

REFUGEE SEXUAL ABUSES

The longstanding tradition of UN insistence on immunity (and impunity) for its officials was introduced in the preceding subsection, along with indications that some small success may now be beginning to emerge to pierce that impunity. An area of particular concern is alleged breaches of international conventions by UN staff in the field, particularly in the treatment of refugees, women, and victims of sexual and racial discrimination in UN field operations.

It is estimated that one out of three women in the world experience abuse in their lifetime. Further, a WHO study in 2002 found that violence accounts for the death of some seven percent of all deaths among women aged 15-44, and that in some countries up to 69 percent of women report having been physically assaulted.

The End Violence Against Women website, at www.endvaw.org, and Jim Lobe, "November 25 launches global mobilization on violence against women", OneWorld US, **November 25, 2002**.

There are now hundreds of organizations around the world attempting to deal with this problem. One particular aspect -- violence against, and abuse of, women and girls in humanitarian and peacekeeping programmes, and especially in refugee camps -- involves the UN heavily and very directly. Yet the Organization seems, in practice, to be taking a rather dismissive and defensive approach to the problem.

Violence against women in wartime, unfortunately, goes back forever. As UN peacekeeping and humanitarian missions expand, however, they often encounter this problem in a very direct and ugly fashion. Three examples come from Liberia, Yugoslavia, and Mozambique a decade ago:

"[in Liberia in the mid-1990s, under the UN regional peacekeeping forces] the [U.S.] State Department reported that soldiers engaged in systematic looting [and] UN officials reported observing [their] trafficking in narcotics.

While I was in Liberia, peacekeeping forces were also responsible for sexual

violence. In 1996, [we] investigated -- and confirmed -- reports of child prostitution in one Ecomog contingent trading rice for sex with 9- and -10 year old girls from a nearby displaced persons camp.

Then [another] Ecomog country contingent arrived. Its soldiers offered more rice and a little money.

Soon thereafter, the bodies of young girls started appearing along the path that led to the newcomers' camp. The girls had been decapitated a message to the girls that [they shouldn't] frequent the newcomers for a little extra rice.

The United Nations needs to go public with its oversight, reporting on the actions of the soldiers sent to Liberia in a vigorous manner. It should place greater emphasis on fighting corruption. **And it should fully detail the horrifying extent to which rape has been used as a weapon during the last 14 years.**"

Kenneth L. Cain, "How to save Liberia: Don't count on regional forces, send the Marines", International Herald Tribune, **August 11, 2003**. [emphasis added]

[Note: Mr. Cain was a UN human rights officer in Somalia, Rwanda, Haiti and Liberia, and is one of the authors of the 2004 book,

Kenneth Cain, Heidi Postlewait, and Andrew Thomson, Emergency sex and other desperate measures: A true story from hell on earth, Hyperion, New York, 2004.

"The responses to allegations of black-market dealing and drug smuggling among peace-keeping troops in Yugoslavia are already looking unpromising. Sylvana Foa, the spokeswoman for the U.H. High Commissioner for Refugees, found it odd that anybody should be surprised that 'out of 14,000 pimply 18-year olds a bunch of them should get up to naughty tricks.'"

The Spectator, **September 4, 1993**, p. 5, as quoted in Housang Ameri, Politics of staffing the United Nations Secretariat, Major Concepts in Politics and Political Theory, Vol. 8, Peter Lang, New York, 1996, p. 399.

[Note: This particular quote does not mention refugee sexual abuse, but it does state clearly a very dismissive and irresponsible UN attitude toward peacekeeping abuses.]

"The United Nations said Friday that some of its peacekeeping troops in Mozambique had paid for sex with children.

The [Secretary-General's deputy special representative] ... in Mozambique, Behrooz Sadry, who led an investigation into allegations by relief workers, said at a news conference that some of the offenders had been repatriated.

[Another special representative], Aldo Ajello, an Italian, said a 'wrong impression' had been created that only one contingent of troops was involved. It would be 'untrue, unjust, and unfair' to keep focusing on the Italians, he said. ...

Allegations of UN troops paying for sex with children aged between 12 and 14 involved the 1,000 strong Italian 'Albatross' battalion. Bangladesh, Botswana, Uruguay and Zambia also contribute to the force.

About 6,000 peacekeepers arrived in Mozambique, listed by the World Bank as the world's poorest country, after ... a peace agreement [was signed] in October 1992. Mr. Sadry said some offenders had been repatriated, but he did not know exactly how many. He said he believed that involvement with prostitution had now stopped."

"UN troops in Africa paid for child sex," Reuters, International Herald Tribune, **February 26, 1994**.

Even more directly, Erskine Childers and Brian Urquhart foresaw the dangers of human rights abuses in UN peacekeeping and refugee operations in their 1994 study on *Reforming the United Nations system*. They observed that:

"The United Nations has a record of considerable achievement in the field of human rights even if [too often] marred by double standards and the influence of power-politics. ...

This study addresses only the most salient reform needs. One ... important need [deserving] ... early attention ... is a mechanism for independently monitoring the compliance of the UN system itself with its Human Rights mandates. ...

The greater the UN's involvement in peace-enforcement and other operations that may employ force, the more vital it becomes to have transparent and independent human rights supervision ... as much to protect the organization from false or inflated charges of human rights abuse as to ensure that if these occur they are properly investigated and reported."

Erskine Childers, with Brian Urquhart, in Chapter X, "The international civil service", in "Renewing the United Nations System", *Development Dialogue*, 1994:1, Dag Hammarskjold Foundation, Uppsala, Sweden, 1994, pp. 105, 111. [emphasis added.]

They then made the following excellent recommendation, which still has not been acted upon by the UN more than a decade later, but is clearly urgently needed:

"3. The General Assembly should appoint an independent Ombuds-Panel (or equivalent title) on the Human Rights Performance of the United Nations System. ...

b. The Panel should monitor, intermediate, and regularly report on the compliance of all major entities of the UN System with all Human Rights instruments. The Panel should present independent reports on such compliance to the General Assembly, the relevant executive head having the option of submitting a Note of Comment.

c. **On every major UN field mission comprising military and/or police units, one Ombudsman** (with staff as may be needed) **should independently monitor its work** in relation to necessary human rights standards; **intervene when and if necessary; report** on incidents, **report** overall at appropriate intervals during long Missions, **and report** on their termination."

Erskine Childers, with Brian Urquhart, in Chapter X, "The international civil service", in "Renewing the United Nations System", *Development Dialogue*, 1994:1, Dag Hammarskjold Foundation, Uppsala, Sweden, 1994, pp. 202-203. [emphasis added.]

[Note: This wise but unfulfilled recommendation is discussed further in the subsequent subsection on Human rights ombudsman under the topic of Hope for the Future?]

In Bosnia, similar grave refugee abuse problems occurred more recently, and were not been really acted upon, as shown by the four following quotes:

"In the five years since international police officers were sent to Bosnia to help restore law and order, the United Nations police mission there has faced numerous charges of misconduct, corruption and sexual impropriety.

But in virtually every case, the allegations have been hushed up by sending officers home, often without full investigations, according to internal UN reports and interviews ...

... several US officers were forced to resign under suspicion of having committed statutory rape, abetting prostitution and accepting valuable gifts from Bosnian officials. Yet none had been prosecuted. ...

International police officers have diplomatic immunity from prosecution in Bosnia, and unless their governments waive that immunity, the most severe punishment the United Nations can impose on renegade officers is to send them home.

According to UN and DynCorp officials [the contractor] many of the U.S. officers have performed nobly, even donating money and labor to local charities. In the town of Gorazde, for example, U.S. officers established a shelter for battered women.

'The top ten percent of the American contingent were fantastic' said a former [officer]. 'But the bottom 10 percent made your eyes water.'

One former ... state trooper was wearing a pacemaker when he arrived."

Colum Lynch, "UN police in Bosnia: Who's watching: Allegations of abuse by international officers are said to be hushed up", International Herald Tribune, **May 30, 2001**. [emphasis added]

"A British tribunal has ruled that a former member of the UN police force in Bosnia was unfairly fired ... [for reporting] that colleagues ... used women and children as sex slaves in connivance with Balkan traffickers.

The UN officially has not commented on the ... case in which ... Kathryn Bolkovac ... charged that she was fired in 2000 for ... [reporting to Dyncorp, a UN contractor that] ... UN police officers from several countries were linked with prostitution rings. ...

Bolkovac was posted to Sarajevo in 1999 to investigate sex trafficking but soon began ... [reporting] that UN officials and international aid workers ... frequented bars where girls as young as 15 were forced to dance naked on tables and engage in sex acts with clients.

She also said that UN peacekeepers stood by while girls who refused to take part in sex acts were beaten and raped by pimps and that one police officer paid \$1,000 to a bar owner for a girl he kept captive in his apartment. ...

Bolkovac said she was delighted with the tribunal's findings because it would help her gain more international exposure for the problem posed by corrupt peacekeepers."

Barry James, "Whistleblower upheld in UN Bosnia police case: Firing of former officer unfair, court rules," International Herald Tribune, **August 8, 2002**.

" ... Bosnia-Herzegovina ... is considered a center for international prostitution and sexual slavery as well as a major transit point to northern Europe.

Regionally and globally, the problem is huge. Trafficked women from impoverished regions of Ukraine, Romania, Moldova and other Central and Eastern European countries have been turning up in the United States as well.

[It is estimated that] ... 700,000 women are transported, mostly involuntarily, over international borders each year for the sex trade. As many as 200,000 a year are taken to or through the Balkans. ...

[An operation to crack down on this trafficking] focused on Bosnia because, since the war there ended seven years ago, the presence of thousands of NATO troops and civilian workers for the United Nations and aid agencies has made it a prime market for both prostitution and sexual slavery, officials said.

... both NATO soldiers and UN officials ... have been implicated in the exploitation of young women held in sexual bondage."

David Binder, "Bosnia shunning European drive to halt trafficking in women", International Herald Tribune, **October 21, 2002**.

"Traffickers rarely face justice for forcing thousands of women and girls into prostitution in Bosnia, even though some serve with the U.N. peacekeeping forces, Human Rights Watch said in a report today.

The women are 'held in debt bondage, forced to provide sexual services to clients, falsely imprisoned, and beaten when they do not comply with demands of brothel owners who have purchased them and deprived them of their passports' ...

Human Rights Watch said it also found evidence of involvement in trafficking-related offenses by members of the United Nations international police force, ... which is charged with monitoring local police.

'Deployed to promote the rule of law, a small number of [them] instead have engaged in illegal activities, either as customers ... or as outright purchasers of trafficked women and their passports. ...

When caught, the only punishment ... [they] face is being sent home, since in Bosnia they enjoy immunity and in their home countries they are not prosecuted. ...

[A UN spokeswoman said] ... 'We have no authority to try or arrest them. You cannot blame the U.N. for the failure of the home governments of these officers to launch appropriate proceedings.'"

"Report: Trafficking and forced prostitution are flourishing in Bosnia", Yahoo! News, **November 26, 2002**.

And a decade after the quote from Kenneth Cain about grave refugee abuses in the mid-1990s cited above, the UN had still not risen to the challenge in West Africa, as indicated in the five quotes below on the reemergence of the same scandals during early 2002.

"The [UNHCR] has sent a team of investigators into refugee camps in west Africa following [a report by the UNHCR and the British-based charity Save the Children] ... that large numbers of children have been sexually exploited by aid workers there. ...

An unspecified number of interviewees complained that they or their children had to have sex in order to get food and favours.

Over 40 aid agencies -- including the UNHCR itself -- were implicated, and 67 individuals -- mostly local staff -- named by the children. ...

Some under-age girls said United Nations peacekeepers ... were involved. ...

The report cited lack of regulation and an absence of international staff as possible contributing factors.

But it said that poverty was the [principal] cause, with parents feeling compelled to offer their children to aid workers for sex in order to survive. ...

Condoms were rarely said to be used by the staff involved.

'The very people who are meant to be providing services are the exploiters themselves' said Save the Children Liberia country director Jane Gibril. ...

The charity has already sacked three employees.

A [UNHCR] spokesman said the accusations ... were so far unsubstantiated. "

"Child refugee sex scandal", BBC News, **26 February, 2002**.

"West African refugee children have described being sexually exploited by aid

workers who offer as little as a few cents or a biscuit for sexual favors [as reported in the UNHCR/Save the Children report.]

'It's difficult to escape the trap of those people; they use the food as bait to get you to sex with them', an adolescent in Liberia [said.]

'Sometimes they give me things like food, oil, soap and I will sell them and get money' [said another.]

The girls' comments suggested a climate of fear fostered by their extreme dependence on aid personnel.

'In this community no one can access CSB (a soya nutrient) without having sex first. They say 'a kilo for sex,' a refugee woman in Guinea told the interviewers.

And a man in Sierra Leone said: 'If you do not have a wife or a sister or a daughter to offer the NGO workers, it is hard to have access to aid.'

Peacekeepers were reported to pay the highest prices -- ranging from \$5 to \$300 -- for sex, with stories of several soldiers clubbing together to have sex with one child."

"Aid for sex children speak out", BBC News, **27 February, 2002.**

"The revelations in the Save the Children's report of aid for sex have startled many Liberians and dominated discussions among the tens of thousands of Sierra Leonean refugees here during the last 48 hours [in Monrovia].

[One refugee said] '... as refugees there is nothing much we can do about it.'

He described the acts as ugly, adding that 'our women and children don't have to suffer themselves and sell their bodies for food items that are in fact sent for us.'

... a Save the Children representative said it was difficult for people to divert from such attitudes since punitive measures have never been instituted against those caught in the act. ...

Although the refugees I talked to at the ... camp all expressed outrage over revelations in the ... report, none of them could identify themselves as direct victims of the scandal.

'This is obvious,' one refugee remarked, adding that 'no-one will want to admit to giving out her body for food even if it did happen.'

Jonathan Paye-Layleh, 'African refugees condemn sex abuses', BBC News, **28 February 2002.**

"U.N. Secretary-General Kofi Annan expressed outrage Wednesday over reports of widespread child abuse at the hands of relief workers in refugee camps in West Africa.

[He] reiterated the UN policy of 'zero tolerance' for such offenses perpetrated by employees or affiliates of the world body. ...

According to the latest report, relief workers in ... three countries used 'the very humanitarian aid and services provided to benefit the refugee population as a tool of exploitation.' ...

The 19-page UNHCR-Save the Children study ... includes testimony from children recorded late last year, during a 40-day mission.

According to the report, most of the alleged 'exploiters' were male national staff and traded humanitarian commodities for sex with girls under 18. ...

U.N. peacekeepers were reportedly among the highest paying customers for sex with children ...

'The position of power, wealth, and status enjoyed by peacekeeping personnel gives them the ability to do as they wish,' the study says.

In Freetown, the capital of Sierra Leone, local people spoke about the behavior of 'the boys in blue helmets' with a feeling of sadness, according to the report."

"UN chief decries child abuse in refugee camps", Thalif Deen, Inter Press Service, **February 28, 2002.**

"Norway proposed on Monday that future peacekeeping missions contain ways for children and adults to complain about sexual abuse by U.N. staff without alleged victims being placed in jeopardy.

The initiative follows last week's allegations that local staff employed by the [UN] and international relief organizations sexually abused children in refugee camps in West Africa.

Norway's U.N. Ambassador Ole Peter Kolby, the current Security Council president, told a news conference that refugees should have a secure channel to report sexual abuses. ...

Secretary-General Kofi Annan has ordered an urgent investigation of the allegations, which he called shocking."

Edith M. Lederer, "Norway: UN needs to address abuse", Associated Press, **March 4, 2002**.

The UNHCR/Save the Children report was a bombshell, but it detonated very slowly, as far as the UN was concerned.

"The U.N. report was a bombshell. In a survey of 1,500 refugees from Sierra Leone, Liberia and Guinea last fall, ... a three member survey team implicated 67 people from 40 nongovernmental and U.N. agencies in extorting sex from 13-to-18-year-old girls. The writers ... alleged a 'chronic and entrenched pattern' of sex abuse in [refugee] camps, adding that government and U.N. field managers acknowledged the problem.

The response of the UN has been almost as controversial. First, officials sat on the study for four months. When the paper leaked to the press, ... the [UN] ordered an investigation. But the ... [head of UNHCR], Ruud Lubbers, disparaged the study, claiming it was based on 'heresy' -- even as the U.N. investigation secretly turned up 20 new allegations of sex abuse. British relief officials [stated that some] 'NGOs ... have been infiltrated for years by pedophile rings'.

Two weeks ago, UNHCR quietly dropped the contract of veteran U.N. researcher Asmita Naik -- the only one of the original study's three authors who worked directly for the original study. Lubbers told *Newsweek* ... 'She will find good jobs in the world.' [He] said that the sexual exploitation of refugees is 'not widespread', adding 'Other studies like this are superfluous ... We are done now.'"

Miriam Mahlow, "Investigations: UNHCR refugee abuse", Newsweek International, **June 24, 2002**, p. 5.

The OIOS was brought in to examine the situation, and it eventually produced a report which seemed to emphasize mostly the hurt feelings of UN staff.

"The United Nations has rejected allegations that any of its peacekeepers and aid agency workers have been engaged in the sexual exploitation of refugees in West Africa. ...

An ... [OIOS report says it] ... has been unable to confirm any of the cases of alleged abuse ... detailed during an independent investigation last February.

The allegations ... involving locally-employed UN staff in West Africa sent a wave of horror and embarrassed shame through the entire organization.

But now the UN has concluded that the main allegations are baseless.

... a UN spokesman, Dileep Nair, chided those involved in the original investigation.

'The consultants' allegations of widespread sexual exploitation by UN aid workers and peacekeepers cannot be substantiated,' he said.

'Indeed, we feel the consultants' report unfairly tarnished the reputation and credibility of a large majority of UN aid workers and peacekeepers who are out there in the field.'

Mr. Nair acknowledged a handful of incidents which he said had been properly dealt with, and he acknowledged that sexual harassment in the camps of West Africa was an issue.

However, he said it was not an issue for which the aid workers themselves were directly responsible."

David Bamford, "UN rejects refugee sex abuse allegations", BBC News, **October 2002**. [emphasis added.]

In a press conference, Mr. Nair produced some more conflicting details.

"OIOS had only been able to investigate 12 cases fully, none of which had been substantiated. From information gathered separately, OIOS had identified and fully investigated another 43 cases, of which 10 had been substantiated. One case involved a 44-year old [UN] volunteer working with UNHCR, another a NGO worker in Guinea, a third a peacekeeper with the [UNAMSIL in Sierra Leone] ... The peacekeeper had been repatriated. ...

Emphasizing that sexual exploitation was a significant issue in West Africa and wherever else refugees were in desperate circumstances ... UNHCR ... had already made 17 recommendations to help ... in further addressing the issues and following up on cases with organizations whose employees had been found guilty. ...

[A] Task Force had developed a ... code of conduct ...

... the code explicitly: prohibited sex with children under 18; prohibited the exchange of money, employment, goods or services for sex; called for disciplinary steps, including dismissal, for violators ... ; and required staff to report suspected abuses. The code also made clear the particular responsibilities of managers to support and develop systems that prevented sexual exploitation. Implementation ... was underway ..."

"Press conference by Under-Secretary-General for [OIOS] ...", UN Department of Public Information (DPI), **22 October 2002**.

A Save the Children UK official in turn disagreed with the OIOS report, noting for instance OIOS' own finding that it substantiated 10 of 43 cases of alleged abuse that it looked at in-depth.

"... 'Nothing that the UN has found makes us think that we were wrong', [Brendan] Paddy said.

[They often] simply 'couldn't find the people concerned, which is the nature of those kinds of transitory, often fearful, vulnerable populations ...

Nothing has changed since the first report. Their experiences show that individual cases are very difficult to prove. We knew that.'

What was very clear was that this wasn't a few individuals ... it was a very widespread concern right across the communities ...'

Paddy said: 'It would be very wrong to assume that no U.N. staff were involved ...

... the priority has to be to find systems that can prevent future exploitation and ... be implemented across the board.

Public opinion is easily swayed by very negative reports ... donors [have] asked

some hard questions, and I think that's only right. When you raise money in the way that NGOs do, you have no choice but to be accountable to the people who support you.

This isn't just a question of agencies protecting their own reputations, it's a broader obligation of the entire aid community to the children of the communities in which they work,' Paddy said."

Ruth Gidley, "UN says refugee exploitation is serious, but not widespread", Reuters Alert Net, **25 October 2002**.

A further article in 2003 reflected on the question of what can be done to punish the abusers in the "sex for food" in West African refugee camps, and noted that the answer is elusive.

" ... nearly a year after the joint report [on food for sex in West Africa] was first released, not one of the alleged [UN] abusers ... nor any of the supervisory officials responsible for running the West African camps has been held to account, either before a national court or in an internal disciplinary proceeding ...

... [UN officials] enjoy immunity from suit (criminal or civil) in national courts for acts performed in the course of their official duties. ... the Secretary-General ... is empowered to [determine if] ... impugned actions fall within the protected sphere of 'official duties.'

... UNHCR [could have] moved forcefully and swiftly against the alleged perpetrators and negligent managers revealed in the joint report ... Sadly, it did not ... [and relied instead on the OIOS conclusion] that the allegations of widespread abuse were not confirmed ...

... given the rather arrogant and cavalier manner in which UNHCR treated the victims ... in West Africa, and in particular its abject failure to punish any of those responsible (either intentionally or through managerial negligence) for the continued base exploitation of female refugees in their own camps, one would ... hope that sooner rather than later ... [a court] (such as the European Court of Human Rights) will decree the obvious -- that functional immunity was never intended to be a shield to be used by international organizations or their officials to avoid legal responsibility for illegal acts clearly outside the scope of their official duties."

Edward P. Flaherty, "Who will police the caregivers?", in "Borderlines", Lawyers Without Borders, **2003**.

Other organizations involved in peacekeeping, such as NATO, are beginning to address this issue very systematically.

" ... Few ... [globalization] problems are more acute, more devastating to the individuals involved, and yet more within our power to help eradicate, than the brutal crime of trafficking in humans.

The United States estimates that [annually some] 800,000 men, women, and children are bought, sold, transported across national borders and held against their wills for sexual exploitation or forced labor. ...

... NATO's peacekeeping operations promote security and stability, ... [which includes] steps to protect the helpless in its areas of operations. [We are holding an expert conference to develop effective policy and guidelines] ...

The United States and Norway advocate that nations take measures ... to ensure that their peacekeepers in NATO-led operations do not contribute to the problems of trafficked persons. At a minimum, we encourage ... [educating military personnel overseas, pursuing trafficking evidence in places frequented by NATO personnel, prohibiting contract employees from knowingly participating in activities related to trafficking, and having inspector generals regularly evaluate such efforts.]

Mere talk does not save innocent victims from the modern day slavery and exploitation of human trafficking. Only effective concerted multilateral action -- the very type of action NATO is best at -- can do that."

R. Nicholas Burns and Kai Eide, "Mission for NATO: An alliance against the traffic in humans", International Herald Tribune, **March 4, 2004**.

In May 2003 a General Assembly resolution expressed its "grave concern at incidents of sexual exploitation and abuse against vulnerable populations ... in West Africa and elsewhere" and called for follow-up actions. In April 2004 the Secretary-General reported on progress, which included guidelines, field "focal points", an Inter-Agency Standing Committee, and new field coordinator responsibilities. Of 48 UN entities queried, 42 had no cases in 2003; in the others, there were some cases and some actions taken (including 24 in UNHCR, of which only 3 led to dismissal action, with 2 still under investigation. However, the Secretary-General's report observed that:

"... the data gathered ... and abuse perpetrated by personnel affiliated with the [UN] may not reflect the true extent of these deplorable incidents. In many cases, victims are reportedly too frightened or ashamed to lodge a complaint, [or report it but are then confused or intimidated.] Considerable additional efforts are required to establish a system within which misconduct of this kind is systematically reported on and effectively followed up, while safeguarding the rights of the victims."

"Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General", UN document A/58/777 of **23 April 2004**, esp. para. 4.

The General Assembly resolution is "Investigation into sexual exploitation of refugees by aid workers in West Africa", UN document A/RES/57/306 of **22 May 2003**.

These initial UN corrective steps were promising, but results so far seem quite modest relative to the seriousness of the task. IO Watch also wonders about the true commitment to overcome this very entrenched problem at higher levels: the responses of Mr. Lubbers in abruptly and sarcastically firing the author of the initial report (**without whose conscientious work none of the above corrective actions would ever have happened**); and Mr. Nair's value in once again "exonerating" the managers and senior UN officials concerned. Their actions bear an uncomfortable resemblance to the longtime apparent inactivity to be found in UN Secretariat anti-harassment efforts ("You see? No complaints. Everything's OK!").

On that note, however, IO Watch feels that it must note that allegations of high-level sexual harassment in the UN itself are in fact now reappearing. The two senior UN officials recently involved are Mr. Ruud Lubbers, the head of UNHCR, and Mr. Dileep Nair, the head of the OIOS (see the subsection on Anti-harassment efforts under OHR {Mis-management .}) Could there be any

connection between these high-level staff behavioural problems and the conspicuous Secretariat foot-dragging on refugee sexual abuses, since both of them are directly involved in dealing with these scandals?

Meanwhile, the abuses in the refugee camps and war-torn areas go on and on, perhaps even worse than before despite the UN Secretariat's halting attempts at reform. A new cycle of outside (and finally some serious inside) reporting of severe violations began in June 2004, accompanied by excellent analyses of the broader issues involved and actions needed, as indicated by the following articles.

"Liberian girls are still being raped, exploited and neglected in refugee camps, nearly a year after the end of fighting in the impoverished West African nation, a watchdog group reported on Wednesday.

'Sexual violence, rape and many other forms of abuse ... continues today. Teenage girls, single women and mothers with young children have been, and still are, the primary targets" said a spokesperson [at the news conference of the Watchlist on Children and Armed Conflict.]

A survey of Liberian women and girls in refugee camps in Sierra Leone found that two-thirds had experienced sexual violence, she said.

Homeless girls, whether in Liberia or other countries, 'are still regularly exposed to rape, gang rape, sexual abuse and commercial sex work in camps,' she said, adding that soldiers, camp workers, merchants and even humanitarian workers force them to trade sex for protection, food and other services.

The group called on the Security Council to heed its own resolutions and ensure that U.N. peacekeepers and U.N. agencies take steps to protect vulnerable camp residents and set up mechanisms for complaints to be recorded and acted upon."

Irwin Arieff, "Liberian girls face rape, abuse despite war's end", Reuters AlertNet, **30 June 2004**.

"Even with [worldwide attention to] ... western Sudan, ... one brutality apparently has continued undeterred: violence against Darfur's women.

Women were insulted, beaten and raped as their families were chased from their homes ... They continue to be [abused] ... as they try to eke out a living far from home in the miserable camps of the displaced across Darfur.

Whether violence against women constitutes a war crime or whether it is part of a campaign of genocide remains unanswered. ...

For now the victims are left to the whim of local law enforcement, in which, it is apparent, there is little or no confidence.

Violence against women in this country is not limited to rape. They are also verbally abused, threatened, robbed and beaten with whips meant for animals. ...

No international legal mechanism has been set up. Military observers ... dutifully take reports of abuse, but all they can do is report the case to the UN human rights agency. ...

The evidence on the ground [against Arab militiamen] has been overwhelming.

... [After ten years], only a handful of allegations of rape have been investigated and prosecuted, according to a recent report by Human Rights Watch."

Somini Sengupta, "Rampage of rape in Sudan continues undeterred," International Herald Tribune, **October 27, 2004**.

"Jean-Marie Guehenno, head of United Nations peacekeeping, has called for a system-wide overhaul of staff discipline amid mounting revelations of sexual abuse by peacekeepers in the Democratic Republic of Congo. ...

The UN's internal oversight arm shortly will release findings of widespread sexual abuse by peacekeepers in the town of Bunia. And the UN is sending a countrywide assessment team to examine reports of other incidents.

[Mr. Guehenno says] 'That problem has been there for many years, but as we stir up the pot, we see things coming up which give a sense of the real dimension' ...

He adds: "To say that these are just a few very isolated cases would not be right. This is something that requires an effort to be uprooted in a very systematic way.'

Mr. Guehenno's public call ... breaks with a system that traditionally prefers to deal quietly with such matters.

But over recent years the UN has publicly committed itself to take better account of women in conflict ...

There are also fears that taking insufficient action could come to haunt the UN. [It] has already been rocked by a series of sexual abuse scandals in West Africa and the Balkans."

Mark Turner, "Call to act over sexual abuse by UN peacekeepers", Financial Times (UK), **November 18, 2004**.

"Secretary-General Kofi Annan today acknowledged that United Nations peacekeeping personnel in ... Congo -- both civilian and military -- committed sexual exploitation and abuse, and vowed to put an end to such practices and hold the perpetrators responsible.

'I am afraid there is clear evidence that acts of gross misconduct have taken place. This is a shameful thing for the United Nations to have to say, and I am absolutely outraged by it' he said ...

Many of the allegations came to light last spring, and were looked into by the [UN Congo mission (MONUC)] and by the [OIOS.]

'I am glad to say that the allegations concern only a small number of UN personnel. But it is vital the investigations be speeded up' [Mr. Annan said] ...

"We cannot rest until we have rooted out all such practices from MONUC, from any other peacekeeping operation, and indeed anywhere in the Organization that they might occur. And we must make sure those involved are held fully accountable."

[He] reiterated his position of zero tolerance toward sexual exploitation and abuse, and voiced determination to implement this policy in the most transparent manner."

"Annan vows to end sex abuse committed by UN mission staff in DR of Congo", UN News Service, **19 November 2004**.

[Note: Mr. Annan's firm comments and commitments, especially the last two paragraphs cited above, fit very awkwardly with two sexual harassment cases that were concluding at the very same time, in which he exonerated the two senior UN officials involved. See the archive subsection on Anti-harassment efforts .]

"It's a perennial problem. War occurs. Women are raped. Reports flood the war zone looking for raped women. War subsides. The international community and the journalists lose interest in women's issues. Women continue to be raped. No one cares.

...

How can we handle the issue of violence against women in Darfur differently than the way we dealt with rape in Rwanda, Bosnia and Kosovo?

First, efforts can be made now to report on the rape of women as a continuous problem. ... Violence against women occurs during war because it occurs during peace.

...

Second, journalists can [also] report on male-on-male sexual violence ... [which appears] to be a heightened activity in war. ...

Third, the international community ... can begin [significant funding] ... for long-term programs that work to prevent violence and rape by targeting violent male behavior as unacceptable.

Fourth, international organizations ... can hire enough women to make up a legitimate 50 percent of their decision-making staffs [in field missions]

Fifth, experts on gender-mainstreaming and sexual and gender-based violence can be hired to immediately begin working with [refugees and internally displaced persons.] ..."

Lori Handrahan, "War and rape in Darfur", International Herald Tribune, **November 24, 2004**.

"Hundreds of thousands of women have [been raped and sexually abused] ... in conflicts around the world. From Congo to Columbia, from Sierra Leone to the Solomon Islands, rape and sexual violence have become weapons of modern warfare.

Throughout history, women's bodies have been considered the legitimate booty of victorious armies. ...

In the former Yugoslavia, mass rape was used to drive entire communities from their homes. In Rwanda, rape and sexual violence became tools for genocide. In Afghanistan, abductions, forced marriages and violence against women and girls are used by warring sides. ...

Although prohibited under international law, rape and other gender-based violence during armed conflict are rarely prosecuted because securing justice for women through national criminal justice systems is extremely difficult. ...

High profile international prosecution by the [International Criminal Court] could deal a strong blow to the prevailing culture of impunity. ...

Obviously, that] ... must be accompanied by vigorous actions by governments to introduce or strengthen national laws that would allow their domestic courts to exercise universal jurisdiction over rape and sexual violence committed in times of war, so that perpetrators cannot escape justice no matter where and when they committed their crimes."

Irene Kahn, "Justice for the unacknowledged casualties of war", International Herald Tribune, **December 18-19, 2004**.

"In the corner of the tent where she says a soldier forced himself on her, Helen, a frail fifth-grader with big eyes and skinny legs, remembers seeing a blue helmet.

The United Nations peacekeeper ... had used a cup of milk to lure her ... 'I was so happy', she said.

After she gulped it down, [he] ... pulled the 12-year old into bed ... He [later] gave her a dollar ... and pushed her out of the tent ...

The United Nations said recently that it had uncovered 150 allegations of sexual abuse committed by UN peacekeepers stationed in Congo. ...

Fifty countries are represented among the 1,000 civilian employees and 10,800 soldiers who make up the United Nations' Congo mission. ...

The UN report details allegations of sexual misconduct by peacekeepers from Nepal, Pakistan, Morocco, Tunisia, South Africa and Uruguay ...

When they arrive for duty, peacekeepers are presented with the UN code of conduct, which forbids 'any exchange of money, employment, goods or services for sex.'

The home countries are responsible for punishing their military personnel who violate the code.

The United Nations ... has had previous scandals in Cambodia and Bosnia ..."

Marc Lacey, "In Congo, girls recall blue helmet -- and rape", International Herald Tribune, **December 20, 2004**.

"... Recent allegations of sexual abuses by UN peacekeepers have shaken [the important UN stabilizing role in war-torn countries] ...

Allowing peacekeepers to get away with criminal conduct compromises UN efforts and guarantees that such abuses will continue.

Before sending a mission abroad, the United Nations negotiates a Status of Forces Agreement [that, almost always] ... deprives local authorities of criminal jurisdiction over peacekeepers. ... Few [countries would send soldiers] ... to countries like Congo if they could end up in local courts.

Prosecution by the ICC is highly unlikely because its jurisdiction ... would probably not apply to sex-abuse crimes by peacekeepers [which] are most likely random acts by undisciplined soldiers.

The UN [usually] has overall operational and financial control of a peacekeeping mission. ... It is the UN force commander who has the duty of maintaining 'good order and discipline.' And the UN is responsible for making sure that those peacekeepers accused of crimes are actually prosecuted back home.

This oversight role can be better accomplished by closer monitoring over these countries, and by levying of fines against governments which fail to prosecute their soldiers, or which repeatedly send untrained and undisciplined soldiers on UN missions. ..."

Thaddeus Hoffmeister, "Policing those who police the police", International Herald Tribune, **January 1-2, 2005**.

[Note: The author is a US congressional staff member who served as a military lawyer in South Korea and Japan.]

"The news [that the UN found] ... 150 allegations of sexual abuse committed by its peacekeepers stationed in Congo against an already traumatized population of mostly teenage girls was a sad reminder of what young women are up against in Africa. ...

... In Congo, as in other places where endless war has broken down normal social constraints, innocence is robbed with impunity, and unrelenting poverty and desperation make old, bitter and used women out of the young girls.

African girls have long lived with the fear of being raped by power-drunk soldiers representing various government or rebel groups. The life of a teenage girl on the continent is almost never easy, and the threats she faces are uncountable, from female genital mutilation to teenage prostitution. The raping of women and young girls has become practically de rigueur in Africa's wars, from Sierra Leone to the Ivory Coast, from Burundi to Rwanda to Sudan. ...

The United Nations says home countries are responsible for punishing any of their military personnel who violate the UN code of conduct. That's a prescription for inaction because, regrettably, too many leaders [worldwide] ... see no problem with picking up young girls ... at night."

Helene Cooper, "In war-torn Africa, young girls are very, very old", International Herald Tribune, **January 4, 2005**.

"Media reports in early 2004 indicated the recurrence of acts of sexual exploitation and abuse of Congolese women and girls by United Nations peacekeepers serving with [MONUC] ... [OIOS conducted an investigation] ... in Bunia between May and September 2004.

Interviews with Congolese women and girls confirmed that sexual contact with peacekeepers occurred with regularity, especially in exchange for food or small sums of money. Many of these contacts ... involved girls under the age of age, with some as young as 13. ...

... Dozens of interviews with the girls themselves and with the young Congolese men who facilitated the encounters as well as with aid workers, revealed a pattern of sexual exploitation by peacekeepers contrary to the standards ... [of conduct.]

OIOS has made recommendations for corrective action ..."

"Investigation by the [OIOS] into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo", UN document A/59/661 of **5 January 2005**, "Summary".

" [The OIOS investigation found that] ... 'the [sexual exploitation and abuse problem in the Congo] was serious and ongoing. Equally disturbing was the lack of a protection and deterrence programme at this time.'

Payment ranged from two eggs to \$5 per encounter, OIOS said. Some of the victims were abandoned orphans and they were often illiterate. ...

... [The MONUC chief], William Lacy Swing, ... [said] ... the missions were making every effort to tackle the problem ... in the DRC ... [and] other countries ...

Mr. Swing said he was shocked, outraged, and sickened that peacekeepers had caused grievous harm to the people they were sent to protect.

After the UN spotlighted the problems, ... a series of investigators went to work.

Mr. Annan's special adviser ... was now engaging the troop contributing countries (TCC's) to come up with fresh ideas of military justice because presently it was up to them to prosecute their nationals, Mr. Guéhenno [the head of peacekeeping] said. 'The TCC's are not just named and shamed, but are given a chance to show their follow-up', he said. ...

UN members should work together to establish legal norms."

"Peacekeepers' sexual abuse of local girls continuing in DR of Congo, UN finds", UN News Service, **7 January 2005**.

In the spring of 2005, refugee sexual abuse by UN peacekeepers suddenly became a major media issue, including recognition that the problem had been going on for a long, long time, as shown in the following quotes.

"Five years ago, more than 10,000 peacekeepers working for the United Nations came to the Democratic Republic of Congo to help end a six-nation war. But reports of sexual abuse of local women and girls began soon after they arrived from Morocco, South Africa, Australia, India and Europe. ...

In January, the U.N. Office of Internal Oversight Services released a report [on this topic.]

The scandal intensified after the recent discovery of hundreds of violent, pornographic photos and videotapes of children, supposedly taken by a U.N. official. ...

... A U.N. logistics expert is awaiting trial in France after accusations that while in the Congo he may have kidnapped and raped as many as 100 girls.

The U.N. watchdog office reported ... investigations of 72 allegations ... which resulted in 20 case reports ... 'In six cases, the allegations ... were fully substantiated, and underage girls were involved' ...

Past reports of [such] ... practices surfaced in Cambodia, Bosnia, East Timor, Kosovo, and Somalia. Despite that history and after four years of sex abuse reports by U.N. peacekeepers in the Congo, there still is no procedure of investigation or accountability on the ground."

"Crisis in the Congo: Sex charges roil U.N.", Fox News, **March 3, 2005**.

"U.N. peacekeeping is anything but peaceful these days -- a rape and abuse scandal hangs over peacekeepers in the Congo ...

Prince Zeid al Hussein, Jordan's U.N. ambassador ...]has issued a report on the Congo situation.] Describing a peacekeeping system that's become fundamentally flawed, he noted that missions comprise both soldiers and civilians who are held to different standards of conduct and sometimes ... fail to understand the complexities of the countries where they are deployed. ...

Many agree that it's ... [a loose selection] process and a patchwork training system that leads to some lesser-qualified troops being sent to keep the peace.

Many say more needs to be done to make sure the police and troops being sent on missions don't have a history of sexual abuse or any other type of shady past. ...

This week [Kofi Annan] reiterated a 'zero tolerance' policy on sexual offenses.

But [a US congressman] said: 'The biggest problem we've had in this in zero accountability ... 'zero tolerance' has equaled 'zero compliance' and that has got to end.'

[He] has sponsored a bill to ... [ensure UN preventive measures] ... before any U.S. peacekeepers are sent on missions."

Liza Porteus, "U.N. not at peace with its 'Blue helmets'", Fox News, **March 24, 2005**.

"The reputation of United Nations peacekeeping missions suffered a humiliating blow yesterday as an internal report identified repeated patterns of sexual abuse and rape perpetrated by soldiers supposed to be restoring the international rule of law.

The highly critical study ... was endorsed by the [an] embattled ... Kofi Annan, who condemned such 'abhorrent acts' as a 'violation of the fundamental duty of care.' ...

The embarrassment caused by the misconduct of UN forces in devastated communities ... has become an increasingly high profile, political problem. ...

[The report seeks] ... to reform the way in which troops behave on UN missions ... [with] a new investigative framework to detect and deter soldiers exploiting young victims, who are often impoverished refugees. ...

[It states that] 'Victims frequently suffer from psychological trauma as a result of their experiences. Victims and abandoned peacekeeper babies may face stigmatisation by their families and communities, which deprive them of all support.'

Courts martial, it says, should be set up within mission areas for 'serious offences' to ensure immediate access to witnesses and evidence ... and demonstrate that there was 'no impunity for acts of sexual exploitation and abuse by members of military contingents.'"

Owen Bowcott, "Report reveals shame of UN peacekeepers: Sexual abuse by soldiers 'must be punished,'" Guardian (UK), **March 25, 2005**.

" ... When I worked in Liberia in the mid-Nineties a new [UN] chief administrative officer [replaced the previous CAO, who was taking kickbacks on UN procurement

contracts.] ... The new CAO [moved aggressively for] ... a 15 percent kickback on everything we purchased.

[He also tried to force many] ... young 'local staff' to sleep with him ... I was the human rights lawyer and these girls would come to my office in tears ... [I wrote many memos. but] when I visited the UN [personnel] office in New York, they laughed at my naïve outrage: 'It happens all the time in the field', they said. 'There is nothing we can do.' ...

That CAO had been knocking around West Africa for years, always mired in corruption, never disciplined, always promoted and reassigned ... - during which time the head of personnel was Kofi Annan. [The CAO] ... was eventually indicted by US federal prosecutors in New York for \$1.5 million of fraudulent kickbacks ... He has since died.]

What kind of leadership would tolerate this conduct 10 years ago? ... Precisely the same leadership that [has now] ... permitted the oil-for-food scandal and the sex-for-food scandal."

Kenneth Cain, "How many more must die before Kofi quits?", The Observer (UK), **April 2, 2005**.

[Note: Mr. Cain is a former UN human rights lawyer who served in U.N. peacekeeping operations in Somalia, Rwanda, Haiti and Liberia.]

"Anyone who was shocked by the most recent revelations of sexual misconduct by [UN staff has never been] ... in a U.N.-sponsored refugee camp. ... The [UN] and its staff lack accountability. ...

I arrived in Sierra Leone as a legal aid worker in ... 2003, ... one year after ... Kofi Annan issue[d] a ... 'zero-tolerance' policy ... [But] I found abuse of a sexual nature almost every day ...

In fact, ... injustices of one kind or another were perpetrated by U.N. missions or their affiliated ... [NGOs] every day in the camps I visited. Corruption was the norm, in particular the embezzlement of food and funds by NGO officials, which often left camp resources dangerously inadequate. ...

... In West Africa, most of the sexual misconduct accusations are leveled against local NGO staff members.

If the UN ... is to enjoy ... immunity, it ... [must] police itself aggressively and thoroughly. Yet ... the message is: Cover your tracks and the United Nations will obstruct your prosecution.

After [a] 2002 report documented sexual abuse, Annan's steely resolve led to exactly zero criminal prosecutions of U.N. officials for sexual abuse. The United Nations ... needs a housecleaning."

Peter Dennis, "The UN: Preying on the weak", washingtonpost.com, **April 12, 2005**.

[Note: Mr. Dennis is a law student who worked for the Foundation for International Dignity in the refugee camps surrounding Kenema, Sierra Leone, in 2003.]

"Pandora's box" is thus finally, if very belatedly, opening up in this area as well as in other areas of UN operations. Meanwhile, IO Watch wishes to cite a current example of a well-thought out and broad-scale framework for dealing with human rights abuses in peacekeeping operations, which the United Nations could certainly consider. It comes from Amnesty International.

[Note: see "15-point Program for Implementing Human Rights in International Peace-keeping Operations", under "More about human rights" on the Amnesty

International USA home page, found at
www.amnestyusa.org/about/peacekeepers.html .
See also the decade-old proposal for a Human rights ombudsman which ends
this archive section.]

In May 2005 the Secretariat released a new management reform document for "real action now" and immediate reform, "particularly in the critical areas of management, oversight and accountability." With regard to sexual misconduct by field personnel, it stated that:

"The Organization is taking systematic disciplinary action where individual cases of sexual exploitation and/or abuse have been identified. In ... Congo alone, 147 peacekeepers have been investigated over the past 16 months; five UN civilian staff have been fired and 77 'blue helmets' have been expelled from the mission. Investigations there are ongoing, as are investigations in Liberia and Haiti. In addition, a number of short, medium and longer-term initiatives are underway. ...

Status: A request for additional resources is currently before the General Assembly (expected outcome: mid-June.) Resources are being requested for significant strengthening of the UN's investigative capacity and for the creation of conduct units in all peacekeeping missions. A UNHQ conduct unit will be established within the Department of Peacekeeping Operations by 1 July 2005. A multidisciplinary workshop on victim assistance is being planned for June 2005."

"Fréchette unveils UN reforms responding to Volcker panel's criticisms", UN News Service, 17 May 2005, and

"UN management reforms 2005: Management reform measures to strengthen accountability, ethical conduct and management performance", **May 17, 2005**, pp. 4-5, available at www.un.org/reform_update.html.

In June 2005 the General Assembly moved much more decisively than the above actions proposed by the Secretariat. In a comprehensive resolution on the new peacekeeping budget:

"The Assembly ... emphasized the need to develop a comprehensive, well defined and coherent policy to prevent and address sexual exploitation and abuse in all UN activities. It also stated that **the implementation of a zero-tolerance policy** and procedures towards acts of sexual exploitation and abuse should be clearly defined **as a core management function**, also addressing clear lines of responsibility **and accountability relating to non-enforcement** of codes of conduct, policies and preventive measures."

"General Assembly approves record UN peacekeeping budget", UN News Service, 23 June 2005,

At last, after several years of mounting media reports of abuses, and pious leadership statements of "zero tolerance" and "abhorrence" about the situation, the Secretariat is finally promising broad-scale corrective action, and the General Assembly is pressing for more. However, it will take considerable time for the related policies to be set, resources to be provided, units set up, strategies developed, training provided, new

agreements and standards established, and finally continuous implementation and monitoring of global field operations to ensure that the situation is at last brought under control.

The task will be all the greater since UN peacekeeping missions now appear to be expanding considerably in size, scope, and complexity. IO Watch will continue to follow developments.