

UNA-UK priorities for addressing sexual exploitation and abuse in UN peacekeeping¹

Our Mission Justice campaign advocates in favour of accountability mechanisms which are able to move beyond administrative approaches towards comprehensive justice for victims and survivors. Our three-pronged strategy conceptualises accountability in three ways: (1) accountability *for* SEA through enhanced prevention and response mechanisms; (2) accountability *of* perpetrators under the law; and (3) accountability *to* victims which is based on promotion and protection of their rights and dignity in pursuit of justice. In each area we list recommendations for actions by states and for reforms for states to push for at the UN.

(1) Accountability for SEA: This aspect of accountability should aim to enhance prevention and response efforts. Building upon the previous work of Mission Justice, we feel that SEA needs to be considered in terms of its place within the broader human rights frameworks and the Women Peace and Security (WPS) Agenda to enhance prevention and response. This requires the appropriate know-how, political will and normative goals are reinforced among deployed personnel.

Normative frameworks: Policy should connect the dots between related normative frameworks of Sexual Exploitation and Abuse, Conflict Related Sexual Violence, Women Peace and Security and human rights; being careful to see their relevance to this topic but not dissolving the borders between them. Using the whole tool-box of existing mechanisms can help guide a human-rights based approach to this problem which also helps address the root causes of SEA. Recommendations that could help make that a reality include

- Make gender equality central to prevention efforts and improve gender balance in missions
 - champion the symbolic goal of gender balance in missions with a target of 50% female contingents
 - push for the prohibition of all-male contingents by making this a requirement written in to the MOUs between the Troop Contributing Countries (TCCs) and the UN
 - Increase language on gender equality and human rights across all work on SEA
- Explicitly link SEA to the themes and toolbox of the WPS Agenda
 - The WPS agenda is an important complementary framework to action on SEA, especially in responding to cases of sexual violence. There are issues of consent and non-consent for SEA, where some cases of SEA constitute sexual violence where consent was never obtained. All acts of sexual violence are therefore forms of sexual exploitation and abuse but not all forms of sexual exploitation and abuse are acts of sexual violence. We would like a formal recognition that some cases of SEA constitute sexual violence, and that relevant aspects of the WPS agenda apply to responding to sexual violence and addressing its root causes

Enhance capacity: Make sure the appropriate people, know-how, political will and normative goals are reinforced among deployed personnel.

- Vetting
 - Vetting is currently largely a matter of self-certification. Deeper proactive vetting has been done in an ad-hoc manner by OHCHR in the past. This is a positive development and we would like to see this program further utilised and resourced. However, we query whether OHCHR is the most appropriate mechanism for this form of vetting, and whether a mechanism established as a subcommittee of the UN Security Council might have more impact
 - We would like to see member states with capacity fund enhanced vetting mechanisms of this kind

¹ These recommendations were assembled with support from Sabrina White, an ESRC funded PhD Student in the School of Politics and International Studies, University of Leeds

- Improve transparency, and increase capacity of civil society to support vetting by publishing names and service histories of senior leadership personnel within UN peacekeeping
- Improve the ability of different parts of the UN system to speak to each other on the subject of vetting. For example, on 19/8/19 High Commissioner for Human Rights Michele Bachelet released a statement that the serious allegations of human rights violations against the new head of the Sri Lankan army should impact on Sri Lanka's ability to continue contributing to UN peacekeeping efforts. A mechanism should be established to make that recommendation binding on vetting procedures. Likewise, troops should fail vetting if they are currently under investigation by another part of the UN system or if they are listed in the annexes of the Secretary General's report on Sexual Violence in Conflict or Children in Armed Conflict
- Training
 - Practice and promote better standardised and longer training which can explain complex contexts of missions and concepts of gender
 - Review and improve benchmarking on training standards
 - Improve capacity to respond to victims through training for male and female personnel
 - Build partnerships between Member States to support training of troops and sharing of best practice.
- Look to other troop-contributors:
 - Member States who demonstrate best practice, especially in professionalization and effectiveness in addressing SEA, should contribute more peacekeeping troops. This should be seen as a key element of force generation
 - We welcome the UK's decision to send peacekeepers to Mali as a step towards rebuilding trust between major TCCs and donor states and bridging the gap between "those that lead and those that bleed". More work could be done to further improve TCC-donor relations, particularly in terms of how TCCs are consulted at the UN Security Council
- Transparency
 - The MOUs between the UN and TCCs that govern deployment of troops and the final signed version of Voluntary Compacts on preventing Sexual Exploitation and Abuse between TCCs and the Secretary General should be made publicly available, and publishing a final version should be made a requirement for signature. The UN could develop a public database of this information, as it has commendably done with regard to the legal frameworks that govern peacekeeping.
 - To unpack the many different behaviours and impacts surrounding various forms of SEA, of which some cases are sexual violence— data regarding allegations of sexual violence should be recorded and reported separately and in addition to allegations of SEA
- Oversight and support:
 - Create a post for a Special Rapporteur for SEA. Working alongside the SRSGs on Sexual Violence and Children in Armed Conflict and the office of the Special Coordinator for Sexual Exploitation and Abuse, they can provide a mechanism for advocacy on behalf of victims which, unlike the Victims' Rights Advocate, is separate from the UN

(2) Accountability of Perpetrators: There can be no accountability of perpetrators if victims are not incentivised to report. Investigative procedures need to make prosecution a possibility in the first place. There should be transparency in the conduct of investigations and prosecutions, but a sense of independence and neutrality of investigators and prosecutors could also help alleviate some barriers to impunity. We continue to emphasise the importance of judicial, not administrative accountability mechanisms for dealing with perpetrators in preference to administrative responses. A criminal-justice based approach to perpetrators should be taken, and sanctions should be in place to incentivise member states to prosecute. We encourage the idea that sexual violence by UN peacekeepers is a crime that merits a criminal justice response, and push to

make sure that states who are unable to prosecute perpetrators cannot contribute troops or police.

Reporting and Investigations:

- Improve coordination to inform locals on how to report abuse
 - Protect victims who report; the *Murad Code* is a good start, and a one-stop shop (discussed in the next section) can help in this process
- Improve clarity over responsibility for impartial justice and accountability mechanisms
 - Pursue independent legal and other accountability mechanisms to pursue perpetrators, protect victims and prevent further incidences
 - Manage expectations on what the UN is capable of doing and provide clarity as to where responsibility lies. The UN should avoid using terms like “accountability” which imply a criminal justice response when all that is being offered is administrative sanction
 - Appropriately resource Office of Internal Oversight Services (OIOS) and Conduct and Discipline Team (CDT) field offices

Criminal Justice Approach to Sexual Violence: Establish the idea that sexual violence by UN peacekeepers is a crime that merits a criminal justice response, and push to make sure that states who are unable to prosecute perpetrators cannot contribute troops or police.

- Our 2272+ campaign aims to prevent states from participating in peacekeeping unless they can demonstrate willingness and ability to prosecute perpetrators for sexual violence. Reiterating and developing those recommendations:
 - Use listing provisions within Security Council resolutions to prevent Member States from being able to send personnel where they have fallen short of their reporting requirements or obligation to investigate and prosecute where possible
 - Improve these listing provisions and include trigger mechanisms, such as by defining the terms “widespread or systemic” and “appropriate steps” and establishing reporting thresholds and a trigger mechanism for repatriation
 - In the absence of, and in addition to, listing mechanisms, TCC performance on investigation, prosecution and reporting should be made a key consideration of force generation; as should TCC cooperation in publishing its legal framework and voluntary compact. Contributing troops to UN peacekeeping needs to be re-established as a privilege only available to contingents displaying the highest levels of professionalism and integrity
 - TCCs should be encouraged, and ideally compelled through their MOU, to deploy a national prosecutor alongside any battalion size or larger contingent
 - Where states are not prosecuting, work with justice mechanisms in the host country to improve prosecutorial processes

Neutrality and Independence: There should not only be transparency in the conduct of investigations and prosecutions, but a sense of independence and neutrality of investigators and prosecutors could help alleviate some barriers to impunity.

- Create a post for an Ombudsman for Peacekeeping who can work with neutrality and independence
- Further consider proposals for an independent prosecutorial mechanism to pursue perpetrators; this should take into account local justice mechanisms and conceptions

(3) Accountability to Victims: A human rights-based approach to accountability to victims should incentivise victims to report, protect them during and after the investigation, and ensure appropriate measures for justice and redress are taken. Too often the term accountability means accountability to UN watchers in New York and in the global media (where, while some issues remain, the UN has made great strides in recent years with respect to transparency) and not accountability to the victims themselves. Through consultation and collaboration with survivors, experts and local civil society groups, we encourage the design a one-stop shop solution to reporting which will truly centre the rights and dignity of victims and survivors. We emphasise the

need to consider the interplay of local-national-international and global justice on this topic, and urge Member States to ask whose justice is being served in accountability approaches. A victim-centred approach to accountability should focus on redress for victims and developing trust to end perceptions of impunity. Compensation is encouraged but should not be seen as a standalone mechanism; complementary measures should aim to address the harm done including and beyond material and financial support.

Support to victims through a one-stop shop: work with survivors, experts and local civil society groups to design a one-stop shop solution to reporting which will truly centre the rights and dignity of victims and survivors.

- Consider how representatives should not be associated with abusers
- Develop the mechanisms in consultation with local and victims groups
- Implement the Murad code with due regard to be given to:
 - The importance of independence of the mechanism from the UN
 - That the issue of stigma towards victims may require the mechanism to be independent from the local community
 - Focus on the needs of survivors
 - Avoid re-traumatisation and fumbled investigations in re-interviewing victims

Restorative Justice: We advocate for a need to ask whose justice is being served and to make sure redress and reparations are the priority objectives of justice mechanisms. Compensation should not be seen as a standalone mechanism, but complementary measures should aim to address the harm done including and beyond material and financial support

- There is a need for an adequate programme to assist individual victims and children born from SEA which aims to deliver redress through compensation and other supportive mechanisms.
- The management of the Trust Fund should be widened to include the voices of victims and survivors. Donor states should seek to expand its financing
- Take a multi-stakeholder approach among organisations working on behalf of victims and survivors and look for more points of collaboration and resources to support.
 - Establish a network of CSOs in TCCs and host countries to help empower local groups to support victims and survivors