

# The UN's Shame: Sexual Exploitation and Abuse in UN Peacekeeping

Written by Kathleen Jennings

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KATHLEEN JENNINGS, OCT 21 2015

This spring the newspaper the Guardian broke a story about a Swedish whistleblower, high up in the UN humanitarian system, who is under internal investigation for leaking a damning report alleging sexual abuse of children by peacekeepers in the advanced phases of the UN operation in the Central African Republic (MINUSCA). The leaked report, commissioned by the UN Office of the High Commissioner for Human Rights, detailed allegations of rape, sodomy, and other sexual abuses by French peacekeeping troops against young boys in the capital of Bangui. When it became clear that no action would be taken on the report's findings, the whistleblower, Anders Kompass, passed the document to French authorities, which have now promised an investigation. A few months later, another disturbing story from the Central African Republic (CAR) made the news as UN peacekeepers were accused of indiscriminately killing a boy and his father and, in a separate incident, raping a 12 year-old girl. The stories from CAR bring back into the headlines a disturbing, persistent phenomenon: the alleged sexual abuse of vulnerable children at the hands of those tasked to protect them. The first case also illustrates another recurring event, namely the shoddy treatment of a whistleblower by the UN system. For those familiar with the UN's troubled histories of peacekeeper sexual abuse and crushing internal dissent, neither element is surprising.

### From 'Anything Goes' to 'Zero Tolerance'

The problem of UN peacekeepers sexually exploiting or abusing local women, men and children is longstanding, but only began to be taken seriously in the wake of a series of scandals in the early 2000s. In response to these scandals, the UN instituted a zero-tolerance policy (ZTP) against sexual exploitation and abuse (SEA) by peacekeepers, which among other things prohibited peacekeepers from buying sex (or exchanging food, other goods, or assistance for sex) in mission areas; forbade any sexual contact between a peacekeeper and a child under the age of 18; and 'strongly discouraged' any sexual relationships between UN staff and 'beneficiaries of assistance'. In other words, the types of behaviour and activities prohibited by the ZTP are fairly broad: from consensual, if transactional, sex between adults up to and including rape, with consensual, non-transactional sex falling in a grey zone. More to the point, the investigatory and disciplinary procedures triggered by allegations of SEA are, as written, identical regardless of the specifics of the offense. This means that an allegation of a peacekeeper buying sex from an adult woman or man is reported and treated on par with an allegation of a peacekeeper raping a child. The challenges created by this 'one-size-fits-all' policy will be discussed further below.

Following the promulgation of the ZTP, some changes ensued. For example, conduct and discipline teams were established in peacekeeping missions in part to enforce the ZTP; new reporting guidelines and systems were established, aimed at helping local citizens come forward with SEA allegations and at encouraging peacekeepers to report on each other; peacekeepers were trained in the ZTP; in some missions, blanket non-fraternization policies were enacted to prohibit non-professional contact with local residents; greater efforts were made to investigate allegations of abuse; and the UN's own SEA-related statistics were made public, if in an aggregated form that reveals no information about the types of offenses reported. The issue became – briefly, at least – a buzz topic among peacekeeping practitioners, policymakers and researchers, with the ZTP attracting both praise and criticism for its prohibitionist stance and disparagement of even consensual sex between peacekeepers and local adults. Some highly publicized incidents of peacekeepers being suspended or sent home ensued.

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## Protecting Whom?

Yet the UN's response could be considered as much an attempt to protect the UN's reputation as to protect vulnerable local residents. Thus far, it has done little to change the underlying problem – a potent mix of militarized, instable environments that provide peacekeepers with ample opportunity and, thanks to multiple, sometimes weak chains of command, little actual oversight; a rampant sense of impunity, helped along by the UN's institutional deference to the rights of the accused over the rights of the accuser; racialized and gendered stereotypes of locals among peacekeepers, which are often reinforced by the in-mission training they received; and an entrenched 'boys will be boys' attitude among many within the UN system.

Indeed, no one even knows the scale of the problem: under-reporting of SEA cases is widely acknowledged to be rampant. Lack of reporting occurs among both peacekeepers and locals. My own research from the UN missions in Liberia and Haiti found that many peacekeepers said they would report a colleague for SEA only in the wake of incidents they deemed unusually disturbing or criminal – such as sexual assault or sex with a very young minor – but would not report colleagues for buying sex, which many sources considered a victimless crime. In other words, peacekeepers would rather maintain good collegial relations than be seen as the 'sex police'. This is perhaps unsurprising. Many of the peacekeepers I interviewed thought the prohibition on transactional sex was overblown, and the disparagement of *any* sexual relationships with locals even more so. This conviction in turn led them to question the scope and appropriateness of the ZTP as a whole. Moreover, because the anonymity of peacekeepers that report on colleagues' abuses is not protected, peacekeepers that do come forward – even in the case of gross offenses – could be ostracized or suffer professional repercussions. The treatment Kompas has received, and the UN's broader history of nasty reprisals against whistleblowers, indicates that these are not idle concerns.

Meanwhile, local residents often do not report violations of the SEA policy, either because they benefit from them – sex work is a key component of most peacekeeping economies – or because they are not convinced that it will make a difference. They have a point. As noted above, impunity for SEA offenses is extensive, and abetted by the way the system is organized. The core of the problem is that, where SEA is concerned, the UN is investigating itself. The procedures for investigating SEA allegations are multiple, and vary according to the status – military, civilian, or police – of the peacekeeper. Investigatory and disciplinary processes are opaque and secretive. Lack of competence to conduct proper investigations in missions and/or understaffing for such tasks is a chronic problem, as is inadequate coordination between various entities at the mission level, and between the mission and New York. Should the UN's internal oversight body, the Office of Internal Oversight Services (OIOS), decide that allegations have merit – a bar that is difficult to reach, given the 'he said, she said' nature of many cases, due to a lack of forensic evidence or eyewitnesses – then responsibility for disciplining military peacekeepers is passed to their home military or prosecution service. Even so, cases are rarely pursued, and accusers are left with little information about the outcome. Meanwhile, civilian peacekeepers are kept in their positions while under investigation – and given the protracted time period of most investigations, could have voluntarily changed jobs in the interim – and face little more than repatriation and firing should allegations be substantiated (alleged crimes committed by civilian peacekeepers can also be referred to the prosecution service of the peacekeeper's home country, but this is exceedingly rare). Adding to these systemic obstacles is a lack of will to take SEA offenses seriously within missions: an expert panel has gone so far as to diagnose a 'culture of enforcement avoidance'. As one of my own sources, a sex worker who (allegedly) suffered a violent assault at the hands of a MONUSCO (UN Stabilization Mission in the Democratic Republic of the Congo) peacekeeper, told me when I asked her why she did not make a report: the UN only looks out for the UN.

## A Problem without a Solution?

My source suffered physical injury and emotional distress from the abusive behaviour of a UN peacekeeper, for which she – and uncounted other victims – will never receive recognition, much less compensation. Yet for those of us insulated from such abuses, who have only a policy or academic interest in the SEA problem in UN peacekeeping, what is frustrating is not that it does not get sufficient attention – UN sex scandals are often headline news – or that it does not attract excellent analysis, also within the UN system: the expert panel report, at just under 30 pages, is a perceptive dissection of the SEA crisis in missions. What is frustrating is that all attempts to remedy the problem – or

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even to alleviate the knock-on problems caused by the formulation and implementation of the ZTP – seem either insufficient or doomed to fail.

The recent high-profile report on peace operations does little to address the systemic failures of SEA enforcement. As Anne Marie Goetz and Rob Jenkins note, the report generally concurs with existing practice, offering only two new recommendations: a 'naming and shaming' approach to troop-contributing countries (TCCs) that do not act on SEA allegations; and a common trust fund that would go towards prevention, outreach, and awareness-raising activities, but would not compensate individual victims. Yet as Olivera Simić points out, the danger of 'naming and shaming' TCCs is that countries simply stop contributing troops to UN peacekeeping. Regarding the unwillingness to compensate victims, meanwhile, this stance is familiar from other scenarios. I suspect, however, that the preoccupation with 'false allegations' of SEA is also important here. The claim that many purported victims lodge (or threaten to lodge) false SEA claims in order to extort money from peacekeepers or win compensation is a common one in peacekeeping circles. Indeed, in both Liberia and Haiti, I learned from multiple peacekeepers that they had 'heard of' a peacekeeper, driving at night, who stopped to help two women seemingly in distress at the side of the road. The story continues that the women jumped into the vehicle, snatched the peacekeeper's ID, and threatened to report him with SEA unless he gave them money. I heard the story often enough, and with such similarity in detail, to conclude that this has become something of an urban legend of intervention. Casting doubt on the truthfulness, motives, and integrity of SEA accusers is, of course, useful in disparaging the need for effective policy enforcement – or even the need for effective policy. It also maintains the misguided, yet persistent ideal of 'UN exceptionalism' that allows peacekeepers 'to avoid implicating themselves in the unseemliness and gendered exploitation that is exclusively ascribed to the host country, and not to those mandated to help it' (Jennings 2010, 239).

Even more recently, a new report commissioned in advance of the 15<sup>th</sup> anniversary of Resolution 1325 on Women, Peace and Security recommended the establishment of an international tribunal with the jurisdiction to try UN staff – including all categories of peacekeepers – that are alleged to have committed serious crimes, including sexual abuse. Such a tribunal – if seen as legitimate, impartial, and effective – could indeed make a dent in the impunity around peacekeeper crimes. Again, however, it is difficult to see how such an idea could be politically viable to the TCCs, which are resistant to relinquish any disciplinary authority regarding their own soldiers. Moreover, the singling out of 'serious' crimes for trial would require a revision of the ZTP to differentiate between types of sexual offenses, which it currently does not do.

This brings us to the final point, which is that the ZTP as written simply does not work. It does neither a particularly good job protecting the local population nor, for that matter, the UN's reputation. Its 'one size fits all' approach to sexual acts and relationships in peacekeeping missions undermines the policy's legitimacy, as peacekeepers feel that moral equivalency is being drawn between consensual and non-consensual, even violently abusive, sex. This perceived lack of legitimacy further stunts policy enforcement, which already is strangled by systemic obstacles relating to how, and by whom, allegations are investigated and cases are brought. Meanwhile, local women and men are demeaned and infantilized by a policy that constrains the relationship and/or income-generating options available to them, and that also suggests to peacekeepers that locals are somehow incapable of consenting to sex on their terms or for their own interests.

Simić suggests tackling these problems in part by changing the ZTP to distinguish between exploitative and non-exploitative sex, and to take into account the opinions and wishes of local women. Intellectually, I am sympathetic to this argument (see Jennings 2008, 2010), but it, too, hardly presents a solution. The most obvious hindrance is the fact that what is deemed exploitative versus non-exploitative sex is no more settled an issue in countries hosting peacekeeping missions than it is anywhere else. Moreover, country-specific policies or enforcement will inevitably lead to confusion and accusations of unfairness on the part of both locals and peacekeepers, without necessarily producing better outcomes. Finally, the fear among many of my UN sources working on these issues is that once parts of the policy are unpicked, the whole thing will unravel. This fear may be sensationalistic, but – given the disdain with which the policy is treated by many within the system – it is, sadly, probably true. The ZTP is a flawed and blunt instrument, but the bigger problems are the rank impunity, unwilling enforcement, and toothless disciplinary processes that continue to resist well-meaning efforts at reform.

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