



Keeping
Children
Safe

Special Report

Safeguarding children from sexual exploitation and abuse in the context of UN peacekeeping operations

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Keeping Children Safe is a dynamic and growing global network working to keep the world's most vulnerable children safe from abuse and exploitation. It was established in 2001 by a group of leading humanitarian relief and development charities in response to the growing realisation that children were being abused by aid and development workers in emergency camps in West Africa and within their own organisations.

Keeping Children Safe represents a commitment by organisations worldwide to protect children by developing and promoting a set of robust and comprehensive safeguarding standards that all organisations can and should follow.

As a result of our services, and through our expanding network of members in over 120 countries, millions of children worldwide are now better protected

Vision:

Our vision is for all children to have a safe and healthy development into adulthood.

Mission:

Keeping Children Safe's mission is to work with organisations to safeguard all children from exploitation, abuse and violations of their human rights. We advocate for the **universal adoption and monitoring of international standards on safeguarding**, build the capacity of organisations to safeguard children, and work to advance a global movement of organisations committed to ensure that their staff, operations, and programmes do no harm to children.



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Executive summary

Despite the UN's full commitment to a policy of zero tolerance of sexual exploitation and abuse (SEA), cases continue to be reported in peacekeeping missions. The vast majority of peacekeeping personnel perform their jobs with courage, dedication and professionalism. Yet those who do commit SEA offences betray the trust of those whom they have been sent to protect and bring shame on the entire UN system.

When allegations of serious misconduct are made, the UN can repatriate the individuals concerned, make recommendations to the Troop Contributing Country (TCC), and ban the individual from future peacekeeping operations. It will usually, however, be the responsibility of the TCC to pursue disciplinary and criminal charges. TCCs are also primarily responsible for the recruitment, selection and pre-deployment training of national military contingents deployed on peacekeeping missions. The active support of the TCCs is, therefore, fundamental to tackling SEA. UN statistics indicate, the number of complaints of SEA has declined significantly over the last decade. This is encouraging, but may not paint a comprehensive picture given the likelihood that these are being under-reported and the limited manner in which the UN can track incidents. Under the United Nations Convention on the Rights of the Child all children have the right to be protected from exploitation and abuse and therefore all organisations involved in peacekeeping missions have the responsibility to keep children safe. Tackling SEA of children requires a holistic approach involving TCCs, the UN Secretariat, humanitarian agencies, and civil society organisations (whose personnel can also be guilty of such acts) in both the TCCs and mission host states.

Keeping Children Safe advocates for all organisations to protect the children they come into contact with by adopting International Child Safeguarding Standards. Its team of expert social workers, police officers and international safeguarding practitioners provides technical advice and capacity-building on all aspects of child safeguarding including: safe recruitment, reporting and accountability as well as training on how to carry out specialist investigations into allegations of child abuse in ways that do not re-traumatise the victims or contaminate the evidence.

This report provides an overview of the nature and scale of the problem and the UN's response. It also indicates how Keeping Children Safe could support those who are working with the UN and TCCs to implement measures to prevent abuse and ensure that organisations respond appropriately to complaints, victims and witnesses have access to justice mechanisms, and provide support and redress to individual victims.



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Introduction

Keeping Children Safe is a global movement of organisations committed to child safeguarding and actively influencing others to adopt International Child Safeguarding Standards. Its Board of Trustees includes some of the world's leading experts in child safeguarding and its activities will be described further later in this report. Its mission is to ensure that every organisation upholds its responsibility to do all it can to protect children from harm.

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 to ensure that the work of these organisations is beyond reproach.

Keeping Children Safe's 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.¹ A report published in February 2002 by the United Nations High Commissioner for Refugees (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 the NSPCC, World Vision UK, Tearfund, CAFOD, Plan International, People In Aid, Save the Children UK, EveryChild, Terre des Hommes International Federation, Consortium of Street Children, and Oxfam, developed a set of International

Child Safeguarding Standards supported by a comprehensive toolkit for implementing the Standards.

The UN responded to the reports of SEA by peacekeeping personnel by introducing a series of measures which are described below. The UN is now fully committed to a policy of zero tolerance of sexual abuse and exploitation (SEA). Yet cases of abuse of the world's most vulnerable children continue to be reported. Sadly, UN troops and other peacekeeping personnel sent to protect and care for these children are sometimes themselves responsible for this abuse.

There are currently over 100,000 UN uniformed, peacekeeping personnel deployed around the world in missions established by the Security Council that have legal authority under Chapter VII of the UN Charter, to use force to protect civilians.² This is a recent development that responds to the need for larger and more proactive deployments of peacekeeping soldiers than those deployed in 'traditional' observer missions. As the duties and responsibilities of peacekeepers increase, issues surrounding their legal and operational accountability become ever more complex and pressing. The vast majority of peacekeepers performs their jobs with courage, dedication and professionalism. Only a small minority have been accused of SEA, and not all of these allegations have been substantiated. Those who do commit these offences however, betray the trust of those whom they have been sent to protect and bring shame on the UN system.

The UN has no standing army so it requires the support of Troop Contributing Countries (TCCs) to support its missions. When allegations of serious misconduct are made, the UN can repatriate the individuals concerned, make recommendations to the

¹ UNHCR and Save the Children-UK, *Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia, and Sierra Leone Based on Initial Findings and Recommendations from Assessment Mission 22 October – 30 November 2001*, February 2002.

² UN DPKO, *Peacekeeping Fact Sheet*, 31 August 2016. This broke down into 85,442 troops, 12,885 police and 1,692 military observers. There were also 16,471 civilian personnel (5,256 international and 11,215 local) plus 1,575 UN Volunteers, bringing the total number of personnel serving in 16 peacekeeping operations to 118,792.

TCC, and ban the individual from future peacekeeping operations. It will usually, however, be the responsibility of the TCC to pursue criminal charges and this often raises both legal and practical challenges. TCCs are also primarily responsible for the recruitment, selection, pre-deployment training and discipline of national military contingents deployed on peacekeeping missions. Some troops in UN peacekeeping missions serve alongside the mission and not under the UN's own command structures. The active support of the TCCs is, therefore, fundamental to tackling SEA by those deployed in the context of UN peacekeeping missions.

This report will provide an overview of the nature and scale of the problem and the UN's response. It will also highlight emerging good practices of TCCs and argue that by sharing, spreading and developing these initiatives all of these different actors can work together to keep children safe from harm. It will conclude by seeking to show how an approach based on Keeping Children Safe's experience of implementing the International Child Safeguarding Standards may offer a useful framework for all of the organisations involved in peacekeeping missions – the UN Secretariat, UN agencies, individual TCCs and civil society organisations in both the TCCs and host states – to begin to address the problem.



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The scale of the problem and the UN response

Allegations of SEA have only been made against a very small proportion of the total number of uniformed personnel deployed on UN peacekeeping missions and the UN has made repeated attempts to tackle the problem. Nevertheless, it has been a recurring issue on UN missions. During the UN mission in Cambodia in the early 1990s, for example, the number of prostitutes rose from 6,000 to 25,000, including a large increase in the number of children engaging in transactional sex, directly as a result of the presence of the mission.³ Peacekeepers have been implicated in sex scandals in Kosovo, Cambodia, East Timor, West Africa, the Democratic Republic of Congo (DRC), Haiti, Liberia and South Sudan.⁴ There have been recurrent allegations of the involvement of UN peacekeeping forces in trafficking and prostitution in Bosnia-Herzegovina.⁵ In 2003, Italian, Danish and Slovak peacekeepers were expelled from Eritrea in separate incidents for sexual abuse of children.⁶

A report published in February 2002 by the United Nations High Commissioner for Refugees (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.⁷

In 2008, Save the Children published a report on sexual exploitation and abuse of children by humanitarian workers and peacekeepers.⁸

The researchers identified 'every kind of child sexual abuse and exploitation imaginable', including: trading sex for food; forced sex; verbal sexual abuse; child prostitution, child pornography, sexual slavery; indecent sexual assault; and child trafficking linked with commercial sexual exploitation. The fieldwork revealed cases of abuse associated with twenty-three humanitarian, peacekeeping and security organisations

The report found that peacekeeping troops associated with the UN Department of Peacekeeping Operations (DPKO) had been identified 'as a particular source of abuse in some of our fieldwork locations'. It noted that this may be partly because the number of UN uniformed peacekeepers significantly outnumbers all other staff on most missions. They are also armed and provide much-needed physical security within contexts of extreme fragility, which may give them particular influence over the communities in which they serve, especially children and young people.⁹ The report also stated, however, that the increased reporting of incidents 'may also reflect the particular efforts invested by DPKO to monitor and report on abuses associated with its own staff.

In August 2015, Amnesty International published a report, alleging that MINUSCA peacekeepers had raped a 12-year old girl and killed a 16-year old boy and his father when they indiscriminately opened fire on

³ Peace News, 'Sex and the Peacekeeping Soldier: The New UN Resolution,' Peace News, June 2001.

⁴ Jenna Stern, *Reducing Sexual Exploitation and Abuse in UN Peacekeeping, Ten Years After the Zeid Report*, Civilians in Conflict Policy Brief, February 2015; Elizabeth F. Defeis, *UN Peacekeepers and Sexual Abuse and Exploitation: An End to Impunity*, Washington University Global Studies Law Review, Vol. 7, 2008; Sarah Martin, *Must boys be boys? Ending sexual exploitation and abuse in UN Peacekeeping missions*, New York: Refugees International, October 2005.

⁵ Human Rights Watch, *Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, 2002.

⁶ E Barth, 'The United Nations Mission in Eritrea/Ethiopia: Gender(ed) Effects' in L. Olsson et al (eds) *Gender Aspects of Conflict Interventions: Intended and Unintended Consequences*, Oslo International Peace Research Institute, 2004.

⁷ UNHCR and Save the Children-UK, 2002

⁸ Corinna Csásky, *No one to turn to: the under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers*, London: Save the Children UK, 2008 [Hereinafter, Save the Children, 2008].

⁹ Save the Children, 2008, p.8.

civilians.¹⁰ In April 2016, the trial began in the Democratic Republic of the Congo (DRC) of 18 Congolese soldiers accused of rapes and attempted rapes while serving as peacekeepers in MINUSCA.¹¹ In the same month, it was reported that soldiers in, or alongside, the mission from France, Gabon, and Burundi had sexually abused at least 108 women and children in a single province in the Central Africa Republic (CAR) between 2013 and 2015.¹² It was also reported that 25 new and separate allegations had been lodged in the first three months of 2016.

According to the UN's own statistics, the number of complaints of SEA has declined quite significantly over the last decade. The number of new allegations against UN peacekeeping personnel received from the departments and offices of the Secretariat and agencies, funds and programmes of the UN system totalled 99 in 2015, compared with 80 in 2014, 96 in 2013 and 88 complaints in 2012.¹³ There were 102 complaints in 2011, 116 in 2010, 154 in 2009 and 111 in 2008.¹⁴ By contrast, there were 159 complaints reported in 2007, 371 in 2006, 373 in 2005 and 121 in 2004.¹⁵ A detailed breakdown of the UN's figures also show that, contrary to commonly held perceptions, around half of the total number of complaints of sexual abuse and exploitation over the last decade has been made against police and civilian UN staff, rather than its peacekeeping soldiers. This is particularly significant given that soldiers vastly outnumber police and civilians in most peacekeeping missions.

Although this reported fall in complaints is encouraging, such statistics are unlikely to paint a fully comprehensive picture of the scale and scope of SEA given the likelihood that they are being under-reported and the limited manner in which the UN tracks incidents. For example, there are credible reports that peacekeeping troops in the CAR carried out 108 incidents of SEA in a single province in the country between 2013 and 2015 and these figures are clearly not reflected in the above global statistics.¹⁶ Where serious investigations take place, almost inevitably, more allegations come to light as people gain the confidence to report abuses. Some of the reasons why victims are reluctant to report the abuse and exploitation that they have suffered will be discussed in the next section below.

The UN has long been engaged with the issue and has made several previous attempts to tackle the problem. In February 2016 the Secretary-General appointed Jane Holl Lute as special coordinator to work on the problem of SEA by peacekeepers.¹⁷ Her mandate is to 'support the ongoing efforts of the Secretary-General and the leadership of UN Offices, Departments, Funds and Programmes to align our peacekeeping and human rights systems and to strengthen United Nations response to sexual exploitation and abuse.'

Current initiatives include an e-learning training programme on SEA as part of its pre-deployment training for personnel deployed on missions. The programme was developed by the Department of Field Support and is

first being piloted in the UN Headquarters and by select uniformed and civilian peacekeeping mission staff. The rollout to all field missions, as well as all peacekeeping and field support personnel in Headquarters, will be completed by the end of 2016. The programme will then be available for all Secretariat personnel in early 2017 and become a compulsory part of the training of all UN staff.

In addition the UN is currently putting in place a communications and public information strategy to publicise its zero-tolerance policy in mission-hosting states. It is also supporting the development of community-based complaints mechanisms, so that victims can make reports of SEA. Seven peacekeeping missions have such mechanisms in place, in various forms, but their independence and effectiveness has not yet been comprehensively evaluated.

These efforts are the latest in a series of initiatives to address the problem. In May 2003, largely in response to the West African 'sex for food' scandal described above, the UN General Assembly adopted resolution 57/306, which led to a Secretary-General's Bulletin on 'Special measures for protection from sexual exploitation and sexual abuse' that October. This sets out extensive guidance regarding sexual conduct by UN staff and peacekeepers. It includes a prohibition on sexual relations with members of the local community, given the 'inherently unequal power dynamics,' sexual activity with children, 'regardless of the age of majority or age of consent locally', and engaging in prostitution in general. This Bulletin is generally referred to as the UN's zero-tolerance policy. The resolution also called on the Secretary-General to publish an annual report, proving data on allegations of SEA in the UN system and information on measures being taken to strengthen the Organisation's response in the areas of prevention, enforcement and remedial action.

Two years later, in response to further scandals, the UN published 'A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations' (the Zeid Report) the findings of which were endorsed by the General Assembly in March 2005. The report noted two fundamental obstacles to ensuring full legal accountability:

- The UN sometimes operated 'in areas where there was no functioning legal system or where the legal system was so devastated by conflict that it no longer satisfied minimum international human rights standards. In such cases it 'would not be in the interests' of the UN to waive immunity 'because its Charter requires it to uphold, promote and respect human rights.'
- The UN could not obligate a TCC to prosecute since this decision 'is an act of sovereignty'.

One solution suggested to this problem was the development of an international convention that would subject UN personnel to the jurisdiction of states. Alternatively, 'to try to get agreement with the host state when negotiating the status-of-forces agreement for the United Nations to provide assistance to the host state to ensure that criminal proceedings against United Nations personnel satisfied international human rights standards.' It noted that in the absence of such measures 'the only way to make UN personnel criminally accountable was if their own state asserted criminal jurisdiction for the actions of their nationals abroad, considered the actions criminal, and was able to gather sufficient evidence for a successful prosecution and could obtain custody of the accused.'

The UN Charter states that the UN and its representatives 'shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.'¹⁸ These privileges and immunities 'are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals

10 Amnesty International, CAR: UN troops implicated in rape of girl and indiscriminate killings must be investigated, 11 August 2015.

11 Al Jazeera, 'UN Peacekeepers go on trial for CAR sex abuse', 5 April 2016.

12 Foreign Policy, 'UN Sex abuse scandal in Central Africa Republic hits rock bottom', 8 April 2016.

13 Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/70/72, 9 February 2016; Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/69/779, 13 February 2015; Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/68/756, 14 February 2014; Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/67/766, 28 February 2013; and Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/66/699, 17 February 2012.

14 Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/65/742, 18 February 2011; and Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/63/720, 17 February 2009.

15 Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/61/957, 15 June 2007; and Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/60/861, 24 May 2006.

16 Foreign Policy, 'UN Sex abuse scandal in Central Africa Republic hits rock bottom', 8 April 2016.

17 UN News Centre, 'Seasoned official appointed to coordinate UN efforts to curb sexual abuse by peacekeepers', 8 February 2016.

18 UN Charter, Article 105.

themselves’ and the UN Secretary-General ‘shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice’.¹⁹ According to the UN Model Status of Forces Agreement, TCCs have the exclusive responsibility to discipline and criminally sanction their military contingents.²⁰ These provisions do not provide UN peacekeeping soldiers or civilian staff with impunity – since their legal immunity can be waived to enable criminal prosecutions. There have, however, sometimes been problems persuading the UN to lift immunity to facilitate investigations and this also contributes to the opaqueness of its internal disciplinary systems, which can deter people from reporting abuses.

Soldiers can be court-martialled by their own armed forces, as long as their military codes specify that all types of SEA are a disciplinary offence. Police and civilians can only be prosecuted if their home state has legislation that asserts extraterritorial criminal jurisdiction for these particular actions and if sufficient evidence for a successful prosecution can be gathered. This can be a challenge, as national laws and military codes do not always fully reflect the UN’s own best practices with regard to zero tolerance of SEA. For instance, not all TCCs have the same minimum age of consent for sexual relations or the same approach to prostitution. This can lead to considerable legal disparities, as one observer has noted:

.....
Whether conduct will be subject to criminal proceedings will depend on the legal framework of the state seeking to exercise jurisdiction. The offensive conduct will therefore lead to different results, depending on local laws and how they are applied. Complicating matters further, some troop-contributing countries

prosecute only if the conduct constitutes a comparable crime in the host state, thus making prosecutions contingent on the legislation of countries with fragile legal systems emerging from conflict.²¹

In November 2005, the UN established a Conduct and Discipline Team in DPKO, which became the Conduct and Discipline Unit (CDU), two years later, located in the Department of Field Support. The CDU is charged with formulating policies, conducting training, and handling allegations of misconduct by peacekeepers operating under UN command.

The work of the CDU partially overlaps with that of the Office of Internal Oversight Services (OIOS), which was established in 1994 to carry out audit, investigation, inspection and evaluation services including establishing ‘facts related to reports of possible misconduct to guide the Secretary-General on jurisdictional or disciplinary action to be taken.’ It also partly replicates the work of the UN Ethics Office, which was established in 2006, after the World Summit conference of the previous year, to ensure ‘that all staff members perform their functions consistent with the highest standards of integrity as required by the Charter of the United Nations.’ In 2009, a UN Dispute Tribunal (UNDT) was established to hear and decides cases filed by, or on behalf of, current and former staff members. Many peacekeeping missions also have police components, which may be tasked with carrying out internal investigations into criminal wrongdoing by the UN peacekeeping personnel.

The overlap and duplication among these various investigatory and adjudicative bodies may sometimes hinder effective investigations and make it difficult for victims of SEA to know how to lodge and

track complaints, for the accused to know where and how their case will be definitively decided and for those responsible for the investigation to keep track of the whole process. In June 2013, the UN Security Council adopted a resolution on women, peace, and security in which it requested ‘the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance on sexual exploitation and abuse by UN personnel and urges concerned Member States to ensure full accountability, including prosecutions, in cases of such conduct involving their nationals.’²² One observer has noted that this resolution was preceded by numerous others making nearly identical requests:

.....
Seminal reports by experts have been commissioned and revised memorandums, that afford the UN much stronger powers of oversight, have been signed, yet years after a series of comprehensive strategies were recommended in 2006, little appears to have changed: accountability remains the exception to the rule, new abuses continue to be reported, and the business of sexual exploitation and abuse in peacekeeping continues.²³

Another observer, however, argues that the UN has taken ‘commendable action’ to address the issue and that: ‘There has been a general downward trend in allegations of SEA since the implementation of many Zeid Report recommendations, even though the number of total personnel serving in peacekeeping operations has increased within the last 10 years.’²⁴ While acknowledging that many instances of abuse go unreported, she argues that ‘avenues of community reporting have also been strengthened. If the data represent the trend, if not the precise number of incidents, then UN reforms and initiatives may be having an impact.’

In September 2015, the UN Secretary-General had promised, in his response to the Report of the High-level Independent Panel on Peace Operations, that ‘by the end of 2015 immediate response teams would be set up to gather and preserve evidence within 72 hours of receipt of an allegation’ of sexual exploitation or abuse, that investigations ‘must be concluded within six months’ and that strong sanctions would be imposed ‘against those who commit acts of misconduct and those who fail to take action against them, including mission leadership and command authorities’. Missions had also ‘been instructed to put in place, by the second quarter of 2016, a framework to provide community-based mechanisms where people can more readily come forward to raise complaints’ regarding UN personnel and an ‘adequately resourced victim assistance programme’ was being created.

In December 2015, the UN published a Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, commissioned in June 2015 which detailed the negligence of the peacekeeping mission (MINUSCA) in responding to allegations of SEA. The report was also critical of the mission leadership and the head of its human rights component, both of whom were found to have committed abuses of authority. Indeed, as a result of its preliminary findings, in August 2015, the UN Secretary-General had encouraged MINUSCA’s head of mission, Babca Gaye, to resign. He became the first head of a UN mission to have ever been requested to resign.

In March 2016, the Security Council voted to give the Secretary-General the right to repatriate entire units if the TCC concerned fails to prosecute alleged perpetrators of sexual misconduct within six months.²⁵

19 Ibid. See also *Difference relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Advisory opinion of 29 April 1999, ICJ Reports 1999.
 20 UN General Assembly, ‘Model status-of-forces-agreement for peacekeeping operations,’ report of the Secretary-General, A/45/594, October 9, 1990.
 21 Carla Ferstman, *Special Report, Criminalizing Sexual Exploitation and Abuse by Peacekeepers*, United States Institute for Peace, September 2013.

22 UN Security Council Resolution S/RES/2106 of June 24, 2013.
 23 Ferstman, September 2013.
 24 Jenna Stern, *Reducing Sexual Exploitation and Abuse in UN Peacekeeping: Ten years after the Zeid Report*, Stimson Centre, February 2015.
 25 UN Security Council Resolution 2272 of 11 March 2016.



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Responding to reports of abuse

TCCs are now obliged to report to the UN on the progress and outcome of misconduct investigations and prosecutions. Not all do so and some reports are very incomplete, although response rates are improving.²⁶ The UN recognises the importance of greater transparency and accountability in tackling the problem of SEA and since 2003 it has published annual reports on its efforts to tackle it. By sharing and disseminating information on both the scale of the problem and how the UN and its member states are responding to it, the organisation can encourage better practices and also highlight areas of significant weakness.

The UN's March 2016 report on tackling SEA noted that a 'significant amount of attention' had been focused on allegations reported for MINUSCA and stated that the situation in the CAR required 'a holistic response' from the UN system and member states, 'which considers accountability for acts of misconduct, including sexual exploitation and abuse, as well as programmatic action to address underlying political, security and socio-economic factors.'²⁷

The first set of factors is associated with the situation in the CAR, with the high level of sexual violence associated with the conflict, extreme poverty, the displacement of vulnerable populations and women and girls being forced into prostitution . . . The second set of factors is the rehatting of troops (similar situations to those observed previously for MINUSMA and the United Nations Mission in the CAR and Chad); the absence of pre-deployment training on

standards of conduct; the excessive length of the deployment for certain contingents; the living conditions of contingents, including lack of welfare and communication facilities to stay in contact with home, and camps in proximity to and not properly separated from the local population; and a lack of discipline among some of the contingents.

In an update to this report, published in May 2016, the UN noted that of the 22 allegations which were recorded in MINUSCA in 2015, seven investigations had been concluded. Three allegations were substantiated (two military and one police) and four were unsubstantiated (military). Fourteen investigations were pending completion and one matter was marked 'for information', indicating that there was not sufficient information to conduct an investigation.²⁸ It also noted that 29 allegations relating to MINUSCA had been reported in the first five months of 2016. Of these, 26 involved military personnel, two involved police personnel and one involved civilian personnel. Three investigations into complaints related to MINUSCA had been completed and substantiated, two of these involved military personnel and one involved civilian personnel. In the case involving the civilian personnel, the staff member had been put on administrative leave without pay pending a decision on action to be taken. In the two cases involving military personnel, the TCCs concerned investigated the matters swiftly and, as will be discussed further below, sentenced the offenders to terms of imprisonment.²⁹

²⁶ Ferstman, September 2013.

²⁷ Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/70/72, 9 February 2016.

²⁸ Update on allegations of Sexual Exploitation and Abuse in United Nations Peacekeeping Operations and special political missions, 17 May 2016.

²⁹ Ibid.



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While these figures show a clear willingness to tackle the issue, they only reflect cases where complaints have been made. In its 2008 report Save the Children found that there were ten main reasons why children did not report the sexual abuse and exploitation that they had suffered. Its researchers found that many children did not speak out for fear of **stigmatisation** and subsequent **discrimination**. Some – particularly those engaged in transactional sex for survival purposes – also feared a **negative economic impact** and losing much-needed material assistance. Others stated that they feared the **threat of retribution or retaliation**. Others indicated that cultural norms and values can dictate a certain level of **acceptance of, or resignation to, abuse**. Many children said that they **did not know how to report** the abuse that they had suffered. Some also said they felt **powerless to report** an abuse. The latter two points were linked to the **lack of effective legal services** for those wishing to complain and a chronic **lack of faith in the response** an allegation of sexual abuse will receive.³⁰

The difficulties confronting investigation of sexual violence allegations within national

jurisdictions have been well documented.³¹ As one legal expert has noted, the successful prosecution of these crimes ‘requires expertise at the outset to determine how best evidence can be collected and used. It requires particular expertise in working with witnesses who have a history of marginalisation, have experienced significant trauma, face severe cultural taboos when coming forward to give evidence, or fear reprisals. . . . The stigma, fear, trauma, and isolation engendered by such crimes require special investigation strategies. This need is especially pronounced when both the suspects and the investigators are foreign.’³²

Even in the context of domestic investigations, experience shows that unless a well-defined operational strategy and investigators specially trained in the investigation of such crimes are in place, evidence of a sufficiently high quality is unlikely to be available. While such expertise is available within the UN system and from international legal non-governmental organisations (NGOs) who are experienced with working with the victims of such crimes, it is not always available among domestic civilian and military prosecutors in both TCCs and mission-hosting states. Some

TCCs and host states may, therefore, need technical advice and support in progressing criminal proceedings on SEA within their domestic jurisdictions.

The international nature of the problem demands an international response. Too often abuse does not get reported, and where complaints get made they are too often ‘lost’ within the UN’s internal systems. Outreach programmes need to be in place in all mission hosting states to publicise the existence of the UN’s zero tolerance of SEA and encourage people to report cases of abuse. Independent community-based complaint reception mechanisms must be established alongside all peacekeeping missions to provide psychosocial support, counselling and legal advice to the victims of the abuse and ensure that they are aware of their rights to redress. These mechanisms must be capable of reaching even the most isolated communities where peacekeeping troops are deployed. Complaints of SEA need to be independently

monitored and tracked through the UN system as well as in the TCCs to ensure that those responsible are brought to justice.

Civil society organisations and NGOs – both national and international – in the countries to which missions are deployed also have a crucial role to play, working alongside the UN and its agencies in this regard. Some NGOs already provide legal aid and psychosocial support to the victims of SEA in conflict and post-conflict zones, while others participate in protection working groups – often convened by UN agencies – where concerns relating to SEA can be raised. These usually have very close links to civil society and community-based organisations and victims of SEA may be more likely to bring concerns and complaints to them rather than the UN’s own structures. The coverage is not universal, however, and there is currently no international coordinating mechanism to provide a comprehensive view of both the problem and how it is being tackled.



Aleksandr Lutcenko / Shutterstock.com

30 Save the Children, 2008

31 See, for example, Cassia Spohn and David Holleran, *Prosecuting Sexual Assault: A Comparison of Charging Decisions in Sexual Assault Cases Involving Strangers, Acquaintances, and Intimate Partners*, NCJ, 2004; and Crown Prosecution Service, *Guidelines on Prosecuting Cases of Child Sexual Abuse*, October 2013.

32 Ferstman, September 2013.



Troop contributing countries

TCCs are primarily responsible for the recruitment, selection and pre-deployment training of national military contingents deployed on peacekeeping missions. The active support of the TCCs is, therefore, fundamental to tackling SEA. However there is some sensitivity surrounding this issue in part because while the mandates for peacekeeping missions continue to be written by the Security Council, most TCCs and mission-hosting states are not part of this body's decision-making processes.³³

In April 2016, for example, Ethiopia was contributing over 8,000 soldiers and police to UN peacekeeping missions, Bangladesh, India and Pakistan over 7,000 each, Rwanda over 6,000, Nepal over 5,000, Senegal and China over 3,000 each. Several others, including: Uruguay, Togo, Tanzania, South Africa, Senegal, Nigeria, Niger, Morocco, Mauritania, Kenya, Jordan, Indonesia, Ghana, Egypt, Chad, Cameroon, Burundi, Burkina Faso, Benin and Brazil were all contributing over 1,000 each.³⁴ The US, by contrast, was contributing a total of 74 soldiers and police to global UN peacekeeping operations, Canada was contributing 79, Australia 44, Russia 91, Belgium 13, Denmark 41, Germany 334, France 875, the Netherlands 512, New Zealand 11 Poland 12 and Portugal 4. Italy was the only NATO state to be contributing over 1,000 troops and police, while Spain was the next biggest contributor with 612. The UK was contributing a total of 302, slightly fewer than Ireland which was contributing 368.

This means that China is currently the only permanent member of the Security Council in the top ten TCCs which is actually sending its

own personnel on peacekeeping missions in any significant numbers. Mid-level emerging economies – such as India, Brazil, Indonesia, South Africa and Nigeria – which all have arguable claims to membership of a reformed and more representative Security Council, can at least claim to be fulfilling their global obligations, by this measure. Some of the most vocal critics of SEA amongst the UN's member states, however, face the obvious riposte as to why they do not commit more troops themselves rather than simply criticising the efforts of those who do.

As discussed throughout this report, the active support of the TCCs is fundamental to tackling SEA. Some TCCs have already put strong vetting and pre-deployment training procedures in place that ensure UN standards of conduct, including zero tolerance of SEA, are respected. They are also actively investigating cases of abuse, punishing perpetrators and providing redress to victims. Some TCCs have amended their own laws to facilitate investigations and some have created focal points and liaison positions to improve information flows. Equally as important, more countries are recognising that they need to commit more troops – and other personnel – to peacekeeping missions to increase the effectiveness of these missions.

In September 2015, at a UN Peacekeeping Summit, over 50 countries pledged to commit an additional 40,000 troops to peacekeeping missions, with the US, UK and France all pledging to significantly increase their troop contributions.³⁵ These commitments were reaffirmed in September 2016 at a Defence Ministerial Summit in London and 30

³³ For further discussion see Conor Foley, *To save succeeding generations: UN Security Council Reform and the Protection of Civilians*, Igarapé Institute and the Brazilian Centre for International Relations, August 2013.

³⁴ UN Peacekeeping Homepage, Police, UN Military Experts on Mission and Troops, as of 30 April 2016, http://www.un.org/en/peacekeeping/contributors/2016/apr16_1.pdf, accessed 1 June 2016.

³⁵ White House, Office of the Press Secretary, 'Remarks by President Obama at U.N. Peacekeeping Summit', 28 September 2015.



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more countries made additional pledges.³⁶ Nevertheless, the new resources pledged barely keep up with the increasing demands being placed upon UN peacekeeping forces.

The drafters of the UN Charter originally envisaged an extremely comprehensive system of collective security with considerable land, sea and air forces permanently at the Security Council's disposal.³⁷ With the onset of the Cold War, however, the Council's work became paralysed by the vetoes of its permanent members and, although there have been periodic proposals to create a properly equipped standing UN military force, it has never been created. This has left the Security Council with no choice but to rely on member states willing to act on its behalf. The UN is dependent on countries whose military forces are often less well-trained and equipped and where disciplinary and monitoring systems may often be weaker. This makes it more difficult to ensure that pre-deployment vetting takes place and that the background checks that should occur are conducted with sufficient rigour. It can also create challenges

in ensuring that where abuse is reported allegations are properly investigated and charges are brought where appropriate.

TCCs have developed considerable experience in dealing with the issue of SEA and there are a growing number of innovations and good practices that could be usefully shared and developed. Some TCCs are reducing the length of time that troops spend in countries from a year to six months, to help them maintain links with their families. Others are making more of an effort to address the living conditions and welfare and communication facilities for the same reason. A debate continues about the extent to which uniformed personnel on peacekeeping missions should be physically separated from those that they have been sent to protect. In all cases, the practical experiences of TCCs in confronting the issue is likely to offer many lessons-learned and efforts should be made to promote exchange of information between TCCs.

The UN Secretary-General's March 2016 report on SEA cited 10 responses from TCCs and police contributing countries of

³⁶ Ministry of Defence and Foreign and Commonwealth Office, UN Peacekeeping Defence Ministerial Communique, 8 September 2016.

³⁷ UN Charter, Article 44.

disciplinary action taken against personnel deployed on missions, including imprisonment and administrative sanctions. It also noted several instances of national civilian UN staff members who had been dismissed from the Organisation for sexual misconduct and had subsequently been successfully prosecuted and fined or imprisoned in their own country. For example, a former staff member of the UN Mission in Kosovo (UNMIK) who had been dismissed after an allegation of sexual abuse in 2013, was prosecuted in Kosovo and sentenced to five years in prison in 2015. A former national staff member of MONUSCO was also fined and imprisoned in the DRC in the same year.³⁸

In a briefing to the UN General Assembly, in May 2016, Atul Khare, Under-Secretary-General for Field Support at DPKO, and Jane Holl Lute, the special coordinator on the UN's response to SEA, highlighted the continuing challenges that the Organisation faced in tackling SEA, but also some considerable progress in some areas.³⁹ Lute stated that: 'a great deal of work had been undertaken over the past year by the leadership in the Organisation, as well as by field missions, both within UN peacekeeping operations and across the board in the UN system. Khare noted that: the UN Secretariat had requested member states to appoint National Investigation Officers (NIOs) within shorter time periods and that a number of states, including Tanzania and the Republic of Congo had responded positively to this request. Morocco had started deploying NIOs as part of their contingents, while South Africa has decided to establish standby NIO teams made up of three people each, and with the capacity to deploy to any mission within 72 hours.'

In its update report on SEA, published in May 2016, it was noted that Bangladesh had investigated allegations of sexual abuse of a minor by two Bangladeshi members of a

military contingent deployed to MINUSCA that were received in January 2016.⁴⁰ The investigation into the allegations was completed in just over three months. The allegations were substantiated against one subject, who was subsequently dismissed from service and received the sanction of one year's imprisonment. Bangladesh had also indicated that the action taken would be shared with all of the member states' contingents in UN missions in order to raise awareness, and the case would also be incorporated as a case study in the pre-deployment training syllabus. Egypt had also received an allegation of attempted sexual assault in against a member of its military contingent deployed to MINUSCA in January 2016. In this case the national authorities completed the investigation in less than a month, found the allegation substantiated, conducted a court martial and imposed a sanction of five years' imprisonment, as well as dismissal from service. South Africa also announced that, in response to several complaints against its contingent in MONUSCO, it would undertake a court martial proceedings on site in the DRC, to 'permit the victims, and the affected communities . . . to see justice at work'.⁴¹

In an interview, in July 2016, Lute also drew attention to the need for 'rapid, impartial, competent and judicially sufficient investigations with clear outcomes' and highlighted that: 'There have been a number of cases that have faced justice in peacekeeping. Egypt, for example, conducted a trial of an accused immediately. South Africa has conducted trials. Tanzania has conducted trials. The DRC as well'. She noted that:

.....
We have a number of units that have no incidents of sexual exploitation and abuse and this is because the standards have been made clear. They are supported in capitals

³⁸ Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, A/70/72, 9 February 2016.

³⁹ UN News, 'We have an agenda before us' – UN officials reiterate need for measures against sexual abuse', 13 May 2016.

⁴⁰ Update on allegations of Sexual Exploitation and Abuse in United Nations Peacekeeping Operations and special political missions, 17 May 2016.

⁴¹ Ibid.

through their military chains of command and commanders are held accountable for the programs that they have in place . . . for strength in prevention, you need to start with very clear standards. You need effective and continuous training, effective and continuous in unambiguous ways, you need the identification of best and better practices . . . There are other policies and procedure that we can have in place. Some units, for example, don't allow forces, in their off-duty time, to travel in civilian clothes or to go to town or have contact with the local population except in supervised groups. So there are a number of things that we know for best practice, it begins with the tone of the top. Not only the Secretary-General, but also mission leadership.⁴²

Information on prosecutions within TCCs, however, remains 'scant and patchy'.⁴³ According to one report of cases compiled in 2013, a Pakistani court martial operating in Haiti in 2012 reportedly found several Pakistani police officers guilty of sexual exploitation and abuse.⁴⁴ However, preliminary information implicating fourteen Moroccan troops serving in Côte d'Ivoire—including DNA evidence showing that some had fathered children—reportedly did not result in conclusive evidence leading the Moroccan government to drop all charges.⁴⁵ Multiple allegations against Indian peacekeepers for being involved in a child prostitution ring in the DRC were likewise not known to have resulted in prosecutions.⁴⁶ In another case, the President of Uruguay issued a public apology to a teenage boy in Haiti who was

sexually abused by Uruguayan peacekeepers in 2011. The Uruguayan government paid the boy's expenses so he could attend the trial of the alleged abusers to testify as a witness. Nevertheless, the accused soldiers were not charged with sexual violence but with much lesser 'coercion' offenses.⁴⁷

Uruguay has also established a Protocol of action for reported cases of Sexual Abuse, Exploitation and Paternity (Ministerial Ordinance 102/015) in order to establish systematic administrative procedure for such cases. The Protocol, which is based on the UN's own Memorandum of Understanding (MoU) on Investigations, provides for immediate and comprehensive investigations of all possible SEA cases, until the resolution of the case, including the delivery of punitive measures against the perpetrator and support for the victim.⁴⁸ Uruguay has also included courses on SEA, human rights, women's rights and child protection in its pre-deployment training, which all members of national contingents must undertake. They are also required to sign an affidavit stating that they have received this training and understand that they will be repatriated from a mission at their own expense if they violate the zero-tolerance policy. The Uruguayan government has also created a focal point on SEA within its Ministry of Foreign Affairs to liaise directly with the UN on any cases.

Brazil, which has deployed more than 33,000 military officials, police officers and civilians in over 50 peacekeeping operations, has not had a single complaint of SEA registered against its nationals in the last 15 years.⁴⁹ It only deploys



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troops for six-month periods and actively supports measures to ensure that these remain in contact with their families while on deployment as well as closely monitoring contact between its troops when they are off duty and host civilian populations. Civil society groups also regularly give presentations at the UN Peacekeeping Training Centre in Brazil to help to sensitise national military contingents and civilian personnel in relation to SEA during pre-deployment training. Some Brazilian NGOs also run peacebuilding projects in Haiti alongside MINUSTAH, the Brazilian-led UN mission, and so can help sensitise mission personnel on issues related to SEA.⁵⁰ Brazil's Congress is currently considering amendment's to the country's Military Penal Code to fully align it with the UN's own zero tolerance policy on SEA.

In September 2015, President Barack Obama announced that – for the first time in more than twenty years – the US government would be expanding its support for UN

peacekeeping operations, pledging to double the number of US military officers serving in them and to step up logistical support including engineering projects for air and sea lift and sophisticated technology that can be used in the detection of improvised explosive devices (IEDs).⁵¹ At a Ministerial Summit in London in September 2016, the British government also pledged to double its military contribution to future missions.⁵² Other NATO members are also increasing their contributions. The countries participating in the London Summit also issued a communique which underscored their 'commitment and support' to zero-tolerance policy on SEA and the work of the Special Coordinator. The communique reiterated the need for all TCCs to fully vet and train their troops before deployment, to ensure that National Investigation Officers are included in all deployed military units and that all necessary steps were taken to prevent, investigate and hold accountable personnel for acts of SEA.⁵³

42 UN Information Centre in Cairo, 'DPI interview with Jane Holl Lute, Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse', 26 July 2016.
43 Ferstman, September 2013.
44 Center for Economic and Policy Research, 'MINUSTAH Officers Found Guilty of Rape–But Get Just One Year in Prison,' March 13, 2012, www.cepr.net/.
45 Wall Street Journal, 'U.N. Peacekeepers Dodge Discipline,' March 22, 2010.
46 Globe and Mail, 'Peacekeepers gone wild: How much more abuse will the UN ignore in Congo?' August 3, 2012; The Indian Express, 'Ensure maximum punishment to errant troops: Ban to India,' August 14, 2008.
47 Center for Economic and Policy Research, 'Reduced charges against Uruguayan MINUSTAH troops latest example of lack of UN accountability,' September 4, 2012, www.cepr.net/.
48 Speech by Uruguay's Minister of Defence, UN Peacekeeping Defence Ministerial Communique, 8 September 2016.
49 Najla Nassif Palma, 'Tolerância zero contra abusos e exploração sexuais em missões de paz', Escola Superior do Ministério Público da União, 27 Abril 2016.

50 Eduarda Passarelli Hamann (org.), *Brasil e Haiti: reflexões sobre os 10 anos da missão de paz e o futuro da cooperação após 2016*, Instituto Igarapé, Janeiro 2015.
51 White House, Office of the Press Secretary, 'Remarks by President Obama at U.N. Peacekeeping Summit', 28 September 2015.
52 Ministry of Defence and Foreign and Commonwealth Office, UN Peacekeeping Defence Ministerial Communique, 8 September 2016.
53 Ibid.



Keeping children safe in humanitarian organisations

Keeping Children Safe was established in the context of the growing number of allegations of SEA against UN personnel and humanitarian aid workers. Its members include a variety of different agencies that regularly come into contact with some of the world's most vulnerable children living in war zones and other humanitarian crises. It advocates for the universal adoption, implementation and monitoring of international standards on safeguarding, lobbies donors to include these standards in their funding requirements and collects and publishes data and evidence on the prevalence of child abuse within organisations. Its team of expert social workers, police officers and international safeguarding practitioners has provided tools and capacity-building to around 4,000 organisations in almost every country in the world.

Keeping Children Safe can provide specialised training and capacity-building support on the development of specifically designed child safeguarding standards for police, military and civilian personnel deployed on peacekeeping missions. It has considerable experience of developing on-line training materials. It can also work with both national and international NGOs providing front-line services to children to ensure that they understand the safeguards that need to be put in place to protect children from harm. It offers bespoke training for designated focal persons and training for investigations including on specialist investigative interviewing of children as potential witnesses, victims and subjects of complaints.

Keeping Children Safe already runs programmes in most mission-hosting states and TCCs and its members include many of the main child rights and child protection humanitarian agencies.

For example, in Nigeria it organised a series of real-time strategic planning meetings involving supreme court judges, police commissioners and senior civil servants that led to the Nigerian police force adopting a child safeguarding policy and the Ministry for Women's Affairs adopting a set of guidelines that were subsequently imposed on all orphanages in two states. Seven other government agencies adopted child safeguarding policies in response and child-friendly family courts were also established in some states. This programme was developed in partnership with UNICEF, supported by USAID, and covered 22 of Nigeria's 36 states.

Keeping Children Safe organises workshops on how organisations can adopt policies and procedures that protect children from harm, including SEA and has also helped individual agencies draw up guidelines. For example, the Jesuit Refugee Service in Eastern Africa developed a set of safeguarding standards, in cooperation with Keeping Children Safe, that have been put into place in its programmes in Ethiopia, Kenya, Uganda and Sudan (Darfur and Khartoum). Keeping Children Safe also helped CARE develop safeguarding standards for its programmes in Myanmar, Laos, Cambodia, Thailand, Papua New Guinea and the Philippines.

In Ethiopia, Keeping Children Safe has helped to strengthen the safeguarding standards of local NGOs. It worked with a consortium of street children to design and facilitate at the police academy a training programme for federal police officers, including virtually all of the country's senior officers for an intensive training on child rights. In Guatemala, it has worked with the National Commission Against Child Abuse and the Guatemalan police force to develop joint community-based projects

such as graffiti art following a series of documented killings of street children by the police. An investigation by Keeping Children Safe of another Guatemalan organisation resulted in the dismissal of a staff officer after it was discovered that she regularly assaulted children and denied food to them. In Liberia, Keeping Children Safe carried out an investigation into the activities of a faith-based organisation working with vulnerable children after its executive director was arrested and imprisoned for statutory rape and discovered that corporal punishment was widespread and systematic within the agency.

Keeping Children Safe has worked with a number of agencies in north Africa, including Algeria, Egypt, Lebanon, Morocco, Palestine and Tunisia to strengthen their capacities to conduct their own investigations into child abuse. It has also worked with USAID funded programmes in Haiti and the DRC to help them design and improve their child safeguarding policies. An increasing

number of major donors, such as the European Commission, USAID, and the Oak Foundation, are using its standards as a guide for making sure that their grantees do no harm to the children they serve.

Keeping Children Safe operates a six-stage certification scheme to verify that organisations meet child safeguarding standards. Organisations such as The British Council, Save the Children, Plan International, Terre Des Hommes International Federation and many others have taken up the certification scheme, recognising Keeping Children Safe's standards as the mileposts against which organisations should be held accountable. It also works with national governments to use its influence to persuade organisations to adopt these standards to ensure that everyone who comes into contact with children – from educational, sporting and child welfare groups, to police officers, soldiers and immigration officials have policies in place that work to protect children.



Keeping Children Safe

Conclusions and recommendations



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Under the United Nations Convention on the Rights of the Child all children have the right to be protected from exploitation and abuse and all organisations have the responsibility to keep children safe. Tackling SEA of children in UN peacekeeping missions requires a holistic approach that will necessarily involve working with all of the organisations involved in peacekeeping missions including individual TCC's, the UN Secretariat, UN agencies, and civil society organisations in both the TCCs and host states to implement.

As the above discussion has shown, there is probably no 'silver bullet' solution to this problem. There does, however, seem to be broad agreement on three areas for reform. First of all, the UN needs to develop better in-country outreach mechanisms to children and local communities to encourage reporting of cases of sexual exploitation and abuse and to ensure that victims are provided with effective independent legal advice and assistance in pursuing complaints as well as psychosocial support.

Secondly, more needs to be done to increase accountability and transparency

on the issue within the UN itself. The importance of top-down leadership and direction cannot be overstated in addressing the issue. This should include better monitoring of what happens to complaints within the system, and clear lines of responsibility, duties and obligations with regard to carrying out investigations and tracking of outcomes.

Thirdly, more work needs to be done with the troop contributing countries. These are mainly responsible for recruitment, vetting, training and disciplining peacekeeping soldiers and the problem of sexual abuse and exploitation cannot be effectively tackled without their active cooperation.

Applying an approach based on the experience of implementing International Child Safeguarding Standards may offer a useful framework to begin to address the problem.

Organisations that implement the standards are safer for children because they adopt a set of practical tools for creating a culture of accountability. When the standards are fully implemented, every individual within the organisation is given clear instructions on



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their obligation to act to prevent and report abuse and the sanctions they will face if they fail to comply.

An overall approach to child safeguarding is rooted in understanding the risks to children from the organisation, (its staff, programmes and operations) – in this case individual TCCs, the UN Secretariat, UN agencies, and civil society organisations in both the TCCs and host states – and addressing those risks with measures that work to prevent abuse as well as to respond appropriately to complaints when they arise. The fundamental principle for any intervention is that all actions should be taken in the best interests of the children concerned.

Utilising this approach provides the following initial set of recommendations, some of which Keeping Children Safe and its members will be able to support and some of which are outside its remit. More specific measures could be derived from the results of individual organisational risk assessments.

To comply with the International Child Safeguarding Standards, all organisations involved in peacekeeping missions including the UN Secretariat, UN agencies, individual TCCs and civil society organisations in both the TCCs and host states need to consider:

1 Where, when and how their programmes, staff and operations affect children and what risks this may present

- a. All peacekeeping missions should carry out pre-deployment risk assessments, identifying where, when and how their personnel and associates come into contact with children; the possible risks of harm such contact may pose; and develop strategies to mitigate the risks

2 What policies and procedures are needed to prevent harm and how to respond to concerns appropriately

- a. The UN Secretariat, UN agencies, individual TCCs and civil society organisations in both the TCCs and

host states need to develop child safeguarding policies and procedures to prevent harm to the children they come into contact with, as well as how to respond appropriately to safeguarding concerns when they arise. These should stand alongside the UN zero-tolerance policy and address the special vulnerabilities and needs of children

- b. Overlap and duplication among investigative and adjudicative bodies must be addressed. Reporting procedures must be transparent, efficient, confidential and clearly communicated to children using child-friendly resources, so that victims of SEA know how to lodge and track complaints, for the subject of the complaint to know when and how their case will be definitively decided and for those responsible for the investigation to keep track of the whole process
- c. Procedures should be in place to hold all staff to account on their responsibilities, duties and obligations in respect of reporting and for designated staff, tracking and investigating complaints. Where any staff member, including those in mission leaderships and command authorities, fails to take action, they should be subject to disciplinary procedures
- d. Where possible peacekeeping missions should have agreements with partners (such as suppliers, contractors and so on) that include a statement that partners who do not have a child safeguarding policy will either abide by the organisation's policy or develop their own as a condition of the partnership

3 How to recruit safely

- a. TCCs need to work alongside the UN as it seeks to improve its screening and vetting procedures, including, screening, background checks and certifications, to weed out potential abusers

4 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

- a. All peacekeeping personnel deployed in missions must receive detailed instructions on the UN's zero-tolerance policy, child safeguarding policy and child safeguarding code of conduct as part of their pre-deployment training and as part of ongoing in-mission training
- b. Training should ensure that staff at all levels, as well as designated child safeguarding staff, understand their responsibilities, duties and obligations in respect of reporting and tracking complaints. This should also include the sanctions to be applied if those obligations are not met
- c. When a complaint is made, in order to ensure all actions are taken in the best interest of the child and that investigations are fair and transparent, all designated investigatory staff must have undertaken training in investigating serious child-safeguarding allegations
- d. In particular, this should include specialist training on investigative interviewing of children, witnesses and suspects of complaints to avoid re-traumatising the child and to secure high-quality evidence

5 Does the organisation have 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

- a. The UN Secretariat, UN agencies, individual TCCs and civil society organisations in both the TCCs and host states should establish a child safeguarding code of conduct for all personnel on peacekeeping missions, outlining what is and is not acceptable behaviour around children as well as the sanctions for non-compliance. This

creates an organisational environment where committing SEA or failing to report or investigate allegations is regarded as a shameful breach of trust

6 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

- a. The UN Secretariat, UN agencies, individual TCCs and civil society organisations in both the TCCs and host states and all peacekeeping missions need to have a designated person or persons with appropriate expertise as the child safeguarding focal point to receive and manage any safeguarding concerns and support any subsequent inquiry or investigation that may need to take place

7 A reporting and responding process for incidents and concerns is developed which is locally appropriate

- a. Outreach programmes need to be in place in all mission hosting states to publicise the existence of the UN's zero-tolerance of SEA and encourage people to report cases of abuse. Independent community-based complaint reception mechanisms must be established alongside all peacekeeping missions to provide psychosocial support, counseling and legal advice to the victims of the abuse and ensure that they are aware of their rights to redress. These mechanisms must be capable of reaching even the most isolated communities where peacekeeping troops are deployed
- b. All outreach programmes must be made accessible to and appropriate for children. Efforts should be made to communicate to children what they can expect in terms of what is and what is not appropriate behaviour by mission personnel, how to report any abuse and what they can expect in terms of the response and investigation

- c. More research should be carried out on the extent to which communities in which peacekeeping missions are deployed are aware of the UN's zero tolerance policy and have access to complaint mechanisms when it is violated
- d. Where complaints are made against individual personnel, these must be investigated immediately
- e. Investigatory procedures should follow a well-defined operational strategy: be clear, communicated in child friendly language, simple to understand, transparent, confidential and timely. Investigations should be carried out by trained staff with relevant expertise in investigating serious child safeguarding allegations and investigative interviewing of children who have experienced severe trauma and marginalisation, as well as witnesses and subjects of complaints
- f. If a prosecution is not possible in the host state country, the accused must be repatriated at the start of the investigation
- g. Where TCCs fail to prosecute within six months, the Secretary-General should repatriate entire contingents
- h. Where required, support and technical advice should be made available to TCCs to progress criminal proceedings on SEA within their domestic jurisdictions
- i. All TCCs should provide regular and comprehensive reports to the UN on the progress and outcome of misconduct investigations and prosecutions. Efforts should be made to promote exchange of information on good practice and lessons learned on tackling SEA of children between TCCs
- j. An international coordinating mechanism should be established to provide both a comprehensive overview of the both the problem and how it is being tackled.



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