation of a State's peacekeeping troops when they are found to have committed sexual violence against civilians. The resolution was adopted with 14 votes in favour (Egypt abstained), but it has been criticised as weak. The proposed process would only request the SG to assess whether a State had taken steps to investigate allegations, held the perpetrators to account and kept the SG informed of progress. Based on the SG's assessment, a recommendation could be made about future participation of a State's troops and civilian staff in peacekeeping operations. This allows wide scope for interpretation, placing too much power in the SG's hands, and not specifying the nature of allegations that should trigger the process.

Who is responsible

The SG has the authority to call on troop-contributing countries to repatriate their troops. Responsibility also lies with troop-contributing countries to cooperate with such a request.

Recommendations

In the absence of an international prosecution mechanism with jurisdiction over peacekeepers, there should be a legally binding obligation to repatriate peacekeeping units immediately once allegations of systematic sexual violence have been substantiated. Only this can demonstrate to the local community that there is no impunity for acts of sexual violence and that individuals are being held to account. The Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping

Operations (Zeid Report) in 2005 and the SG's 2015 report on Special measures for protection from sexual exploitation and sexual abuse proposed that on-site courts martial could be established by troop-contributing countries when prosecution in civilian courts is not possible.³¹ This proposal could promote accountability and transparency, adhering to the principle that 'justice must be seen to be done', and act as a deterrent to other peacekeeping personnel.

What the UN has done so far

Since the Security Council passed resolution 2272 in March 2016, the SG has asked States to establish on-site court-martial proceedings, supported by the judicial infrastructure necessary, when allegations amount to sexual violence under the national legislation of the troop-contributing state. Peacekeeping troops belonging to a number of countries, including the Republic of Congo, Democratic of Congo and Burundi, have had peacekeeping units repatriated from CAR since the resolution was passed.

What can be done now (and who to partner with)

International

Continue to encourage the SG and the UN High Commissioner for Human Rights to push States to implement a system of on-site courts martial.

State level

The US, which drafted Security Council resolution 2272, could use its position to gain support for its principles from other states. Some states offer examples of good practice in operating on-site courts martial during peacekeeping operations. For example, in response to allegations of sexual violence involving some of its troops deployed to the UN Stabilisation Mission to the Democratic Republic of the Congo (MONUSCO), South Africa implemented court martial proceedings in the Democratic Republic of the Congo.³²

Civil Society

National NGOs could play a significant role in advocating for reforms to national legislation in order to permit on-site courts martial where necessary, as well as ensuring that troop-contributing countries cooperate with SG requests to have peacekeeping units repatriated.

30 Available at: <http://watchlist.org/>

31 UN General Assembly, A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, A/59/710 (24 March 2005), paras 35–36: <https://cdu.unlib.org/Portals/0/Documents/KeyDoc5.pdf>; UN General Assembly, Special Measures for Protection from Sexual Exploitation and Sexual Abuse: Report of the Secretary-General, A/69/779 (13 February 2015), p15-16: http://www.un.org/ga/search/view_doc.asp?symbol=A/69/779

32 Available at: <http://www.un.org/en/peacekeeping/documents/updatesea.pdf>

4. Accountability

Despite the number of well documented cases of sexual violence on peacekeeping missions, very few individuals, whether military or civilian, have been successfully prosecuted. Senior UN officials and UN agencies have repeatedly failed to respond to the crisis appropriately, failed to stem abuses, failed to provide protection and redress for victims, and failed to ensure perpetrators are prosecuted. The Independent Review into the UN's response in CAR named senior UN officials who had abused their authority, including the head of HRJS whose actions it said, "present a clear picture of abuse of authority,"³³ and the SRSG of MINUSCA whose "failure to fulfil his responsibilities as head of MINUSCA was so egregious that it rises to the level of an abuse of authority."³⁴ However, many other senior officials who have been heavily criticised for their actions have not been held to account.

Despite a UN Judge ruling that it was '*prima facie* unlawful' to suspend Anders Kompass from his post in CAR and ordered his reinstatement,³⁵ no one has been disciplined. Deputy High Commissioner Flavia Pansieri resigned after admitting that she had not given the initial allegations due attention and Susana Malcorra, who as Chief of Staff to Ban Ki-moon was criticised for mishandling the Kompass affair, quit the UN to become the foreign minister of Argentina a month before the Independent Review report was published.³⁶ The SG must ultimately be accountable for the catalogue of UN failures in CAR, and along with the High Commissioner (HC) for Human Rights, for the mishandling of failure to discipline senior UN officials for their wrongdoing in the Kompass case.

Who is responsible

On the ground, responsibility for stopping incidents of sexual violence and ensuring that suspected perpetrators are fully and promptly investigated, lies with the head of the UN mission in the country and the head of the Human Rights and Justice Section of MINUSCA (HRJS). UN agencies like UNICEF must also be held to account for their failures in providing appropriate care for victims. The SG is responsible overall for ensuring that the UN is accountable for all of its work.

Recommendations

In the absence of an international prosecution mechanism, the UN must do all it can to ensure that perpetrators of sexual violence are identified and prosecuted in their home countries and that the troop-contributing state is held to account for the actions of its own peacekeepers. To this end, a 'name and shame' policy could be helpful. Although this was first proposed in the Zeid report in 2005, it has yet to be adopted by the General Assembly. It would allow troop-contributing countries that fail to prosecute their peacekeepers who commit offences on peacekeeping operations to be publicly identified.³⁷ As recommended in the 2015 report of the Office of Internal Oversight Services (OIOS) that troop-contributing countries be obliged to report to the UN on the outcomes of investigations³⁸, where States fail to do so, a 'naming and shaming' policy would shine a light on their refusal. In the event that troop-contributing countries demonstrate a pattern of non-compliance, their UN troop payments should be reduced or suspended.

What the UN has done so far

In February 2015 the SG introduced an interim measure to suspend payments to troop-contributing countries whose personnel are suspected of acts of sexual violence. However, little has been done to hold senior UN officials to account.

What can be done now (and who to partner with)

International

Member States on the Security Council which used a "naming and shaming" policy as part of the Monitoring and Reporting Mechanism focussing on children in armed conflict have overall responsibility. The same approach could now be taken in the event that troop-contributing countries fail to investigate allegations of sexual violence by their peacekeepers. The SG's office must ensure that senior officials who have failed in their roles or been found guilty of abusing their authority are disciplined appropriately. The appointment of a new SG in 2017 presents a significant opportunity here.

State level

A "naming and shaming" policy can only be effective with the support of troop-contributing countries. The SG has

33 Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, December 2015, p. 54. Available at: <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>.

34 Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, December 2015, p.56. Available at: <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>.

35 UN suspension of sexual abuse report whistleblower is unlawful, tribunal rules, Guardian, May 2015. Available at: <https://www.theguardian.com/world/2015/may/06/un-suspension-of-sexual-abuse-report-whistleblower-is-unlawful-tribunal-rules>.

36 Available at: http://www.nytimes.com/2015/07/23/world/africa/un-official-flavia-pansieri-resigns-central-african-republic-peacekeeper-sex-abuse.html?_r=0

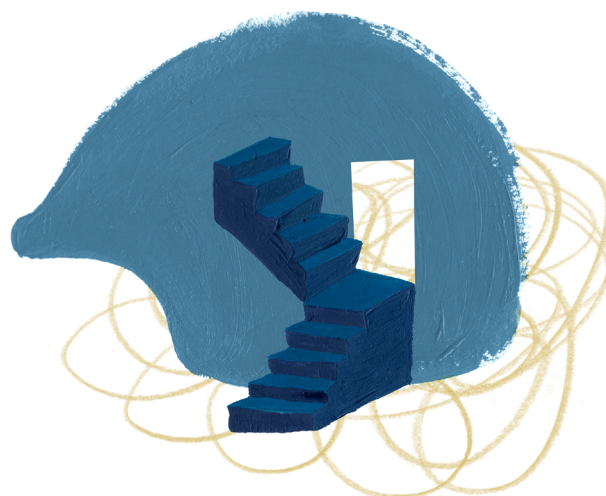
37 A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations Peacekeeping Operations, March 2005, (A/59/710). Available at: <http://undocs.org/a/59/710>.

38 UN Office of Internal Oversight Services, Evaluation Report: Evaluation of the enforcement and remedial assistance efforts for sexual exploitation and abuse by the United Nations and related personnel in peacekeeping operations, May 2015, para 69. Available at: <https://oios.un.org/page?slug=evaluation-report>

declared his intention to disclose in future reports to the General Assembly “country-specific information on the number of credible allegations being investigated by Member States”, including “the year in which a case was reported” and the name of the troop-contributing country involved.³⁹ However, to enact this he needs the approval of the General Assembly’s Special Committee on Peacekeeping, which has so far expressed little desire for a “naming and shaming” approach. The Committee has over 100 members, including many from troop-contributing countries.

Civil Society

International and local civil society organisations should offer child victims legal advice and legal representation to seek redress for the abuse committed by peacekeepers. Organisation like ECPAT and Save the Children have developed expertise in child protection, including from sexual abuse and would be well placed to take on cases of child victims. ECPAT is currently acting as a “civil party” in the criminal proceedings against French peacekeepers in French courts.



Recommendations

Child safeguarding training ought to be mandatory for all peacekeeping troops and civilian staff prior to deployment. Due to the wide range of training areas that DPKO is now mandated to provide, it may be more effective for child safeguarding pre-deployment training to be carried out in troop-contributing countries, where it can be allocated more time, subject to independent monitoring for quality. The systematic screening of individuals to be posted as peacekeepers should be more rigorous in order to ensure that the peacekeeping force is comprised of the most suitable personnel.

What the UN has done so far

In July 2016, the DPKO launched a new mandatory online programme for all peacekeeper and civilian staff with a view to strengthening their training on the expected standards of conduct, with a special focus on sexual violence. An interdepartmental working group from the DPKO is developing enhanced procedures for implementing human rights screening of personnel, which is designed to prevent the selection of individuals who have committed human rights violations during UN service or otherwise.

The UN plans to expand its mobile training teams and roll out updated core pre-deployment training materials, including improved content to prevent sexual violence. UNHCR has also completed the roll-out of the awareness raising materials on sexual violence in all field offices in CAR.

What can be done now (and who to partner with)

International

Advocacy needs to be undertaken with DPKO to ensure that gender sensitisation and child safeguarding training is made mandatory in all pre-deployment training programmes, whether by DPKO or in troop-contributing countries. It should be intensive, ongoing and include a monitoring and evaluation element to ensure that it meets a high standard.

Peacekeeping personnel

5. Training and vetting

Peacekeepers and UN civilian staff are normally given two weeks of training before they are deployed on a peacekeeping mission. This includes training in child safeguarding. This is clearly insufficient. Often there are few experienced trainers. A common perception among senior military personnel in troop-contributing countries is that pre-deployment training is merely a tick-box exercise. Currently, there is no obligation to provide child safeguarding training to civilian staff.

Pre-deployment vetting of peacekeeper troop and civilian staff has also been plagued with challenges. The current system requires a record of misconduct to be assessed prior to a peacekeeping deployment. However anecdotal evidence suggests that weaknesses in troop-contributing countries’ criminal justice systems has meant some are able to pass the vetting process.

Who is responsible

The responsibility for pre-deployment training and vetting lies with both the Department of Peacekeeping Operations (DPKO) and troop-contributing countries.

³⁹ UN Secretary-General, Special Measures for Protection from Sexual Exploitation and Sexual Abuse, February 2015, A/69/779

State level

The major financial donors to peacekeeping missions have substantial influence and should do more to pursue reforms of the UN peacekeeping bureaucracy in order to improve the training and vetting of troops. The largest donors the US (28.38%), Japan (10.83%), France (7.22%), Germany (7.14%), UK (6.68%), China (6.64%), Italy (4.45%), Russian Federation (3.15%), Canada (2.98%) and Spain (2.97%).⁴⁰ Some donor States can also restrict funding to foreign military units facing outstanding charges of human rights abuses. For example, the Leahy Law requires the US government to cancel US funding for training and equipment to states that violate human rights.⁴¹

The UK is also a significant contributor to DPKO and the Department of Field Support (DFS). It has provided grants to support policy development, guidance and training on sexual violence by peacekeepers. The UK has developed protocols for documenting sexual violence crimes against children in the context of armed conflict and has expended considerable political capital on this issue.⁴² It now has considerable influence in this area, which could be used to champion mandatory pre-deployment gender sensitivity and child safeguarding training. Another potential ally is Japan, which funded a new mandatory online training programme.

Civil society

Civil society organisations that focus on safeguarding could play a crucial role to ensure that the highest quality training materials are being used. For example, the British child safeguarding network Keeping Children Safe has developed a set of child protection standards for organisations working with or in contact with children across the world.⁴³ The network is now exploring an advocacy campaign, which is likely to feature a number of seminars around the world with troop-contributing governments and others with a view to strengthening efforts to prevent sexual violence by peacekeepers.

6. Female peacekeepers

The SG has made it his priority to work towards gender parity among UN staff, with some success, but UN peacekeepers are almost entirely men. As of February 2016, there were 92,035 military experts and troops across the UN's 19 missions (excluding police personnel); 3,074 (3

percent) were women.⁴⁴ Approximately one third of civilian staff on peacekeeping missions are women.⁴⁵ Women face considerable challenges in peacekeeping missions as they are more likely than men to be in lower rank positions.

Complaints of a persistent, macho culture are common. At the same time, women are very unlikely to be accused of sexual violence against local civilians.⁴⁶

The presence of women has been shown to deter male troops from committing sexual violence, as well as to encourage women from local communities to report allegations. Many experts see increasing the numbers of female peacekeepers as a key method of reducing the incidence of sexual violence.⁴⁷

Who is responsible

DPKO has been advocating for an increase in the numbers of women in various roles in peacekeeping operations. However, the ultimate responsibility for recruiting more women to serve as peacekeeping troops lies with troop-contributing countries, which have to ensure that their recruitment procedures allow and support women to be recruited.

Recommendations

Gender advisers in peacekeeping operations could help to shape military culture in peacekeeping operations while also liaising with NGOs to advance a culture of gender equality that allows and encourages women to seek the same position as men. They should also be better supported, since military personnel often regard gender advice as a meaningless add-on forced upon them by civilians.

What the UN has done so far

In 2000, the Security Council adopted resolution 1325 calling for more women in decision-making positions, a gendered perspective to be “mainstreamed” across peacekeeping, and more women to participate in field operations in military roles as police and as human rights observers.⁴⁸ New initiatives are under consideration to increase the representation of women among military

40 Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/224/Add.1

41 Available at: <https://www.opensocietyfoundations.org/voices/what-leahy-law-means-human-rights>

42 Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf

43 Available at: <http://www.keepingchildrensafe.org.uk/>

44 UN, Gender Statistics by Mission for the month of February 2016, March 2016, Available at: <http://www.un.org/en/peacekeeping/contributors/gender/2016gender/feb16.pdf>

45 DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325, Available at: http://www.un.org/en/peacekeeping/documents/gender_scrs1325_chart.pdf

46 As of July 2016, there were no allegations of female peacekeepers involved in sexual violence in CAR, for example, but 41 outstanding cases involved men. Available at: <https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsforAllCategoriesofPersonnelPerYearSexualExploitationandAbuse.aspx>

47 Sexual exploitation and abuse in UN peacekeeping: An analysis of risk and prevention factors, K Neudorfer, p. 20

48 Resolution 1325, S/RES/1325, Available at: <http://www.un.org/womenwatch/osagi/wps/>

personnel on peacekeeping operations, towards a target of 6 per cent by early 2018. Other proposals include an annual award for gender military advocacy, support for the female military peacekeepers network, and an advanced training for gender advisers. In a number of countries, UN Women has delivered training programmes for female military officers to prevent and address sexual and gender-based violence in armed conflict with a number of States.

There is now an “all female” police selection programme, an annual International Female Police Peacekeeper Award, and the UN International Network of Female Police Peacekeepers. The UN Police Division has also launched the ‘Global Effort’ to recruit more female police officers into national police services and into UN police operations around the world.⁴⁹ UN Women is advocating for an increase in the representation of women in peacekeeping operations.

What can be done now (and who to partner with)

State-level

Bangladesh and India are the second- and third-largest contributors of uniformed personnel to UN peacekeeping operations, behind only Pakistan. Both have made the integration of women a priority.⁵⁰ The US strongly advocates for, and should therefore uphold⁵¹, Security Council Resolution 1325, which calls for incorporating “a gender perspective into peacekeeping operations”.⁵² Furthermore, with Bangladesh being the third largest recipient of US assistance in Asia, the US in particular has the ability to encourage and support Bangladesh to increase the representation of women in its peacekeeping contributions.⁵³ The US may hold similar leverage with India as one of its largest trade partners.⁵⁴ South Africa has been considered a leader in women’s integration in peacekeeping operations and shows that it is possible to increase the proportion of women serving on them.

Civil society

National NGOs could play a significant role in advocating for greater numbers of female peacekeepers and need to lobby their own governments to ensure this issue is on their agenda.

During peacekeeping missions

7. Improved evidence gathering and investigations

A lack of trained and experienced investigators often hampers evidence gathering in peacekeeping operations.⁵⁵ Evidence of sexual violence in conflict settings can often be poorly collected, lost or damaged, and the process is often delayed to the extent that the evidence is no longer usable. The protocol for gathering evidence from interviews with victims has also been widely criticised for, among other things, repeated interviewing of children and issues around the lack of respect of the right to confidentiality by investigators who have little experience working with children.

Who is responsible

Initial evidence gathering has been carried out by a range of different organisations depending on the nature of the allegation and the location. Among these are UNICEF, the HRJS team, OIOS, investigators from troop-contributing countries, CDTs and local NGOs. Investigations into allegations against peacekeepers have normally been conducted by investigators from troop-contributing countries, some jointly by the troop-contributing countries and the OIOS, and some by the OIOS alone.⁵⁶

Recommendations

A strengthened evidence gathering protocol, making use of best practice models such as the UK’s International Protocol on documenting and investigating sexual violence in conflict, is essential. It would reduce reliance on survivor testimony as the basis for prosecutions which would better safeguard victims from further stigmatisation or trauma.⁵⁷ In order to lessen the painful process of relating traumatic events, experienced child-friendly interviewers and greater use of audio or video recording would build the confidence of child victims in the process.

The UN should establish evidence gathering response teams that can be deployed immediately, well before the 10-day

49 Available at: <http://www.un.org/en/peacekeeping/sites/police/initiatives/globaleffort.shtml>

50 Available at: <http://www.un.org/en/peacekeeping/documents/backgroundnote.pdf>

51 Available at: <http://www.state.gov/r/pa/prs/ps/2010/10/150006.htm>

52 Resolution 1325, S/RES/1325, Available at: <http://www.un.org/womenwatch/osagi/wps/>

53 Available at: <http://www.state.gov/r/pa/ei/bgn/3452.htm>

54 Available at: <http://www.state.gov/r/pa/ei/bgn/3454.htm>

55 For example, at one stage in CAR there was only one temporary OIOS officer to investigate the multitude of allegations.

56 Available at: <http://www.un.org/en/peacekeeping/documents/updatesea.pdf>

57 International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Basic standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law, Foreign & Commonwealth Office, June 2014, Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf

limit that applies now, in order to protect victims, prevent further abuse, and collect and preserve evidence in good time.

Lastly, local NGOs should be advised what actions to take when they receive information. They need training on the UN system and in the process governing the transfer of information to investigation teams, and they need to know what happens to that information and how they can follow it up. This would support communication with local communities and improve transparency.

What the UN has done so far

All peacekeeping missions have established standing task forces on sexual violence, and have put in place sexual violence focal points to provide consistent guidance and monitoring. In 2015, the SG adopted a six-month timeline for UN investigations into sexual violence. The SG has also asked Member States to adopt the same timeline for completing their investigations into sexual violence allegations. The time frame may be shortened to three months when circumstances suggest the need for greater urgency. Finally, the SG has asked Member States to allow OIOS and/or an immediate UN response team to interview witnesses, including military personnel, if an investigation office from the troop-contributing country is not readily available.

Member States have begun to include national investigation officers in their units deployed on peacekeeping missions, which will enable investigations to begin as soon as allegations are received. Immediate Response Teams (IRTs) have also been established in the majority of peacekeeping missions to gather evidence following reports of sexual violence.⁵⁸



What can be done now (and who to partner with)

International

Advocacy needs to be undertaken with those bodies who are undertaking evidence gathering and initial investigation in order to ensure that their processes and practices are more transparent.

State-level

A number of States have shown examples of good practice. For example, in January 2016 allegations of the sexual abuse of a child by two Bangladeshi peacekeepers in CAR were referred to the relevant national authorities and an investigation was completed in just over three months. The allegations were substantiated against one subject, who received a prison sentence. Also in January 2016, Egyptian authorities took one month to complete an investigation into allegations that one of its peacekeepers had sexually assaulted an adult civilian. The offender was sent to prison for five years.⁵⁹

States should be challenged to ensure that their investigations and prosecutions are transparent, as these are often shrouded in secrecy. Indeed, States can lead by example by ensuring that they have the necessary legal and procedural frameworks in place.

Civil society

National NGOs can play a significant role in following up with troop-contributing countries as to the status of their investigations and prosecutorial processes. They can also ask for information about how investigations are undertaken within the UN system and how they can follow up on investigations.

8. Complaints mechanisms

Many barriers serve to prevent victims of abuse from using complaints processes. Some of these were explored in a document prepared by the Inter-Agency Standing Committee (IASC) Taskforce on Preventing Sexual Exploitation and Abuse.⁶⁰ They include fear of reprisals, fear of not being taken seriously, and fear of losing one's job and income. Children have also been found to be less likely to report abuse and they are less likely than adults to be aware of either opportunities for redress or sources of support. There is also considerable scope to improve the

⁵⁹ Ibid, p.2

⁶⁰ Inter-Agency Standing Committee Task Force, March 2004, Model Complaints and Investigations Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation, Available at: http://www.un.org/en/pseataaskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

communication mechanisms between peacekeeping forces and the local civilian population. As has been shown in CAR, peacekeeping missions and troop-contributing countries have often failed to communicate with either victims of sexual violence or the local populations about the status of investigations, allegations and reparations. When this has led to perceptions that appropriate action is not being taken, trust between local people and the peacekeeping mission has broken down. It is vital to ensure that victims and the local population can see that justice is being done.

Who is responsible

The Conduct and Discipline Unit at the DPKO headquarters oversees the work of numerous Conduct and Discipline Teams (CDTs). The task of CDTs includes informing peacekeeping personnel and the local populations about UN policies and raising awareness in the local population about complaints mechanisms. The CDT is also in charge of receiving complaints about peacekeepers and works with others to investigate them. NGOs working with communities also play a critical role here. UNICEF, UNHCR, international NGOs and local NGOs meet regularly to discuss cases, responses and refer them to the right organisation to be dealt with.

Recommendations

Complaints mechanisms for victims of sexual violence should be far more accessible to the local civilian population. International agencies and organisations need to work more closely together to create a system that better safeguards the rights of civilians, in conditions of complainant confidentiality and privacy.

What the UN has done so far

Using its network of protection monitors, UNHCR will set up confidential complaint mechanisms, as well as strengthen the ability of local communities in camps and non-camp settings, in order to identify issues and report cases. UNICEF has also said that it will establish a rapid response mechanism, whereby the head of the local UNICEF field office will alert the UNICEF Executive Director and the most senior UN official in the host country of the latest allegations of sexual violence. A community-based complaint reception mechanism has been developed so that victims can come forward to make reports of sexual violence. Mechanisms of this kind are now in place in seven peacekeeping missions.

What can be done now (and who to partner with)

International

Monitoring of how community complaints mechanisms operate could be undertaken with UNICEF, UNHCR and other relevant international agencies to ensure transparency as

to how community complaints mechanisms function where there are peacekeeping missions present. Greater scrutiny and vetting of local NGOs who often support or operate community complaint mechanisms could also be carried out to ensure they have the expertise and capacity for this role.

State level

States that have yet to do so should ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP3 CRC) which provides children with the opportunity to access justice at the international level.

Civil society

The Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse was established in January 2011. The Task Force supports field offices to implement community-based complaints mechanisms. Various other civil society organisations have also developed tools, materials and guides, and have influenced the development of effective and accessible complaint mechanisms, such as Save the Children, the Humanitarian Accountability Partnership, World Vision, the Danish Refugee Council and CARE International and various UN Inter Agency Groups.⁶¹

9. Independent peacekeeping ombudsperson

A local peacekeeping ombudsperson, with budgetary and reporting independence from peacekeeping bureaucracy and operations, would provide oversight in the field. An ombudsperson could oversee the independent collation of information on allegations and investigations alongside the CDU, vouch that the information is accurate and transparent, and ensure that there is no conflict of interest.⁶²

Who is responsible

In order to ensure that the ombudsperson's role is independent of peacekeeping operations, responsibility for creating it should lie with the Security Council.

61 See page 28-32, Available at: http://www.pseatactforce.org/uploads/tools/literaturereviewcomplaintsmechanismsandhandlingofexploitationandabuse-veronikamartinhapinternational_english.pdf

62 Although an [ombudsperson was established in Kosovo](#), the post was funded by, the person appointed by and reported to, the SRSG and head of the peacekeeping operation (UNMIK), who were the main subjects of allegations of human rights violations. Abuses of their power enabled the operation to avoid accountability. This provides a precedent for an ombudsperson while also demonstrating that their effectiveness depends on the independence of their authority.

Recommendations

UN peacekeeping operations need an independent ombudsperson, with budgetary and reporting independence from peacekeeping operations in the field and from the peacekeeping bureaucracy at UN headquarters.

What the UN has done so far

The SG appointed Jane Holl Lute to oversee the management of the mounting number of allegations of sexual violence by peacekeepers and to ensure that measures to tackle the problem are properly implemented.⁶³ However, this role is limited in scope, is not independent of the UN bureaucracy, and is short-term: Lute's mandate will end in 2016 when she reports to the SG.

What can be done now (and who to partner with)

State level

Member States' support for an independent ombudsman could encourage the UN to establish the role in all peacekeeping missions. Support from Security Council members, especially permanent members, is particularly important.

Civil society

The Code Blue Campaign is a global campaign seeking the removal of immunity for the UN's peacekeeping personnel and civilian staff. They successfully called for the creation of a system-wide, external and independent investigation, and advocate for an independent authority outside the UN structure to oversee the UN's approach to sexual violence in peacekeeping operations.⁶⁴

10. Redress for victims

Hundreds of victims of sexual violence perpetrated by peacekeepers have yet to receive appropriate reparations or care. Those who have received care often had to wait for long periods for treatment and some could only access care once or twice. Many victims have yet to see justice for the crimes of the peacekeepers who abused them, and many have been traumatised by the process of being repeatedly interviewed. When prosecutions in troop-contributing countries have taken place, victims have often not been kept informed.

Who is responsible

Redress for victims of sexual violence is provided by UNICEF, UNHCR and local NGOs, while OHCHR also plays a role in operating the trust fund set up for victims. The SRSG CAC should also be responsible for ensuring that redress is appropriately provided to all child victims.

What the UN has done so far

The UN has created a trust fund in order to provide reparations to victims of sexual violence in CAR, to be administered mainly by UNICEF. India has contributed \$100,000, becoming the first country to make a contribution.⁶⁵ However, the capacity of the fund and how it will work has not been disclosed. UNICEF is establishing partnerships with local organisations and services so that medical and psychosocial support can be made available to child victims.

Recommendations

NGOs and states with expertise in reparation provision to victims of sexual violence should push for OHCHR/ UNICEF to make the trust fund more transparent. There needs to be far greater clarity about availability of the psychosocial and medical care provided to victims of sexual violence, how comprehensive this care is and who is implementing it.

What can be done now (and who to partner with)

International level

All relevant international agencies and mandates, including UNICEF, UNHCR and relevant SRSGs should be lobbied to ensure they are closely following, monitoring and implementing the reparative process for victims in order to ensure they are receiving appropriate redress.

State level

Local and regional NGOs can monitor progress of investigations carried out in troop-contributing countries, especially in Bangladesh, Burundi, Democratic Republic of the Congo, France, Gabon, Georgia, Morocco, Niger, Senegal and Tanzania; in all of these countries there has been little information about the status of ongoing prosecutions. The UK has taken the initiative by providing funding to the SRSG on Sexual Violence in Conflict and the SRSG on Children and Armed Conflict.⁶⁶ As such, they can also apply greater pressure to both of these mandate holders in order to

63 Secretary-General Appoints Jane Holl Lute of United States as Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse, February 2016, Available at: <http://www.un.org/press/en/2016/sga1634.doc.htm>

64 Available at: <http://www.codebluecampaign.com/press-releases/2015/6/23>

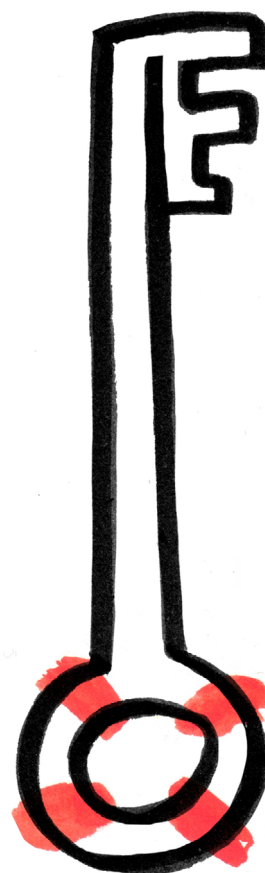
65 The Tribune, India becomes first contributor to UN fund for sexual abuse victims, July 2015, Available at: <http://www.tribuneindia.com/news/nation/india-becomes-first-contributor-to-un-fund-for-sexual-abuse-victims/270121.html>

66 Available at: FCO Minister responds to reports of abuses by UN peacekeepers in the CAR, Available at: <https://www.gov.uk/government/news/fco-minister-responds-to-reports-of-abuses-by-un-peacekeepers-in-the-car>

ensure that they are tracking the investigative and reparative process. Other states, such as Norway and India who are also large donors of funds for redress for victims, could play a similar role to the one played by the UK.

Civil society

Organisations like REDRESS have effectively advocated for the rights of victims and the organisation litigates at international, regional and national levels on their behalf. International NGOs like *Médecins Sans Frontières* (MSF) are one of the largest providers of healthcare in countries where services are inadequate. MSF is well represented in CAR and other countries where peacekeepers are active. Local NGOs also often operate as the first point of care for victims of sexual violence.



RESOURCES

Secretary General reports

The SG's special measures' report presents data on allegations of sexual exploitation and abuse in the United Nations system in the period from January to December of a given year. Each report is listed according to the year it covers:

(A/70/729) [Special measures for protection from sexual exploitation and sexual abuse](#) (2015)

(A/69/779) [Special measures for protection from sexual exploitation and sexual abuse](#) (2014)

(A/68/756) [Special measures for protection from sexual exploitation and sexual abuse](#) (2013)

(A/67/766) [Special measures for protection from sexual exploitation and sexual abuse](#) (2012)

(A/66/699) [Special measures for protection from sexual exploitation and sexual abuse](#) (2011)

(A/65/742) [Special measures for protection from sexual exploitation and sexual abuse](#) (2010)

(A/64/669) [Special measures for protection from sexual exploitation and sexual abuse](#) (2009)

(A/63/720) [Special measures for protection from sexual exploitation and sexual abuse](#) (2008)

(A/62/890) [Special measures for protection from sexual exploitation and sexual abuse](#) (2007)

(A/61/957) [Special measures for protection from sexual exploitation and sexual abuse](#) (2006)

(A/60/861) [Special measures for protection from sexual exploitation and sexual abuse](#) (2005)

(A/59/782) [Special measures for protection from sexual exploitation and sexual abuse](#) (2004)

UN Reports and Resolutions:

[Security Council resolution 2272](#)

March 2016

[UN Fact Sheet on Sexual Exploitation and Abuse](#)

September 2015

[UN DPKO/DFS Civil Affairs Handbook](#)

March 2012

[Report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations](#) (A/60/980)

August 2006

UN commissioned reports

[Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#)

December 2015

Report into the UN's handling of peacekeeper sexual abuse by international forces in the Central African Republic.

[Expert Mission to Evaluate Risks to SEA Prevention Efforts in MINUSTAH, UNMIL, MONUSCO, and UNMISS](#)

November 2013

Report into the risks to the prevention of sexual exploitation and abuse in four major peacekeeping missions: MINUSTAH (Haiti), UNMIL (Liberia), MONUSCO (DRC), and UNMISS (South Sudan). The report was never made public. The expert team reported a "culture of impunity" in the UN's handling of sexual exploitation and abuse.

[A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations Peacekeeping Operations \(A/59/710\) - Zeid Report](#)

March 2005

Report written by Prince Zeid Ra'ad al-Hussein, then Permanent Representative of Jordan to the United Nations, now the High Commissioner for Human Rights providing some comprehensive recommendations on sexual exploitation and abuse by United Nations peacekeeping personnel."

Criminal accountability

[Criminal accountability of United Nations officials and experts on mission \(A/62/329\)](#)

September 2007

The report of the Group of Legal Experts on ensuring the accountability of UN officials and experts on mission with respect to criminal acts committed in peacekeeping operation

[Ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations \(A/60/980\)\(Draft Convention\)](#)

August 2006

[Convention on the Privileges and Immunities of the United Nations](#)

February 1946

Convention adopted to clarify elements of Article 104 and Article 105 of the Charter of the United Nations, with regards to “legal capacity” and “privileges and immunities” of the UN.

CRIN resources

[CRIN Summary of the Secretary-General’s report: Special measures for protection from sexual exploitation and sexual abuse](#)

April 2016

CRIN summary of the Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic December 2015

[Submission of the Child Rights International Network to the External Review Panel to examine the United Nations handling of sexual abuse allegations in Central African Republic](#)

September 2015

Websites

[Code of Conduct website](#) (March 2016)

[Department of Peacekeeping Operations website](#): Provides an overview of current and past missions with basic statistics and maps, as well as news intended for an external audience.

Academic resources

Elizabeth F. Defeis, UN Peacekeepers and Sexual Abuse and Exploitation: An End to Impunity. Washington University Global Studies Law Review. Vol.7 Issue.2.

Available at: http://openscholarship.wustl.edu/cgi/view-content.cgi?article=1109&context=law_globalstudies

Irene Limo, Prevention of and Response to Conflict-related Sexual Violence, Exploitation and Abuse by Peacekeepers in the Great Lakes Region of Africa Lessons from Central African Republic.

Available at: <http://www.accord.org.za/conflict-trends/prevention-response-conflict-related-sexual-violence-exploitation-abuse-peacekeepers-great-lakes-region-africa/>

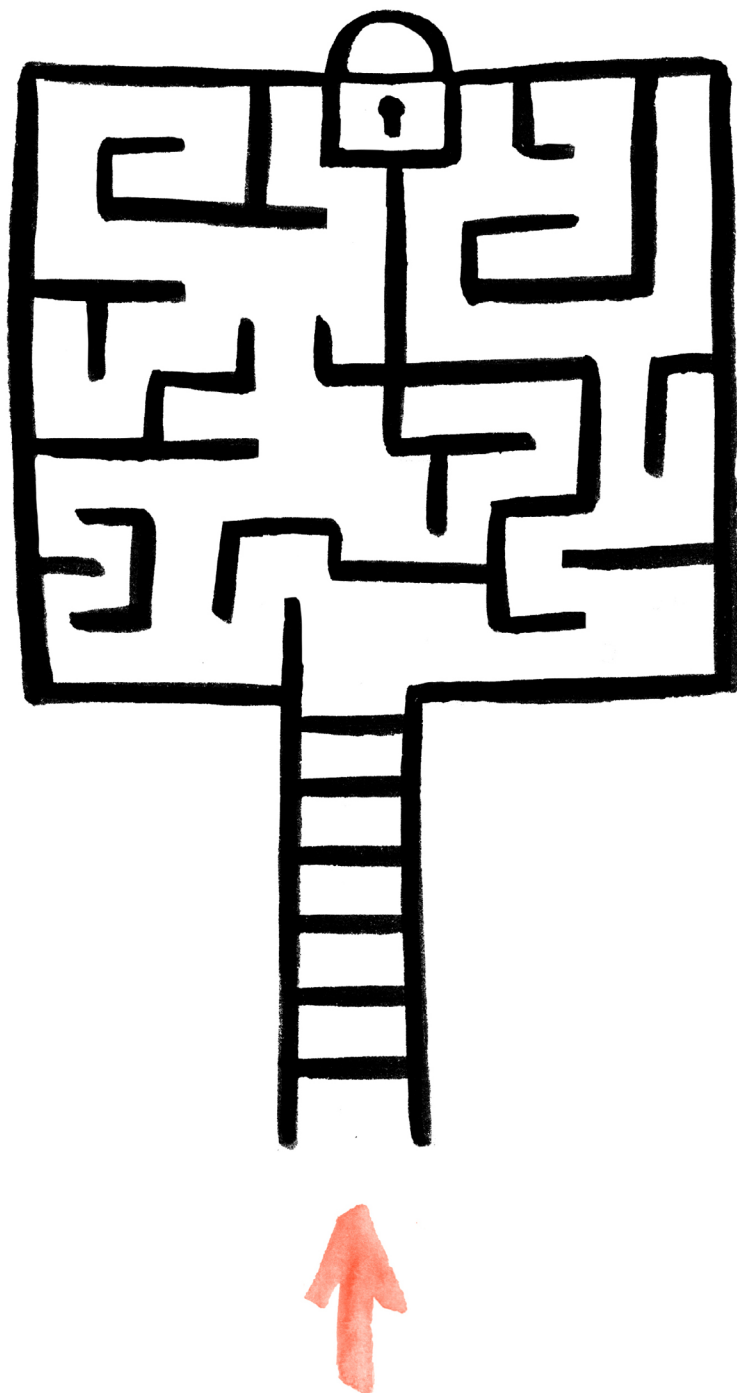
Jeni Whalan, Here’s How to End UN Peacekeeping History of Sexual Violence. Global Peacekeeping Operations Review. Available at: <http://peaceoperationsreview.org/commentary/heres-how-to-end-un-peacekeepings-history-of-sexual-violence/>

Muna Ndulo, The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions

Available at: <http://scholarship.law.cornell.edu/cgi/view-content.cgi?article=1058&context=facpub>

Washington Post: Growing UN scandal over sex abuse and “peacekeeper babies”

Available at: <http://www.washingtonpost.com/sf/world/2016/02/27/peacekeepers/>



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