

# Protecting Whom?—SEA in UN Peacekeeping Operations—Kathleen Jennings—Fafo



# What is sexual exploitation and abuse?

- Sexual exploitation is “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another”.
- Sexual abuse is “the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions”.

*Source: Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and abuse, ST/SGB/2003/13, 9 Oct. 2003*

# The problem of sexual exploitation and abuse (SEA) in UN peacekeeping

- Peacekeepers were known to be involved in SEA in the missions in the 1990s, but only *ad hoc* and mostly dismissive responses
- 2002: Widespread media coverage of abuses by military and civilian peacekeepers in West Africa & DRC spark outrage, prompt a more concerted UN response
- 2003-present: High-profile cases of SEA continue to generate sporadic media coverage (e.g. Côte d'Ivoire, DRC, Haiti, Liberia)
  - General consensus among UN informants is that most instances of SEA occur “under the radar” and are never reported to UN authorities, despite greater attention to the problem within the UN system

# UN responses to SEA

- 2003: Secretary-General's Bulletin (SGB) establishes the “zero-tolerance policy” towards SEA by peacekeepers
- 2005: Publication of the Zeid report, with recommendations for institutional reforms to better address the SEA problem
- 2006-present: Series of institutional reforms within UN missions and HQ
  - Establishment of Conduct and Discipline Units in HQ and in missions to implement the zero-tolerance policy
  - More resources to the UN's investigative service (OIOS) to investigate SEA allegations
  - Establishment of working group on victims' assistance

# What is the zero-tolerance policy?

- The zero-tolerance policy:
  - Prohibits the exchange of money, employment, goods, services, and other assistance for sex (i.e. prohibits “transactional sex”)
  - Prohibits UN personnel from having sexual relations with persons under the age of 18, regardless of local age of consent, mistaken belief of person’s age
  - Strongly discourages any sexual relationships between UN personnel and adult beneficiaries of assistance
- “Relationships” is ambiguous
  - “Love” relationships seemingly allowed
  - “Transactional” relationships could be punished
    - “Transactional relationships”: open-ended, non-contractual relationships in which both parties benefit in some way, and the main form of exchange is usually in-kind rather than cash (e.g. school fees, rent, clothes, gifts, etc)
  - How to distinguish between the two?

# Zero-tolerance policy (2)

- Requires all UN staff to report “*concerns or suspicions*” regarding SEA committed by fellow UN colleagues
  - In other words, “proof” is not required to report SEA
- Limited sanctions for violating zero-tolerance
  - Military or civilian police can be repatriated & blacklisted, but can only be dismissed/ demoted by own military/police service
  - Civilian UN staff can be repatriated and fired/ blacklisted
  - Wage garnishment possible in some cases
  - Further punishment (e.g. criminal prosecution) at the discretion of the home country authorities
  - Applying the same sanctions to all kinds of SEA abuses seen as problematic, implying equivalence between very different phenomena (e.g. rape/assault & consensual adult relationships)

# Purpose of the research

- Examine the institutional ramifications and preliminary impacts of the zero-tolerance policy in the UN missions in Haiti and Liberia
- Identify paradoxes and intended and unintended consequences following from the zero-tolerance policy
- Focus on how the zero-tolerance policy is interpreted and perceived by UN civilian, military, police personnel serving in the missions

# Fieldwork & methodology

- Haiti – October 2007; Liberia – Nov/ Dec 2007
  - Fieldwork was capital-focused; rural areas a different story
- 49 qualitative interviews and 12 focus groups
  - Average interview lasted 1-2 hrs; focus groups up to 2 hrs
  - All interviews off-the-record unless otherwise noted
  - Informants included all categories of mission personnel, agency staff, local & int'l NGO personnel, local residents
- Other qualitative methods
  - Participation in UN-sponsored anti-prostitution workshop
  - Accompanying foot patrols, nighttime security patrols
  - Observation in nightlife settings
  - Informal conversations w/ informants (used on background)

# Main findings (1)

- **Mixed message:**
  - Initial evidence that policy having a beneficial effect, although difficult to quantify with any confidence
  - But: informants almost unanimously agree that policy misses a greater or lesser extent of the activity it is supposed to cover, due to under-reporting of SEA violations & insufficient enforcement of the zero-tolerance policy
  - Zero-tolerance policy seemingly influencing how peacekeepers conceptualize the “proper” relationship between them & locals – more segregation expected & accepted between the mission & the population – but is this a good thing?
  - Consequences for misconduct are variable, in terms of what gets reported (or doesn't), how it is reported, and how the information is acted upon

# Main findings (2): The problem of enforcement

- Enforcement is almost entirely dependent on reporting – but under-reporting is undeniable
  - Reporting misses what is deliberately hidden
  - Locals dependent on transactional sexual encounters/ relationships for their livelihoods less likely to report
  - Burden of reporting deemed high by UN informants, mixed by external informants
    - UN informants fear stigmatization, professional ramifications; disinclined to report on colleagues without proof
    - Locals may lack information or access, or fear for their safety if they report; lack of incentives to report
  - Even when allegations reported: very difficult to substantiate 3rd party reports or conflicting stories
  - Overall: severe problems on both sides of enforcement chain – disincentives to report, hard to substantiate

# Main findings (3): What “really” counts as SEA?

- Ambiguity of transactional vs love relationships
- Even where rules are clear (e.g. prostitution, minors), distinction made by many UN informants as to what counts as “real” SEA offenses – indicates lack of legitimacy of policy, complicates enforcement
- Distinctions not due to lack of knowledge of SEA policy, more about when informants would report on a colleague
  - “Real” SEA offenses (would report suspicions/ evidence)
    1. Physically violent or abusive sex (rape, assault)
    2. Sex involving “younger” minors (16 or under)
  - Less problematic (would not necessarily report)
    1. Sex with a prostitute/ transactional sex
    2. Sex with “older” minors (over age of consent in home/host country)
    3. Sex with housemaid, others in a paid but subservient position

# Unintended consequences (1) : The problem of “strongly discouraged”

- “Strongly discouraged” clause subjective, unenforceable
- Adversely impacts the perceived legitimacy of the zero-tolerance policy
  - Apart from “strongly discouraged”, the policy is unambiguous, easy to understand and defend
  - “Strongly discouraged” can be criticized on grounds of principle and operational (in)effectiveness
- Problematic assumptions:
  - Presuming all peacekeepers are exploiters, all locals are victims
  - Inequality of wealth becomes inequality of worth?
  - UN civilian staff’s right to privacy – where to draw the line?

# Unintended consequences (2): Perpetuating stereotypes

- Paradox: zero-tolerance policy unintentionally reinforces racial, gendered, “cultural” stereotypes of local population (and UN colleagues) among some informants
- “Othering” in training & rhetoric (regarding perceived local norms of behavior & sexual activity; HIV prevalence), combined with lack of meaningful contact with locals
  - Institutional focus on the problem of false allegations enforces impression of opportunistic, crafty, deceitful locals
- Function: excuse bad behavior by peacekeepers by casting dispersions on the intention and worth of locals (“blame the victim” strategy)
  - Or: justify bad behavior by arguing that the zero-tolerance policy is unrealistic in such a “degraded” or highly sexualized local “culture”

# Mission context and the purpose of protection

- Context matters in implementing zero-tolerance policy
  - What is the mission's capacity, resources, operational stage, and previous behavior/ history of misconduct?
  - Is there local capacity and a national lead on SEA/GBV issues?
- Haiti: Protection of the UN image
  - Minimalist approach to policy implementation
  - No real local lead; prevention strategy internally-focused
  - Few “false allegations” from external sources
  - UN informants suspicious of each other
- Liberia: Protection of the local population
  - Maximalist approach including outreach to locals
  - National lead on the “no sex for help” campaign
  - Perception of many false allegations from Liberians
  - UN informants suspicious of locals

# Recommendations

- Improve enforcement by decreasing dependence on reporting
  - Systematically integrate SEA prevention & enforcement into night patrols; curfew violation investigations; checkpoints; out of bounds checks
- Avoid perpetuating or introducing stereotypes via the zero-tolerance policy – don't make locals the issue in training
- “Strongly discouraged”: either more guidance is needed or the clause should be dropped, focus on worst forms of exploitation and abuse
- Implement minimalist or maximalist according to mission context
- Improve communication, coordination and limited information-sharing between OIOS & mission CDU
  - Improve communication between mission & affected locals