

Safeguarding Children from UN Peacekeeper Sexual Exploitation and Abuse

in Uruguay

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This publication is the result of a partnership between Keeping Children Safe and the University of Reading, as part of a research project funded by the Arts and Humanities Research Council and the British Academy. The project focuses on how to safeguard children from sexual exploitation and abuse perpetrated by UN peacekeepers.

Note: There are different terminologies adopted when discussing children with vulnerabilities, different needs, and victims/survivors of abuse. In this report, we use terminology that reflects language found in human rights and other international documents.

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HONOUR, PRIDE AND INTEGRITY

Sexual Exploitation and Abuse

KNOW THE RULES: THERE IS NO EXCUSE!

- 1 At all times we must treat the local population with respect and dignity.
- 2 Sexual exploitation and abuse is unacceptable behaviour and prohibited conduct for all United Nations and affiliated personnel.
- 3 Sexual exploitation and abuse threatens the lives of people that we are to serve and protect.
- 4 Sexual exploitation and abuse undermines discipline, and damages the reputation of the United Nations.

EVERY PERSON UNDER THE UNITED NATIONS FLAG MUST COMPLY WITH THE FOLLOWING PROHIBITIONS:

- 1 It is strictly prohibited to have any sexual activity with anyone under the age of 18 years (regardless of the age of majority or age of consent locally or in my home country). Mistaken belief as to the age of the person is no excuse.
- 2 It is strictly prohibited to have sex with anyone, in exchange for money, employment, preferential treatment, gifts or services, whether or not prostitution is legal in my country or the host country.
- 3 It is strictly prohibited to engage in any other form of sexually humiliating, degrading or exploitative behaviour.

I fully understand that:

- 1 Involvement in any act of sexual exploitation and abuse will be investigated and prosecuted if warranted.
- 2 Any proven act of sexual exploitation and abuse will result in measures that can include but are not limited to: suspension, immediate repatriation, dismissal, imprisonment and a ban from future United Nations employment.
- 3 If I witness sexual exploitation and abuse behaviour by others, regardless of their position or seniority, I have a responsibility to take all reasonable measures to stop the misconduct and report the incident immediately to my commander or manager.
- 4 Failure to respond or report misconduct is a breach of the United Nations standards of conduct. **There is no excuse!**

NO EXCUSE • ZERO TOLERANCE FOR SEXUAL EXPLOITATION AND ABUSE

EXPLOITATION → HARASSMENT → APPROPRIATION

For further information see the Mission Conduct and Discipline website: MCDU/ConductandDiscipline.org

Introduction

The vast majority of the over 100,000 UN uniformed peacekeeping personnel perform their jobs with courage, dedication and professionalism. Yet those who commit sexual offences bring shame on the entire UN system and betray the trust of those that they have been sent to protect. There is a need for system-wide reform to ensure that such abuses cannot again occur with widespread impunity.

Despite recent measures announced by the new UN Secretary-General, attempts to reform the system have been piecemeal and have not addressed a complex problem that requires nuanced and targeted responses. While there is general agreement at the UN, in member states, and from civil society, about what needs to be done to address the issue of sexual exploitation and abuse by peacekeepers, very few practical solutions have been proposed let alone implemented. A key problem is that the current laws, policies and practices to tackle sexual exploitation and abuse operate across different scales, including at the international level, at the UN level, at the local level where the peacekeeping operation is being carried out, and within the countries that contribute troops to peacekeeping operations. As a result, very few effective solutions have been designed that can address the causes and consequences of peacekeeper sexual exploitation and abuse.

The project team has designed, and are now testing and implementing, an effective solution that can be adapted for use in all peacekeeping operations. Our research demonstrates that work across and involving all of those scales can produce effective practical solutions to discrete aspects of this difficult problem. The research that we have conducted provides a

robust methodology for implementing solutions to safeguard children in peacekeeping contexts. Our toolkit provides prevention, protection and safeguarding specifically in relation to children within peacekeeping.

The toolkit builds upon research funded by the Arts and Humanities Research Council and by the British Academy. The research provides the evidence-base for how to safeguard children from peacekeeper sexual exploitation and abuse. It is based on: desk research on law, human rights and political science; qualitative data gathered from field research; and work with stakeholders. Using interdisciplinary research and through working with a comprehensive group of stakeholders, we have created an evidence-base for recommendations to drive forward the research and policy agenda.

The toolkit, versions of which have been adopted successfully in thousands of organisations in nearly every country in the world, is based on international standards for child safeguarding. It is implemented within an organisation through (i) a self-assessment of current policies and practices; (ii) a robust mapping of relevant local and international laws and practices on child safeguarding; (iii) developing context-specific policies, measures and procedures based on the organisation and the legal mapping; (iv) training, and (v) follow-up.

Using desk and field research, we have analysed the changes that have been made to policies and practices within the peacekeeping operation and UN country team over the past fifteen years since those initial reports. That research has involved doctrinal research on the laws, policies and practices within the UN and the host country, as well as the international standards. Through a thorough exploration of current child safeguarding laws, policies and practices, ranging from training for peacekeepers through to reporting mechanisms and access to justice, we have identified the gaps and weaknesses, and designed a context-specific toolkit that will systematically address those issues and provide streamlined child safeguarding based on international standards.

The aspect of the project showcased in this report has a specific focus on a major troop-contributing country to UN peacekeeping operations – Uruguay – that is taking a leadership role in implementing

system-wide child safeguarding specific for the UN peacekeeping context. The report provides a background to Uruguay's role in UN peacekeeping operations, showcases its good practice in child safeguarding and demonstrates how those good practices will be strengthened through the creation and implementation of a policy designed to address the specifics of peacekeeping operations.

In particular, the report draws upon the child safeguarding workshop held in Montevideo, Uruguay in March 2018, attended by senior military and naval officers, members of the Ministry of Foreign Affairs, and other government representatives and lawyers.

citizens, which. Each year, 25% of Uruguay's army is deployed to, training for or providing logistical support for UN peacekeeping operations. In recent years, most of those efforts have focused on UN peacekeeping operations in the Democratic Republic of Congo and in Haiti.

The decision to work with Uruguay to trial, test and implement the safeguarding toolkit stems from the fact that Uruguay is a high calibre TCC that provides leadership within UN peacekeeping operations. There are three ways in which that leadership manifests: in the rationales for contributing to peacekeeping, in the forms of peacekeeping undertaken, and in the professionalism of its armed forces.

Unlike many TCCs, Uruguay's role in peacekeeping is not motivated by diplomacy or foreign policy, but rather is a military endeavour that until recently was directed by the armed forces. Since 2012, there has been more political involvement in peacekeeping policies, but the rationales for peacekeeping remain rooted in the armed forces rather than in international politics. Of course, there are also institutional and economic rationales for Uruguay's involvement in UN peacekeeping, in particular the continued existence of a large and strong armed forces.

Background

Uruguay is one of more than 120 countries working with the United Nations to help keep the peace around the globe.

It is a major troop-contributing country that is widely lauded for the professionalism of its soldiers, the role it plays in protection of civilians, and its levels of deployment to some of the worst conflicts in the world. Uruguay began its participation in peacekeeping missions during the 1950s and 1960s, when it sent military observers to missions in Sinai, India and Pakistan. In 1992 it deployed its first largescale contribution of troops to the UN Transitional Authority in Cambodia, six years after Uruguay transitioned from a military dictatorship to a democratic country. Since then, Uruguay has been one of the largest troop-contributing countries (TCCs) to UN peacekeeping operations. Within two decades, more than 24,000 soldiers had been involved in at least one UN peacekeeping mission. Given its population size of 4 million people, there is one Uruguayan peacekeeper for every 280

Uruguay is one of relatively few TCCs that deploys peacekeepers to countries with which it has no historical, regional, or political ties. Uruguay has deployed peacekeepers to some of the most dangerous operations and has a strong reputation for the actions taken by its armed forces to protect civilians and to peace-keep and peace-build. Many members of the armed forces have been deployed more than once to the same peacekeeping operation, which means that they know the local languages and contexts.

The armed forces have also taken swift and effective action to address problems during deployments, including improving the standards of military equipment, investigating allegations of harms caused by peacekeepers, and undertaking joint actions and leadership activities within operations. In these ways Uruguay is a gold-standard TCC, and its leadership on child safeguarding will be crucial for ensuring that child safeguarding is foregrounded within peacekeeping operations and specifically within other TCCs.

The child safeguarding workshop held in Montevideo, Uruguay had the central aim of exploring TCCs' best

practices and ways for them further to improve regarding safeguarding children from sexual exploitation and abuse (SEA) in UN peacekeeping operations. The TCC perspective is crucial for understanding how to implement child safeguarding on the ground in peacekeeping operations. The seminar was run as part of a broader project led by Keeping Children Safe and the University of Reading, and that is funded by UK Research Councils.

The project began with an informal seminar at the Centre on Women, Peace and Security, London School of Economics on Thursday 7 July 2016; and since that time seminars have been organized in Brazil in conjunction with UN and the Brazilian government, at the Kofi Annan Peacekeeping Training Centre, and at the UK Foreign and Commonwealth Office. Throughout the project research has been ongoing on how to adapt a safeguarding toolkit to be context-specific for UN peacekeeping contexts, with field research in Haiti, Liberia, at the UN and at the African Union.

The workshop in Uruguay focused on child safeguarding, best practices from TCCs, and how to ensure that safeguarding measures are streamlined across TCCs with leadership provided by those countries that already place strong emphasis on safeguarding children from SEA. At the workshop the safeguarding toolkit was presented and discussed, and subsequently the Minister of Defence signed an agreement that the toolkit will be implemented within Uruguay's armed forces.



Child Safeguarding:

an overview

Keeping Children Safe is a global network of organisations committed to child safeguarding and actively influencing others to adopt International Child Safeguarding Standards. Its establishment in 2001 coincided with the exposure of widespread sexual exploitation and abuse carried out by over 40 humanitarian aid agencies of children in refugee camps in Guinea, Liberia and Sierra Leone. Specifically, a report published in February 2002 by UNHCR and Save the Children detailed numerous complaints indicating that UN peacekeeping personnel and humanitarian aid workers had demanded sex for food, shelter, education and medicine.

In response, Keeping Children Safe in collaboration with experts developed a set of International Child Safeguarding Standards supported by a comprehensive toolkit for implementing the standards. The Standards emphasise the key aspects of managing child safeguarding within an organisation. They describe the features, systems and processes that need to be in place to ensure that child safeguarding is fully and effectively embedded in organisations. This is particularly critical for organisations that work in humanitarian crises and conflict and post-conflict situations where many children are likely to be in situations of extreme physical and emotional vulnerability. The extreme imbalance of power between humanitarian aid workers and peacekeeping personnel, on the one hand, and the people who they have been sent to protect, on the other, makes it essential that robust systems are in place.

An overall approach to safeguarding children is rooted in understanding the risks to children from the organisation, (its staff, programme and operations). This is a robust and comprehensive process that begins with development, or strengthening, of a child safeguarding policy that describes how the organisation is committed to promoting the rights, dignity and well-being of children, and preventing all forms of exploitation and abuse. It then requires organisational development in the form of allocating staff time, ensuring staff are trained and coordinated, and that there is good communication on safeguarding children. There also

needs to be sound processes for planning, implementation, monitoring and review, to ensure clear and transparent lines of accountability right up to board level.

Any concerns the organisation has about children's safety should be reported to the appropriate authorities, so that perpetrators can be brought to justice and children given follow up care and support. The fundamental principle for any intervention is that all actions should be taken in the best interests of the children concerned.

There are four standards:

Standard 1: **Policy**

The organisation sets clear policy that describes how it is committed to promoting the well-being of children, preventing abuse and creating a positive environment for children wherein their rights are upheld, and they are treated with dignity and respect.

Standard 2: **People**

The organisation communicates clearly its commitments to keeping children safe and the responsibilities and expectations it places on staff, associates and partners - through relevant policies, procedures and guidance, and that staff and associates are supported in understanding and acting in line with these.

Standard 3: **Procedures**

The organisation implements a systematic process of planning and implementation of child safeguarding measures. Most importantly these measures should be accessible to and appropriate for all children.

Standard 4: **Accountability**

The organisation has in place measures and mechanisms for monitoring and review of safeguarding measures and to ensure both upward and downward accountability in relation to child safeguarding.

To implement the standards every organisation needs to address the following questions:

- Where, when and how the organisation affects children and what risks this presents?
- What policies and procedures are needed to prevent harm and how to respond to concerns appropriately?
- Who is the appropriate designated person/s to act as the focal point in an organisation to receive and manage any safeguarding concerns and subsequent inquiry/investigation?
- What safeguarding induction and training is needed to ensure staff know what the organisation expects of them and what to do if they have a concern?
- Is there a clear code of conduct so that all staff understand their professional boundaries when working with children and what is and is not acceptable behaviour?
- How to recruit safely?

When they are fully implemented child safeguarding measures offer a set of practical tools for tackling a culture of impunity around child abuse. Children are safer because they require that every individual within in an organisation receives clear instructions on their obligation to act to prevent and report abuse and the sanctions they will face if they fail to comply. They act as a powerful deterrent to abusers before they even apply for a job and they ensure that organisations in positions of trust are held to account on their responsibility to protect the children with whom they come into contact.



A Child-Safeguarding Toolkit for UN Peacekeeping Operations

A key problem within humanitarian and conflict settings is that the current laws, policies and practices operate across different scales, including at the international level, and regional and local levels. This means that organisations require knowledge and understanding of the range of laws, policies and contexts that apply.

This is particularly difficult when those organisations have to deploy quickly into an emergency setting, or when rule of law has broken down within a society. In those most fragile contexts, the opportunity for impunity for crimes perpetrated or harms caused are significantly higher. The purpose of the child safeguarding toolkit for UN peacekeeping operations is to ensure that there are standards that apply to all entities actors involved in those missions, and that all actors are aware of those standards.

There is a clear need for international standards to which all UN peacekeepers must adhere. The toolkit focuses on all actors involved with peacekeeping. The central focus is on the child in peacekeeping contexts, and ensuring the safety of children, and the toolkit ensures that the highest international standards are known and upheld in a context-specific manner. A key aspect of the toolkit is that instead of being reactive, it is a proactive tool for identifying and addressing the cause of the problem. The aim is to create a gold standard of child safeguarding that will be implemented and championed by global leaders from all of those sectors. The initial focus on UN peacekeeping operations is because these are the most advanced in terms of policies and procedures on harms caused by peacekeepers. NATO, for example, does not have a policy on sexual exploitation and abuse, and the African Union is only now beginning the process of creating such a policy. Similarly, the reason for working with Uruguay and other similar TCCs is because they provide a gold standard in terms of domestic and military laws and practices, and leadership on human rights.

A main reason for creating and implementing this toolkit is that few effective solutions have been designed that can address the causes and consequences of child sexual exploitation and abuse in those international and fragile settings. We sought to provide robust solutions based on evidence that are practical and can effect changes on the ground. At the heart of our research and project is a victim-centred approach, whereby human rights and human

experiences are front and centre of the work. The most vulnerable members of our global society require solutions that focus on upholding their rights and that take into account their experiences.

The toolkit focuses on peacekeeping operations and implementing child safeguarding with international organisations, troop-contributing countries, peacekeeping training centres, implementing partners, and other actors involved with peacekeeping and peacebuilding in conflict and post-conflict societies. To do so, each entity must be assessed and measures co-produced and implemented that take into account their own national laws, their own institutional policies, as well as context-specific laws and policies where they operate. The toolkit is rooted in the international child safeguarding standards, and is given effect through robust legal mappings across the different scales. Those context-specific child safeguarding measures are then integrated in an organisation's systems and processes in a way that takes into account, and is differentiated for, different country and local contexts. The measures have to work for the local context but also adhere to global and regional standards. For example, definitions of 'child' and 'child abuse' may differ according to national and cultural understandings. However, organisations need to be clear that 'children' are defined as anyone less than 18 years of age and that "abuse" is the range of acts, intentional or otherwise, which harm children.

We work with each organisation or entity to carry out a comprehensive mapping of laws and practice on safeguarding in the countries in which they operate. We identify areas of weakness and strength and then co-produce safeguarding measures that are sensitive to the local culture but that uphold international standards on who is a child and what constitutes abuse, with global and regional standards and frameworks being applied across the board. Part of the safeguarding measures, training and implementation includes underscoring that organisations must be prepared and know how to take action locally when concerns arise. They will therefore need to have information on local services, authorities to whom reports should be made, and organisations working locally, which can provide support where needed. The implementation of these measures requires a true commitment from organisations to address child sexual exploitation and abuse, and to adhere to global standards whilst also ensuring that staff understand local contexts.



Good Practice and Challenges on the Ground

In peacekeeping operations armed forces tend to vastly outnumber civilian staff, yet proportionately there are far more allegations of sexual exploitation and abuse are of those civilian personnel. For example, in MONUSCO there are 18,000 troops, and 7,000 civilians. You see higher per capita allegations of abuse by the civilian peacekeepers. But the armed forces must have higher standards because they dictate what is going on, they have a duty to protect, and they are solving these issues on the ground.

There was an understanding that troops need to take a leading role in safeguarding children, and that gold standard TCCs must be at the fore of those efforts. The workshop centred on the challenges of child safeguarding within UN peacekeeping, and the ways in which this may be taken forward in a proactive manner.

There is consensus that child safeguarding is an important issue in UN peacekeeping, and one in which policies and implementation are less well-developed than other issue areas. Discussions at the workshop highlighted key issues that need to be addressed on the ground in peacekeeping operations, and good practices from the Uruguayan armed forces during such deployments. The starting point is that training is not sufficient to address any of these issues, and rather the soldier needs to be at the heart of all policies and practices relating to safeguarding children on the ground. Units and soldiers interact with children and see the reality of them not being protected, and the soldier needs to be aware of the situations that these children face. In these contexts, children need protection from all actors on the ground, and while UN child protection advisors help there is a need for broader and more nuanced solutions that address root causes and consequences.

There are many challenges for implementing child safeguarding and protection of children in conflict zones. Uruguay is a leading defender of human rights, and places strong emphasis on child protection. When operating in countries where child protection barely exists, it is very difficult to implement child safeguarding and it is very frustrating to see how children are harmed. This is particularly problematic when parties to the conflict use child soldiers, or when national infrastructure enables abuse of children, let alone when other TCCs do not address child safeguarding in relation to their own troops.

When the UN requests deployment there are standards to which some TCCs, such as Uruguay, conform. But there are many areas about which there is silence about what standards should be adopted. A country like Uruguay that champions and leads on human rights will have strong standards on many issues, but that is not the case for all TCCs. In situations where standards are not articulated and where there is no domestic legislation on child protection, many TCCs do not adhere to the same standards as Uruguayan troops.

There is a clear need for standards to be set out, and for all TCCs to comply with them even if they do not require the same standards within their own countries. This is a responsibility that rests on the entire UN, and the recruitment of more TCCs gives greater leverage and ability to the UN to demand these standards and to set benchmarks to which all troops must adhere. Having International Child Safeguarding Standards raises the benchmark regardless of TCCs own domestic laws.

The UN is able to hold accountable TCCs that do not insist upon troops adhering to international standards. This is a work-in-progress but steps forward have been taken with greater powers given to the UN to remove TCCs from missions and to insist upon military accountability structures. Effort needs to be invested in ensuring these structures exist prior to deployment, and that they are adhered to during and after deployment, particularly in those countries where armed forces have weak military justice systems. The toolkit is important from a political perspective because TCCs will need to demonstrate that they are adhering to those standards, and in the case of poor performance there lobbying and pressures from different member states in New York.

There are many pre-deployment courses and training modules. Many of those courses aim to prevent sexual exploitation and abuse by peacekeeping troops, but there is no specific training or other information about preventing those types of harms being perpetrated by other armed groups or in preventing specific harms to children. At the same time, many staff and particularly senior leaders have received many talks and training courses about these issues that are disconnected from the realities within a peacekeeping operation or conflict zone. There is a need for greater coordination, and for the solutions provided to be connected to realities on the ground. Many TCCs view these as tick-box' exercises, and there needs to be far greater emphasis on engagement by leaders with these processes in a meaningful manner in order for troops to take seriously these requirements and responsibilities. Leadership is crucial, because without it any pre-deployment training is worthless. There is also a need to ensure that information is accessible to all troops. Creating books that are 250 pages in length is not useful because there are no resources to print or to translate the material. Small cards setting out the rules and standards are far more practicable and useful to troops deployed on the ground.

There are practices in some units and missions that need to be developed, but those areas would be strengthened by policies for all UN peacekeeping entities. For example Uruguay provides a pre-deployment screening test that mission leaders and officers may undertake to determine the level of risk to children in a conflict zone. Training of leaders in these situations is crucial, because a company commander's approach will often be the difference between a child receiving assistance or being abused. For example, the average age of a Taliban soldier is 21, but the average age of a Taliban suicide bomber is 12; the child is both a victim and a weapon. The fact that children are victims is a military problem that cannot be ignored; and given that most harm to UN soldiers occurs through explosives this is a crucial issue that must be addressed. It is very difficult for a soldier to take lethal force against a child even when she/he is being used as a weapon, and the primary job of the armed forces is to prevent such situations happening in the first place. There

needs to be partnerships between the military and civilians to address the fact that insurgents are successfully recruiting children. Information activities are crucial in this regard, particularly highlighting recruitment of children and sending the message that there will be consequences when children are recruited by armed groups. Those messages were sent to local populations and armed groups in the Congo, which had a significant effect on the recruitment on of children. In this way we can see that placing child protection as a core issue in military activity and planning can be successful and sustainable, but requires planners to move beyond traditional areas and to recalibrate focus during planning activities.



Ways Forward

Implementing the child safeguarding toolkit requires systematic and robust steps to be taken. However, an example of how the toolkit is operationalised may be taken from a UK Protection of Civilians Officer's work in MONUSCO. That officer, realising that there were no proactive efforts to safeguard children, sought to effect behavioural changes using policy and operational strategy.

The policies designed were behavioural-based, with a tiered system tailored to militaries. That laid the foundations for commanders to write their own orders, review their policies and orders frequently, and to provide training, implementation and accountability structures. Lessons learned from that exercise included the need to screen soldiers, to screen partner nations, and to brief the commander to know what to look for on the ground. The correct people at leadership levels must be trained, and the operations on the ground must be examined and reviewed regarding their signal operating instructions. Planning is crucial, as are situational training activities. The entire system requires policies, practices and implementation to ensure robust child safeguarding is at the heart of all activities. Policies and people lead to good processes and procedures, and to all UN troops holding one another accountable internally and externally.

A main challenge identified is how to give effect to the toolkit and to ensure that it is implemented in a systematic and robust manner across all TCCs, and across all entities involved with UN peacekeeping. Resources are often identified as a barrier to solutions and to change, but the toolkit does not require significant resources to be given effect and implemented, and while it is not resource-free it is resource-minimal. This is a solution based on sharing knowledge, capacity, and resources. It requires a shift in organisational and individual attitudes, and for leadership to ensure that all troops adopt and adhere to the child safeguarding standards. Troops must be trained and required to view the safety of the child as more important even than that of his/her colleague, and to hold one another accountable for violations of the international child safeguarding standards. Implementing the toolkit requires global leadership from key champions amongst all entities involved with peacekeeping, and as we have seen from the NGO sector once those champions exist child safeguarding becomes a requirement rather than a choice.

There was consensus amongst all participants that Uruguay would take a leadership role in child safeguarding in UN peacekeeping operations. To do so, it was agreed that Uruguay would first implement the toolkit within its military, identifying areas of good practice and addressing areas of weakness through an initial assessment and co-production of a child safeguarding policy. Implementation of that policy would then enable Uruguay to become a regional and global champion for other TCCs to follow its lead in this regard. There was agreement of the need to bridge the gap between what ought to occur and what exists in practice. All participants identified that tools provided will improve what already exists and address any gaps or weaknesses, which in turn will enable Uruguayan soldiers to have the knowledge to make the right decisions. It was clear that all participants are strongly committed to upholding the law and the international standards, and that child safeguarding should be central to the work of its armed forces and implemented in a way that integrates troops' experiences of realities on the ground. Discussions then focused on how the toolkit will be given effect and implemented in the Uruguayan military.



www.keepingchildrensafe.global

<https://research.reading.ac.uk/peacekeeper-or-perpetrator/>

<https://www.un.org/preventing-sexual-exploitation-and-abuse/>