

# Protection from Protectors: Sexual Abuse in UN Peacekeeping Missions

Written by Olivera Simić

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OLIVERA SIMIĆ, OCT 9 2015

*'It is now more dangerous to be a woman than a soldier in modern conflicts.'*  
– Major General Patrick Cammaert, 2008, former UN Peacekeeping Operation commander  
in Democratic Republic of Congo.

Over the past fifteen years, the policy and academic literature on peacekeeping and sexual exploitation and abuse (SEA) has steadily grown (Henry, 2013), and the theme has largely been the concern of feminist scholars and activists and the media. So far, peacekeepers have been accused of a range of crimes: from trading “sex for food”, organising trafficking in women (Defeis, 2008), through to rape and murder (Smith and Lewis, 2015). Still, it seems that eradicating the crimes and criminal behaviour of peacekeepers remains problematic and with no long-term solution.

There is no certainty that the SEA cases in UN Peacekeeping Operations (PKO) are on the rise or in decline. According to the Conduct and Discipline Unit (CDU) recent statistics, there was a decrease in the number of cases in 2012 and then a sharp rise in 2013. In 2014, according to the CDU statistics available, there were 24 cases, and in 2015, 18. These numbers, however, should be treated cautiously, as they are affected by fluctuations in rates of reporting, shifts in awareness, the willingness of the Department of Peacekeeping Operations (DPKO) to follow-up on allegations, and the extent that the media pays attention to leaked information about such cases. Increased numbers may also be due to the Zero Tolerance Policy (ZTP) embodied in the Secretary-General's Bulletin (SGB) from 2003 and “counting in” all sexual relationships reported as potential cases of SEA. In other words, the numbers may not necessarily reflect the SEA cases, but rather, all sexual relationships between peacekeepers and local women.

In the end, the numbers simply reflect the number of the cases being reported and accounted for. But more pertinent to me as a legal scholar is the question of how many of these cases have been investigated and tried before domestic courts? And why does the UN continuously treat the symptoms rather than the core causes of criminal behaviour? It is a well-known fact that prosecution by the troop contribution states (TCC) is a complicated affair due to a number of factors, such as that the countries of peacekeepers' origins not having the legislative means to prosecute and not all states being willing to prosecute peacekeepers (O'Brien, 2012). However, rather than tackling socio-economic conditions in which these cases occur, the UN keeps shifting our attention to the “few bad apples” that spoil the image of people who are deployed to do good deeds.

### “No” to Sex in Peacekeeping Operations

According to the SGB from 2003, “Special Measures for Protection from Sexual Exploitation and Sexual Abuse”, sexual relationships between UN staff and beneficiaries of assistance (local people), since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the UN (Section 3.d). The SGB, however, allows exceptions to this rule, particularly if the beneficiary of assistance is over the age of 18. One problem that I have raised in my previous work (Simić, 2012) is how an exploitative relationship can be differentiated

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(in theory, and even more so in practice) from a consensual relationship, so not all sex is classified as exploitative. Of course, such a classification would require time and other sources, so the ZTP took a much simpler stance to resolve the problem: a blanket ban on all relationships. But the trouble is that this has not solved the problem – not at all.

While military presence in a foreign country (whether by occupation or with the agreement of the host country) has historically been a trigger for the SEA cases, “Blue Helmets” cases seem to provoke more public shock. There is a presumption that peacekeepers are “good guys” deployed to their missions to serve the local people, and as such, they are expected to adhere to the highest standards that the international community imposes on them. And their apparent betrayal of those standards seems much more significant and somehow more valid as a focus of attention and public outrage.

Despite the fact that the ZTP was promulgated in 2003, the UN has continued to face allegations of peacekeepers’ misconduct. It reached a point that even Secretary General Ban Ki-moon stated that SEA cases by peacekeepers are “a cancer in our [UN] system”. He referred to a dozen cases that had occurred in the Central African Republic (CAR) which, among other crimes, included the indiscriminate killing of a teen and his father and the rape of a 12-year-old girl (Smith and Lewis, 2015). The raping of the 12-year-old girl was a reminder to me of another largely forgotten case, of US soldier Sergeant Ronghi, who raped and killed a 12-year-old girl, Merita, in Kosovo in 2000 while he was serving as a peacekeeper on mission in Kosovo.

Long before he raped and killed Merita, Sergeant Ronghi had boasted to fellow soldiers of his fetish for young girls – and had described how he had raped three young girls while on another mission in Haiti (Sengupta, 2015). He even took his fellow peacekeepers to a wooded spot, ideal, he said, for hiding a body, and it was there that Merita’s body was found a month after the rape and killing, stuffed in a plastic bag. However, this case has been largely forgotten and is not readily spoken about, not only because it brings shame to the UN image, but because there is a general feeling that the independence of Kosovo (2008) was “very much a gift of the American-led West, and in this context the adverse publicity surrounding the death of a little girl has been perceived as rather embarrassing” (Sengupta, 2012).

## Rest and Recreation as a Strategy to Prevent Sexual Abuse?

The latest allegations of SEA by peacekeepers available for public consumption comes from the CAR in which a peacekeeper was accused of impregnating a young woman (Lederer, 2015). As with the previous cases, there has been little concern about local women and their lives which, as in the case of impregnation, leaves them a single parent in often-dire poverty. A year ago, a French peacekeeper allegedly sexually abused a teenage girl who gave a birth in April 2015. The UN office said it will provide psychosocial and legal support to the girl and its family while a paternity claim has been lodged with local authorities (OHCHR, 2015). While psychosocial and legal support is welcome, economic support for the girl and her child, or assistance in pressing paternity claims, seems absent. The assistance to victims, as recent report by the Office of Internal Oversight Services (OIOS) remains “severely deficient” (OIOS, 2015: 4).

In the latest CAR case too, the UN does not seem to preoccupy itself much with how a young woman will support her child and who has responsibility to provide support (for more on peacekeepers’ babies and the potential role of the UN, see Simić, and O’Brien, 2014), but seems more concerned about the “appalling conditions” in which peacekeepers have to live and serve on mission (Lederer, 2015). The UN is even looking into chartering planes so that peacekeepers, especially from poor countries, can gain some rest and recreation (R&R), noting that some South Asian nations regularly send planes to take their troops on R&R for a week or two. The UN and senior security policy makers have long argued that improving recreational facilities and leisure programs for troops will help reduce their interest in prostitution (Harrington, 2010: from 181). However, representing family programs, movies, sport and leisure as a solution to SEA “repackages it as a problem of boredom and loneliness” (Harrington, 2010: from 181) rather than what it is – (male) violence.

## Condoms and Ban on Sex

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Back in November 2007, about 108 military personnel from an Asian country, who were serving with the PKO in Haiti, were deported home after being accused of SEA of minors. After their return, one of the expelled peacekeepers was quoted in a local newspaper as saying, rather defiantly, “What do you expect us to do when the U.N. is providing us with free condoms?” (Deen, 2015)

It has been well known for a quite some time now that, coupled with banning peacekeepers from engaging in any relationship with local population, the UN has been providing free condoms to peacekeepers. This has been a strategy deployed “as a health and safety measure” (Australian Defence Force, n.d.) to prevent HIV/AIDS, which is a welcome and much needed intervention, but what sort of message does it send to peacekeepers? That peacekeepers should use a condom but that they should abstain from sexual relationships? Prince Zeid in his 2005 report stated that the practice of distributing condoms may indeed create an impression of “an official ‘zero tolerance policy’ [ban on sex] coexisting with unofficial policy [sex is fine as long as it is protected]” (Al-Hussein, 2005: para 44, *author’s interpretation*). The OIOS report acknowledges that in fact sexual relationships between peacekeepers and the local population “may be routine” (OIOS, 2015: 22).

## Why Do Peacekeepers Sexually Abuse Those Who Should Be Protected?

A majority of peacekeepers are possibly good husbands, partners and non-abusers in their home countries, with no criminal records. So why do some feel they can do whatever they want in these “other countries” with “other” – local – women? When women are looked down on, it is not difficult to consider them as inferior human beings. In that way, even harmful actions done against local women are not seen as carrying the same moral or penal responsibility as actions against women from the peacekeepers’ own nation state.

The ZTP was developed at the office of the Secretary General of the UN, through analysis of and discussion with multiple stakeholders; however, without the inclusion of the “victims” or others in the local population. Until local women and the broader local population becomes part of the discussion, and part of constructing answers to any problems, there will not be a sustainable solution. The values, priorities and interests of local women, not of the UN, should shape policies that target their lives.

There is a tendency to push these crimes against women “under the carpet”, and lack of accountability, i.e. impunity for such crimes within the UN and TCC, is pervasive. While I agree that the gender training that peacekeepers receive before deployment and while on mission (Lyytikäinen, 2007) is a way forward, there is a deeper problem that we need to address here: that males around the world, not just peacekeepers and not just military men, are predominantly the abusers (sexual and otherwise). Gender inequality, stereotyping and misogyny are rampant in the military, and are even pervasive in the training of soldiers, who then form the backbone of the peacekeeping contingents. Misogyny cannot be eradicated by one-off training, but by gender equality education and dismantling and deconstructing gender stereotypes.

The real problem is that none of the UN policies, including the ZTP, address the root problem of SEA. They all treat the consequences and symptoms, because they find it hard to look at the cause: the hypermasculine environment in which PKOs operate, poverty and lack of accountability, in particular. The strategies should address gender inequality, poverty and peacekeepers’ immunity as the key obstacles to achieving justice for victims of SEA.

As the Zeid report (Al-Hussein, 2005) suggests, there must be action taken at the level of the PKO directly, and not just have cases referred to the TCC authorities, if the UN is to prove that it is not all rhetoric. Currently, agreements among DPKO, TCCs, and host countries assign jurisdiction for investigating any alleged abuse solely to the TCC (Patrick and Powell, 2015). While the UN does not have the legal authority to prosecute or punish a country’s soldiers it can take some action to prevent and punish SEA. Some recent suggestions include strengthening the “partnership approach” between the UN and TCC; enhancing the vetting capabilities to include all categories of personnel, including UN and military personnel; and improving the UN investigative procedures (Stern, 2015). The UN itself

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suggested that they should “name and shame” the countries from which peacekeepers who are alleged abusers are coming from. However, these efforts have been continuously delayed by the UN member states. Indeed, by taking all these actions, the UN could be caught in a quagmire. Would the UN then be able to have TCCs at all if countries feel they are disgraced by the UN’s policies such as “name and shame”?

## Poverty, Immunity, Impunity

The UN needs to tackle poverty in host countries, and sex, sadly, is part of the local economy. In her book, Simm demonstrates that the problems of impunity for sexual crimes are not just a failure of political will, but the result of the structural weaknesses of international law in addressing non-state actors (Simm, 2013).

We need to ask for greater accountability and prosecution of peacekeepers’ crimes. Although peacekeepers enjoy immunity, they do not enjoy it for crimes of SEA and their nation state can and must prosecute them. The reality is that the nation states simply do not investigate and prosecute crimes. While French President Francois Hollande famously vowed to “show no mercy” against French peacekeeping troops if they are proven to have sexually abused children in the CAR, this has proved an empty promise. With few prosecutions having materialised, there is little faith that justice will be given an opportunity to prevail.

## The Blanket Ban on Sex Does Not Work

The issue of how to identify, recognise and register all the cases of SEA is a very difficult task. It is not like peacekeepers will report weekly on the number of people with whom they have had sexual relationships. I agree that the goal of the ZTP on SEA should be to protect the local population, but it has become obvious that the blanket policy on sex simply does not work. Also, by treating all women as a homogenous group the UN risks perpetuating conservative and imperial stereotypes about vulnerable women who need to be saved. Such an approach has consequences for their future leadership roles in post-conflict societies. If they are treated as child-like and patronised, it will be hard for them to obtain respect and to take leadership roles in their local communities.

The blanket ban on sex may only stigmatise local women. The Bosnian women that I interviewed told me that banning them from having sex with peacekeepers makes them feel like “second class citizens” and “less worthy” than other women (women from the peacekeepers’ origin states) (Simić, 2012). And peacekeepers are expected to tell their superior if they have had a sexual relationship with local woman, so they should go and report it, and then it is up to their manager to handle the situation. I interviewed a senior DPKO officer in one of the PKO missions who had an experience where a peacekeeper came and confessed that he had a romantic relationship. The DPKO (female) officer did not want to do anything about it, but just told him to be “careful”. She said she is aware that this happens “all the time” and she sees the ban on (consensual) sexual relationships as a waste of time. So the UN should invest energy and enforce accountability in SEA cases, but not consensual sexual relationships.

It is also important to bear in mind that probably a majority of male peacekeepers are family men with no criminal record in their country of origin. However, once they are on the mission, some peacekeepers “turn” themselves into “sex tourists” while away from home, so prosecution of peacekeepers by their home countries is absolutely vital. The UN should have in place more rigorous measures and mechanisms to ensure these people are properly investigated once repatriated.

SEA in PKOs has been labelled as mainly a problem of abuse of power, where individuals, predominantly women, have been exploited as a result of their physical, psychological and socio-economic disadvantage. There is no doubt that in comparison to the population they are protecting, peacekeepers have greater economic power, which increases the potential for exploitation.

## Sex Trafficking and Sex Trade

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In the aftermath of conflict, the sex trade and sex trafficking flourish (for more on economics, sex and PKOs, see Jennings and Nikolić-Ristanović, 2009; Jennings, 2010). For example, Human Rights Watch has documented twenty-one cases of SEA committed by the members of the African Union Mission in Somalia's (AMISOM) forces against women and young girls in Mogadishu (Bader and Muscati, 2014). Most of the women and girls were raped when they were trying to get medicine or humanitarian assistance from the Burundian soldiers.

"Transactional sex is quite common but underreported in peacekeeping missions" according to the OIOS report (2015), and swapping goods for sex is rampant. Feminist scholars have long pointed to the boost in the sex industry and sex trafficking in women in Bosnia, for example, was caused by the presence of tens of thousands of predominantly male peacekeepers (Mendelson, 2005; Simić, 2010; Cockayne and Lupel, 2011; Bennett, 2011). This is a clandestine crime, hidden from the public eye and well-kept as a secret among peacekeepers themselves. Male peacekeepers often create a "demand" in the market, whether it already existed or was previously non-existent.

## Addressing Women's Needs

The crimes committed by peacekeepers have long term consequences for women and young girls, causing ostracism and stigma in their society (Lewis, 2014: 601). Rather than investing resources and time reproducing rules that ban sex, the UN should focus on supporting income-generating projects and lifting impoverished local economies in countries where PKOs are established. The UN should also address the overall lack of accountability for crimes committed in PKOs once peacekeepers return home.

The SGB needs to be revised in consultation with local women and peacekeepers, and with international human rights law in mind. For example, if the ZTP is to remain, at a minimum the UN should organise and invite local women in the country of mission to consult regarding application of the policy. The UN policymakers should shift from design and implementation of a blueprint for prevention of SEA and develop specific institutional interventions that would recognise local women and peacekeepers as bearers of human rights. Future policies must take into account subjective considerations of age and consent, in order to establish the difference between exploitative and non-exploitative sex. Finally, UN policy makers should view local women as capable participants in their own lives and not ignore the perspectives of those on whose behalf it is claimed the peacekeepers are working. The UN has to live up to its commitment to eradicate SEA by peacekeepers and act upon "hindered complex architecture, prolonged delays, unknown and varying outcomes and severely deficient victim assistance" (OIOS, 2015: 27).

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