

## FINAL REPORT

### EXPERT MISSION TO EVALUATE RISKS TO SEA PREVENTION EFFORTS IN MINUSTAH, UNMIL, MONUSCO, AND UNMISS

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## EXECUTIVE SUMMARY

### FINAL REPORT OF THE EXPERT MISSION TO EVALUATE RISKS TO SEA PREVENTION EFFORTS IN MINUSTAH, UNMIL, MONUSCO, AND UNMISS

#### *Purpose and urgency of mission*

Sexual Exploitation and Abuse has been judged the most significant risk to UN peacekeeping missions, above and beyond other key risks including protection of civilians. Certain UN missions have consistently experienced the largest number of reported allegations of SEA, namely the Democratic Republic of Congo (MONUSCO), Haiti (MINUSTAH), Liberia (UNMIL), and South Sudan (UNMISS) which together account for 85 percent of cases. While it is true that the number of SEA cases is decreasing in these missions, of the 60 allegations reported in 2012, 27 (45 percent) involved the most serious forms of sexual exploitation and abuse: there were 18 allegations of sexual activities with minors (30 percent) and an additional 9 allegations of non-consensual sex with persons aged 18 or older (15 per cent). The facts call for urgent action on the part of the United Nations and its member states in order to fulfill the mandate of the UN.

#### *Context*

Against this background, the Secretary General of the United Nations prepares regular reports for the General Assembly and the Security Council on the status of observance of the 2003 Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. In preparation for the upcoming report, a small team of experts were contracted to assess and identify any risk factors that might continue to undermine the tremendous amount of work that has gone into ensuring the successful implementation of this policy. The expert team visited all four missions, reviewed relevant documents, talked to people within and outside of missions, and held focus group discussions with community members. Via these sources of information, the experts noted the importance of several factors that set the root contexts for the occurrence and the risk of SEA. These include the country contexts which are post-conflict and/or post-disaster situations which have left degraded conditions for women. These include conditions that would be protective against SEA, such as changed gender norms, increased tolerance and rates of rape and abuse, and lost opportunities for livelihood for women and communities. They also include the mission contexts in which certain unchallenged norms of masculinity and long histories of relative impunity for SEA in mission have made SEA more likely.

#### *Key findings*

The findings of the report are organized under the three pillars of Prevention, Enforcement, and Remedial Action.

- **Prevention**

The UN undertakes several activities with respect to prevention of SEA, and key of these is training, backed up with awareness raising and risk assessment. All are intended to heighten the consciousness of SEA and to allow action to be taken to avoid it. The team findings show that attention needs to be paid to the coverage, management, and quality of training. It was clear that even though virtually all personnel knew about UN policies surrounding SEA, not all in the missions had been trained in the particulars. The responsibility for ensuring all mission staff are trained falls between IMTC and CDT, with neither organization always taking very proactive responsibility for making certain that everyone has been trained. In spite of this shortcoming, the great majority of personnel do get trained. What is of particular concern, however, is the quality of the training. Training needs to address gender relations and deep rooted attitudes with respect to masculinities and the rights of women. The key problem found with regard to quality of training was its apparent inability to address or measure attitudinal change. Without additional efforts at attitude change, other measures such as improved welfare, risk assessments, and outreach to local communities will not be able to as effectively promote the zero tolerance policy.

- **Enforcement**

Policies are meant to be implemented and rules are meant to be enforced. Enforcement of the zero tolerance policy has been hampered by the fact that the UN, in fact, does not know the extent of the breach of the rules. This is because the official numbers mask what appears to be significant amounts of underreporting of SEA. A number of factors have contributed to this obscuring of the facts surrounding SEA. Firstly, multiple routes for reporting SEA (through OIOS, the military, CDT, supervisors, and Head of Mission, for example) make data tracking difficult, and especially when this is overlaid with a strong emphasis on confidentiality to protect the rights of the accused. Secondly, a lack of sharing of information between OIOS, CDT and the military and police makes it more likely that those in authority will not act on the risks of infringements of the Code of Conduct. The team found this attitude prevalent in the military contingents, which professed not to be aware of infringements of the SEA policy amongst their personnel as well as among some police leadership. Thirdly, the military police in all missions seemed confined more to mission headquarters than out in the field, denying the Force Commander information about conduct and discipline that could be used to enforce the SEA policy and regulations. Fourthly, poor investigation competencies and capacities in the field mean that the UN is not meeting the demand for high standards of materials at headquarters for adjudication. This substantially undermines the enforcement process. Fifthly, there was much frustration expressed about the long delays and unrealistic standards of evidence that occurred once cases were sent to New York. Overall, there was noted a culture of enforcement avoidance, with managers feeling powerless to enforce anti-SEA rules, a culture of silence around reporting and discussing cases, and a culture of extreme caution with respect to the rights of the accused, and little accorded to the rights of the victim. Under these circumstances, the team heard numerous

expressions of frustration that those who break the rules are not punished and that impunity is more norm than exception. This leaves the many peacekeepers we met at all levels who want to respect and enforce the Code of Conduct frustrated and discouraged.

- **Remedial action**

The appearance of impunity therefore could be identified as one of the most significant problems obstructing efforts to combat SEA and enforce the zero tolerance policy. It also obstructs the propensity of the UN and its member states to compensate victims of SEA. The problem of SEA is the problem that women and children are being harmed by the actions of some UN peacekeepers. In comparison to the scale of the harm and to the focus of UN resources on training and enforcement, the attempts to repair the damage have been extremely minor ones. The failure of the UN to identify all cases of SEA, and the long delays and failures of investigation of those cases which have been identified, have also been a drag on compensation of victims of SEA by the UN and member states. The bare minimum of victim assistance has been provided, with a sense that this is justified by the fact that the allegations may not be substantiated. One route to dealing with the issue – determining paternity of the many “blue helmet” children in countries that host peacekeeping missions – has not yet been taken by the UN.

### ***Key Recommendations***

Key recommendations were made in the two areas of strengthening enforcement of the SEA policy and providing assistance to victims.

Strengthening enforcement includes, among other things, carefully devolving more authority to the missions so as to provide justice in a more timely and reliable way. It also means providing the mission with the necessary investigative and data collection and management capacities and competencies by establishing an independent, fully resourced investigative unit. Justice must be seen to be done and perpetrators must be seen to be punished as a deterrent to would-be future offenders.

Providing robust assistance to victims calls for budgetary allocation to the victim assistance strategy and guaranteed and adequate resources to support victims of rape and sexual abuse. It also calls for a system of verifying paternity claims and ensuring that the rights of “blue helmet children” are respected.

Realizing that SEA exist within a larger context of violence and sexual exploitation of women, the report calls for an integrated approach by all UN agencies within the mission to work together and with government sectors towards the social and economic empowerment of women and education of the public with respect to gender equality.

Other more specific recommendations relate to training, community outreach, and welfare.

## **INTRODUCTION**

Despite concerted efforts to reduce the sexual exploitation and abuse of local populations by UN peacekeepers, the problem remains a substantial one, so much so that it has been judged the most significant risk to UN peacekeeping missions, above and beyond other key risks including protection of civilians. In his report on “Special measures for protection from sexual exploitation and sexual abuse” (A/67/766), the Secretary-General proposed an independent assessment of UN missions that have consistently experienced the largest number of reported allegations of SEA. In this context, the Secretary General sent a small team of high level independent experts to conduct an assessment and evaluation of the areas contributing to raising or lowering the risk of SEA occurrence. The team was composed of General Paban J. Thapa, Ret. Force Commander, UNMISS, Dr. Thelma Awori, Ret. Assistant Secretary General, UNDP Africa, and Dr. Catherine Lutz, Professor, Watson Institute for International Studies, Brown University. The purpose of their assessment is to provide inputs for a more rigorous risk assessment framework, including identification of risks inherent in vulnerabilities in the local community or deficiencies in the mission’s practices and management of peacekeeper conduct.

The team visited MINUSTAH, UNMIL, MONUSCO, and UNMISS mission sites between June and August 2013. Our visits were arranged by the local CDT office in each mission and included interviews with a wide range of UN personnel and others, including senior mission management, relevant agency staff, and members of civil society as well as visits, where feasible, to an outlying region where peacekeepers are posted (See Appendix B for the schedule of interviews in each mission). Hour to hour and half long interviews were conducted in the respective offices or a central meeting location. Almost all of these interviews were conducted independently of CDT personnel. We did not speak with victims of SEA during our visits.

The report which follows begins by describing the contexts of SEA in the four missions. This context, which includes mainly external, country-specific factors related to SEA but also some institutional contexts of the missions themselves, provides some of the explanatory framework for understanding why and how SEA occurs in higher numbers in these missions than in others. The report follows this with a presentation of the cross-cutting risks found across the four missions in the three areas of prevention, enforcement, and remedial action. It then enumerates the several risks that were identified as specific, or confined to, one or another mission. We conclude with recommendations, long-term and more immediate, for dealing with these risks.

## **MISSION CONTEXTS**

The context of the peacekeeping missions is in and of itself a risk factor for SEA. Some elements of the context that pose serious challenges to realizing the zero-tolerance policy are discussed below.

- *Poverty as a context for SEA*

The four missions are situated in post conflict contexts with all the characteristics of the most extreme social and economic disintegration and dysfunction; the countries (for which data are available) rank at 161 (Haiti), 174 (Liberia), and 186 (Congo) out of 187 countries on the Human Development Index. While strides are being made in some countries such as Liberia to rebuild infrastructure, in others such as Haiti and Goma (DRC), recurring conflict and natural disasters posed serious challenges to recovery efforts. Reconstruction of all aspects of life including housing, livelihood, social relationships, justice and legal systems, peace and security structures, and social services is urgent. Given this background, in all four missions, poverty presents a context for transactional sex. With few alternatives for livelihood, women and girls risk finding no alternative but sex for pay or food. This has been especially well documented in South Sudan (Veldwijk and Groenendijk 2011). It is not surprising, then, that research shows that less developed countries have higher rates of SEA in peacekeeping missions (Nordas and Rustad 2013).

- *Culture of impunity and normalization for gender-based violence and exploitation*

Post-conflict societies are characterized by a breakdown of norms with respect to human rights and dignity. In these situations, women are especially vulnerable. Endemic rape and abuse during the conflict that led up to the peacekeeping mission has also normalized SEA in each case. In the post conflict situation, the level of rape of women and children has often remained high, even as high as or higher than in the more conflict-ridden period (Jewkes 2007). In Liberia for instance, the UNMIL Gender Office reports that four referral hospitals in Monrovia alone treated 814 cases of rape between January to June 2013. The overwhelming majority (95 percent) of the victims were children under 18 years. This “normalization” process creates a conducive atmosphere on both the perpetrators’ side and the victims’, with the local community accepting the abuse to some degree. In addition, in all four mission areas, legal assistance and protections for women are weak or even nonexistent. Even were they not, many families are reported to settle sexual violence cases among themselves to avoid stigma, a stigma which often adheres to the victim rather than the perpetrator (D’Awol 2011). As has been shown across peacekeeping cases, this all has likely made reporting of SEA by peacekeepers or others less likely (Kent 2007).

- *Background and cultural norms of peacekeepers*

UN peacekeepers come from cultural backgrounds that are not totally different from their host countries in terms of how women are treated or how gender relations are managed. That is, sexual objectification or sexual coercion of women may be seen as normal and acceptable. Local women may additionally be seen as exploitable by virtue of their place in a racial or ethnic hierarchy. The culture of the uniformed forces often amplifies this cultural tendency, creating a more hyper-masculine atmosphere which does not include gender sensitivity and or the assumption of equality between men and

women. The common assumption is that “boys will be boys” with respect to a breach of the Code of Conduct by peacekeepers. Some peacekeepers experience culture shock in terms of the dress of local women when they are more uncovered than in their home countries. Others come to mission with racial ideas that suggest superiority to the local population. In both of these instances, peacekeepers sometimes conclude that local women are “loose” and that sexual advances would be acceptable or that coercion is acceptable when the women are seen as morally or otherwise deficient.

The UN has as yet not been able to address these issues of sex and race bias directly.

- *Security situation*

In several of the mission areas (especially MONUSCO and UNMISS, but also UNMIL), continuing violence either in the form of armed groups or interpersonal crime, may serve as a depressant to rates of SEA as the security situation keeps peacekeepers in less contact with the local population. Where security conditions are more relaxed and where the mission has developed more outreach to the local population or government agencies (as in MINUSTAH but also UNMIL), SEA rates may be increased as opportunities increase. This context raises the long-recognized dilemma that good relations between peacekeepers and the local population require interaction at the same time that this raises the risk of SEA.

- *Reluctance to report*

In all four missions, it appears that both some mission staff and some of the civilian population have found a “win/win” solution to handling the SEA issue. Given the large economic disparity between mission staff and civilian population, negotiating a price to silence complainants brings gains to all parties involved. On the other hand, reporting brings losses to all parties with no compensation package for complainants and loss of job security for mission staff. Civil society organizations report a general fear of serving as a witness to SEA cases in some missions because it exposes the unsavory acts and brings shame to the families and to the community. Within the mission itself, staff reported stigmatization of rights defenders as troublemakers, thereby threatening their job security.

- *Mission size*

As might be expected, mission size has long been correlated with the number of cases of SEA in peacekeeping contexts, both within and outside the UN system (Nordas and Rustad 2013). The four missions with a high number of cases are among the seven largest missions by personnel size. Risks can be anticipated to increase with mission size, as is the case in MONUSCO, and to decrease with mission shrinkage, as in the case in MINUSTAH and UNMIL. Beyond the obvious correlation of absolute numbers, mission size can be correlated with increased difficulty in surveillance and supervision of peacekeepers (Nordas and Rustad 2013).

## CROSS-CUTTING RISKS FOR SEA AMONG THE FOUR PEACEKEEPING MISSIONS UNDER REVIEW

In this main section of the report, we review the common risk factors for SEA observed or inferred across the four missions, and organize our observations by the three overarching categories of prevention, enforcement, and remedial measures. In each case described below, the risks are not, of course, uniformly severe in each of the four mission areas. We nonetheless have identified areas that are generally in more or less sharp need of improvement or rectification across most or all of the missions.

### ***PREVENTION – awareness training, living conditions, welfare, attitudes***

- *Gaps in anti-SEA training and in recording who has been trained*

There are significant gaps in the induction and refresher training which occurs across the missions (though with significant variation in how serious those gaps appear to be across the missions). Large numbers of peacekeepers are not recorded as having had induction or refresher training on SEA in UNMISS, for example. This has occurred in some measure due to lack of coordination between the local CDT and the local IMTC. It is not always clear to personnel in these two offices whose area of responsibility it is to keep attendance records and to follow up with missing personnel. This has in some cases resulted in each unit thinking the other has responsibility for bringing personnel forward for training or following up with individuals when they do not appear. This problem seemed particularly egregious at UNMISS, in part as a result of poor communication between CDT and IMTC and in part as a result of training occurring in Entebbe as well as locally at UNMISS.

There does not appear to be a clear comprehensive sense of which peacekeeping units and individuals have undergone pre-induction training or of the quality of that training.

Finally, awareness raising through postering can be improved. CDT anti-SEA messages are not nearly as pervasive as they might be (UNMIL was an exception). While the ways and means that are used by missions to raise awareness among peacekeepers may appropriately vary, there needs to be an aggressive approach taken by all missions to send clear messages to all UN personnel.

In all missions, the IMTC needs to take the lead to maintain the list of staff members who have and have not undergone the induction or refresher training and to follow up with concerned units and managers to ensure that all international, national, military and police staff members have at some point done the induction or refresher training. The missions do not seem to have reliable recording especially on SEA training. IMTC and CDT need to coordinate to ensure complete training implementation as well as to avoid some apparent redundancy in their recording efforts. In addition, the inclusion of

all categories of staff in the same training program has an impact on the delivery of the training. Segregation in grades would be more beneficial and preferable.

- *Assessing the impact of training*

There do not appear to be concerted efforts made to assess the true impact of training (and this is distinct from testing trainees at the end of a session on what has just been said to them). Through their work with peacekeepers, however, trainers and other CDT personnel have a general sense of their students' attitudes about the variety of issue areas that are relevant to SEA. Those areas include attitudes toward local women, toward the host country, as well as attitudes about prostitution, about male and female sexuality, about their UN roles and UN rules, and about the legitimacy or viability of reporting observed SEA by their colleagues. In many cases, these attitudes set the most basic context for, and provide fertile ground for, a continuing problem of SEA.

At root, training efforts will continue to apprise (some) peacekeepers of what SEA is and what the UN code of conduct requires. Trainers appear unlikely to know, however, what the efficacy of their training is. Given how much effort goes into training across UN missions, there appears to be a strong risk that training will be considered more efficacious than it in fact is. Some CDT personnel articulate the view that attitude change may not be possible but that training nonetheless has the value of preventing SEA perpetrators from claiming that they did not know that their acts constituted misconduct. This seems too limited an ambition for training.

- *Risks presented by notions of masculine privilege and sexual instinct in peacekeepers*

At root, the behavior of SEA and the failure to report SEA when it is observed in others is rooted in peacekeeper attitudes towards the zero tolerance policy as well as toward the local population, particularly of women and girls. Each mission draws from a pool of available military personnel, the great majority of whom are men. Both military and civilian personnel can and often do arrive in mission with identities that emphasize male privilege and that suggest that male sexuality is extremely difficult to control (Higate 2007; Higate and Henry 2004; Lutz, Gutmann, and Brown 2009). For some peacekeepers, these two assumptions serve to legitimate SEA in the field, whether they participate in it or not. Moreover, rape has been found to occur at higher rates where the victim is devalued (Malamuth 1986), particularly by virtue of her gender, race, ethnicity, or impoverishment. Training does not always directly address and challenge these assumptions and value orientations (and specifically and especially around racism and attitudes to women).

Norms in peacekeepers' home communities in relation to attitudes towards women and their rights, particularly around sexuality, can be expected to present a risk that has yet to be systematically assessed in the UN database of SEA cases.

The problem of command climate has long been identified as crucial to the prevalence of SEA. Continued problems with some leaders in all sectors – military, police, and civilian – who pay lip service or none at all to the zero tolerance policy has been observed both by local CDT personnel as well as by this team.

- *Living conditions and welfare*

When UN personnel concerned with the problem of SEA discuss the role of living conditions in exacerbating the problem of SEA, there has tended to be a strong or even exclusive focus on the provision of exercise and other recreational equipment to personnel. While some mission areas provide sparse recreational opportunities or lack them altogether, more significant factors in promoting adherence to the UN Code of Conduct may lie in degradation of mission climate and morale due to (1) poor living conditions more generally, (2) erosion of belief in the value of the mission, and (3) hostility or lack of apparent gratitude toward the mission in the local community. Moreover, morale is clearly affected by the degree to which the UN Code of Conduct is consistently and uniformly enforced in mission and in New York (this is discussed in more detail below).

The risk factors of poor morale secondary to poor living conditions vary across the missions observed, with UNMISS having particularly egregious conditions in Tomping camp (this includes substandard accommodations, lighting, sanitation, and ablutions). Risk assessments done by mission leadership in some outlying mission areas have also discovered substandard conditions in contingent living quarters. Specifically at UNMISS, it was reported that the camps out in the field were in even worse condition than Tomping.

The importance of exercise equipment and recreational activities in preventing SEA may be overemphasized in part because of the simplicity and efficacy the approach implies: simple equipment purchases help solve the problem of SEA. Even were it not the case that TCCs have not consistently provided this equipment nor been compelled to provide it, the other factors that prevent SEA – strong morale given overall living conditions, good relations between mission and community, strong values leadership in the mission, knowledge that impunity will not be granted for SEA, etc. – would still stymie efforts to prevent SEA.

- *Outreach to local communities*

With the exception of UNMIL, each of the missions visited has not engaged sufficiently in outreach to local civil society or government ministries concerned with women's welfare around issues of SEA. to exchange information on UN rules, conditions in which potential victims of SEA are currently living, victim reporting obstacles, and outcome of previous cases. This kind of outreach has proved a crucial conduit for information about the ways in which, and the frequencies with which, SEA occurs. It provides essential information on the obstacles that may exist in the community to reporting SEA, including such things as fear of retribution within the community or various kinds of

reluctance to approach UN personnel, or lack of knowledge about the UN Code of Conduct, the definition of SEA, or methods for reporting it to the UN.

In at least one case, the local government office concerned with the welfare of women and girls found it difficult to have open communication with the CDT. Local civil society organizations in several other cases had no regular contact with the CDT. They had not been made aware of the Code of Conduct as it relates to SEA, nor had their help been recruited in trying to enhance reporting of SEA incidents by UN personnel. This can be easily rectified with a change in prioritization of this outreach. This would be consistent with an overall emphasis on collaboration with the national community and reducing UN insularity.

- *Risk assessment*

Risk assessments are conducted on an occasional or regular basis in at least three of the four mission areas. Those risk assessments that have been conducted have often identified more or less severe security risks as well as conditions and practices suggesting that misconduct may be occurring. These include such things as breached perimeter fencing, poor lighting, food supplies kept in rooms, etc. All relevant departments do not seem to receive or pay attention to these reports.

The conditions identified appear to often persist as a result of a failure to require immediate correction of the problematic conditions. In addition, it is not clear that risk assessments all reach those units and leaders who are responsible for enforcing the code of conduct. Where risk assessments reach the relevant units and leaders, it is not clear that the information is attended to or used to make changes that would prevent misconduct (further elaborated below).

### ***ENFORCEMENT – reporting, investigation, tracking***

The most significant problems identified were in the area of enforcement of the UN zero tolerance policy. We identify these for each component – military, police and civilians – separately to start, go on to look at the risks involved in the approaches currently taken by the Military Police, OIOS and Security, and then identify problems with underreporting and un-collated numbers that run across components.

- *Military*

SEA misconduct within the military is investigated by the military itself and this can create problems of suppression of investigation. The military tradition of solidarity and the jurisdiction of the TCC over its troops mean that complaints have a tendency to be dealt with internally through immediate return of offenders to home base. One result is that CDT might not capture statistics of these Category 1 offences. Military cases which go to the national authorities have mostly not been dealt with adequately, that is, in neither a timely way nor at all, as far as the mission knows.

Where military cases of SEA have been reported to CDT or OIOS by other routes than via the military chain of command, it was often the case that the military leadership denied knowledge of SEA by the troops they command. An explanation for this lack of knowledge may lie in the fact that all Category I cases are treated by CDT and OIOS as confidential, thereby preventing the sharing of information with TCCs.

- *UNPOL*

Lack of pre-deployment training for UNPOL occurs in the cases of many countries. This requirement should be added to the PCC MOUs, if not already included there. PCC provision of this training should be monitored.

UNPOL who have been accused of SEA have been asked to stay in the mission until completion of a certain phase of the investigation hence giving all benefits of employment to the individual who has been accused. This practice is widely resented. The extreme confidentiality with which the conduct and discipline reports for the UNPOL are handled also obstructs acting on knowledge of the allegation and hence delays necessary investigation measures.

- *Civilians*

Civilians who have been accused of misconduct, including SEA, have been allowed to remain in position for long periods and it has proved very difficult to dismiss them. In addition, the standards and rules of the Tribunal are much higher than the mission investigatory personnel can reasonably reach, and they have become higher and more cumbersome over time. As a result, individuals are not held accountable for their SEA..

- *Military Police*

Generally in all the missions, the deployment of the Military Police was limited to the area of mission headquarters, as in MINUSTAH and UNMIL, or major sectors only, as in MONUSCO and UNMISS. Lack of an adequate number of MP personnel reduces their functions to mainly checking and monitoring troops during their flight rotation, as in UNMIL. The MPs deployed in UNMISS lacked adequate communication skills, drastically reducing their capability to perform professionally. These factors have reduced the Force Commander's outreach capability to troop locations, hence reducing his ability to get better knowledge of the discipline situation on the ground. This has also given the TCCs an opportunity to keep incidents hidden from others who should know within the mission and possibly exacerbating the problem of underreporting.

- *OIOS*

The OIOS process is seen as extremely slow. The problem of lack of adequate senior and qualified level human resources for investigations in the largest UN mission cannot be overstated. There accumulates a large backlog of cases which leads to incomplete investigation because people leave, evidence degrades, and there is greater opportunity

for manipulation of the cases. As a consequence, legal action is not taken. The acknowledged timeline is 18 months to investigate a case, but even this lengthy timeframe, OIOS said, is difficult to meet. This causes a loss of fear among mission members of being liable to legal prosecution or loss of employment. Mission members should feel that strong action will be taken for violations of the rules around SEA, that is that they be fired, jailed, and/or required to take ownership of paternity. This will act as a deterrent, something which is now widely judged to be basically absent. Deterrence is a crucial element of any prevention efforts.

- *Security/Enforcers*

Some security personnel seem either indifferent to their responsibilities or convinced inappropriately that they do not have the authority to arrest police or civilians directly observed to be engaged in behavior that is clearly illegal or against UN regulations. Mission enforcers are often reluctant to take up any case unless it is unavoidable. The assumption is that it is very difficult to hold civilians or police to account and so they have been let go at checkpoints, for example, even if they have local women in their car. There is not a proactive approach being taken in many quarters of the enforcement mechanisms to identify potential cases of SEA. In some cases, off-limits lists are not complete or updated frequently enough.

- *Underreporting*

There was wide concern expressed about the validity of the official numbers of SEA allegations: the numbers and their decline, many suspected, do not accurately reflect the current situation with SEA. A review of the assessment reports shared with the team clearly shows that the conditions that promote SEA exist and that there therefore must be some underreporting, even though the amount is difficult to determine. The obstacles to UN personnel reporting cases include these several factors: the sense that nothing will come of the complaint, the fear of retribution as a whistleblower, a sense of loyalty to colleagues, and lack of clarity about whether they are in fact observing evidence of SEA in a particular instance. The obstacles to local populations reporting cases they suspect, observe, or fall victim to themselves include a strong culture of shame around these matters, as well as the difficulty of navigating current reporting mechanisms.

- *Impunity*

Due to the lengthy investigation process and the extreme caution of the UN system with respect to the rights of alleged and substantiated offenders, there exists a climate of impunity and hence a not insignificant lack of commitment to the conduct norms of the mission. The reality that accused individuals who have admitted to SEA with adequate evidence are seen to freely move and work in the mission while and even after the prolonged process of investigation takes place creates a situation in which individuals are discouraged to report or others emboldened to indulge in SEA and other proscribed acts. The initiator and investigator often remain unaware of final decisions, leading to

frustration and even insecurity due to the presence of the potential perpetrator in mission even after several years.

There seems to be a lack of coordination between offices that handle personnel in New York and those in the mission. The predisposition towards confidentiality and the respect for the rights of staff appear to be out of balance with the need to take decisive action in the judgment of offenders.

As required in the MOU, the 10-day response time for TCCs to take action against any UN personnel under their command who have been accused of a Category I offence is mostly not respected. Several reminders from the UN to their missions in New York often go without a response, leaving the complainants without recourse to justice. Hence the sense that impunity holds for those disregarding UN regulations exists within the mission and among the local population.

- *Data management*

One reason official SEA allegation numbers do not match the actual numbers of instances of SEA is that all cases which make their way to the attention of UN officials do not get collated in the Misconduct Tracking System. The CDT was designed to be a place where all cases of SEA would be collated so that there would be a comprehensive overview of the problem, but this is not how reporting occurs today. The number of routes by which cases make their way through the UN is large. Cases of misconduct are reported to the Field Staff Unit, OIOS, United Nations Staff Association, the green box of the SRS, supervisors, and to CDT. Some of these have, or feel they have, the obligation to report their cases to CDT. The Misconduct Tracking System, in other words, does not track everything that comes to the attention of the UN. Reports by CDT to senior management are not therefore comprehensive. On the other hand, it is widely believed in mission that CDT numbers include all reports to the UN.

- *Underreporting and un-collated numbers*

The UN does not know how serious the problem of SEA is because the official numbers mask what appears to be significant amounts of underreporting of SEA. There are a number of reasons why, and these include: (1) Fear of reporting inside and outside the UN/stigmatizing of whistleblowers within the UN and sometimes outside/culture of silence particularly within military and police, (2) a sense of futility about reporting because of long delays in the enforcement process in NY and in mission and the rarity of remedial outcomes including rarity of victim assistance, and (3) record keeping problems, with numbers not matching from one source to another.

- *Attitudes of military commanders and police leadership/culture of silence around SEA*

Despite strong verbal affirmation by many senior leaders of the zero tolerance policy, some commanders we spoke with continue to question the viability or necessity of the

zero tolerance policy. It is widely suspected that the military as well as the police have underreported SEA of which they are aware, either handling discipline themselves or ignoring, tolerating, or condoning the misconduct.

### **REMEDIAL ACTION**

- *Remediation not aligned with basic principles of the UN*

The conceptualization of remediation needs to be aligned with the fundamental principle of the United Nations to respect the dignity of all human beings and *to protect the most vulnerable*. Yet the preoccupation of all systems put in place for SEA is more focused on UN personnel than on victims. The weaknesses noted in the system such as the underreporting of abuse, appearance of impunity, low levels of accountability, and low investigative capacity, all put at risk victims' access to justice and protection. Furthermore the victim assistance program has the appearance of being an afterthought, dependent on the goodwill of the agencies and TCCs and member states more generally, neither of whom see victims as a priority. The team noticed an attitude of caution on the part of staff, anxious to discourage too much assistance to victims beyond minimum immediate humanitarian needs for fear of passing on to the UN responsibilities that should be borne by member states.

- *Effect on victims of failure to hold people accountable*

The Memorandum of Understanding gives TCCs responsibility for investigating their troops. When TCCs do not provide timely information on the outcome of investigations or take responsibility for paternity suits, victims and peacekeeper offspring are denied access to justice and care. The 10-day deadline for providing such information is not vigorously enforced in favor of the victims. Instead the impression given is that TCCs are handled by New York with lenience, in part, it is assumed, by reason of considering how hard it is to get the numbers of troops that the UN needs for missions.

- *No systems for determining paternity*

"Blue helmet children" are the proof in all mission-receiving countries that UN personnel engage in SEA. The challenge for the majority of the mothers is that they are unable to identify with specificity the fathers or the aggressors. When this is the case, it gives TCCs, police, and civilian components the opportunity to evade responsibility. Troops do not have the practice of wearing identifying gear when making illicit movements out of base. A DNA data bank for all troops would be the most foolproof method, yet it continues to be debated in terms of cost and the rights of the troops at the expense of the rights of the victims, particularly the children who are denied the support, protection, and love of a father. UN personnel should be required to take responsibility for paying for paternity claims and not leave it to the victim to seek redress in courts of law in countries other than their own.

- *Socio-economic realities not aligned to justice system of the UN*

The UN uses investigative methods, collection of sophisticated evidence, witnesses, and complaints by victims as important elements in its system of justice. Many of the troop-receiving countries are recovering from conflict where most of health, judicial, and other relevant services are disintegrated and dysfunctional. Collection of acceptable medical evidence in most of these countries is not possible and even less so if the offenses are committed far from the capital. Even within the UN mission, investigative competence and capacities were weak. In some cultures, the shame associated with rape and children out of marriage inhibit reporting and minimize the courage to pursue a case through the long process required. These factors have led to a high percentage of allegations which these limitations have made impossible to substantiate, a percentage that now stands at nearly 50 percent of those reported, thereby making it possible for perpetrators to escape justice and responsibility.

- *Outreach to local communities*

Outreach to the local communities was poor in most of the missions except one (UNMIL). The structure of missions has various departments that engage with communities, such as the Gender Office and the Civil Affairs Office. These offices have the means and the reach to affect a two-way information system, bringing information from the community about the conduct of UN personnel and educating the community on the principles and regulations of the UN with regard to SEA. The connection, however, between these offices is weak. The team benefitted tremendously from meeting these offices that had important information on the practice of SEA. The connection between these units is loose and for the present depends on the personal interest of the officers. Additionally, providing information to the community on the status or progress of cases would be important to generate public confidence in the UN and its implementation of the zero tolerance policy. One mission (UNMISS) had a proactive policy and practice to keep complainants informed at three points in the process on the progress of their cases.

- *Lack of rapid response to assistance to victims of SEA*

A rapid response mechanism for victims of SEA had been set up in one mission (UNMIL) and was in advanced stages of actualizing in another (UNMISS). These services are limited to emergency medical attention, in some cases, and in others a safe place and immediate supplies. In UNMISS, UNFPA is taking leadership with support from the PSEA, in providing a place with capacity for medical tests and counseling. Other missions were dependent on NGOs that provide shelter and counseling. This puts the UN in the awkward position of having to rely on small NGOs to repair damage done by its personnel. Funding for response to victims is not given priority in the budget dispensed to CDT offices. Present measures are not curative nor are they restorative. The question is not just one of rapid response by the UN but also of long term response by the

member states and their peacekeepers. This should include the issue of paternity claims. Lack of measures that respond to victims have become an obstacle to reporting SEA. As an outcome of this lack of rapid or adequate response, victims have come to feel that it is not worth their while to report since there will be no response.

### ***RISKS SPECIFIC TO EACH MISSION***

- ***MINUSTAH***

There is a sense that MINUSTAH may experience higher rates of SEA in part because those deployed there feel they are in a "vacation location." Given a lack of sharp security threats, there is more emphasis on recreational pleasures and more contexts, such as beaches and urban nightclubs, in which to engage in these activities. There also appeared to be more suspicion or disparagement of the local population among mission personnel in MINUSTAH, including a tendency to discount accusations of SEA as false when they are made. Relatedly and in addition, risks in this mission must be assessed in the context of the Haitian population's hostility to MINUSTAH, which is marked in comparison to the other three missions for a variety of reasons. This has made some of the SEA that has occurred especially explosive. It is also our sense that sovereignty sensitivities are higher in Haiti than in some other mission contexts, making SEA an especially strategic issue, beyond protection of civilians from abuse and protecting the UN reputation.

More specifically, risks specific to MINUSTAH include the fact that it has had just one OIOS person on mission and that someone who feels himself too junior to interview senior staff and who is or has already left the mission without an immediate replacement.

- ***UNMIL***

The special risks associated with this mission are relatively few: UNMIL's CDT, especially, and other mission leaders in addition, have innovated a number of processes to maintain high levels of training and awareness of SEA rules, regulations, and risks among UN personnel, lowering the risk that UN personnel will be unaware of the rules regarding SEA. The mission's CDT has taken a vigorous approach to outreach and surveillance of conditions in and around UN facilities, lowering the risk that internal contexts for indiscipline will occur undetected and unaddressed. Finally, the decline in the size of the mission and the increasing focus on work with the government rather than out among the people has been said to have decreased the risk of SEA.

However, there is a strong risk here that SEA is going unreported, particularly that which is occurring out in the isolated regions. There are also training gaps: an estimated 10 to 15 percent are not recorded as having undergone induction training on SEA. Training methods present a risk in that presentations may be overly abstract: IMTC personnel we

spoke with articulated a concern with confidentiality that caused them to avoid the real world detail of cases, thereby missing the opportunity make clearer how UN personnel can become embroiled in SEA and its consequences.

Finally, UNMIL's SIU seems to do little effective investigating of SEA cases.

- *MONUSCO*

Interviews with SIU and commanders indicated a laxity in discipline with respect to SEA in some contingents. Some senior leadership appear less committed to the zero tolerance policy – not paying lip service, at the least – here than in the other missions. In addition, the Military Police are deployed in a very limited way: they patrol three areas of the total of 22 UN locations.

Assessment reports done by CDT between 2009 and 2013 were reviewed and their continuing revelation of problematic conditions relevant to SEA begs the question of who is reading the reports, as little appears to change. For example, reports on Kamina of June 2012 and May 2013 show it to be a microcosm of all that could go wrong at a MONUSCO base: international staff in this remote place for more than 5 years, poor management at the base, poor interpersonal relations among staff, poor recreational activities, and corruption. The fact that the CDAC did not meet all of 2012 and perhaps not in 2011 as well points to the need for stronger attention by senior management to mitigate the conditions that lead to indiscipline.

Finally, this mission lacks adequate qualified human resources for investigations, with OIOS having only two fully qualified investigators for the entire country (one in Goma and one in Kinshasa). Given that MONUSCO is the largest UN mission, with a significant number of cases of SEA, this represents a sharp risk that these practices will go unpunished.

- *UNMISS*

The special risks at UNMISS include the lax, if now tightening, conditions around the main Tomping base. Women with no UN business to transact have clearly been able to enter the base on a regular basis in significant numbers. The main base has deep deficiencies in living conditions and morale and discipline are at risk of suffering as a result.

In addition, there appears to be resistance on the part of some military commanders to the zero tolerance policy which presents the risk that support and enforcement of SEA regulations is not occurring. For example, some commanders have focused on the aggressive behavior of women who solicit their troops rather than on the conduct of their troops or have requested more "flexibility" on the issue of prostitution even when it clearly contradicts the zero tolerance policy.

On enforcement, risk is sharply increased by the lack of professional capacity in the Military Police in UNMISS. The current commander and his force do not meet basic UN

standards for communicating and conducting proper investigations and reporting. Finally, there should be much stronger links between the mission's gender advisor's office, CDT, civil affairs, and the human rights office, as well as outreach to the community, which has been very sparse.

## **CONCLUSION**

The team's four mission visits to evaluate the risks for sexual exploitation and abuse by UN peacekeepers revealed a number of areas for strong concern. The most significant among these are those that fall under two rubrics, problems of enforcement and the failure to provide robust assistance to those who have been victims of SEA at the hands of UN peacekeepers.

The team notes a strong sense in the missions that SEA is underreported: despite its process of data collection, the UN currently does not know the extent of the SEA problem, and UN personnel in all the missions we visited could point to numerous suspected or quite visible cases of SEA that are not being counted or investigated. This underreporting occurs as a result of a number of factors that the report enumerates, including fear of alienating colleagues, a lack of professional competence in some sectors such as the military police or security enforcement units, and failure of the military police to monitor the issue throughout the mission area. This has produced significant gaps in the approach to prevention and enforcement.

The team also notes the failure to provide timely investigation of complaints or to hold those found guilty of SEA accountable, with perpetrators sometimes simply returning to their home country or remaining on the job in mission. This impunity has been debilitating for the many UN personnel who believe in, adhere to, and try to promote the zero tolerance policy, and creates unremediated harm to its victims. Even if there are some well-publicized cases in which justice was swift, we note a culture of enforcement avoidance, a culture of silence, and a culture of extreme caution with respect to the rights of the accused versus the rights of the victim. It is a strong recommendation that more authority needs to devolve from New York to the SRSG in each mission in order to prevent the long delays in investigation and punishment.

We note as well a tendency for the central rationale for the zero tolerance policy – the desire to protect local women and children from harm at the hands of UN personnel – to be left in the background. There is much appropriate attention to UN personnel and their conduct, but there is on the other hand some suspicion, neglect, or lack of funding to support victims of SEA when they are identified. This leads to a final central finding and recommendation, which is that there needs to be a more integrated approach to the problem across UN agencies, and that this approach needs to center on women's income generation and empowerment as well as anti-sexual violence measures so as to address one of the central contexts for the occurrence of SEA. Lack of full attention to the question of gender extends into the area of masculinity and so the report calls for

training to focus on questions of gender attitudes central to the generation of SEA and for assessing the impact of training on attitudes in a more thoroughgoing way.

## **RECOMMENDATIONS**

### *Urgent and Immediate Recommendations*

- **IMPROVE ENFORCEMENT**

1. Take strong action against members of the mission who violate the rules around SEA, that is, they should be fired, jailed, and/or required to take ownership of paternity. This will act as a deterrent, something which is now widely judged to be basically absent. Deterrence is a crucial element of any prevention efforts, including the problem of underreporting.
2. Delegate more authority to mission leadership for quicker and more effective prevention and enforcement. Giving responsibility to the mission for enforcing SEA with no authority of implementation does not allow for effective action. There needs to be a balance of allocation of authority between the SRSB and New York. A balanced and well thought through devolution of authority to the missions to handle cases at their level would address some of the issues of impunity that currently clouds the management of SEA cases.
3. Establish an independent, fully resourced investigating unit including DNA tests for SEA which would include military, police, and civilian investigators. They would conduct a preliminary inquiry into any SEA allegation. If there is a finding of strong likelihood of guilt as a result of the preliminary investigation, it is recommended that strong action to be taken to remove personnel from the UN as a risk to the mission. There is vehement objection on the part of many personnel to the notion that parties judged highly likely to have committed SEA or who have even confessed to SEA remain on post and on the UN payroll. The detailed investigation of all cases would be conducted by OIOS for civilian and police and by the home country for military personnel. This would obviously require revision to the MOU on SEA with TCCs.
4. TCCs must respect their obligations in the MOU to investigate and report actions taken by the national authorities regarding SEA cases to the mission as a vital instrument for effective deterrence. DPKP/DFS must take stringent measures to ensure that this information is passed on.
5. Proactively employ and deploy the military police to all the different locations in their area of responsibility with specific tasking on conduct and discipline. The Military Police should be used primarily for prevention of misconduct by military

personnel. But inadequate strength, very poor professional capacity, or limited concentration of deployment has reduced their ability to take effective role. Our interviews did not indicate that such use of the military police was the case yet such proactivity would reduce the risk of laxity in discipline. The number of allegations for the regions is disproportionately high, suggesting that indiscipline or SEA is higher in those regions for reasons that may include this lack of oversight by MPs.

6. Risk assessment missions should not be done by CDT alone but with the involvement of other concerned offices such as DMS, Military, Police and Security. There needs to be an environment in which the probability of SEA cases can be reduced to the minimum. The best practices adopted by some missions include having senior managers informed of risk assessment findings and relevant actions implemented immediately through the establishment of the CDAG [Conduct and Discipline Advisory Group]. The implementation of recommendations from these risk assessments should be given priority by the mission and implemented through a senior management team.
  - *PROVIDE ROBUST VICTIM ASSISTANCE AND FOCUS ON WOMEN'S WELFARE GENERALLY*
7. Provide guaranteed and required assistance to victims of rape and sexual exploitation, especially of minors, and meet paternity claims for children born of UN peacekeepers and local women. Put in place a system for verifying paternity claims and designate staff specifically to follow up these cases. Adequately resource the victim assistance program as a part of the mission budget.
8. Establish an integrated approach to the problem to SEA across UN agencies and the mission. This approach needs to include the social and economic empowerment of women, support to the Justice Law and Order System (JLOS) sector of government to provide services that respond to cases of violence against women, support to public media to mount anti-SEA and anti-rape campaigns and to the education sector to begin the long journey of changing minds on gender equality. Reconstruction and rehabilitation in post conflict situations present an opportunity to address the issue of gender inequality in society.

#### *Other Significant Recommendations*

- *ENGAGE IN MORE COMMUNITY OUTREACH*
9. Outreach to the community around SEA issues needs to be strengthened to include a wider variety of civil society actors. Stronger links with the Gender Office and Civil Affairs would contribute positively to this effort. While CDU has

focal points in the states, who also serve as focal points for other issues, outreach is weak outside the HQ.

10. Civil society organizations should be approached to train them in the UN Code of Conduct as it relates to SEA. Given their expressed willingness to participate in training for outreach to their communities, this opportunity should not be missed.

- *IMPROVE DATA BASES AND INVESTIGATIONS*

11. Create a coherent single database of cases even if these include only a case number without details so that OIOS cases might also be reflected in a single recording mechanism. This will help senior managers make more informed, effective, and timely decisions.
12. Add a third category to the statistics kept on SEA allegations: "substantiated," "evidence not found," and "false." As it stands now, the two category system allows cases to be assumed false when they are in fact simply unsubstantiated due to lack of promptly or properly collected evidence.
13. While mindful of the need to observe the independence of OIOS, there still needs to be more coordination and sharing of information between different concerned departments to facilitate immediate actions with regard to SEA cases. Too many parts of the mission have some partial responsibility for parts of the prevention and investigation process. Each piece of the UN HQ and mission with partial responsibility blames the other parts for delays or lack of sanction.

- *IMPROVE TRAINING COVERAGE AND ASSESSMENT OF EFFECTS*

14. IMTC needs to coordinate with all concerned and ensure that all staff have done the induction and/or refresher training within a stipulated period of time. A system of recording training and SEA cases in individual reports would act as a deterrent.
15. TCCs should recruit only highly trained military personnel for UN peacekeeping missions. DPKO needs to ensure that TCCs send only peacekeepers who have undergone special training in peacekeeping and understand the importance of discipline and conduct. In addition, the issue of conduct and discipline has to be emphasized during pre-induction training, particularly for countries where normative attitudes towards SEA or previous cases of SEA in mission by their personnel predict less likelihood of compliance with the zero tolerance policy.
16. DPKO/DFS need to initiate a policy providing more detailed welfare guidance to TCCs for minimum welfare facilities, while taking into consideration the mission environment. Missions which have most staff accommodated in their camps

need to formulate and install adequate creative and diverse varieties of welfare and recreational facilities for all those living in mission. There is an immediate need to improve living conditions at the bases of the mission (to the basic minimum standard for living), even if the base is being phased out so as to reduce the risk factors for SEA.

17. Add a requirement for pre-deployment training for UNPOL, which is currently lacking in the cases of many countries, to the PCC MOUs if not already included in them. PCC provision of this training should be monitored.

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## Appendix A. Fuller list of recommendations as extracted from country reports

<b>Recommendations of Experts*</b>
<b>MINUSTAH-specific recommendations</b>
A more adequate analysis for prevention analysis and training would focus on the history of changing attitudes among Haitians as a consequence of a history of growing impoverishment, environmental degradation, and violence as well as the impact of the 2010 earthquake. Training materials should reflect this rather than a broad generalization on Haitian poverty and cultural attitudes related to sexuality and SEA.
The history of a lack of rule of law and other conditions in Haiti has resulted in the population being wary of making complaints with respect to any authority, including MINUSTAH. Transparency and rigorous pursuit of SEA is even more necessary in this context.
OIOS staffing should include senior personnel who has reach to senior mission staff members.
On both the assessment team's HQ and regional visits, it was learned that the SEA hotline is little used by the general public. Other communication methods that could be used include local women's organizations (this ties in to the pilot project on community-based complaint mechanisms with inter-agency partners).
There needs to be more frequent and accurate updating of off-limits locations and lists.
It is suggested that housing all UN personnel within UN camps would provide security and reduce the risk of SEA.
Lack of predeployment training for UNPOL occurs in the cases of many countries. This requirement should be added to the PCC MOUs if not already included in them. PCC provision of this training should be monitored.
More visibility of prevention materials, posters etc in all locations, especially in high traffic areas such as dining or recreational facilities where all types of personnel gather.
<b>Recommendations that could be cross-cutting and for review and consideration by missions, DFS, and the Organization in a broader context</b>
Training can be improved by use of more concrete and detailed real world cases of substantiated SEA. Use can be made of scenarios for high risk SEA situations. In concert with this, more transparency is desirable in regard to substantiated cases so that they can be used as object lessons for future peacekeepers. The goal would be to allow those cases to have a deterrent effect on future peacekeepers coming to mission.
Mandatory training should apply to all categories of staff with tools or monitoring and accountability in place.
In order to keep peacekeepers engaged in different activities, more recreational facilities should be provided in all UN camps. All the TCCs need to be able to provide standardized recreational facilities to their troops based on the mission environment, size and type.
Prevention efforts should continue to focus on peacekeeper behaviour and the UN Code of Conduct even if there have been a few cases of entrapment or false allegations of SEA.
Mission members should feel that strong action will be taken for violations of the rules around SEA, that is that they be fired, jailed, or take ownership of paternity. Deterrence is a crucial element of any prevention efforts.
There are cases where TCCs/FPUs have obstructed or shown reluctance to assist in an investigation. It is suggested that this could be discouraged by writing into the SEA Bulletin that "wilful obstruction of SEA investigations constitutes major misconduct."
Proposal: It seems important to add a third category to the statistics kept on SEA allegations: "substantiated," "evidence not found," and "false."

Proposal: Not relying too much on numbers of allegations reported alone as a measure of actual number of incidents and/or success related to efforts on combating SEA .

A suggestion is made for a single fully resourced unit inside the mission or in a broader region to investigate cases of SEA only involving any and all categories of UN personnel and this should include capacity for DNA tests. There should be an adequate number of investigators and the team should include people with expertise in investigations with child victims. Such a body would avoid the problem of in-group solidarity in hiding or minimizing cases and would therefore have more efficacies and more credibility. The detailed investigation of all cases would be conducted by OIOS for civilian and police and by the home country for military personnel.

Review of rotation periods and allowing rotations around the country for uniformed personnel (as applicable).

Performance evaluation for military contingents should mention SEA specifically under conduct and discipline.

<b>Recommendations of Experts*</b>
<b>UNMIL-specific recommendations</b>
Involving the community, especially religious leaders and other activists, in anti-SEA efforts, pays strong dividends in Liberia and no doubt elsewhere. The amount of knowledge that the mission has accrued and benefited from via community reports is key to knowing what official statistics miss and where the problem needs addressing.
Efforts to both raise awareness and improve the economic situation of women should be seen as a key strategy for combating SEA. Gender must be mainstreamed into an integrated anti-SEA program. The development arm of the UN should be more intensely invested in efforts to empower women to be less vulnerable to SEA and training materials should emphasize the problem of male privilege as a core root of SEA conduct, as well as focusing on improving women's economic situation. The dehumanization of women and girls is a central contributing factor in the most egregious forms of SEA particularly.
Investigations should be conducted jointly with all components of the mission represented and with a single unit, centered in OIOS, to conduct those investigations. OIOS needs adequate resources to do so.
The problem of underreporting is significant in Liberia and the riskiest areas and categories should be proactively approached for prevention efforts (as now happens to some degree with community outreach) rather than waiting for complaints. There is as yet not an adequate mechanism for determining where and whether SEA is occurring.
As the mission downsizes, one area for consideration for locations to be closed should be those with high rates of SEA. Liberia is gradually moving from the post conflict to the development stage. The integrated efforts of the UN to assist and coordinate with NGOs and GOL agency efforts to combat gender-based violence and sexual exploitation and abuse are crucial. Joint programmes on gender equality and women's empowerment are pertinent to this point and would include both training and awareness efforts in agencies and in the community and women's empowerment and employment and livelihood efforts.
<b>Recommendations that could be cross-cutting and for review and consideration by missions, DFS, and the Organization in a broader context</b>
The MOU should be revised to make country reporting on the outcome of investigations and sanctions not only mandatory but timely, at risk of loss of future UN missions. UN HQ needs to follow up vigorously with TCC/FPU regarding actions they have taken on SEA case allegations and require them to provide the details to the missions.
TCC/FPU that have a regular history of SEA activities need to have that fact centrally figured in determinations about future employment in UN missions. Top consideration should be given to cultural attitudes to women of the TCC and the social conditions of women in the receiving country when determining assignments of TCCs. This would greatly reduce the risk of SEA in the missions.
Providing mission leadership with the authority to take immediate, and to some degree prescribed, disciplinary action in regard to prima facie cases of SEA, would provide a deterrent that currently is quite weak as SEA perpetrators have sometimes remained in mission or in UN employment.
The various sources of information about actual cases and contexts of SEA (such as case demographics, case outcomes, facility security assessment reports, etc.) is too closely guarded or inappropriately elliptical for purposes of investigating and solving the problem through studies such as this or administrative action. One of the roots of this problem appears to lie in

the growth in emphasis on legal rationales for all UN practices, geared toward the protection of the organization. In the case of SEA, this is particularly troublesome.

Mission welfare facilities, particularly those outside of mission headquarters, need to continue to be closely monitored. DPKO/DFS needs to give TCC/FPU clear policy guidance regarding what constitutes adequate welfare facilities based on the specific mission environment. Inspections between contingent rotations would prevent unapproved degradation of facilities.

<b>Recommendations of Experts*</b>
<b>MONUSCO-specific recommendations</b>
The risk assessment missions should not be done by CDT alone but with the involvement of the Brigade Force Commander's office. There needs to be an environment by which the probability of SEA cases can be reduced to the minimum. The best practices adopted by some missions to have the senior managers informed and relevant actions implemented through the establishment of the CDAG, [conduct and discipline advisory group] would help CDT to implement timely preventive measures. The implementation of recommendations from these assessments should be given priority by the mission and implemented through a senior management team.
The gender office and Civil Affairs should work more closely with the CDT team in order to enhance their outreach function in the community.
Strengthen the PSEA network under the office of the RC/DSRSG.
Distribution of CDT staff within the mission needs to be reviewed taking into consideration staff and UN personnel deployment ratio.
<b>Recommendations that could be cross-cutting and for review and consideration by missions, DFS, and the Organization in a broader context</b>
TCC/FPU have to be directed to have minimum standard of recreational and welfare facilities to suit their area of deployment. There is a requirement for DPKO/DFS to issue a policy directive to all TCC/FPU for the basic recreational and welfare facilities that each location must have based on the operational environment and there has to be in mission check of these with reports to mission leadership for appropriate action.
Headquarters needs to be more stringent with the TCC's regarding implementation of the MOU; the investigation and reporting of actions to the mission from the national authorities regarding SEA cases is vital for effective deterrence; DPKO needs to ensure that TCCs send only peacekeepers that have undergone special training in discipline and conduct over and above orientation particularly for countries where SEA has a liberal interpretation in their countries and cultural background.
Performance report of all commanders need to specifically state the status of performance related to SEA for the commander and the forces that are under his command. Those doing well should be rewarded and those having adverse cases need to be specified in their reports which should be taken into consideration for future UN mission deployment.
At the time of deployment into the mission all uniformed and non-uniformed staff should sign a <i>document of declaration stating that the staff member has attended the induction/refresher training on SEA and agreement to abide by the rules of the UN.</i>
While mindful of the need to observe the independence of OIOS, there still needs to be more coordination and sharing of information between different concerned departments to facilitate immediate actions with regard to SEA cases. The process of investigations needs to be reviewed to respond to the need for timely administration of justice.
Greater delegation of authority should be given to the mission leadership for quicker and effective preventive and enforcement measures. A balanced and well thought through devolution of authority to mission to handle cases at their level would address some of the issues of impunity that cloud the management of SEA cases.
Improvements in information flows in management of personnel between Headquarters and the Mission is important for efficient and effective functioning within the mission. The e-pas should have a section for SEA to indicate whether staff member has been trained or is being investigated for SEA.

<b>Recommendations of Experts*</b>
<b>UNMISS-specific recommendations</b>
The SOP for access in to the Tomping compound needs to be approved and implemented immediately; continue to improve security conditions, and the guest access and monitoring mechanism at Tomping.
Immediately improve living conditions at Tomping base and other bases of the mission (to the basic minimum standard for living), even if the base is being phased out. These poor infrastructural conditions need urgent attention in relation to the conditions known to be related to the risk of SEA.
Outreach to the South Sudanese community around SEA issues needs to be strengthened to include a wider variety of civil society actors. Stronger links with the Gender Office and Civil Affairs would contribute positively to this effort. While CDU has focal points in the states, who also serve as focal points for other issues, outreach is weak outside Juba. Approach civil society organizations to train them in the UN Code of Conduct as it relates to SEA. Given their expressed willingness to participate in training for outreach to their communities, this opportunity should not be missed.
A rapid response team for cases of sexual assault along the lines of the UNMIL example should be instituted.
All concerned representatives of the mission need to be included in the Risk Assessment missions that CDT is already implementing. The findings of the mission need to be discussed at the Conduct and Discipline Advisory Group and task implementation initiated immediately by all responsible units.
<b>Recommendations that could be cross-cutting and for review and consideration by missions, DFS, and the Organization in a broader context</b>
Create a coherent single database of cases even if these include only a case number without details so that OIOS cases might also be reflected in a single recording mechanism. This will help senior managers make more informed, effective, and timely decisions.
Enforce stricter discipline in the military with regard to SEA. This should include more careful screening of troops chosen to serve on missions and it should include requiring commanders to undergo further training on SEA while on mission. Ensure that all TCC and UNPOL undergo induction training and sign the document of declaration on CDT.
DPKO/DFS need to initiate a policy on welfare guidance to TCC for minimum welfare facilities that they need to have taking into consideration mission environment. Missions which have most staff accommodated in the camp need to formulate and install adequate creative and diverse varieties of welfare and recreational facilities for all the living in staff.
The SRSB needs to be given more balanced authority from UN HQ in order to be able to implement immediate action to reduce the prevailing concept that impunity reigns.
IMTC needs to coordinate with all concerned and ensure that all staff have done the induction training within a stipulated period of time. A system of recording training and SEA cases in individual reports would act as a deterrent. All UN personnel need to be made aware of the mission policy and guidance regarding conduct and discipline, and particularly SEA, by undergoing both induction and refresher training. Along with the CDT maintaining a record of the training of all personnel, all UN staff should also sign a note of declaration stating their awareness of responsibility to the mission regarding SEA.