



Keeping
Children
Safe

Seminar Report

Protecting Children from Sexual Exploitation and Abuse in the context of UN peacekeeping operations: a seminar on good practices by Troop Contributing Countries

Brasília, 5 December 2016

Edited by Maria Isabela Rodrigues Pla



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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Introduction

This publication is the result of a partnership between Keeping Children Safe and the Foreign and Commonwealth Office of the British Government, the latter the funder of this project, which involved the organisation of a seminar at the British Embassy in Brasília, Brazil, in December 2016.

The event brought together UN personnel, representatives of the Brazilian Government and members of civil society to discuss strategies to tackle sexual exploitation and abuse (SEA) of children committed in the context of UN peacekeeping operations and launch a special report by Keeping Children Safe ‘Safeguarding children from sexual exploitation and abuse in the context of UN peacekeeping operations¹’

The seminar also included representatives from a number of prominent Troop Contributing Countries (TCCs) to UN peacekeeping operations, including: Nepal, Nigeria, Angola, Canada, Haiti, Morocco, Canada, and Germany. It was divided into two panels, *The Scale of Our Task* and *Working Together to Tackle the Problem*. Speakers and audience were invited to contribute to the discussions by sharing their experiences and concerns and exploring strategies that could be taken by TCCs to deal with the issue.

The seminar focused specifically on measures to address the increase in allegations of sexual exploitation and abuse committed against children. Although the last decade has seen commendable progress in tackling SEA, in 2016 the number of allegations against UN

peacekeepers actually increased when compared to the four previous years. There were 79 complaints registered against all category of personnel in UN missions in 2016², against 69 in 2015, 52 in 2014, 66 in 2013, and 60 in 2012. Even more alarmingly, 42 of the last year’s allegations concerned

1 Keeping Children Safe, ‘Safeguarding children in the context of UN Peacekeeping Missions’, December 2016.

2 <https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsforAllCategoriesofPersonnelPerYearSexualExploitationandAbuse.aspx>. All category of personnel includes civilian personnel (UN staff members and UN volunteers), military personnel (contingent personnel and military observers), police (UN police, including Formed Police Units), unidentified subjects, and consultants and employees of UN contractors.

abuses perpetrated against children³ (under 18 years old). This is the second largest number of cases involving minors so-far reported by the UN⁴ (the largest number was registered in 2009, when 51 allegations have been raised).

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 TCCs, the UN Secretariat, UN agencies, and civil society organisations in both the TCCs and host states to implement. Contributors to the report include experts from a number of distinct professional backgrounds related to peacekeeping operations. Some contributors work within the United Nations and detail official strategies for dealing with allegations of misconduct involving SEA by UN peacekeeping personnel. Participants from Peacekeeping Training Centres provide an analysis of pre-deployment and in mission training, and participants from civil society offer examples of good practice from experiences of implementing International Child Safeguarding Standards⁵ in almost every country of the world.

This report dedicates a greater emphasis to good practices by TCCs, since the active support of TCCs is fundamental to tackling SEA in peacekeeping missions. This is because, whilst the mandates for peacekeeping missions continue to be written by the Security Council, TCCs are primarily responsible for the recruitment, selection and pre-deployment training of

national military contingents deployed on peacekeeping missions. Moreover, it is also their responsibility to pursue disciplinary and criminal investigations – and, when applicable, the suitable charges – relating to allegations against their nationals.

Participants at the seminar highlighted a range of good practices developed by TCCs to tackle SEA. On prevention, these included: risk assessments, effective policies and procedures, good practice on screening and vetting, training, clear codes of conduct, and a focus on gender and community engagement, as well as a number of initiatives on reporting and developing legal frameworks to improve accountability.

Peacekeepers are deployed “to assist host countries to navigate the difficult path from conflict to peace”⁶ and to provide essential protection to those in need. Sexual violence perpetrated by those with a mandate to deliver peace and stability and seen as a last source of hope is a matter of grave concern for the UN and the TCCs, in particular when this involves children. Without exception, the authors grouped here agree that implementing clear standards with an emphasis on preventive measures is critical to eradicating SEA of children. Undertaking debate and sharing strategies is the first step.

3 <https://cdu.unlb.org/Statistics/SexualExploitationandAbuseAllegationsInvolvingMinors/SexualExploitationandAbuseAllegationsPerYearInvolvingMinors.aspx>

4 The record-keeping and data tracking of UN's statistics concerning SEA in UN peacekeeping operations started in 2006.

5 <http://www.keepingchildrensafe.org.uk/resources/child-safeguarding-standards-and-how-implement-them>

6 <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml>





Overview

1

Building on best practices and filling gaps to address sexual exploitation and abuse in UN peacekeeping – a view from Brazil⁷



**Ambassador Maria Luisa Escorel
and Counsellor Christiano Sávio
Barros Figueirôa**

1.1. Introduction

Brazil has never been listed in the UN Secretary General's annual record of countries against whom complaints of sexual exploitation and abuse (SEA) have been made. Out of 148 allegations in 2015 and 2016⁸, none has involved Brazilian *blue helmets*⁹. In fact there has not been a single complaint registered against Brazil since records began to be kept by the UN on a country by country basis.

This is despite the fact that Brazil has consistently been in the top 25 troop-contributing countries (TCC) to United Nations peacekeeping operations (PKO). Brazil has also the largest military contingent in the United Nations Stabilization Mission in Haiti (MINUSTAH), which regrettably has

remained in the top 4 missions with the highest numbers of SEA allegations for more than a decade (see table 1).

This article tries to answer a short but complex question: why Brazilian blue helmets have a clean track record in terms of SEA incidents? In other words: how could Brazil efficiently prevent cases of SEA involving its troops deployed in UN peacekeeping operations?

Since 1947, Brazil has contributed with more than 52,000 military personnel to PKO, totalling 50 operations in four continents. As of December 2016, according to data from the United Nations Department of Peacekeeping Operations (DPKO), Brazil occupied the 21st position among troop and police contributors, with 1,291 personnel in 10 missions.¹⁰ In almost seven decades,

7 Adapted and expanded from the opening remarks at the seminar *Protecting Children From Sexual Abuse and Exploitation in the Context of UN Peacekeeping Operations: A Seminar on Good Practices by Troop Contributing Countries*, held in Brasília, on 5 December 2016. The views and opinions expressed herein are those of the authors and do not necessarily reflect the official policy or position of the Government of Brazil.

8 United Nations. Conduct and Discipline Unit. *Status of Allegations, Investigations and Actions (Sexual Exploitation and Abuse)*. Available: <https://cdu.unlb.org/Statistics/DetailedOverviewofAllegationsfrom2015onward/StatusofAllegationsInvestigationsandActionsSexualExploitationandAbuse.aspx> [03 January 2017].

9 United Nations. Conduct and Discipline Unit. *Allegations against Uniformed Personnel by Nationality (Sexual Exploitation and Abuse)*. Available: <https://cdu.unlb.org/Statistics/DetailedOverviewofAllegationsfrom2015onward/AllegationsAgainstUniformedPersonnelbyNationalitySexualExploitationandAbuse.aspx>. [03 January 2017].

Brazilian troops built a reputation of being highly trained, disciplined and equipped, in addition to having the will and the capacity to operate with efficacy in complex scenarios. Effective training and policies to prevent SEA by our peacekeepers are part and parcel of this well-deserved recognition.

By focusing on the Brazilian experience in the prevention of SEA, this article aims to draw attention to possible best practices and to the need for enhanced support to TCC in this regard. It also underlines the importance of a greater attention to prevention and to a more balanced approach towards SEA by perpetrators other than uniformed personnel in UN peacekeeping operations as a means to strengthen the effectiveness of the UN zero-tolerance policy and to protect civilians from this scourge.

1.2. Tackling sexual exploitation and abuse in peacekeeping contexts

The significant increase in the number and complexity of peacekeeping operations since the 1990s, which came to comprise several new tasks requiring regular contact with local communities, entailed an equally significant increase in allegations of sexual exploitation

and abuse committed by peacekeepers against local populations.¹¹

Sexual exploitation and abuse is a form of sexual and gender-based violence (SGBV). Thus, it entails the same harmful consequences to the victims and their communities, such as stigmatization; physical, psychological and social trauma; unwanted pregnancies; spread of STDs; breakdown of the social fabric and the rule of law, *inter alia*. SEA, however, has a series of particularities that render it all the more reproachable. It refers to acts committed by United Nations personnel or persons acting under the authority of the UN against those very people they were deployed to protect.¹² In this context, SEA leads to an aggravated victimization of individuals already suffering the consequences of conflict, undermines the trust between local communities and Governments and the field missions, negatively impacts the delivery of mandates and tarnishes the image of the UN as a whole and of its troop- and police-contributing countries.¹³

Since 2003, the United Nations has been making serious efforts in order to address this scourge, through its zero-tolerance policy on SEA, firstly stated in the Secretary-General's Bulletin on *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13). The

10 United Nations. Department of Peacekeeping Operations. *Ranking of military and police contributions to peacekeeping operations. December 2016*. Available: <http://www.un.org/en/peacekeeping/contributors/2016/dec16_2.pdf> [16 January 2017].

11 FONTOURA, Natalia Rayol. *Heróis ou Vilões? O abuso e a exploração sexual por militares em operações de paz da ONU*. Rio de Janeiro, 2009. Dissertação de Mestrado – Instituto de Relações Internacionais, Pontifícia Universidade Católica do Rio de Janeiro. pp. 15-16, 28, 41. Available: <http://www2.dbd.puc-rio.br/pergamum/tesesabertas/0710402_09_Indice.html> [10 January 2017] pp. 15-16.

12 Institute for Security Studies. *Gender in peacekeeping: a practitioner's manual for police gender advisers in peacekeeping missions*. Pretoria: ISS, 2013, p. 136. Available: <<https://issafrica.s3.amazonaws.com/site/uploads/Gender-in-Peacekeeping-2014-Manual.pdf>> [10 January 2016].

13 FONTOURA, Natalia Rayol. *Op. cit.* p. 16. INSTITUTE FOR SECURITY STUDIES. *Op. cit.* p. 137. STERN, Jenna. *Reducing Sexual Exploitation and Abuse in UN Peacekeeping: Ten Years after the Zeid Report*. Stimson Center. February 2015. Available: <https://www.stimson.org/sites/default/files/file-attachments/Policy-Brief-Sexual-Abuse-Feb-2015-WEB_0.pdf> [10 January 2017], p.8. UNITED NATIONS. OFFICE OF INTERNAL OVERSIGHT SERVICES. *Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*. 15 May 2015. Available: <<https://oios.un.org/page/download2/id/13>> [10 January 2017] p. 7.

report prepared by the then Permanent Representative of Jordan to the United Nations and current UN High Commissioner for Human Rights, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, in 2005 (A/59/710, "the Zeid report") further helped to consolidate the basis for the UN three-pronged strategy to address SEA through prevention, enforcement and remedial action.

Despite a marked decline in allegations in the years following the Zeid report, this trend was reversed in recent years: episodes of alleged SEA are again on the rise, though still well below the levels of a decade ago both in absolute terms and in *per capita* ratios.¹⁴ Such an increase signals the need for further measures to ensure a more effective and balanced implementation of the UN zero-tolerance policy, particularly on the preventive aspect.

1.3. The need to strengthen prevention

The Zeid report contained a balanced set of recommendations in order to prevent SEA in peacekeeping missions, hold violators accountable and provide assistance to victims. It clearly recognized, however, that priority should be given to preventing sexual exploitation and abuse: "*while the United Nations must take action against perpetrators, it is crucial to concentrate on preventive measures*".¹⁵

Accordingly, the report proposed several measures in terms of extensive pre-deployment and in-mission training of all categories of peacekeepers; amelioration of the conditions of service of uniformed personnel, including through recreational

breaks, periods of rest and recreation away from the mission, support to internet and telephone communications with families etc.; and mission-specific policies designed to address high risk scenarios, such as the prescription of curfews and off-limits areas, the use of mobile patrols instead of static sentinels, the obligation of troops to use uniforms even when off-duty and the preventive ban on all sexual relations with locals, even if not constituting SEA under the 2003 Bulletin.¹⁶

Even though the UN must constantly implement and perfect its zero-tolerance policy on SEA, it is possible to notice an imbalance towards enforcement and remedial action – punitive and assistance measures to be taken after victims have been exploited or abused – while prevention is usually reduced to peacekeepers training and community outreach. In the case of uniformed personnel, there are high expectations but little support regarding an effective preventive pre-deployment training.

The Secretariat has indeed made a commendable work to develop standardized core and specific pre-deployment training materials for peacekeepers that incorporate a gender perspective and emphasize the contents of the zero tolerance policy towards sexual exploitation and abuse and the consequences of misconduct. Moreover, since 2005, in-mission SEA training has been mandatory upon arrival¹⁷. E-learning materials are currently in development to further strengthen preventive training¹⁸.

Nevertheless, it should be noted that many troop- and police-contributing countries may need additional support to effectively use the training materials provided. Also, as

14 There were 79 SEA allegations in a universe of 117,322 persons serving in 16 DPKO-led operations in 2016, whereas in 2006 there were 353 allegations in a universe of 101,642 persons serving in 18 operations. See Table 1 and also UNITED NATIONS. DEPARTMENT OF PEACEKEEPING OPERATIONS. *Peacekeeping Fact Sheet*. Available: <<http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>> [16 January 2017].

15 A/59/710, para. 12.

16 See A/59/710, paras. 47-51, 63-64. FONTOURA, Natalia Rayol. *Op. cit.* pp 56, 129.

17 STERN, Jenna. *Op. cit.* p.12.

18 STERN, Jenna. *Op. cit.* p.13.

highlighted since the Zeid report, there is a variety of other measures that can be taken on the ground to mitigate risks and make SEA less likely. These are concrete steps that, coupled with adequate training, prevent sexual exploitation and abuse by addressing some of the conditions in which it is usually perpetrated. The lack of objective criteria to guide their implementation on the field and the lack of material support have led to a highly uneven implementation of such mission-specific measures, which became much dependent on the leadership of the mission or of a given troop contingent.

Following reports of horrible crimes committed in the Central African Republic in 2015, a greater sense of urgency for action against SEA, especially those crimes committed against children, has arisen. Lately there were some developments in this area, such as the appointment of Jane Holl Lute of the United States as Special Coordinator on improving the United Nations response to sexual exploitation and abuse.

One must however note that emphasis has remained mainly on the punitive side of the equation. Measures such as naming the origin countries of perpetrators, suspending payments, withdrawing troops in case of widespread violations and impunity etc. are essentially punitive measures. They are important but they do not suffice.

1.4. Brazil's experience in preventing SEA

According to the data of the Brazilian Military Justice, from 2004 to 2014 (when Brazil deployed virtually 30,000 “blue helmets” to MINUSTAH) there were only

44 inquiries of military crimes initiated and 5 lawsuits filed, with one condemnation¹⁹. Most of the lawsuits involved strictly military transgressions and none sexual exploitation and abuse²⁰.

This data is evidence of the adequacy and effectiveness of Brazilian troops training, particularly on the prevention of SEA. Our experience shows that investing in our troops is key to enhance discipline, build capacity and reward professionalism, therefore avoiding SEA incidents. Brazil invests considerable financial and human resources to provide intense and extensive pre-deployment training to our troops. Prior to arriving in a PKO mission, each Brazilian troop has already had at least 3 months of specific training comprising military, cultural, linguistic and political issues.

The training of Brazilian blue helmets, carried out by the Sergio Vieira de Mello Brazilian Peacekeeping Operations Joint Training Centre (CCOPAB), is currently based on the Core Pre-deployment Training Materials (CPTM) developed in 2009 by the Integrated Training Service of DPKO and the Department of Field Support (DFS). The training on the SEA prevention aims at ensuring that all peacekeepers are fully aware of the UN zero-tolerance policy and of the consequences of any misconduct. It is made very clear that SEA violates the human rights of victims; constitutes misconduct contrary to UN principles and subject to disciplinary and criminal investigation; negatively affects the neutrality, the integrity, the credibility and the image of the UN; threatens security; undermines the rule of law and nurtures crime.²¹

In a series of interviews with Brazilian

19 PALMA, Najla Nassif. A Manutenção da Paz (no Haiti) e a Justiça (no Brasil): Uma reflexão sobre o impacto da MINUSTAH no sistema jurídico militar brasileiro. In: HAMANN, Eduarda Passarelli (org.) *Brasil e Haiti: Reflexões sobre os 10 anos da missão de paz e o futuro da cooperação após 2016*. Rio de Janeiro: Instituto Igarapé, 2015. (pp. 26-34) Available: <<https://igarape.org.br/wp-content/uploads/2015/01/Artigo-estrategico-13-Minustah-final3-1.pdf>> [10 January 2017] p. 32.

20 PALMA, Najla Nassif. *Tolerância zero contra abusos e exploração sexuais em missões de paz*. Available: <<https://medium.com/@esmpu/toler%C3%A2ncia-zero-contra-abusos-e-explor%C3%A7%C3%A3o-sexuais-em-miss%C3%B5es-de-paz-7c05cd26a8b6#.62qxdcgyq>> [10 January 2017].

21 Brasil. Centro Conjunto de Operações de Paz do Brasil – Sérgio Vieira de Mello. 32º CPTM – *Conduta e disciplina*. Available: <<http://www.ccopab.eb.mil.br/pt/cptm-online/category/32-cptm-portugues?download=77:cptm-unidade-4-1-conduta-e-disciplina>> [10 January 2017].

trainers and troops during pre-deployment training in 2008, Natalia Rayol Fontoura observed that the training of the Brazilian military to prevent SEA is offered to the audience in a clear, simple and relatable manner, emphasizing the negative impact of SEA to the victims and to the perception of the mission, of the UN and of Brazil. The UN zero-tolerance policy is clarified through a series of case studies, based on concrete examples of SEA. The researcher noticed that the concepts absorbed by Brazilian “blue helmets” during the training are even stricter than the Organization’s policy, such as the absolute prohibition of sexual relations with local women, even if UN staff, and the repatriation to and trial in Brazil as an automatic result of an allegation²².

The excellence of the training of Brazilian peacekeepers can also be verified by the four Certificates of Training Recognition so far awarded by the UN Integrated Training Service to courses offered by CCOPAB²³.

It is also important to notice that the selection of our military to a PKO is conducted on a voluntary basis and results in financial and professional benefits for those who are drafted. Usually, there is a number of candidates disputing an opportunity to serve in a PKO. This selection procedure ensures that we can count on the deployment of highly motivated and qualified soldiers.

During their deployment time, contacts between Brazilian troops and the local population is limited and controlled. Discipline is strictly enforced during work and leisure time, as well as inside and outside military facilities. Adequate housing and recreational military facilities are provided for the troops, including

communication technologies that help them be in touch with their loved ones back home.

In off-duty periods, our troops in MINUSTAH, for example, are not free to move outside military facilities without permission and monitoring. Brazilian peacekeepers are actually encouraged to enjoy their periods of leave and compensatory time-off outside Haiti. Most of them do, especially in neighboring Dominican Republic. Some go to the United States and a few are able to rejoin their families in Brazil²⁴.

Despite the costs involved, Brazil also adopts a shorter rotation time than the one reimbursed by the UN. In order to safeguard our troop morale and control stress levels, we follow a six months rotation cycle instead of annual deployments. According to our experience, longer rotation cycles are detrimental to the discipline of troops.

One challenge regarding the implementation of these policies is that the maintenance of Brazilian troops is more expensive than the UN ceiling of around US\$ 1,400 per month per soldier. The debate in the UN between TCC and other member States about levels of troop reimbursement rates should be settled against this background.

In case a Brazilian *blue helmet* is somehow involved in SEA allegations we are ready to timely investigate and punish the convicted criminal. Our Military Justice, a special branch of the Brazilian Judiciary, is entitled to prosecute and judge cases of SEA with the support of National Investigation Officers embedded with our troops.

It is worth recalling that in 2004 one single, isolated allegation of abuse involving a Brazilian blue helmet – to which no evidence was found after three different

22 FONTOURA, Natalia Rayol. *Op. cit.* pp. 147-156.

23 Advanced exercise for the United Nations pre-deployment advanced field exercise (2010) and the pre-deployment courses for UN military observers (2013), military staff officers (2014) and police (2016).

24 FONTOURA, Natalia Rayol. *Op. cit.* p. 158.

25 GALLAS, Daniel. *ONU investigou três vezes acusação contra soldado brasileiro*. BBC Brasil. São Paulo, 30 de novembro de 2006. Available: <http://www.bbc.com/portuguese/reporterbbc/story/2006/11/061130_haiti_dg.shtml> [10 January 2017]. FONTOURA, Natalia Rayol. *Op. cit.* p. 138, 145.

investigations²⁵ – led to the adoption by the Brazilian contingent of all disciplinary policies to prevent SEA that were foreseen in the Zeid report, and go beyond them. For instance, any sexual relationship between troops and Haitian women, even if not constituting SEA according to the SG Bulletin, was forbidden²⁶.

The Brazilian experience illustrates the importance of positive incentives to the troops and, also, to TCC. Each country has its own particularities and there is no one-size-fits-all approach capable of grasping the complexities involved in preventing SEA in PKO. However, it is important to bear in mind that, for decades now, developing countries account for the significant majority of TCC. Many TCC lack the necessary resources and have limited training capacity to fully translate the UN zero-tolerance policy on SEA into an effective culture of prevention²⁷. This is of special concern in countries where troops may not have received the best of general military training in the first place and therefore are lacking in discipline, particularly in the multicultural environment of a peacekeeping operation.

The best standardized training materials provided by the United Nations will not be enough in preventing SEA if they are not met with additional support to be customized to the realities both of each TCC and of each mission. Adequate conditions and policies on the ground to address SEA risk factors are also necessary, including providing safe and healthy rest and recreation for uniformed personnel. Therefore, it is important to recognize that more funding is necessary to pre-deployment training and investment in military facilities and equipment for TCC. Preventive and punitive measures should be combined in order to substantially decrease the chances of new tragedies, especially affecting children.

1.5. Filling prevention gaps regarding other categories of perpetrators

In order to truly tackle SEA, including abuses against children, there is a need for more transparency and horizontal enforcement of the UN zero tolerance policy. The almost exclusive focus on TCC is not enough, because civilian personnel and non-UN troops mandated by the UNSC should also be under strict surveillance and control. We also believe that the General Assembly should play a key role concerning SEA regulations, especially through the Special Committee on Peacekeeping Operations of the General Assembly (C-34).

The Zeid report emphasized the need to ensure that the rules contained the SG Bulletin be applied as “uniform and binding standards” to “all categories of peacekeeping personnel, without exception”, including civilians, police, military observers, members of national contingents, United Nations Volunteers, consultants and individual contractors²⁸. Much progress has been made into incorporating the zero-tolerance policy in all categories of personnel working in UN peacekeeping operations and special political missions.

However, while the focus is constantly concentrated on uniformed personnel and measures regarding troop- and police-contributing countries, enforcement against civilian perpetrators is also flawed and there is virtually no accountability foreseen regarding SEA committed by non-United Nations troops acting under a Security Council authorization.

It is useful to recall that one of the immediate triggers of the SG 2003 Bulletin stating the UN zero-tolerance policy on SEA was an episode involving widespread

26 FONTOURA, Natalia Rayol. Op. cit. pp. 142-143.

27 FONTOURA, Natalia Rayol. Op. cit. p. 62.

28 A/59/710, paras. 14-27. FONTOURA, Natalia Rayol. Op. cit. p. 53.

accusations of SEA by humanitarian workers against refugee children in West Africa in 2002²⁹. Although the United Nations High Commissioner for Refugees and the NGO Save the Children UK also received allegations against uniformed personnel, “much of [the SEA was] allegedly perpetrated by workers locally employed by national and international NGOs as well as by UN agencies, including UNHCR”³⁰.

Civilians spend more time serving in the missions and have more opportunities to be in contact with the host population (living in residential areas and having more mobility and less visibility than uniformed personnel); there is also a strong possibility that the need by local populations of the goods distributed by humanitarian agencies may cause SEA perpetrated by civilians to be even more under-reported than in the case of military and police³¹. Although allegations of SEA involving uniformed personnel can be more visible in absolute figures, allegations of SEA committed by civilians are proportionally higher if the ratio of allegations per capita is considered³². This remains true even when the significant increase in allegations against troops in the Central African Republic is factored in, as it can be noticed in the 2016 report of the UN Secretary-General³³.

The most common consequences for civilians involved in SEA may be limited to repatriation and dismissal. However, the strict standards of proof required by the

UN internal justice system³⁴ may lead to impunity on the administrative side, and on the criminal side the UN is reluctant to lift immunities and allow prosecution by the host State. There is a perception of double standards with regards to mission-specific policies banning sexual relations with locals being applied to some uniformed personnel but not to civilians³⁵. The recommendations of former SG Ban Ki-moon regarding a possible convention on criminal accountability and the extension of absolute non-confraternization policies to civilians in high risk missions deserve adequate consideration³⁶.

The scope of the task of the international community concerning SEA perpetrated by non-UN forces acting under an authorization of the Security Council is considerably larger. The gravity of the problem was made public in 2014, with allegations that military from a permanent member of the Security Council operating in the Central African Republic under authorization of the Security Council but not under UN command had sexually abused several young children in exchange for food or money. As the Independent Review Report rightly underscored that “[r]egardless of whether the peacekeepers were acting under direct UN command or not, victims must be made the priority” and “the UN has an obligation to respond [...] in a meaningful way”³⁷. Yet, the bulk of the UN response since then has been a controversial disciplinary action against the UN official

29 United Nations High Commissioner for Refugees & Save the Children – UK. *Note for Implementing and Operational Partners – Sexual violence and exploitation: The experience of refugee children in Guinea, Liberia and Sierra Leone*. February, 2002. Available: <https://www.savethechildren.org.uk/sites/default/files/docs/sexual_violence_and_exploitation_1.pdf> [10 January 2007].

30 United Nations High Commissioner for Refugees. *Extensive abuse of West African refugee children reported*. 26 February 2002. Available: <<http://www.unhcr.org/news/press/2002/2/3c7bf8094/extensive-abuse-west-african-refugee-children-reported.html>> [10 January 2007].

31 FONTOURA, Natalia Rayol. *Op. cit.* pp. 17-18, 121-122.

32 United Nations. Office of Internal Oversight Services. *Op. cit.*, p. 9.

33 United Nations. General Assembly. *Special measures for protection from sexual exploitation and sexual abuse: report of the Secretary-General*. New York, 16 February 2016. A/70/729, para. 28.

34 STERN, Jenna. *Op. cit.* p. 13.

35 United Nations. Office of Internal Oversight Services. *Op. cit.*, p. 23.

36 A/70/729, paras. 64-66, 72.

37 DESCHAMPS, Marie; JALLOW, Hassan B.; SOOKA, Yasmin. *Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*. 17 December 2015. Available: <<http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>> [10 January 2017] pp. i-ii.

who leaked the allegations in order to ensure accountability for them and more punitive measures aiming at TCC operating under UN command.

Any national force, regional mission or military coalition that operates under authorization of the Security Council must be held accountable to the Security Council and the wider membership of the United Nations, all the more when such authorizations allow for the use of force in ways that go beyond the basic principles of peacekeeping. This general issue of lack of accountability of non-UN forces acting on behalf of the UN is a matter of serious concern, particularly when it relates to sexual exploitation and abuse.

The General Assembly, through the C-34, and the Security Council should develop mechanisms to improve accountability of any non-UN force that is deployed under UN authorization. Such mechanisms should include the obligation to observe the zero-tolerance policy on SEA and to regularly report to the UN any allegations received and their follow-up. Preventive training and site-specific measures regarding SEA should also be required of such forces. The discussions on the UN financial support to African missions authorized by the UN, for example, should incorporate a SEA dimension. But the UN zero-tolerance policy should by no means only be required of those non-UN forces that may receive UN material support. The international legality and legitimacy of the operations of any non-UN force lie in their UNSC authorizations. They all should, therefore, be bound by the United Nations principles and policies, particularly on the prevention of SEA.

1.6. Final remarks

In one of his first measures upon taking office as the new Secretary-General of the United Nations, UNSG Antonio Guterres announced the creation of a high-level task force to develop a “clear, game-changing strategy to achieve visible and measurable further improvement in the Organization’s approach to preventing and responding to sexual exploitation and abuse”³⁸. It is worth noting that, from the outset, the task force has a clear mandate on prevention. The consultations that this high level task force is expected to carry out in the coming months, including with troop-contributing countries, will provide an invaluable opportunity to strengthening the preventative approach to tackling SEA, building on best practices and on the need to reinforce the support to TCC in this regard. It should also identify concrete steps to ensure a more balanced approach in terms of the several categories of perpetrators of SEA that can equally betray the trust civilians on the ground place on the UN and on others actors operating on its behalf.

Brazil can actively contribute to this debate. Our meaningful results in the prevention of SEA stem from the training previous to the deployment and during the mission, and from the concern with promoting adequate conditions of service for the troops themselves. By striving to maintain an untarnished reputation as a TCC, Brazil further demonstrates its ability and willingness to assume – in a disciplined, respectful and well-regarded manner – greater responsibilities for the maintenance of international peace and security³⁹.

38 United Nations. Secretary-General. *The Secretary-General announces Task Force on UN response to sexual exploitation and abuse*. New York, 6 January 2017. Available: <<https://www.un.org/sg/en/content/sg/personnel-appointments/2017-01-06/secretary-general-announces-task-force-un-response>> [09 January 2017] UNITED NATIONS. UN News Centre. Available: <<http://www.un.org/apps/news/story.asp?NewsID=55922#.WHPH2rn08Sk>> [09 January 2017].

39 FONTOURA, Natalia Rayol. Op. cit. p. 159.

Table 1

SEA allegations in peacekeeping operations and special political mission per year, by mission*

Mission/year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
BNUB/BINUB/ ONUB	24	0	0	2	1	0	0	0	0		
MINURCAT		0	0	2	3						
MINURSO	1	2	0	0	0	0	1	0	0	0	0
MINUSCA									0	22	47
MINUSMA								5	3	5	2
MINUSTAH	48	19	4	9	10	15	8	17	13	9	4
MONUC/ MONUSCO	176	59	40	59	36	31	25	23	13	16	14
UNAMA	0	0	0	0	0	0	1	0	1	0	0
UNAMI	0	0	0	0	0	0	0	0	0	0	0
UNAMID		0	0	3	0	4	0	1	0	2	0
UNFICYP	0	0	0	0	0	0	0	1	1	1	0
UNIFIL	0	0	1	0	0	0	0	0	1	0	0
UNOGBIS/ UNIOGBIS	0	0	0	0	0		1	0	0	0	1
UNIOSIL	2										
UNISFA						0	1	0	1	1	2
UNMEE	3	0	2	1							
UNMIK	2	1	0	1	0	0	0	2	0	0	0
UNMIL	71	12	15	18	15	12	9	7	5	6	1
UNMIN		0	2	0	0	0					
UNMIS	19	14	5	7	10	7					
UNMISS						1	9	6	12	0	2
UNMIT		4	1	1	3	1	2				
UNMOGIP	0	0	0	0	1	0	0	0	0	0	0
UNOCI	6	15	12	9	6	3	3	4	1	6	4
UNOMIG	1	0	1	0							
UNSMIL											1
UNTSO/ UNSCO	0	0	0	0	0	0	0	0	0	0	1
Total	353	126	83	112	85	74	60	66	51	69	79

mission not in operation

Based on NEUDORFER, Kelly. *Sexual Exploitation and Abuse in UN Peacekeeping: An Analysis of Risk and Prevention Factors*. Lanham: Lexington Books, 2015. p. 6, updated with information contained in the UN Secretary-General's annual reports to the General Assembly on "Special measures for the protection from sexual exploitation and abuse" from 2013 to 2016. 2016 data from the statistics published by the Conduct and Discipline Unit of the United Nations.

SEA challenge and the UN

2

Protection from sexual exploitation and abuse in United Nations peace operations: a focus on recent developments and best practices of troop-contributing countries



Beth Asher

2.1. Introduction

Every individual working under the banner of United Nations (UN) peacekeeping is expected to exemplify the highest ideals and shared values of the UN through their conduct and performance. Sexual exploitation and abuse (SEA) perpetrated by those who are meant to offer protection as peacekeepers constitutes an unacceptable breach of trust that amounts to misconduct and may also constitute criminal conduct.

The UN approach to protection from SEA targets prevention, accountability and remedies for victims. As set out in his last reports to the General Assembly on protection from SEA⁴⁰, the Secretary-General's enhanced programme of action consists of over forty initiatives that strengthen existing measures and build on lessons learned, some of which are

implemented under his authority and some which require action by Member States.

This paper highlights selected measures relating to SEA reportedly committed by members of military contingents or military staff officers serving with UN peace operations and presents emerging best practices from troop-contributing countries (TCCs) and the UN.

2.2. Legal framework applicable to military personnel serving in UN peace operations

Pursuant to the Memorandum of Understanding (MoU) between the TCC and the UN, TCCs retain the primary authority to investigate allegations of misconduct,

⁴⁰ See A/69/779 (13 February 2015) and A/70/729 (16 February 2016). Please refer to both reports for further information on the measures highlighted in the present paper, as well as additional measures in place.

including SEA, against their military personnel, and the jurisdiction to impose sanctions, whether disciplinary or criminal. The UN may impose the administrative measure of repatriation on disciplinary grounds with no possibility of future service with the Organization. Individuals are accountable for paternity claims, although the TCC and the UN may facilitate such claims.

If the UN learns of reported SEA implicating military personnel, it is required to notify the TCC, which has ten days to indicate whether it intends to nominate a National Investigation Officer (NIO) to investigate. The UN can otherwise do so, normally through the Office of Internal Oversight Services (OIOS). OIOS and the TCC may also investigate jointly.

2.3. Selected initiatives pursuant to the Secretary-General's enhanced programme of action

a) Expanded information on allegations of SEA

The Secretary-General has enhanced transparency in the protection from SEA, including by providing country-specific information on allegations reported in 2015 in his last report to the General Assembly, in addition to the following measures:

- The Conduct and Discipline Unit website (CDU) provides updates on the status of allegations of SEA in near real-time.
- In his forthcoming report to the General Assembly, the Secretary-General will include information on pending cases prior to 2015.

- A redesigned Conduct and Discipline website, to be launched in early 2017, will provide greater information on SEA, including an expanded section on data and statistics.

b) Enhanced training and outreach

In order to build on existing pre-deployment and in-mission training on the prohibition against SEA, the Secretariat has developed an SEA e-learning programme, which is mandatory for all mission personnel and will also be obligatory for all Secretariat personnel. The programme will be available in various TCC languages, and offers specialized learning components for commanders.

The Secretariat has also launched an SEA communications policy, to provide guidance on how to conduct outreach with various stakeholders to increase awareness of the UN standards of conduct and ways to report suspected violations. In addition, the Department of Field Support (DFS) has put in place measures to enhance complaint reception mechanisms in local communities, working with local stakeholders to provide confidential pathways through which reported SEA could be brought to the attention of the UN.

Emerging TCC best practices: One Member State has incorporated the facts of an SEA case involving its personnel into scenario-based pre-deployment training for future peacekeepers, in an attempt to use lessons learned to communicate the message to its personnel.

c) Expanded vetting of personnel for prior misconduct in UN peace operations

The Secretariat has expanded vetting of personnel for a history of prior misconduct while in the service of UN peacekeeping to all categories of personnel.

In 2016, the Secretariat developed a mechanism to vet the tens of thousands of deployed uniformed personnel. Moreover, TCC/PCCs are required to certify that deployed personnel do not have a prior history of misconduct, criminal conduct, or violations of human rights or international humanitarian law. Personnel subsequently found to have a history of conduct that runs counter to certification are repatriated at the expense of the Member State.

Emerging TCC best practice: one Member State has established a Vetting Committee to oversee the vetting required for certification of deployed military personnel.

d) Enhanced risk assessment

The DFS' SEA risk management framework is currently under review, and will result in a revised framework and toolkit for use by field missions. In addition, the Secretariat is exploring technology solutions to support risk management.

Field missions have established SEA Focal Points and SEA Task Forces, to maintain oversight on SEA and better coordinate within mission components in order to advise the Head of Mission.

Emerging TCC best practice: One Member State repatriated 50 contingent members for curfew violations, which are often seen in connection with allegations of SEA.

e) Immediate Response Teams (IRTs)

IRTs have been established in peacekeeping missions to gather and preserve evidence, pending the initiation of an investigation⁴¹. An IRT training programme, in development by OIOS, has been piloted in the field and will continue to be rolled out in 2017.

f) Duration of investigations

A six-month timeline has been adopted by the Secretary-General for SEA investigations by UN entities; TCCs are requested to adhere to the same timeline. Where urgency requires it, the Secretariat requests that SEA investigations are finalized within three months.

Emerging TCC best practices: TCCs are increasingly completing investigations within six months or less. In one case, a TCC completed an investigation into SEA within 3 months, resulting in a prison sentence of 5 years.

g) Enhancing the Organization's capacity to respond

The Secretary-General has called upon TCCs to conduct joint investigations with OIOS and encouraged them to enter into bilateral agreements in this regard. Several TCCs have cooperated with OIOS in SEA investigations. OIOS is developing uniform standards of investigation for use by TCCs.

The Secretary-General has asked that TCC/PCCs ensure that SEA while in service of UN peacekeeping is explicitly prohibited in national police and military regulatory frameworks, and that it attracts the harshest sanctions.

h) National investigation officers (NIOs)

The Secretariat has requested notification of NIO appointments within 5 days (rather than 10 as set out in the MoU). TCCs have been requested to include NIOs in their troop deployments. TCCs have also been advised of NIO required competencies so that they can ensure that investigations are acceptable to national judicial authorities.

⁴¹ See further description of the IRTs in A/69/779 and A/70/729.

OIOS is developing training curriculum for NIOs for use by TCCs.

Emerging best practices: Several Member States have appointed NIOs within five days or less. One TCC has established a stand-by team of NIOs with the capacity to deploy to a peacekeeping mission within 72 hours.

i) Repatriation of commanders and contingents

The Secretary-General has indicated the circumstances under which commanders and/or contingents can be repatriated, or deployments can be terminated in connection with SEA. The Security Council endorsed such action⁴² in instances of credible evidence of widespread or systemic SEA, or in cases where a TCC has not investigated a report of SEA, or a TCC/PCC has not held the perpetrator accountable or informed the Secretary-General of progress in the matter. The Secretariat has developed Operational Guidelines to implement Security Council resolution 2272.

j) On-site court martial proceedings

The Secretary-General has encouraged TCCs to establish in-situ court martial proceedings when SEA allegations may amount to sex crimes under national legislation to enhance accountability and transparency in the justice process.

Emerging best practices: Two Member States have conducted on-site court martial proceedings in relation to allegations of SEA.

k) Financial accountability

Payments to TCCs are suspended in relation to individuals alleged to have committed SEA from time of notification to the TCC. If the allegations are substantiated, such payments will be withheld from the date of the incident.

l) Trust Fund for victims

A Trust Fund was established in March 2016 to conduct awareness raising and outreach, and support providers of services to victims in areas such as medical, psychosocial and legal services. Member States have agreed that payments withheld from UN personnel in connection with substantiated allegations of SEA will be transferred to the Trust Fund⁴³.

Emerging best practices: In response to an appeal by the Secretary-General, several Member States have made voluntary contributions to the Trust Fund.

m) Actions in connection with paternity and child support

A DNA collection protocol has been developed to enable missions to assist with the collection of DNA of mothers and/or children. Member States have been requested to obtain DNA samples of those alleged to have committed SEA.

TCCs/PCCs have been requested to appoint Focal Points to facilitate paternity claims.

Emerging best practices: Several Member States have designated a national paternity focal point and one Member State has issued a Protocol on the role of paternity focal points.

42 Security Council resolution 2272 (2016) of 11 March 2016.

43 Reference is made to A/RES/70/286.

2.3. Additional positive practices

Several Member States have permitted the UN to take DNA samples of military personnel in cases of paternity claims relating to SEA. In one case, a TCC used DNA samples to help establish paternity in several claims relating to SEA.

One Member State has initiated a process to make a one-time ex gratia payment to a victim of SEA and her child, in a case in which the alleged father was no longer traceable.

One Member State, working with the UN, facilitated a paternity claim by sharing documents and information needed to obtain recognition of a child under national law, resulting in official recognition of paternity for the child. The implicated father has agreed to pay child support until the child's age of maturity.

2.4. Conclusion

The Secretary-General continues to implement the enhanced programme of action to protect from SEA, in partnership with Member States, while seeking to further strengthen efforts based on our shared UN values.

Summary: Child Protection and Sexual Exploitation and Abuse



Anayansi Lopez

3.1. Introduction

UN peacekeepers not only have the obligation to promote and safeguard the rights of children throughout their work, but also to adhere to and abide by the highest international norms and standards reflected in the body of law and guidance on children's rights. All UN peacekeepers shall at all time refrain from causing harm to children and their protective environment. Heads of Missions are responsible for ensuring that all UN peacekeepers are informed of their child protection obligations, including the obligation to report any allegations of violations and abuses against children through existing reporting mechanisms, in line with their respective mandates, structures and procedures. Any allegations shall be reported to senior mission leadership and relevant in-mission actors for follow-up, response and prevention.

Sexual Exploitation and Abuse (SEA) by UN peacekeepers are prohibited, constitute acts of serious misconduct and are grounds for disciplinary measures. UN peacekeepers may be subject to summary dismissal, repatriation and barring from future service. Certain acts of sexual abuse may also result in criminal proceedings in the host State or the State of nationality. The UN implements a zero-tolerance policy on SEA. Following Security Council resolution 2272 (2016), DPKO shall actively work

to protect and support victims of SEA, with particular emphasis on complaints, reporting, investigations and assistance to victims. In line with the Secretary-General's 2003 Bulletin, sexual activity with children is prohibited regardless of the age of majority or age of consent stipulated under national law in the mission area. Mistaken belief in the age of a child is not a defence. Exchange of money, promise of employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange or promise of assistance that is due to beneficiaries of assistance. Any involvement of UN peacekeepers in human trafficking or any other form of exploitation or abuse of children also constitutes acts of serious misconduct.

The Child Protection Advisors (CPA) and child protection staff play an important role in preventing, monitoring, reporting and responding to all protection issues faced by children in UN peacekeeping, including SEA. They assume an advisory role towards senior mission leadership, in consultation with the Conduct and Discipline Teams (CDTs), the Conduct and Discipline focal points and the Heads of the Human Rights Division, on addressing and responding to allegations of SEA involving children. Priority is given to facilitating timely and confidential assistance to child victims and supporting

them through referral mechanisms. The CPAs and child protection staff also play a support role for the lead UN entities on prevention and response to SEA, in terms of sensitization on SEA and training on child-sensitive interviewing techniques. The CPAs and child protection staff participate in the missions' coordination mechanisms on prevention and response to SEA.

The Heads of Mission, the CDTs and the Office of Internal Oversight Services (OIOS) are to be promptly informed of any allegations of SEA for follow-up, including investigations. All UN peacekeepers are responsible for immediately reporting any allegations of SEA to the CDTs, while being careful not to interfere with investigations that may be conducted by the mission, OIOS and/or the national authorities of troop and police contributing countries, under applicable procedures.

3.2. Current work streams on SEA and Child Protection

a) Pre-deployment training

DPKO partnered with UNICEF and child protection actors to develop pre-deployment training for UN military personnel. The materials, which were launched in April 2014 and are available in all UN languages, have a specific module on respect for children's rights and prevention of all forms and abuse, including SEA against children. DPKO is currently in the process of developing specialized training modules for UN police, including also a specific module on respect for children's rights and prevention of all forms and abuse, as well do's and don'ts in terms of interviewing children that are victims and witnesses. We count on Member States to ensure that the training is delivered to all their troops before their deployment.

b) Deployment of Child Protection Officers and focal points by Troop Contributing Countries (TCCs)

The UN Infantry battalion Manual (UNIBAM) provides for the appointment of a full-time military child protection officer within each Battalion Command Group and military child protection focal points within Company HQ, to assist the military peacekeepers contribute to child protection including prevention of violations and promoting the respect for children's rights. Some TCCs, e.g. India, have already appointed and deployed such focal points. In MONUSCO, a full time gender and child protection officer is working with the Force Commander at the Force HQ to assist the military component in responding to and preventing all forms and violations and abuses against children. In addition, it encourages TCCs to appoint, train and deploy dedicated military child protection officers within their troops. The focal points would play an important role in undertaking prevention training and promptly alerting and responding to any allegations of SEA against children in collaboration with the CP team and CDU.

c) In-mission campaigns

Several peacekeeping missions have conducted in-mission campaigns on SEA against children. Pocket cards have been developed and translated in the local languages of the TCCs. It is important for TCCs to learn from these good practices.

d) Investigation and accountability

It is important to ensure that national investigation officers deployed with TCCs receive training on child protection and that guidelines for interviewing children are established and well known by all TCCs.

4

The UN must be the lead standard-setter to combat sexual exploitation and abuse



Col. Ben Klappe

4.1. Sexual exploitation and abuse accusations and actions within the UN

The CAR Panel report⁴⁴ was submitted to the UN Secretary-General in December 2015. The CAR Panel found the UN response to instances of sexual exploitation and abuse (SEA) in the Central African Republic inadequate and bureaucratic and failed to meet the UN's core mandate to address human rights. The CAR Panel made a number of complex recommendations, with potential long ranging legal, institutional and operational implications on the framework of the UN and on Member States' legal obligations.

In January 2016, the Secretary General (SG) established a High-Level Steering Group (HLSG), comprising of the UN's senior management across the board, under the leadership the Chef de Cabinet to work jointly to analyse the recommendations and, where possible, to implement as well as to align a system-wide approach to prevention/response to SEA. In February 2016, the SG appointed a Special Coordinator on a time-bound mandate to measurably strengthen the UN system-wide response to prevent incidents and enforce corrective action to instances of SEA.

The Security Council, on 11 March 2016, adopted Resolution 2272 to address SEA by peacekeepers deployed under Security Council mandates, recognizing that combatting SEA requires a partnership between the Organization and Member States. The UN is working within the strategic framework provided by SCR 2272 to align and build on comprehensive measures already underway in the UN system, including the recommendations of the independent CAR Panel, and other external sources of best practice to address SEA. The UN is committed to eradicating SEA. The UN does not stand alone in the battle against this. This is an ever present danger that continues to affect our society. This is a global issue.

4.2. Measures have been in place, but more needs to be done. More support; more commitment; more engagement; and more awareness

Due to the special status of peacekeeping troops as the hope of a last resort of peace and stability, it is even more egregious

⁴⁴ Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic by Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, 17 December 2015.

when peacekeepers engage in this type of behaviour. The SG has instructed that a victim-centred approach is followed to proactively prevent and respond to all instances of SEA through a human rights lens; no matter the perpetrator. As a global entity, the UN must be the lead standard-setter in the fight against SEA. Measures have been in place, but more needs to be done. More support; more commitment; more engagement; and more awareness. Priorities for the office of Special Coordinator on improving UN response to sexual exploitation and abuse (O/SC) are as follows: (1) organize and unify UN system-wide efforts; (2) strengthen prevention; (3) strengthen support to victims; and (4) strengthen investigations and public accountability.

The O/SC chairs the SEA system-wide working group meetings, which occur biweekly, to track and integrate multiple work-streams related to issues pertaining to SEA. Furthermore, the O/SC holds SEA weekly meetings where key internal UN counterparts meet to analyse matters of SEA to bring to the SEA Working Group further discussion.

4.3. Measures taken so far

During 2016, a common Glossary to improve reporting, data collection and communication in the context of SEA discussions system-wide has been developed. In addition, an Accountability Chart was developed to ensure senior leadership and appropriate actors have an overview and a clear understanding of their role in preventing SEA and responding to SEA related incidents.

Troop Contributing Countries were requested to provide the national legal frameworks governing their military contingents while

deployed to UN operations in order to increase transparency of the UN approach to SEA. The purpose of this request was to make these laws accessible to the public via an on-line platform. Of the 124 TCCs, 28 have responded thus far. The web page has been launched recently at: <https://www.un.org/en/peacekeeping/issues/legalframeworks.shtml>.

During the summer 2016, a six week baseline survey was conducted to gauge how aware and what knowledge colleagues in the field have on preventing and responding to SEA. Questions covered prevention, awareness of code of conduct, personal accountability, (effectiveness and impact of) training, leadership, and expectations of accountability. Over 5,500 persons have completed the survey. The results revealed inter alia that 90% of the respondents were aware of the rules on SEA and understand that sex with minors and sex in exchange of goods is forbidden. About 80% received training, and participation in training revealed that, as a result, ignorance of the rules reduced with 50% regardless the type of training. One-third did not believe that individuals who commit acts of SEA are likely to face disciplinary action. The survey will be repeated in 2017.

To contribute to the prevention efforts, 'No-Excuse' pocket cards and flyers have been assembled by the SEA Working Group. The cards and flyers will be translated in the UN languages and distributed to all deployed UN personnel and affiliated staff to ensure that they have received a concise and portable statement of the UN rules and prohibitions related to SEA. TCCs will be requested to ensure the production and translation of the pocket card and flyers into their national language and the subsequent distribution of the flyer and pocket card to all military components, formed police units and Expert on Mission during pre-deployment training or prior to deployment.

4.4. Next steps

The SEA working group further developed the Incident Report Form to streamline and improve data/information collection. The Incident Report Form is expected to be field-tested in early 2017. The group continues the development of a uniform protocol on victim assistance to set out the roles and accountabilities of provision of immediate services/victim assistance to complement the Terms of Reference and guidance on the Trust fund for victims. Following the CAR Panel Recommendation, a uniform protocol on information sharing/handling of allegations, information-sharing and the protection of victims with the purpose of enhancing report notification procedures and intra-organizational coordination will be completed early 2017. Finally, the group is developing a PSEA Manual to aid managers and leaders in the field. The Manual is expected to be completed in 2017.

Peacekeeping Training Centres

5

The Brazilian Peace Operations Joint Training Centre (CCOPAB) and the Brazilian experiences in field



Col. Carlos Ramires

5.1. Introduction

The Brazilian Peace Operations Joint Training Centre (CCOPAB) is a military unit that carries out its tasks in strict compliance with what is established by both the Brazilian Ministry of External Relations and the National Defence Strategy, this latter conducted by the Ministry of Defence.

The model that now guides our training processes for troops has its origin in the compilation of the various participations of Brazil in peace missions, in Lebanon, Suez, Mozambique, Angola, East Timor and Haiti. However, it can be said that the preparation of the Brazilian participation in MINUSTAH since 2004 represents a turning point in terms of selection, training and deployment. Among the several issues that stand out in the preparation, obviously, the training is one of the most outstanding instruments for the acquisition of positive results.

5.2. CCOPAB's mode of action

As new forms of action were needed on the ground, CCOPAB has adapted its teaching methods, contributing to the operational responses from the Secretariat's strategic thinking on the most sensitive issues, such as how to protect children from sexual abuse and exploitation.

In order to provide an apprehensive overview concerning concrete actions conducted during our training, this paper will be divided into three parts: Selection, Training and Deployment.

a) Selection

The selection procedures within CCOPAB comprehends a rigorous process. During this period, a complex system takes place in all Brazilian forces. Only volunteers can apply

for missions abroad, from Seniors leaders to young soldiers. The candidate is submitted to several checks, including physical and mental capacities, to make sure he is prepared to face different challenges. All items within the Job description must be checked before the final decision and the candidate must fit within all detailed criteria with no exceptions. Certainly, this includes language skills, conferring and assuring that no candidate has reported problems related with drugs and any types of crimes. The Brazilian policy prioritizes those who have not been to missions abroad yet.

b) Training

Training of troops is a process which takes six months, which includes both instructions inside classrooms and field exercises. It could be said that the basic skills highlighted during the Brazilian conventional military doctrine is unique. This means that while troops are coming together for a peace operation training, there are few points to adjust for achieving the “blue concepts”.

c) Deployment

We use the pre-deployment training in three different phases, according to the DPKO policy: the first one is based on the Core Pre-Deployment Training (CPTM) and the Standardized Training Material (STM); the second is the dissemination; and the last one is composed by two exercises: Basic and Advanced levels.

It is important to emphasize that the Brazilian Policy for the use of the resources of peacekeeping operations allows CCOPAB to maintain not only its facilities but also the adaptation of different scenarios, following reports from the ground.

On this phase, still, we maintain the continuity of the selection of personnel with constant evaluation, both individually and integrating a team.

5.3. Evaluation

In 2016, that CCOPAB sent a comprehensive evaluation about the preparation of the 23rd Brazilian Contingent deployed in Haiti. In addition to transparency, our intention was to help the DPKO to create standards for evaluating troops according to the UN policy. This is a process that has been tested for the last 12 years in Haiti, with very positive results from the ground, in our perspective.

During training, then, we highlight the importance of the dialogue with the population and the awareness about their circumstances, in order to create confidence among both parts. Specially on this training, we have heard from different actors about the “Brazilian way of peacekeeping” or the “Brazilian approach” or yet the “Brazilian soul”. In fact, the training is strongly supported by the background from the Brazilian troops and their perception relating diversity, dignity and humanity. Usually, to express this feeling, I refer to the expression “Brasilidade”, or – perhaps – Brazilianity.

5.4. Concrete actions

We believe that taking concrete actions done during the employment period may support us in maintaining a good quality of the following aspects:

- a. Brazil has chosen to deploy troops for only six months;
- b. to perpetuate the welfare and comfort of the troops within the headquarter environment;
- c. to encourage the right of individual leave when necessary;
- d. adopting a semi-annual rotation, with the purpose of:
 - Avoiding an excess for the same contingent at the mission site;

- Maintaining an efficient degree in operational capacity; and
- Allowing the renewal of personnel to be part of the subunits for new members.
- e. maintaining a continuous recommendation for the improvement of the selection process;
- f. paying attention to the needs presented to the facilities of the bases in the field;
- g. establishing a forceful criterion to analyse the comfort and well-being of troops; and
- h. providing psychological support during pre-deployment, on mission and after returning home.

6

Brief introduction to the Kofi Annan International Peacekeeping Training Centre



Joana Osei-Tutu

6.1. Introduction

The Kofi Annan International Peacekeeping Training Centre (KA IPTC) was officially opened on January 24, 2004, and is one of the three institutions designated by the Economic Community of West African States (ECOWAS) as a regional Centre of Excellence for the delivery of training and research in the areas of conflict prevention, management and peacebuilding. The Centre seeks to become the leading and preferred international Centre for training, education and research on African peace and security. It envisages providing this through globally-recognized capacity building of international actors on African peace and security.

Twelve years since its inception the Centre has carved a niche as a world class research and training facility for Africa – a regional Centre of Excellence that embraces all aspects of research and training for enhanced performance in integrated peace support operations. The Centre's activities draw participants from the full spectrum of the peacekeeping community, the security sector and civil, diplomatic and nongovernmental agencies.

Since the first peacekeeping training course was organized in 2003, the Centre has run over 207 training courses for more than 14,995 individuals from over 88 countries

and major organizations in Europe, North and South America, Asia and Africa. Core courses in peacekeeping activities are augmented by other specialist and train-the-trainer courses, seminars, conferences and workshops, all of which are designed to reflect regional needs and stakeholder requirements. In addition to the research and training programmes, the KA IPTC is now an accredited tertiary institution and runs post-graduate programmes in Conflict, Peace and Security and Gender, Peace and Security programme as well as a PhD in International Conflict Management.

6.2. Training programmes

Broadly speaking the Centre categorizes its courses into three main sections, Peace Support Operations, Conflict Management and Peace and Security Studies. The Centre ensures that all its courses are underpinned with its core value of professionalism, excellence, honesty, integrity and accountability while showing upmost respect for diversity, equality and fairness.

Under the umbrella of its Peace Support Operation program, courses such as Police Middle Management; Police Pre-Deployment Training; Sexual Exploitation & Abuse and Conflict Related Sexual Violence are delivered. The Centre in collaboration

with UNSOSVC currently has a practitioners' forum for training of the trainers in CRSV in Africa (Mali, Ivory Coast and Somalia). Similarly, a course on Protection of Civilians in Armed Conflict is run under the Peace and Security Studies program. It also hosts a Field Training Team which conducted pre-deployment training courses for units of Ghana Armed Forces, military observers and other staff officers designated for UN/AU Missions.

The Centre recognizes the importance of equipping its trained peacekeepers with the necessary skills and knowledge to understand the importance the United Nations attaches to issues of Sexual Violence and Abuse in the Mission arena. This, among others, demonstrated the need to develop a course solely to address SEA.

The workings of the Centre, through its research infused training programmes, have exposed it to some of the challenges in tackling SEA within the African context. It has also led to discussions with senior military members, which have resulted in some dynamic changes in the engagement of Ghana as a TCC and ensuring its troops are not perpetrators of SEA.

6.3. Some identified challenges

a) Lack of proper Pre-Deployment Training (PDT)

Some TCCs do not have a properly structured training course for their troops before deployment. Therefore, some members of the contingent only become aware of SEA and its implications during their first in-mission briefing. However, those in-mission trainings are usually brief, and do not ensure that the soldier will be well-aware of the full understanding of SEA.

b) Lack of punitive measures for perpetrators of SEA

It has been noticed that some TCCs do not have strong punitive measures for their personnel that are accused of engaging in SEA. Most often than not, the personnel involved are only repatriated home. Repatriation alone does not serve as a deterrent against SEA. Some TCCs however have to be commended for not just repatriating but in some cases the personnel are discharged from the service. In Ghana, any personnel found guilty of engaging in SEA will never-again be deployed into a peacekeeping mission, which ends the personnel's peacekeeping career.

c) Under reporting

Due mainly to the stringent stands and consequences of SEA in some TCCs and the UN, some troops tend to under-report or not report at all cases of SEA brought against their personnel. This is done with the hope of not tarnishing the image of the TCC.

d) The referral mechanism

There is the need to have some clarity with regards to the referral mechanism, to ensure victims are aware of the proper channels to seek redress.

e) Cultural practices

Most PDT courses have elements for understanding the culture and ethnics of the area of deployment. Thus, it is envisaged that, if the TCC offers its personnel this course, they will be better placed to appreciate the cultural sentiments of the host nations and not breach them. However, as already stated, some countries do not offer to their personnel this kind of training.

f) Length of tour of duty

As the UN has now increased the tour of duty from six months to one year, for the TCC there is the need to adopt innovative ways to keep the troops entertained and energized. Additionally, there is the need to ensure that all personnel will take some time off for R&R or their stipulated leave.

6.4. Recommendations

- a. There needs to be a harmonization among the PDTs, which would be offered to personnel before arriving in the mission area. This would ensure that all troops have the same understanding of the issues of SEA and appreciate the severity of the offense;
- b. Countries like Ghana should be commended for offering their personnel a stipulated amount as 'leave allowance' to enable them take time off to rest;
- c. Recreational activities should be considered for personnel in field.

MINUSTAH: The Military Conduct and Discipline Officer



Col. Eduardo Porciuncula

7.1. Introduction

In this paper, I bring a general picture of some of my experiences during these last three years, when I served as Conduct and Discipline Officer for MINUSTAH. Therefore, I share here the patterns and strategies concerning the highest standards maintained by military personnel. This paper is based on the final report that I submitted to the Force Commander, reporting my impressions after one year in the position, which deal with cases of Sexual Exploitation and Abuse in Haiti.

7.2. Conduct and Discipline Officer

The UN Secretary-General's Comprehensive report (A/60/862), from 24 May 2006, was prepared regarding the General Assembly Resolution 59/296 on sexual exploitation and sexual abuse. The former document included a policy development, implementation and full justification of proposed capacity relating to personnel conduct issues. The document identified some of the following key tasks of the Conduct and Discipline Officer (CDT):

a) To act as the principal adviser to the Head of Mission on addressing conduct and discipline issues relating to all categories of United Nations peacekeeping personnel in the mission;

- b) To advise the Head of Mission on establishing measures to prevent misconduct, enforce United Nations standards of conduct and ensure remedial action where misconduct has occurred;
- c) To receive, assess and refer allegations of misconduct involving all categories of United Nations peacekeeping personnel for appropriate action;
- d) To provide technical advice to mission leadership on United Nations rules and procedures relating to misconduct cases involving all categories of United Nations peacekeeping personnel in the mission.

7.3. CDT's mandate

Mandates that are designated to CDT personnel do not include the conduct of or participation in investigations or other fact finding activities related to misconduct by UN personnel in their field missions. In field missions, the CDT Officer needs to maintain direct and regular contact with the militaries of the mission, at the highest level. In respect of the Military C&D Officer, the most important job tasks are:

- a. To work under the direction of the Chief Conduct and Discipline Team;
- b. To provide technical advice to the Chief Conduct and Discipline Team (CDT), to the Head of Military Component, and

- to Contingent Commanders on Military Conduct and Discipline (C&D) issues;
- c. To review investigation reports related to military personnel ensuring its validity, coherence, impartiality and consistency;
- d. To liaise with the Force Provost Marshall (FPM) and Legal Adviser;
- e. To conduct induction/ refresher trainings on prevention of misconduct, mainly Sexual Exploitation and Abuse (SEA);
- f. To follow-up the misconduct cases in close coordination with the FPM;
- g. To receive allegations of misconduct involving military personnel;
- h. To back-up the UNPOL Conduct and Discipline Officer during his absence, when required.

CDT continues having 100% of newly deployed personnel following the undertaken, which is consistent with the provisions of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and abuse upon joining the mission) and maintains a regular practice of reminding military Components about the UN standards of conduct, which includes the zero tolerance policy.

7.4. Reality on the ground

During the induction training, usually we cannot verify the participation of any Commanders and Officers. Usually, only small groups of soldiers, NCOs or officers are designated to assist the training and to comply with the order. Some Contingents receive Induction Training and six months of a refreshing training, which includes cases study.

In the beginning of 2016, CDT provided a mandatory individual training to Military Staff Officers, before giving them ID cards to avoid any excuses to participate in the mandatory training. During the period, meetings with Force Provost Marshal and

Legal Adviser were held to discuss conduct and discipline issues, in terms of prevention and enforcement. In some cases, CDT understood that the Legal Adviser was not involved, arguing that there was no technical assistance required. From then on, all cases are under Military Legal Adviser's supervision.

The Force Commander is responsible for ensuring that commanders and managers conduct awareness-raising, including on protection from SEA.

7.5. MINUSTAH

MINUSTAH has a Zero Tolerance Policy on Sexual Exploitation and Abuse, which constitute acts of serious misconduct. This kind of actions entails disciplinary measures, including summary dismissal, repatriation and/or referral to national authorities for criminal prosecution.

As such, the following guidelines from Force Commander are determinant:

- "Strict prohibitions of sexual relation with prostitutes and local population";
- "MINUSTAH policy regarding fraternization with the local population";
- "Prohibition of employment of children / minors".

7.6. Conclusion

In 2010, for example, CDT received seven Sexual allegations against Military Component. After the earthquake, in 2011, when most troops left the country, these numbers increased to fifteen. In 2012 there were six allegations, in 2013 eleven, and four in 2014. The last SEA case in MINUSTAH against Military Component was in February 2014. Currently, the Military Component, which counts with 2307 Contingents troops and 63 Military Staff Officers, has 1028 days without any complaint of SEA.

Keeping Children Safe

8

Lessons learned from implementing International Child Safeguarding Standards



Col. Steve Smith MBE

8.1. The scale of the problem

Reports of alleged sexual exploitation and abuse, of both children and adults, by UN peacekeepers, have been surfacing for years. The UN has produced a number of responses to these incidents, but still they continue. The presentation considers a number of examples highlighting the scope of the problem. These problems ranged from the trafficking of prostitutes in Bosnia, reported in 1999, through to allegations in April 2016 that between 10 and 12 boys, aged 8-15, were forced into rape and sodomy⁴⁵ by UN peacekeepers from France, Chad and Equatorial Guinea, in exchange for food and money, in Bangui, the capital of the Central African Republic.

There is no doubt that when these allegations emerge, the UN tries to take remedial action. In 1996, Graça Machel, former Minister of Education of

Mozambique, called for an end to impunity for perpetrators. In 2003, the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse stated: 'UN forces conducting operations under UN command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children'⁴⁶. In March 2005, Prince Zeid Ra'ad Al-Hussein, the Secretary-General's Adviser on Sexual Exploitation and Abuse by UN Peacekeeping Personnel, reported: 'Such abhorrent acts are a violation of the fundamental duty of care that all United Nations peacekeeping personnel owe to the local population that they are sent to serve'⁴⁷. In 2015, the Secretary-General's report: *Special Measures for Protection from Sexual Exploitation and Sexual Abuse* stated that 'a single substantiated case of sexual exploitation or sexual abuse involving United Nations personnel is one case too many'⁴⁸.

45 <http://www.ibtimes.co.uk/car-un-covered-rape-african-boys-by-french-peacekeepers-alleges-aid-worker-1499322>

46 <http://www.un.org/womenwatch/osagi/fpgenderpolicies.htm>

47 <https://www.un.org/sg/en/content/sg/statement/2005-03-24/secretary-generals-statement-prince-zeids-report-comprehensive>

48 <http://www.unhcr.org/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>

In March 2016, the UNSC passed its first-ever resolution to tackle an escalating problem of sexual abuse by peacekeepers assigned to protect civilians in countries where there is conflict.

8.2. Why the problem continues

There are many facets to the problem. Some of the key concerns are as follows:

a) Troop Contributing Countries (TCCs)

The TCCs are mainly responsible for the recruitment, vetting, training and disciplining peacekeeping soldiers and the problem of sexual abuse and exploitation cannot be effectively tackled without their active cooperation. Background checks are not always thorough and accurate, and training and capability are often not to the required standard. To quote Onanga-Anyanga, a UN official from Gabon, working in CAR:

.....
'We inherited troops that we cannot call troops. I realized that what was sent here was trash. We can't just put a blue helmet on them and assume their mind-set will change overnight'.⁴⁹

b) Culture

Different cultural factors also have an impact. These are many and varied, but range from differing national standards for the lowest age of sexual consent (ranging from 12 to 21), through to military culture itself. In their paper *Explaining Sexual Exploitation and Abuse in Peacekeeping Missions*⁵⁰, Sabrina Karim and Kyle Beardsley suggest that SEA in the context of security forces may be a major symptom of the

'militarized masculinity', needed for warrior culture to flourish.

c) Communication

Victims do not know where to go, how to report the crime, what the process is, what to do afterwards. Victims may be children, they may be homeless refugees: they are undoubtedly in a position of vulnerability. On the other side, peacekeepers are in a position of power. They may well speak a different language or live inside secure bases that seem impregnable. They wear, however, helmets, body armour and dark glasses. Peacekeepers in this position, then, may all look the same before the vulnerable ones, no matter who they are or what they did. Victims may have no concept of the rank structure or chain of command; nor indeed that these peacekeepers should ultimately answer to someone.

d) Accountability

Accountability is enormously flawed. The peacekeeping troops' home country is the sole investigator and prosecutor of any alleged abuse committed by them, rendering any disciplinary action from the TCC completely voluntary. Investigations by the national investigation organizations (NIOs) of TCCs are usually delayed, allowing for evidence or witness tampering. The accused, on the other side, are shuffled around and hidden from the UN and human rights non-governmental organizations (NGOs), and outcomes related to the investigation's progress or any disciplinary action from the TCC are usually unclear or unreported.

e) Leadership

We have seen too many examples of leaders turning a blind eye. Protection of whistle blowers and accountability at all levels is critical.

49 <http://www.washingtonpost.com/sf/world/2016/02/27/peacekeepers/>

50 <https://pdfs.semanticscholar.org/74f0/6a8fc1e41fc0d2ec36d285c5c53c789bffb8.pdf>

8.3. Dealing with the problem effectively

It is clear from the numerous attempts made to address this problem that there is no 'silver bullet'. Applying an approach based on the experience of implementing International Child Safeguarding Standards (ICSS) 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.

This is all about identifying risks and taking every reasonable step to forestall them. Key questions are:

- When, where and how do programmes, staff and operations affect children? What risks do these represent?
- What policies and procedures are needed to prevent harm? How should concerns be responded to appropriately?
- How can safe recruiting be carried out?
- What safeguarding and induction training is required to ensure staff know what the organisation expects of them, and what to do if they have a concern?
- Does the organisation have a clear code of conduct? Do staff understand their professional boundaries when working with children?
- Who is the designated person to act as a focal point in an organisation to receive and manage any safeguarding concerns, subsequent inquiry and investigation?
- What is the reporting and responding process? Is it locally appropriate?

8.4. Practical application of the ICSS

Furthermore, it is noteworthy to highlight the practical application of the ICSS across several key risk areas.

a) TCCs and UN Staff

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.

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.

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.

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

b) Communication

The UN needs to develop better in-country outreach mechanisms to children and local communities, in order to encourage reporting of cases of sexual exploitation and abuse, and to ensure that victims are provided with independent legal advice and assistance in pursuing complaints, as well as psycho-social support.

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.

UN staff and peacekeepers must be fully aware of their responsibilities when allegations are communicated to them.

Thought should be given to how this information should be communicated to the local community and to children.

c) Accountability

It is not enough for the UN to report on acts of sexual exploitation and abuse perpetrated by peacekeepers. It must actively seek to ensure that the perpetrators of such crimes are identified and prosecuted.

When complaints are received, they must be handled transparently and efficiently. Investigation must be immediate, before vital evidence is lost and witnesses disappear.

Investigatory procedures should follow a well-defined operational strategy. It is unlikely that individual TCC components will have sufficient, specialist, investigative skills within their own resources. So specialist staff must be assigned to the mission – perhaps to the international MP detachment. These staff should include individuals trained in investigating child safeguarding allegations, including specialist training on investigative interviewing of children, and others who can conduct detailed forensic analysis – such as DNA tests.

Those that are accused of sexual misconduct must face the full force of justice. Courts tend to err on the side of their own nationals. That, however, is less likely to occur if the trial is held in the country where the crime

was allegedly committed. While language and cultural barriers may still exist, they can be minimised if the trial takes place locally – whether this is through the mechanism of a court martial, or by the waiver of local immunity by the Secretary General.

If a prosecution is not possible in the host country, the accused must be repatriated at the start of the investigation. Where TCCs fail to prosecute within six months, the Secretary-General should repatriate commanders – or even entire contingents. Commanders at all levels must be held responsible for the discipline of their troops. A message of ‘zero tolerance’⁵¹ must be clear and unambiguous.

d) Leadership

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.

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

8.5. Conclusions

It is important to remark that any organisation can be exposed to sexual exploitation and abuse allegations, wherever adults come into frequent contact with children. Nonetheless, when accusations are raised, the ICSS can provide a sound

51 <http://www.un.org/apps/news/story.asp?NewsID=53619#.WJTfbn-4ExF>

framework for identifying and addressing the risks involved and the best mechanisms to approach and to deal with it. Adopting the ICSS guidelines, however, is not enough. Policies and codes of practice must be followed-up with clear penalties for failure.

TCCs and the UN must remember that ‘rape is a weapon of war’. Therefore, dealing with it, and other forms of sexual abuse, must

be treated with the same seriousness as imposing Rules of Engagement. To quote Anthony Banbury, former UN Assistant Secretary General for Field Support: ‘We need a United Nations led by people for whom doing the right thing is normal and expected’⁵² And, when troops wear the blue helmet, they are as much representatives of the UN as the most senior leaders in New York.



Aekkapob/Shutterstock.com

52 <https://www.nytimes.com/2016/03/20/opinion/sunday/i-love-the-un-but-it-is-failing.html>



Ambassador Maria Luisa Escorel de Moraes is a Brazilian career diplomat since 1985. Currently, Ambassador Escorel is in charge of the Department of International Organizations of the Ministry of Foreign Affairs in Brasilia. She was previously Deputy Head of Mission in Geneva (2009-2014). She has also served at the Brazilian Mission to the UN in New York (2001-2004). Other assignments abroad include the Brazilian Embassies in Venezuela, Chile and New Zealand, as well as the Consulate General in Vancouver, Canada. She has earned degrees in History, Political Science and International Relations and Diplomacy.



Counsellor Christiano Sávio Figuerôa is a Brazilian career diplomat since 2001 and currently Head of the Division of International Peace and Security of the Ministry of Foreign Affairs in Brasilia. He has served at the Brazilian Mission to the UN in New York (2007-2011) and at the Brazilian Embassy in Santiago, Chile (2011-2013). Previous assignments in the Ministry of Foreign Affairs include Technical Advisor of the Department of International Organizations, Deputy Head of the Division of the Organization of American States and Deputy Head of the Division of Human Rights. He has earned degrees in Law and Diplomacy.



Beth Asher is a Canadian-trained lawyer who has worked as a litigator in Canada in civil and criminal law. Ms. Asher has worked with the United Nations for more than 12 years in the area of peacekeeping operations and support. Ms. Asher spent 4 years working with the United Nations peacekeeping mission in Kosovo (UNMIK), where she held several positions in the Department of Justice, including Legal Officer to the Chief International Prosecutor. Ms. Asher then took up positions in UN Headquarters in New York, and has worked principally with the Department of Field Support in the area of conduct and discipline.



Anayansi Lopez has 15 years of experience with the United Nations, including in Peacekeeping with the Departments of Peacekeeping Operations and Field Support, Humanitarian Affairs with the UN Mission in Liberia, Human Rights with OHCHR in Guatemala, and the Department of Political Affairs with the UN verification mission in Guatemala. Prior to that, she was a war correspondent and a reporter covering the armed conflict in Guatemala. She won several awards for her journalism pieces about the armed conflict in Guatemala, including the Central American prize for best investigative report in 2000. She currently lives in New York, working with DPKO-DFS in the UN Secretariat.



Col. Ben Klappe is Office Special Coordinator on improving UN response to sexual exploitation and abuse United Nations HQ. From 1999 to 2002, he was acting Director at the International Institute of Humanitarian Law in San Remo, Italy. Thereafter, he served at the United Nations' Headquarters in New York as the Special Assistant to the UN Military Adviser from December 2002 to July 2006. In August 2006, he was appointed as a Criminal Court Judge and Military Judge in the Criminal Law Division of the District Court Arnhem. He also served as a visiting senior lecturer

on international law, criminal law and criminal procedure law at the Netherlands Defence Academy. From October 2011 to October 2012 he was deployed to Afghanistan and served in Kabul as Chief of Staff of the NATO Rule of Law Field Support Mission. From August 2015 to August 2016 he was the National Liaison Representative of the Netherlands to HQ Supreme Allied Command Transformation. He is Director of Seminars of the International Society for Military Law and the Law of War, member of the International Institute of Humanitarian Law and member of the editorial board of the Journal of International Peacekeeping.



Col. Carlos Ramires is Commander of the Brazilian Peace Operations Joint Training Centre. Previously, Col. Ramires was serving in the Brazilian permanent mission to the United Nations, in New York. He joined the Brazilian Army in 1985, completing his studies in the Military Academy of Agulhas Negras in 1988. Among the main positions assumed by Col. Ramires, he worked as Staff Officer in Recife, Staff Officer for the Brazilian Battalion in Haiti, Instructor in the Army's School of Military Intelligence, and Commander of the 6th Regiment Cavalry. In 2010, Col. Ramires completed an internship for Commanders of Armoured Units, and in 2013, for Staff Commander for Peacekeeping Operations. Among the awards he has received along his military career, there are the Medal of the Peacekeeping Mission in Haiti, the Medal Marshal Osório, and the Distinctive Gold Command.



Joana Osei-Tutu is a Research Associate at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Accra, Ghana. She works specifically as the Deputy Programme Head on the Peace and Security Studies (PSS) programme at the Faculty of Academic Affairs and Research. Joana's work focuses on the protection of civilians; maritime piracy; transnational organized crimes; and natural resource management and its security implications.



Lt. Col. Eduardo Porciuncula is member of the National Peace Operations Training Institute of Uruguay. Col. Porciuncula has an extensive experience with UN peacekeeping missions. From May 2015 until July 2016, he served as Military Conduct and Discipline Officer (CDT) at MINUSTAH. Previously, he served as Military Observer in MONUSCO (from 2012-2013), and as part of the contingent in MONUC (from 2004-2005).



Col. Steve Smith MBE is a member of the Board of Trustees of Keeping Children Safe, and, since May 2016, has also been the Chief Executive of the International Refugee Trust. Before taking up his current role, he was the Chief Executive of Action on Armed Violence – a UK-based, international NGO, running armed violence reduction programmes across Africa, as well as conducting research and advocacy. Previously, Steve pursued a military career, which saw him serve on operations in Northern Ireland, Kosovo, Iraq and a number of other unstable regions. He therefore brings a broad spectrum of experience of conflict zones and fragile states to KCS. Steve is the author of *3-2-1 Bomb Gone, a history of the fight against the terrorist bombers in Northern Ireland during 'The Troubles'*. He was appointed MBE in 1993 for his work fighting terrorism in Northern Ireland.

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CAN Mezzanine
49 – 51 East Road
London N1 6AH

www.keepingchildrensafe.org.uk

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E: info@keepingchildrensafe.org.uk

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