

Sexual Exploitation & Abuse by UN Peacekeepers

Critical Briefing

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This briefing provides an overview of the development and effectiveness of UN Sexual Abuse and Exploitation (SEA) policy. Beginning with an explanation of how instances of SEA by UN personnel were discovered within peacekeeping operations of the 1990s. Then transitioning to the current objectives of SEA policy and the institutions designed to execute them. Each element of the policy is then critically examined based on its fulfillment of local needs and whether offenders are accountable for their actions. Addressed throughout the analysis is the role of gender and gendered binaries. Concluding policy recommendations focus on the integration of SEA policy with the principles of Security Council Resolution 1325 as well as establishing legal accountability for all UN personnel, regardless of their nationality.

Overview of Sexual Exploitation & Abuse within the UN

While the issue of sexual exploitation and abuse (SEA) did not gain public attention until the 1990s, it is not unrealistic to suggest that this type of victimization has occurred since the advent of UN peacekeeping. The current discussion of SEA by UN peacekeepers is framed around the following definitions:

The term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes...the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.¹⁵⁶

The first discovery of widespread SEA was the abuse of prostitutes by contingents of the UN Transitional Authority in Cambodia (UNTAC) in 1993. The repercussions for peacekeepers engaging in these activities were minimal.¹⁵⁷ Two years later, UN peacekeepers were found to be complicit in the sex trafficking of women in Bosnia-Herzegovina, and again the UN’s response was largely dismissive.¹⁵⁸ Overall, the UN did not seriously address the prevalence of SEA within

¹⁵⁶ Annan, Kofi A. “Special Measures for Protection from Sexual Exploitation and Sexual Abuse.” *United Nations Secretariat*, 9 October 2003: 1.

¹⁵⁷ Searle, Louise and Jasmine-Kim Westendorf. “Sexual Exploitation and Abuse in Peace Operations: Trends, Policy Response, and Future Directions.” *International Affairs* 93, no. 2 (2017): 366-367.

¹⁵⁸ *Ibid.*

peacekeeping missions until the “West Africa Scandal” of 2002. The West African Scandal refers to the abuse and exploitation of “women and girls in refugee camps in Guinea, Liberia, and Sierra Leone.”¹⁵⁹ Shortly after the West African Scandal, UN Secretary General Kofi Annan published bulletin ST/SGB/2003/13, also referred to as the ‘zero-tolerance bulletin.’ In the bulletin, Annan notes that any form of SEA is prohibited and outlines the responsibility of UN and national authorities to investigate and prevent SEA.¹⁶⁰ As this issue has become known to the peacekeeping sector, prolific SEA has been discovered within many UN missions. Notable reports on this topic following the zero-tolerance bulletin include the Zeid Report by Secretary General Special Advisor Prince Zeid Ra’ad Al-Hussein and “No One to Turn To” published by Save the Children.¹⁶¹ Today, the United Nations does not deny that SEA is a grave issue within the organization and in 2013 SEA was declared “the most significant risk to UN peacekeeping missions.”¹⁶²

UN Institutions

Many institutions are in place to address SEA and its detrimental effect on the UN peacekeeping mandate. It is worth noting that various pieces of historical legislation outline special protections for women and children. These documents include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1990 Convention on the Rights of the Child, and the Covenant on Civil and Political Rights.¹⁶³ According to the United Nations SEA taskforce, SEA policies are based on three principles: zero-tolerance, accepting responsibility, and restoring people's confidence in the UN.¹⁶⁴ Literature is distributed to UN peacekeepers in order to explain and justify these principles. For example, a pamphlet published in 2010 justifies the employment of a zero-tolerance policy by emphasizing that the majority of locals peacekeepers interact with are from vulnerable sectors and thus peacekeepers exercise a

¹⁵⁹ Ibid 367.

¹⁶⁰ Annan, Kofi A. “Special Measures for Protection from Sexual Exploitation and Sexual Abuse.” *United Nations Secretariat*, 9 October 2003: 1.

¹⁶¹ Martin, Veronika. “Literature Review: Complaint Mechanisms and Handling of Exploitation and Abuse.” *Humanitarian Accountability Partnership*, 2010; UN General Assembly, A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations, A/59/710 (24 March 2005), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/59/710; Csáky, Corinna. *No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers*. (London: Save the Children, 2008).

¹⁶² Searle & Westendorf, “SEA in Peace Operations,” 365.

¹⁶³ Murphy, Ray. “An Assessment of UN Efforts to Address Sexual Misconduct by Peacekeeping Personnel.” *International Peacekeeping* 13, no. 4 (2006): 535.

¹⁶⁴ “SEA Frequently Asked Questions.” *UN Prevention of Sexual Exploitation and Abuse Task Force*, March 2010.

significant power imbalance over them.¹⁶⁵ According to the UN, it does not matter whether the exercise of power is intentional on the part of the peacekeeper, it is still considered exploitation. The UN further argues that the most effective way to accept responsibility and restore confidence in the UN is through victim support. To this end, the General Assembly passed the “United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel” (A/RES/62/214).¹⁶⁶ This resolution gives the United Nations two years to provide support to SEA victims, with the exception of direct financial compensation.

In order to fulfill these guiding principles, the UN has a three-pronged strategy: prevention of misconduct, enforcement of UN standards of conduct, and remedial action.¹⁶⁷ This strategy materializes on the local level as the Conduct and Discipline Team (CDT). The CDT is embedded within each peacekeeping mission and tasked with receiving and handling accusations of SEA by peacekeepers.¹⁶⁸ Once an allegation is made the CDT first determines whether there was a potential violation of the UN Standards of Conduct. If the CDT determines the accusation requires investigation, it is then recorded in the Misconduct Tracking System (MTS) database. In order to conduct the investigation, the allegation is classified by the UN Office of Internal Oversight Services (OIOS) as either a Category 1 or Category 2. For the purposes of this briefing it is important to note that Category 1 includes “all cases of sexual exploitation and abuse” and Category 2 includes “sexual harassment [and] abuse of authority.”¹⁶⁹ If the investigation produces evidence of SEA by a peacekeeper, the individual is then repatriated to their home country.

Critical Evaluation of Institutions

We must consider why sexual exploitation and abuse is so prevalent in UN peacekeeping missions, there are multiple points of failure to be analyzed. Beginning with the norms and attitudes established among UN personnel prior to their arrival to a duty station. Pre-deployment education focuses on the victimization of the peacekeeper. In her article on gendered peacekeeping

¹⁶⁵ Ibid.

¹⁶⁶ United Nations General Assembly Resolution, “United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel” (A/RES/62/214), <https://undocs.org/A/RES/62/214>.

¹⁶⁷ “Standards of Conduct,” United Nations Peacekeeping, accessed October, 2018, <https://peacekeeping.un.org/en/standards-of-conduct>.

¹⁶⁸ “Complaints,” United Nations Peacekeeping, accessed October, 2018, <https://conduct.unmissions.org/enforcement-complaints>.

¹⁶⁹ Ibid

economies, Kathleen Jennings outlines how UN peacekeeping personnel are told “scare stories” which frame the UN personnel as vulnerable targets for the local population.¹⁷⁰ These anecdotes include, for example, the high risk of contracting sexually transmitted diseases. Underlying this narrative is the creation of the contradiction that local populations are to be both “feared and pitied.”¹⁷¹ In relation to sex with the local population, particularly local women, this binary relies on two gendered stereotypes. First, that local women are vulnerable and lack the agency to deny solicitations from peacekeepers. Secondly, and conversely, that local women are calculating and powerful in their ability to use sexuality to take advantage of peacekeepers. While these stereotypes may be contradictory, they often exist simultaneously in the peacekeeping environment.¹⁷²

The prevalence of SEA is not only impacted by the peacekeeper’s perception of locals, but also the peacekeeper’s perception of the SEA policy. Rules and mechanisms put in place to prevent SEA are seen by some peacekeepers as an infringement on their personal freedoms.¹⁷³ This sentiment is exemplified by literature from the the UN SEA taskforce. Distributed material appears to address a reader that is extremely resistant to the UN SEA policy. For example, one hypothetical question accuses the UN of demanding peacekeepers be “celibate” during their deployment, querying, “Are UN personnel expected to be celibate for the entire time they are on mission?”¹⁷⁴ This feeling that a peacekeeper’s choice to engage in sexual activity with a local community member is a private matter and does not impact the peacekeeping mission can lead to the vilification of those charged with enforcing SEA policy, such as the CDT office.¹⁷⁵ Overall, these negative attitudes toward both the local population and the SEA policy result in the customary practice of not reporting misconduct.

Refocusing outside the UN compound and within the local community, victims face many obstacles in making allegations. The CDT’s responsibility is to transform overarching UN guidelines for reporting SEA into tangible systems within the local community.¹⁷⁶ Strategies include educating the public on SEA policy and the purpose of the CDT office as well as creating

¹⁷⁰ Jennings, Kathleen M. “Service, Sex, and Security: Gendered Peacekeeping Economies in Liberia and the Democratic Republic of the Congo.” *Security Dialogue* 45, no. 4 (2014): 320.

¹⁷¹ *Ibid* 321.

¹⁷² *Ibid*.

¹⁷³ “SEA Frequently Asked Questions.” *UN Prevention of Sexual Exploitation and Abuse Task Force*, March 2010.

¹⁷⁴ *Ibid*.

¹⁷⁵ Martin, “Literature Review,” 11.

¹⁷⁶ “Complaints.” *United Nations Peacekeeping*, 2018.

effective mechanisms to receive allegations.¹⁷⁷ In 2010 the UN Inter-Agency Standing Committee (IASC) reviewed the implementation of SEA policy in peacekeeping missions. IASC discovered that both local and UN personnel were largely uninformed about SEA policy.¹⁷⁸ These results indicate the UN's failure to educate individuals in a manner that is widespread and accessible.¹⁷⁹ On the subject of accessibility, reporting mechanisms have also been critiqued within their local contexts.¹⁸⁰ Individual case studies reveal individuals are deterred from making allegations due to the negative connotation "complaints" have in their culture.¹⁸¹ Other factors which may deter reporting include local stigma associated with sexual assault, fear of retaliation if allegations are not kept anonymous, and the visibility of UN-complaint mechanisms.¹⁸² The primary policy failure is that overarching SEA mandates handed down by the UN are not adapted to best serve local communities.¹⁸³

These critiques of SEA policy implementation at the local mission site level are just one piece of the puzzle in addressing SEA in UN peacekeeping. The SEA policy itself is a further area of concern as the UN problematically uses the term to encompass a wide spectrum of acts. Searle and Westendorf argue that the UN operationalized definition of SEA can be divided into four categories: opportunistic abuse, planned, sadistic abuse, transactional sex, and networked SEA.¹⁸⁴ It is therefore important to distinguish between types of SEA because they each have different motivations and repercussions. While the United Nations has previously established different categories of SEA, Searle and Westendorf show that these distinctions have subsequently been abandoned and not meaningfully integrated into policy.¹⁸⁵ Regardless of the act, the UN hands down the same consequences for all substantiated claims of SEA by peacekeepers.¹⁸⁶ This uniformity ignores the important nuances in within types of SEA, such as the level of agency in

¹⁷⁷ Ibid.

¹⁷⁸ IASC, "Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel" (July 1, 2010), <https://interagencystandingcommittee.org/protection-sexual-exploitation-and-abuse/documents-public/iasc-global-review-protection-sexual>.

¹⁷⁹ Searle & Westendorf, "SEA in Peace Operations," 380.

¹⁸⁰ Martin, "Literature Review," 7.

¹⁸¹ Ibid 11.

¹⁸² Ibid 7.

¹⁸³ Ibid 14.

¹⁸⁴ Searle & Westendorf, "SEA in Peace Operations," 368.

¹⁸⁵ Ibid 368.

¹⁸⁶ Kanetake, Machiko. "Whose Zero Tolerance Counts? Reassessing Zero Tolerance Policy Against Sexual Exploitation and Abuse by UN Peacekeepers." *International Peacekeeping* 17, no. 2 (2010): 203.

women who experience planned, sadistic abuse versus that of those who engage in sex work.¹⁸⁷ Consequently, the response to SEA has focused on punishing the individual rather than addressing the larger institutional factors that foster SEA in peacekeeping environments.¹⁸⁸

As an example, the distinctiveness of sex work within the SEA framework is enhanced when considering the peacekeeping economy. A peacekeeping economy is defined as “activity that would not occur or be profitable without the international presence of UN peacekeepers.”¹⁸⁹ As mentioned previously, Jennings argues that peacekeeping economies operate within a gendered binary. She demonstrates this by examining the employment of individuals in sex work, domestic service, and private security for peacekeepers. These services are defined as feminine, whereas the work of peacekeepers is classified as masculine. The feminine classification implies that locals who engage in transactional sex with peacekeepers are completely powerless.¹⁹⁰ Recall that the UN justifies their zero-tolerance policy for a similar reason. Transactional sex within peacekeeping economies, much like SEA in general, is much more complex than the UN’s portrayal. The previously mentioned level of agency is particularly salient in this case. Women who defined sex work as their chosen profession expressed hostility towards SEA policy for labeling them as victims.¹⁹¹ Even in cases where individuals did not prefer to engage in sex work, they were still reluctant to support SEA policy because transactional sex was a primary source of income.¹⁹² Regardless of the circumstances, it is impossible to ignore how transactional sex is woven into peacekeeping economies.

Beyond the hurdles of policy implementation on-site and the structural issues with the policy framework itself, one of the major challenges for SEA policy is prosecution. The UN is able to conduct an administrative investigation, collect evidence, and repatriate the offender.¹⁹³ Any repercussions after repatriation are the sole responsibility of the home country. Troops Contributing Countries (TCC) are encouraged by the UN to submit a legal framework for SEA, however not all TCCs have done so.¹⁹⁴ Most notably, three members of the Security Council

¹⁸⁷ Searle & Westendorf, “SEA in Peace Operations,” 371.

¹⁸⁸ Ibid 382.

¹⁸⁹ 315.

¹⁹⁰ Ibid 320.

¹⁹¹ Ibid 319.

¹⁹² Ibid 319.

¹⁹³ Kanetake, “Who’s Zero Tolerance Policy,” 205.

¹⁹⁴ “Standards of Conduct.”

Permanent Five, the United Kingdom, Russia, and China, have not submitted frameworks.¹⁹⁵ Even within the command structures for military contingents, discipline for SEA is “uncoupled” from military authority.¹⁹⁶ The lack of accountability from the immediate command structure indicates that preventing and punishing SEA is not a priority for all TCCs.¹⁹⁷ This, compounded with the fact that there are many other types of UN personnel that are not even accountable to military command, highlights a vast legal gap in addressing SEA.

Conclusion

Taking into consideration that the problem of SEA within the UN is widespread and multifaceted, ranging from policy construction to implementation, reform must begin at the institutional level. One recommendation is that SEA policy be reframed by the UN as an external human rights issue, rather than an internal administrative one.¹⁹⁸ The United Nations already contributes significant resources to issues related to the structural aspects SEA, particularly in relation to the victimization of women and children. This focus is mandated through major UN resolutions including Security Council Resolution 1325 on Women, Peace, and Security and Sustainable Development Goal Five: Gender Equality.¹⁹⁹ On the surface, reframing an issue may appear too simplistic or non-tangible. However, it is my opinion that a shift of SEA policy from human resources to human rights, thus invoking other policy frameworks such as UNSCR 1325 and SDG 5, will be a vital foundation for any other reforms. Following this normative shift, the United Nations must focus on the legal accountability for substantiated allegations of SEA by UN personnel. Many significant TCCs have not submitted legal frameworks to prosecute citizens accused of SEA. If the home country is unwilling to hold people accountable, then the host country should be empowered to do so. This suggestion is not a new in academic literature or policy and draws inspiration from the NATO model of shared legal jurisdiction.²⁰⁰ Central to both policy recommendations is sending the message to perpetrators that the UN takes SEA within the organization seriously.

¹⁹⁵ Ibid.

¹⁹⁶ Kanetake, “Who’s Zero Tolerance Policy,” 205.

¹⁹⁷ Ibid 201.

¹⁹⁸ Searle, “SEA in Peace Operations,” 380.

¹⁹⁹ United Nations Security Council Resolution 1325, (S/RES/1325 31 October 2000), [https://undocs.org/S/RES/1325\(2000\)](https://undocs.org/S/RES/1325(2000)); United Nations General Assembly Resolution “Transforming our world: the 2030 Agenda for Sustainable Development,” (A/RES/70/1 21 October 2015), <https://undocs.org/A/RES/70/1>

²⁰⁰ Boom, Rembert. “Introductory Note to United Nations Security Council Resolution 2272 & Secretary-General Report on Special Measures on Protection from Sexual Exploitation and Sexual Abuse.” *International Legal Materials* 55, no. 4 (2016): 2.

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<https://interagencystandingcommittee.org/protection-sexual-exploitation-and-abuse/documents-public/iasc-global-re>