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United Nations Issues: Sexual Exploitation and Abuse by U.N. Peacekeepers

Congress has expressed ongoing concern regarding continued reports of sexual exploitation and abuse (SEA) by United Nations (U.N.) peacekeepers. Many policymakers and observers contend that such allegations undermine the credibility of both U.N. peacekeeping efforts and the United Nations as a whole. Some also question the effectiveness of U.N. efforts to combat the issue. The United States, a permanent member of the U.N. Security Council (UNSC) and the largest financial contributor to U.N. peacekeeping, has denounced the problem and called for improved accountability for perpetrators. It played a key role in the March 2016 adoption of UNSC resolution 2272 on SEA and U.N. peacekeeping operations.

Background

The United Nations operates 16 U.N. peacekeeping missions worldwide, with over 120,000 military, police, and civilian personnel (“U.N. peacekeepers”) from more than 120 troop and police contributing countries (TCCs). As of June 2016, the combined annual peacekeeping budget is about \$8.3 billion, which includes reimbursements to TCCs for peacekeepers, training, and equipment; operational requirements, such as transportation and facilities; and staff costs.

Past allegations. In the 1990s, reports of sexual misconduct surfaced in peacekeeping missions in the Balkans, Cambodia, Liberia, and Timor-Leste, among others. During the early 2000s, the United Nations implemented reforms to combat the problem, including establishing a zero-tolerance policy, enhancing peacekeeper vetting and training, and creating U.N. conduct and discipline mechanisms.

Recent allegations. In 2015, renewed controversy erupted over reports that U.N. officials in MINUSCA (the U.N. Multidimensional Integrated Stabilization Mission in the Central African Republic (CAR)) failed to follow up on allegations in 2014 that international troops serving in a CAR peacekeeping mission had sexually abused young children in exchange for food and money. (The alleged perpetrators were from a French military force operating as peacekeepers under authorization of the UNSC but not under U.N. command.) Additional reports of sexual misconduct by U.N. and other peacekeepers in subsequent months prompted U.N. Secretary-General (SG) Ban Ki-moon to request and receive the resignation of the Special Representative and Head of MINUSCA in mid-2015. In late 2015, an independent review panel appointed by the SG found that the U.N. response to the allegations was “seriously flawed,” focused on “protocols rather than action,” and was “fragmented and bureaucratic.” It asserted that U.N. agencies had “failed to satisfy the U.N.’s core mandate to address human rights violations.”

In March 2016, MINUSCA reported over 100 new allegations involving women and minors by both U.N. and non-U.N. personnel in southern CAR. Investigations by the United Nations, relevant TCCs, and France are under way. In the past year, there have also been allegations involving peacekeeping missions in Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Haiti, and Mali.

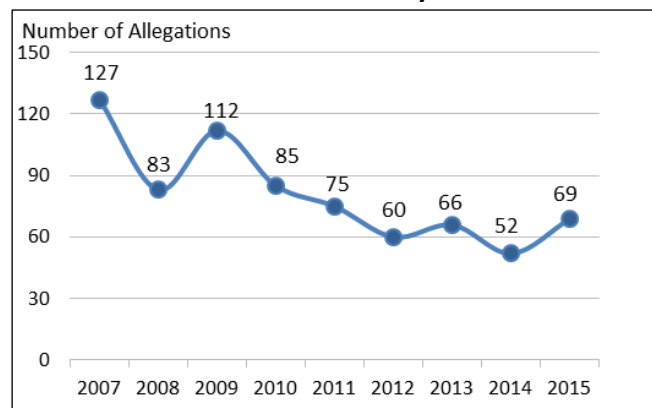
Key Issues

As additional reports of sexual exploitation and abuse have emerged in recent years, the SG and U.N. members, including the United States, have adopted reforms to combat the problem. Key issues and challenges include prevalence and reporting, TCC responsibilities, and the status and effectiveness of current U.N. reform efforts.

Prevalence and Reporting

Trends. Since 2007, the United Nations has tracked the number of allegations by peacekeeping mission. As shown in **Figure 1**, the total number of allegations steadily declined from 127 in 2007 to 52 in 2014. In 2015, however, there were 69 allegations, an increase of 17 from the previous year. As of April 30, 2016, there were 50 allegations. If this trend continues, the number of allegations in 2016 might reach the highest level since 2007.

Figure 1. Sexual Exploitation and Abuse Allegations for U.N. Personnel by Year



Source: U.N. Conduct and Discipline Unit, adapted by CRS.

Publicly identifying TCCs. In 2015, to improve U.N. transparency and TCC accountability, the SG publicly released allegations against uniformed personnel by nationality for the first time. According to U.N. data, the TCCs with the highest number of allegations in 2015 and 2016 were DRC (24), Republic of Congo (9), South Africa (8), and Morocco (7).

Underreporting. Many experts agree that U.N. tracking efforts do not capture the full scope of violations. Victims may be afraid or reluctant to report abuse because they might be ostracized from their families or communities; they may fear retaliation; or they may see themselves as dependent on perpetrators for food, money, or other aid. Some victims are also reluctant to report abuse due to delays in U.N. enforcement.

Role of Troop Contributing Countries

The national government of each TCC exercises criminal jurisdiction over its military personnel, retaining the primary role in punishing criminal conduct, including SEA.

TCC-U.N. agreements. Each TCC executes a Memorandum of Understanding (MOU) with the United Nations, setting out its responsibilities with regard to criminal accountability of its personnel. MOUs are based on a Model MOU with provisions requiring TCCs to prevent, investigate, and punish criminal violations. The Model MOU sets out standards of conduct, and requires TCCs to conduct training to ensure contingent adherence. It also places responsibility on TCC contingent commanders to inform the United Nations of violations, to investigate allegations, and to discipline personnel or repatriate them for criminal proceedings. The Model MOU requires the United Nations to investigate allegations if the TCC is unable or unwilling to do so, and to cooperate with TCC investigations. TCCs agree to subject violators to judicial proceedings in accordance with the TCC's national laws.

Key concerns. Despite these requirements, TCCs have reportedly failed at times to keep the United Nations informed of allegations, investigations, and the results of criminal prosecutions. Some TCCs may underreport violations to avoid scrutiny. Some experts have found that TCCs are not always responsive to violations reported by U.N. officials, may not conduct their own investigations, or may actively undermine the effectiveness of existing investigations. More broadly, some observers have questioned whether the ongoing shortage of U.N. peacekeepers might play a role in the reluctance of the United Nations to hold U.N. peacekeepers and TCCs fully accountable due to concerns that countries might no longer contribute troops.

U.N. Efforts

Current activities. The United Nations takes a three-pronged approach to addressing SEA focused on *prevention* (training, awareness-raising, and other measures such as curfews and movement restrictions); *enforcement* (standards of conduct, investigations, and disciplinary actions); and *remedial action* (medical, legal, social, and other victim services). Many of these efforts are overseen by the U.N. Conduct and Discipline Unit at U.N. Headquarters and by teams in the field. Other involved U.N. entities include the peacekeeping missions themselves and the U.N. Office of Internal Oversight Services, which conducts administrative investigations.

Recent U.N. actions. Various U.N. reports have highlighted serious deficiencies in the organization's efforts

to address the problem, including lengthy administrative processes, delays in investigations, confusion in policy implementation, and insufficient victim assistance. Since 2014, U.N. member states and the SG have initiated reforms to address these concerns.

- In early 2016, the SG, for the first time, repatriated a contingent of peacekeepers (from DRC in MINUSCA) due to evidence of SEA. He also appointed a Special Coordinator on Improving the U.N. Response to SEA.
- With strong U.S. support, the UNSC adopted Resolution 2272, which condemned SEA by U.N. peacekeepers, endorsed the SG's decision to repatriate units accused of SEA, and requested that the SG replace all units from TCCs that do not hold perpetrators accountable.

Other U.N. efforts include creating Immediate Response Teams to gather and preserve evidence for investigations, adopting a six-month timeline for completing investigations, improving complaint mechanisms, and creating a trust fund to assist victims.

U.S. Policy

Administration actions. The Obama Administration supports institutional reforms to address the problem. In particular, it has emphasized the need for better reporting in U.N. peacekeeping operations, increased transparency of U.N. and TCC investigations, and improved peacekeeper vetting and training. The Administration also strongly supports the SG's decision to identify publicly the nationalities of peacekeepers accused of SEA. U.S. officials report that they are using this new level of information to apply diplomatic pressure to TCCs with patterns of peacekeeper misconduct. The Administration has stated it may consider withholding some foreign assistance to TCCs that fail to take appropriate action. It discourages the United Nations from deploying personnel from TCCs that routinely block investigations or fail to hold perpetrators accountable.

Congressional activities. Since FY2006, Congress has required the Secretary of State to report and certify that the United Nations is implementing policies to prevent its personnel from engaging in trafficking in persons, SEA, or other violations of human rights. Some Members of the 114th Congress have sought to withhold bilateral assistance from countries that fail to hold their peacekeepers accountable or have units facing allegations of SEA; create a U.S. strategy to address the issue in U.N. fora; amend the U.N.-TCC Model MOU so that it includes additional provisions to address SEA; and institute SEA-related country designations and reporting requirements, among other measures (see, for instance, proposed State Department authorization legislation, S. 1635 and S. 2937).

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