

No More Impunity

Strategy to end child sexual exploitation
and abuse by UN peacekeepers •



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Introduction.

What is the problem?

Sexual exploitation and abuse¹ of children by United Nations (UN) peacekeepers is a long-standing, widespread, and continuing problem. These shocking violations are committed against some of the most vulnerable members of society and compound the suffering they already experience as victims of armed conflict. Complaints first emerged in the 1990s and have been made against military, police and civilian personnel of UN peacekeeping missions across many countries. Between 2004 and 2016 more than 300 allegations of sexual exploitation and abuse involving children were recorded globally (out of a total of 2,000).²

UN action over the last 20 years has proven to be largely ineffective in tackling the problem. A “Zero-Tolerance Policy” was adopted in 2003 prohibiting sexual exploitation and abuse by all UN personnel.³

The UN repeatedly renewed its commitment to the policy, and in March 2017 UN Secretary-General (UNSG) António Guterres launched a prevention and response strategy to address the problem.⁴ This led to some organisational changes and resulted in an increase in reporting,⁵ but it did not prevent further abuse, including of children. In 2017-2023, 114 further allegations involving children were recorded (out of a total of 459).⁶ Practitioners believe the actual numbers to be significantly higher.

Ultimately, there continues to be near-total impunity for acts of sexual exploitation and abuse against children and adults alike, because of legal and political barriers to accountability within the UN system and in troop-contributing countries (TCCs), insufficient capacity to undertake criminal investigations, and a persistent lack of political will.

¹ The UN defines sexual exploitation as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another” and sexual abuse as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions” in *Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and abuse* - ST/SGB/2003/13 (9 October 2003): <https://undocs.org/ST/SGB/2003/13>, p1. These definitions are endorsed by CRIN, including in *Sexual Violence by Peacekeepers Against Children and Other Civilians – A Practical Guide for Advocacy* (2016): https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f1t/6048a1a3eea85d105635dc5d/1615372756367/guide_-_peacekeeper_sexual_violence_final_0.pdf, p3. See also the *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (Luxembourg Guidelines): https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf

² Paisley Dodds, *AP Exclusive: UN Child Sex Ring Left Victims but No Arrests*, AP News, Associated Press (12 April 2017): <https://apnews.com/e6ebc331460345c5abd4f57d77f535c1>

³ The policy prohibits UN staff from having any sexual relations with persons under the age of 18. *UN Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse* - ST/SGB/2003/13 (9 October 2003): <https://undocs.org/ST/SGB/2003/13>

⁴ UN Secretary-General, *Special measures for protection from sexual exploitation and abuse: a new approach* - A/71/818 (28 February 2017): <https://undocs.org/A/71/818>

⁵ Reuters, “U.N. discloses rise in sex abuse cases, ascribes it to better reporting” (19 March 2019): <https://www.reuters.com/article/us-un-sexualviolence/un-discloses-rise-in-sex-abuse-cases-ascribes-it-to-better-reporting-idUSKCN1QZ2KV>

⁶ Conduct in UN Field Missions, last accessed 13 July 2023: <https://conduct.unmissions.org/sea-victims>

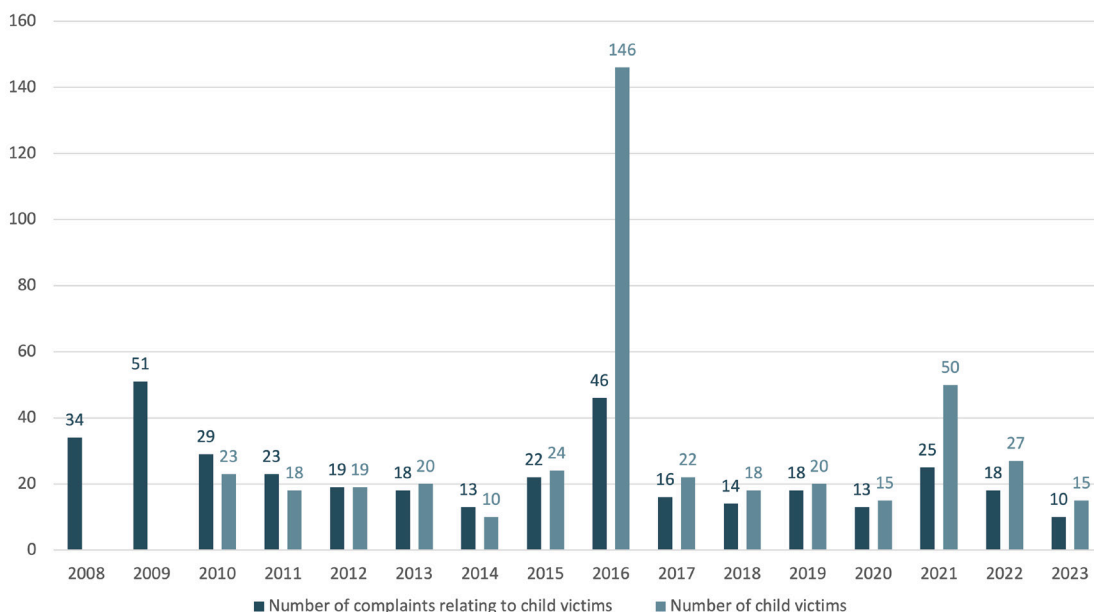


Since 2015, statistics on allegations of peacekeeper sexual exploitation and abuse have been available through the Conduct in UN Field Missions table of allegations. The following graphs represent data concerning child victims extracted from the UN's public database.

Figure 1 provides information on allegations of sexual exploitation and abuse by year in which child victims are involved, as well as information on the number of identified child victims.

Figure 2 provides information on the number of allegations involving child victims, categorised by the nationality of the alleged perpetrators involved. If one allegation of sexual exploitation and abuse involves uniformed personnel from more than one troop-contributing country, the allegation is reflected for both countries.

Figure 1
Child victims sexually exploited or abused by UN peacekeeping personnel⁷



⁷ Figures from the UN's website on Conduct in Field Missions, Sexual Exploitation and Abuse, Table of Allegations (2015 onwards), last accessed 13 July 2023: <https://conduct.unmissions.org/table-of-allegations>

Nationality of alleged perpetrators	Number of perpetrators facing allegations involving children
Democratic Republic of the Congo	23
Gabon	15
Congo	14
Cameroon	13
Burundi	11
South Africa	9
Morocco	9
Tanzania	9
Nepal	7
Mauritania	5
Unknown	5
Pakistan	3
Bangladesh	2
Nigeria	2
Peru	2
Philippines	2
Senegal	2
Uruguay	2
Benin	1
Ghana	1
Guatemala	1
India	1
Niger	1
Paraguay	1
Romania	1
Rwanda	1

Figure 2
Nationality of UN peacekeeping personnel alleged in misconduct against children⁸

⁸ Figures from the UN's website on Conduct in Field Missions, Sexual Exploitation and Abuse, Table of Allegations (2015 onwards), last accessed 13 July 2023: <https://conduct.unmissions.org/table-of-allegations>

What is CRIN doing about it?

CRIN started working on the issue of impunity in 2014, after the revelations of the sexual exploitation and abuse of children by international troops serving in the Central African Republic (CAR).⁹ Since then, the organisation has led several research and advocacy initiatives aiming to hold perpetrators (and the UN) accountable – with limited success.¹⁰

In 2019 we embarked on a project to analyse the reasons for this persistent impunity and how it could be addressed in order to tackle it more strategically. In addition to extensive desk-based research, we interviewed 30 UN officials, diplomats, NGOs, academics, journalists, activists and lawyers working on the issue of sexual exploitation and abuse in peacekeeping and humanitarian settings. We also worked with REDRESS¹¹ to review attempts to hold perpetrators to account using litigation. REDRESS and CRIN then held a workshop with 13 key litigators, advocates and other experts from several countries, to explore avenues for legal advocacy.

This document is the result of all this work: it summarises the findings of our 2019 analysis and uses them to set out a **strategy to promote accountability for child sexual exploitation and abuse by peacekeepers**. Capitalising on the current UN momentum to prevent sexual exploitation and abuse, an effective response would push both the UN and TCCs to carry out reforms and improve access to justice for survivors. This strategy seeks to mobilise existing actors, initiatives and opportunities to create sustained pressure for meaningful change.

⁹ "In the spring of 2014, allegations came to light that international troops serving in a peacekeeping mission in the Central African Republic had sexually abused a number of young children in exchange for food or money. The alleged perpetrators were largely from a French military force known as the Sangaris forces, which were operating as peacekeepers under authorization of the Security Council but not under United Nations command. The manner in which United Nations agencies responded to the allegations was seriously flawed." See Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, *Taking action on SEA by peacekeepers: report of an independent review on SEA by international peacekeeping forces in the CAR* (17 December 2015): <https://reliefweb.int/report/central-african-republic/taking-action-sexual-exploitation-and-abuse-peacekeepers-report>, p. i

¹⁰ Visit CRIN's web page on "Sexual exploitation and abuse by UN peacekeepers" to find out more about actions we have taken since 2014 on this issue: <https://home.crin.org/issues/sexual-violence/un-peacekeepers>

¹¹ REDRESS is an international human rights organisation that represents victims of torture to obtain justice and reparations. For more information, see www.redress.org

“When peacekeepers exploit the vulnerability of the people they have been sent to protect, it is a fundamental betrayal of trust. **When the international community fails to care for the victims or to hold the perpetrators to account, that betrayal is compounded.**”¹²

¹² Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, *Taking action on SEA by peacekeepers: report of an independent review on SEA by international peacekeeping forces in the CAR* (17 December 2015): <https://reliefweb.int/report/central-african-republic/taking-action-sexual-exploitation-and-abuse-peacekeepers-report>, p i

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Section One

Findings .

Main challenges to accountability for child sexual exploitation and abuse by peacekeepers

Under-reporting

There is chronic under-reporting by sexual exploitation and abuse victims and survivors, particularly when it comes to children. They may refrain from reporting due to stigma, fear of reprisals, ignorance of their rights and options for redress, or a feeling of powerlessness. The perception that there is little to gain from speaking out (due to ineffective responses) is another major barrier to reporting.¹³ It is imperative that victims and survivors know their rights, know where to report, are able to do so safely, and can obtain immediate assistance.

Inadequate criminal investigations

There remains major shortcomings in investigative processes both at the UN and TCC levels. The UN Office of Internal Oversight Services (OIOS), which investigates allegations related to UN field missions, can easily be perceived as lacking

in independence. Meanwhile, TCCs have exclusive jurisdiction to conduct criminal investigations of their nationals, but they rarely do so. In any event, the quality of both UN and TCC investigations has been heavily criticised.¹⁴ Fact-finding is frequently delayed and insufficient; investigations are lengthy; and investigators are not properly trained and lack expertise in child protection, safeguarding and mental health. This seriously compromises the quality of criminal evidence that can be collected, along with victims' and survivors' access to justice.

Defensive UN institutions

When sexual exploitation and abuse allegations surface, many actors in the UN accountability chain remain on the defensive, and an institutionalised climate of secrecy persists. Despite a stated shift to a victim-centred approach,¹⁵ there is still a tendency to deflect public attention, protect the organisation, and shift blame onto TCCs. In addition, UN initiatives have usually been taken in a reactive manner, as a response to scandals and media leaks, leading to a number of statements of principles and individual disciplinary procedures rather than evidence-based, long-term systemic improvements.¹⁶

¹³ See Save the Children, *No One to Turn To: the under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers* (2008). See also Inter-Agency Standing Committee Task Force, Model Complaints and Investigations Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation, (March 2004), https://pseataaskforce.org/uploads/tools/modelcomplaintsandinvestigationproceduresandguidancerelatedtoseadraft_iasctaskforceonpsea_english.pdf

¹⁴ See for example CRIN and REDRESS, *Litigating Peacekeeper Child Sexual Abuse* (December 2019): <https://home.crin.org/issues/sexual-violence/un-peacekeepers/litigation-report>, p. 50; and The New Humanitarian, "Blunders in Central African Republic Sex Abuse Probe detailed in internal UN review" (31 October 2019): <https://www.thenewhumanitarian.org/investigations/2019/10/31/Central-African-Republic-sex-abuse-probe-internal-UN-review>

¹⁵ The UN has been criticised for failing to put victims and survivors at the centre of their response to SEA, particularly following the events in CAR. The review of the UN cross-agency

response to the 2014 allegations in CAR found, amongst other conclusions, that the welfare of victims "appeared to be an afterthought, if considered at all." Issues related to the lack of accessibility to reporting, the independence of the investigations, and the difficulties for victims/survivors to obtain progress of the investigations on their allegations, as well as a failure to provide adequate victim support. This led the UNSG to adopt a number of measures that were meant to shift the organisation's focus towards victims/survivors. The intention to "integrate a victim-centred approach" across relevant UN institutions is reflected in the Report of the Secretary-General, *Special measures for protection from sexual exploitation and abuse - A/73/744* (14 February 2019): <https://undocs.org/en/A/73/744>

¹⁶ Jasmine-Kim Westendorf and Louise Searle, *Sexual Exploitation and abuse in peace operations: trends, policy responses, and future directions*, International Affairs 93:2 (1 March 2017).

Immunity and jurisdictional challenges

The UN's founding treaties provide that its peacekeepers enjoy immunity from legal processes in host countries:

- **Military peacekeeping personnel** remain under the exclusive jurisdiction of their national governments. Under both the UN Status-of-Forces Agreement (SOFA)¹⁷ between the UN and host country, and the Memorandum of Understanding (MOU)¹⁸ between TCCs and the UN, TCCs have the primary authority and exclusive responsibility to investigate allegations implicating their nationals and, where appropriate, impose criminal sanctions. The UN can initiate investigations where TCCs are unwilling or unable to do so, but without TCC follow-up, these remain fruitless.
- **Civilian peacekeeping personnel** are also protected from any legal process for all acts performed in their official capacity. Although sexual exploitation and abuse do not constitute official acts of a UN employee, and should therefore be excluded from this functional immunity, the UN reserves the right to determine whether immunity applies. This means that personnel are shielded from legal processes in host countries while protracted UN investigations are ongoing.

In practice, this means that immunity and jurisdiction agreements consistently frustrate efforts to seek accountability for sexual abuses committed by military and civilian UN peacekeepers.

Lack of political will at TCC level

Countries contributing troops to UN peacekeeping operations consistently fail to investigate (or to adequately investigate) allegations of sexual misconduct by their soldiers. When prosecutions do occur, they lack transparency (particularly in military courts), and rarely result in convictions.¹⁹ There is also a general lack of adherence to the concept of troop accountability among many TCCs, with their own national armies often committing crimes on their own territory with total impunity.

Difficulties linked to transnational aspect of prosecutions

Another major obstacle to accountability for sexual abuse committed by peacekeepers is the fact that it is necessarily an international endeavour, involving work in at least two legal jurisdictions, across great geographical distances, in different languages, and with a range of actors with varying agendas. Supporting evidence-gathering, criminal prosecutions and the enforcement of judgments in these circumstances is extremely challenging. Very few, if any, advocates have the required resources and breadth of expertise to take on this challenge.

¹⁷ See UN Digital Library, *Model Status-of-Forces Agreement for Peace-keeping Operations: report of the Secretary-General – A/45/594* (October 1990): <https://digitallibrary.un.org/record/101559?ln=en>

¹⁹ See UN Department of Peace Operations: <https://peacekeeping.un.org/en/deployment-and-reimbursement>

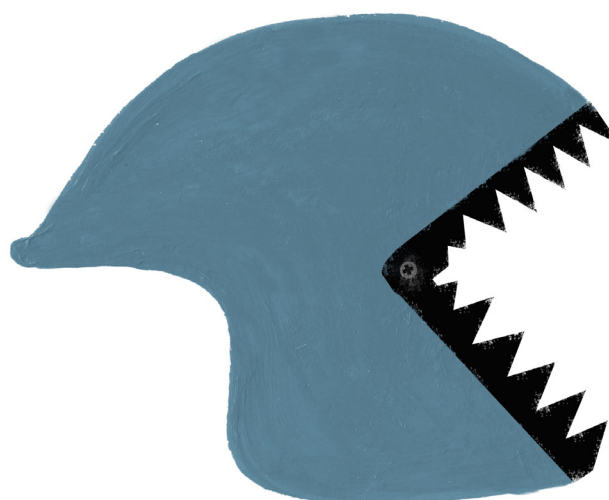
¹⁹ See CRIN and REDRESS, *Litigating Peacekeeper Child Sexual Abuse* (December 2019): <https://home.crin.org/issues/sexual-violence/un-peacekeepers/litigation-report>

What has been done by the UN, and is it working?

The 2014 scandal in CAR precipitated a series of UN initiatives, starting with an independent review on sexual exploitation and abuse committed by international forces in the country. The review, published in December 2015, proposed a series of recommendations “to undertake meaningful organisational change.”²⁰ High-profile policies, mechanisms and initiatives adopted since then include:

- **February 2016:** Establishment of a **Special Coordinator** on improving the UN response to sexual exploitation and abuse. The mandate is to increase coordination between various UN entities and there has been a clear improvement on that front and the office seems to have a good general overview of the response being rolled out both at HQ and field levels.²¹ In 2022, Christian Saunders became a full-time, dedicated Under-Secretary-General to carry out the Special Coordinator role. He succeeded Jane Holl Lute, whose level of engagement with her part-time mandate has been previously criticised by civil society.²²

- **March 2016:** Creation of a **Trust Fund** for victims to support specialised assistance needed by sexual exploitation and abuse survivors and any children born as a result of sexual violence, and strengthen community outreach.²³ However, it is desperately underfunded and does not appear to have a systematic way of operating. Critics point out that its severely limited funds have been spent on small community projects, in peacekeeping countries, which do not appear to explicitly address the needs of victims and survivors of sexual exploitation and abuse by UN peacekeepers.²⁴



²⁰ Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, *Taking action on SEA by peacekeepers: report of an independent review on SEA by international peacekeeping forces in the CAR* (December 2015): <https://reliefweb.int/sites/reliefweb.int/files/resources/Independent-Review-Report.pdf>

²¹ “Secretary-General Appoints Jane Holl Lute of United States as Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse” (8 February 2016): <https://www.un.org/press/en/2016/sga1634.doc.htm>

²² Code Blue, *The Secretary-General is Right: His “New Approach” to UN Sex Abuse Failed* (18 March 2022): <http://www.codebluecampaign.com/press-releases/2022/3/18>

²³ *Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse – A/70/729* (16 February 2016): <https://undocs.org/A/70/729>

²⁴ Code Blue (February 2019): <http://www.codebluecampaign.com/victims-trust-fund>

- March 2016:** Adoption by the UN Security Council of **Resolution (UNSCR) 2272**, which asks the Secretary-General to remove entire contingents from any TCC that fails to hold perpetrators accountable.²⁵ In June 2017, the Republic of Congo withdrew its peacekeepers from CAR following a UN review that found a high number of allegations against the contingent. However, this decision was tardy and made under pressure after NGOs leaked internal UN documents.²⁶ In 2021, the whole Gabonese peacekeeping contingent was withdrawn from the UN mission in the CAR over sexual abuse allegations.²⁷ Despite some improvement, UNSCR 2272 is not being systematically applied.²⁸
- August 2017:** Establishment of a **Victims' Rights Advocate (VRA)**, with Jane Connors appointed in September of the same year. Her role is to represent victims and survivors, and put their rights and voices at the centre of sexual exploitation and abuse responses, working with all parts of the UN system as well as governments and civil society organisations.²⁹ The VRA has limited funding and capacity, and some have raised questions about an inherent conflict of interest in her mandate.³⁰ However, given her expertise in human rights and her frequent meetings with civil society, she is well-respected and perceived as an ally in efforts to improve victim support.³¹ In 2020, the VRA adopted a victim-centred approach into system-wide efforts to address sexual exploitation and abuse.³² While progress has been made in one peacekeeping mission, it is yet to be fully operationalised.³³
- In addition, the UN has generally stepped up **efforts to increase reporting**. Initiatives such as establishing focal points for receiving complaints, 'Shark Watch', 'No Excuse' cards and others encourage internal UN reporting.³⁴ Community outreach has also been expanded with social media, text messaging and radio campaigns to promote the use of hot lines or community-based complaint mechanisms.³⁵ However, these measures have had a very limited impact and underreporting remains a serious concern. Much more work is required to ensure that victims/survivors, and those who report on their behalf, are protected when they come forward, and are guaranteed a response.

²⁵ "Security Council Asks Secretary-General to Replace Contingents from Countries Failing to Hold Sexual Predators Accountable" (11 March 2016): <https://www.un.org/press/en/2016/sc12277.doc.htm> and resulting UNSC Resolution 2272 (2016): [https://undocs.org/S/RES/2272\(2016\)](https://undocs.org/S/RES/2272(2016))

²⁶ Code Blue (June 2017): <http://www.codebluecampaign.com/press-releases/2017/6/20>

²⁷ Aljazeera, "UN withdraws Gabon peacekeepers from CAR over sex abuse claims" (15 September 2021): <https://www.aljazeera.com/news/2021/9/15/un-withdraws-gabon-peacekeepers-from-car-over-sex-abuse-claims>

²⁸ AIDS-Free World, "A Record of Shame: Burundi Does Not Belong in UN peacekeeping" (16 July 2019): <https://aidsfreeworld.org/statements/2019/7/16/a-record-of-shame-burundi-does-not-belong-in-un-peacekeeping>

²⁹ Webpage of the Victims' Rights Advocate: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/victims-rights-advocate>

³⁰ Code Blue, *The UN's Victims' Rights Advocate: A Hindrance to Justice* (28 June 2018): <http://www.codebluecampaign.com/analysis/2018/6/28/vra>

³¹ Interviews with UN stakeholders, New York, October 2019

³² *Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse – A/76/702* (15 February 2022): <https://undocs.org/A/76/702>, paragraph 31

³³ The UN Office of Internal Oversight Services (OIOS), *Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel* (March 2021): <https://oios.un.org/file/8999/download?token=fANcn0TK>, paragraph 135, 136.

- **Prevention measures** were also increased, particularly in the wake of UNSCR 2272 (2016). Reforms have included more thorough **vetting** and **training** of UN personnel pre-deployment, by both TCCs and the UN. At TCC level, many countries have placed their military contingents under stricter engagement rules with obligations to respect a curfew, avoid out-of-bound areas, wear uniforms at all times, and follow non-fraternisation policies.³⁶ Civil society in both CAR and the Democratic Republic of the Congo (DRC) have reported on the positive impact of these recent prevention measures. In addition, since the ground-breaking UNSCR 1325 on Women, Peace and Security, there has been a big push to promote **women's participation in peacekeeping missions**, as this has shown to result in more efficient interventions to prevent sexual exploitation and abuse among other protection objectives. Some UN Member States, including Canada, have made this goal one of their priorities.³⁷

So what has changed so far?

Unfortunately, not much. Despite these important institutional reforms and initiatives, accountability for sexual

abuse within UN peacekeeping missions remains elusive and victims/survivors continue to be left without redress.

The same challenges continue to create significant obstacles to accountability: from under-reporting and the poor quality of investigations carried out, to the issue of immunities and the exclusive jurisdiction of TCCs, combined with persistent lack of genuine political will. The UN continues to fail to certify, in individual cases, that functional immunity does not apply to sexual exploitation and abuse allegations. And there is no published policy on how the UN makes decisions on certification. Lack of transparency remains another major concern, as information made public is not sufficient to measure the progress of complaints and assist victims and their representatives.

Although the UN has made some progress on coordination and communication about allegations of sexual abuse by its peacekeepers, impunity persists. The reality is that both the UN and TCCs have been unwilling or unable to take the necessary measures and make the necessary changes to promptly and systematically investigate and prosecute troops accused of sexual abuse.

³⁴ Interview with key UN stakeholder, October 2019; Whenever troops go out, one in every seven is appointed 'shark watch' with the responsibility to ensure the group is safe and behaves appropriately. See OIOS report (March 2021), paragraph 37.

³⁵ *Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse – A/70/729* (16 February 2016): <https://undocs.org/A/70/729>, paragraph 47

³⁶ See *Report of the Secretary-General on Combating sexual exploitation and abuse – A/71/97* (23 June 2016): <https://undocs.org/a/71/97>, paragraphs 16 and 22; UN Department of Peace Operations (DPO) on Training: <https://conduct.unmissions.org/prevention-training> and on Vetting <https://conduct.unmissions.org/prevention-vetting>; OIOS report (March 2021), paragraph 37

³⁷ See UNSC Resolution 1325 (2000): <https://undocs.org/en/S/RES/1325%282000%29> and the Government of Canada's *National Action Plan for the Implementation of the United Nations Security Council Resolutions on Women, Peace and Security 2017-2022*: https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/gender_equality-egalite_des_genres/cnac_wps-pnac_fps.aspx?lang=eng

What are the changes that we need to see?

At the UN level

The survivor/victim-centred approach is at the forefront of all efforts to prevent and respond to sexual exploitation and abuse:

- Increased awareness across the UN about the victim-centred approach through development of normative guidelines and their incorporation into existing UN policies, regulations and rules, frameworks and trainings.
- Increased funding for the victim-centred approach and its implementation across the system.

Reporting of allegations is made accessible and safe for victims/survivors and carers:

- Local communities are regularly informed about their rights, and made to feel empowered and supported to report abuse, including in remote areas.
- Independent, impartial and confidential reporting mechanisms are put in place – this means they should not be embedded in UN peacekeeping missions.
- A victims/survivor-centred approach is adopted from the moment allegations are made and in every subsequent interaction.

- Survivors are protected from stigma, discrimination, retaliation and re-traumatisation.
- Timely and consistent information is given to complainants on the progress and outcome of investigations.

Investigations are timely, independent, efficient and survivor-centred:

- Investigations start immediately after an allegation is reported.
- Investigating teams include gender experts, mental health and psychosocial (MHPSS) experts, as well as experts on working with child victims of sexual abuse.
- Complainants are fully informed at every stage of the investigation and are able to provide their consent or objection regarding any actions taken on their behalf.
- Investigating teams adhere to the “do no harm principle” and take into account the wellbeing, security and specific needs of survivors, as well as coordinate their referral to prompt and professional support and services.
- OIOS investigators are placed outside UN peacekeeping missions to ensure operational independence and impartiality in investigations.
- Investigations are transparent, and information regularly shared with victims’ lawyers.

UN Member States are pressed or incentivised to pursue accountability:

- The UN Office of Legal Affairs (OLA) systematically follows up TCC investigations and prosecutions for child abuse, applying pressure when needed.
- Member States who fail to investigate allegations are named and shamed by the UNSG.
- UNSC Resolution 2272 is systematically implemented and national contingents repatriated if there is “credible evidence” of “widespread or systematic abuse” (and what is understood by both terms should be clearly defined).
- OLA adopts more transparent decision-making processes for determining whether functional immunity applies to alleged perpetrators, and publishes its decisions.
- Accountability requirements of MOUs between TCCs and the UN are strengthened.

The prevention of sexual exploitation and abuse by UN peacekeepers is linked to UN conflict-related mandates:

- National armed forces that are listed as perpetrators of grave violations in the annexes of the UNSG’s annual reports on conflict-related sexual violence and children and armed conflict automatically fail vetting to contribute troops to peacekeeping missions.
- The UNSG and DPO systematically encourage TCCs to deploy a bigger proportion of women when they contribute troops.
- Troops from armed forces that have a record of human rights violations are not considered for peacekeeping operations.

"The reality is that both the UN and troop-contributing countries have been **unwilling or unable to take the necessary measures and make the necessary changes.**"

At the TCC level

Improved quality of investigations into allegations of child sexual exploitation and abuse by nationals:

- National investigators are swiftly appointed in response to UN requests to investigate.
- Investigations meet the standards of swiftness, impartiality and effectiveness required under international human rights law.³⁸
- Investigating teams include specialist child abuse experts to ensure the quality of evidence gathered without posing risks to children concerned.³⁹
- Investigations follow a victim-centred approach by providing mental health and psycho-social support to victims and survivors, taking into account the particular needs of children.

Laws/policies are revised to assert jurisdiction over sexual exploitation and abuse crimes committed overseas:

- Military and civilian criminal procedures are amended to make them suitable for prosecuting crimes taken place overseas.
- Prosecution processes, particularly military prosecution processes, are sufficiently transparent to enable victims/survivors and their lawyers to determine the outcome of prosecutions and to participate in the process.

³⁸ See CRIN and REDRESS, *Litigating Peacekeeper Child Sexual Abuse* (December 2019): <https://home.crin.org/issues/sexual-violence/un-peacekeepers/litigation-report>, Chapter 7

³⁹ Taking guidance from relevant international standards, including:

- Sara Ferro Ribeiro and Danaé van der Straten Ponthoz on behalf of the UK Foreign and Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law* Second Edition (March 2017): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf

- Murad Code: an international code of conduct for the accountability-relevant documentation of conflict-related sexual and gender-based violence. See: <https://www.muradcode.com/murad-code>

- The Institute of International Criminal Investigations is currently developing written guidelines for the accountability-focused investigation of genocide, crimes against humanity, war crimes and systematic and grave human rights violations against and otherwise involving children. See: <https://iici.global/2019/03/07/iici-development-of-guidelines-for-investigating-international-crimes-and-systematic-human-rights-violations-involving-children>

What is being done by human rights advocates, and is it working?

Over the years, at the international level, many human rights organisations have conducted advocacy directly targeting the UN and calling for investigations into sexual exploitation and abuse allegations, better transparency, improved victim support, and accountability and reparations for survivors.⁴⁰ However, our analysis has shown that, with the exception of long-term campaigns by a few dedicated organisations,⁴¹ most actions have been isolated and short-term, generally driven by global outrage following each new public allegation.⁴²

At the country level, many organisations have documented cases of sexual abuse by peacekeepers and conducted evidence-based advocacy with their governments.⁴³ However, such initiatives often focus on providing support and services for survivors of sexual exploitation and abuse as part of

the wider conflict-related sexual violence (CRSV) or child protection in emergencies (CPiE) agendas. As demonstrated by the REDRESS and CRIN report, there have also been a few initiatives to litigate on behalf of victims/survivors with limited success. But these efforts do not aim to effect long-term, systemic changes within the UN and TCC governments.

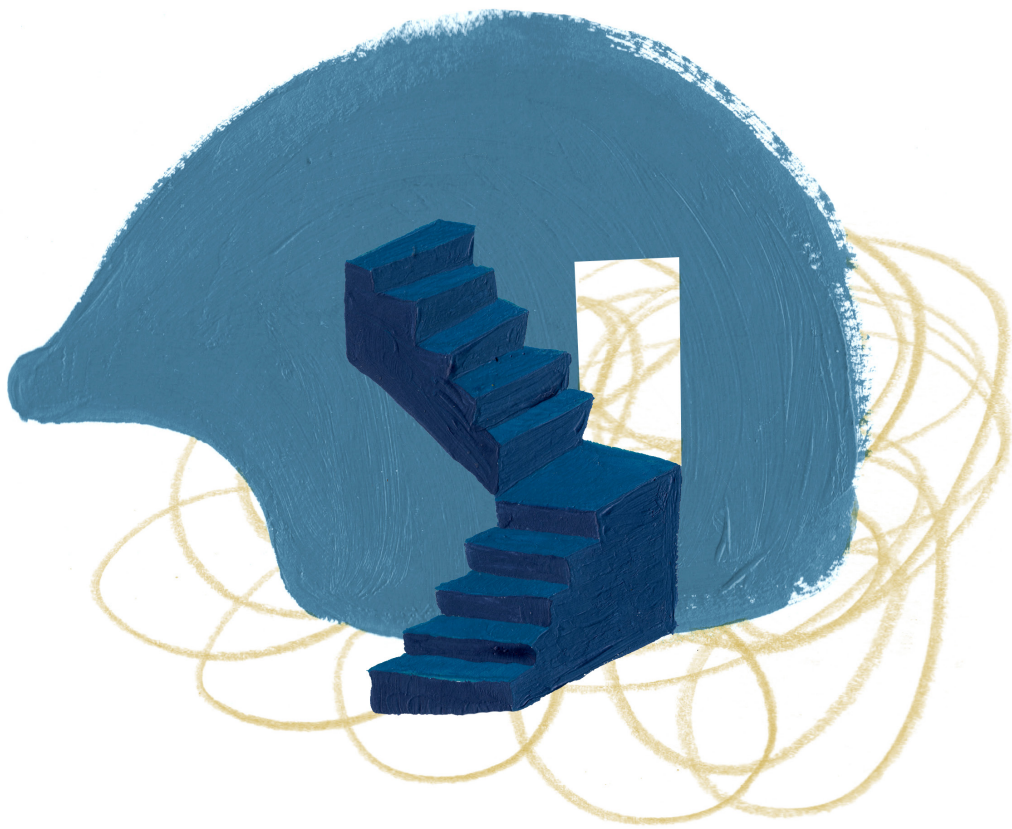
This is why human rights advocacy efforts have so far failed to create the necessary concerted and sustained pressure on all relevant actors and jurisdictions involved, to initiate necessary institutional changes listed above, and achieve accountability for sexual exploitation and abuse crimes. It is also impossible for only a handful of specialist organisations to apply meaningful pressure on the UN and concerned TCC governments and make a systemic difference in this space.

⁴⁰ See for example: "UN response to sex abuse whistleblower is 'deeply unsatisfactory' - open letter" (11 May 2015): <https://www.theguardian.com/global-development-professionals-network/2015/may/11/un-response-to-sex-abuse-whistleblower-is-deeply-unsatisfactory-open-letter>

⁴¹ See for example Code Blue Campaign: <http://www.codebluecampaign.com> and AIDS-Free World: <https://aidsfreeworld.org>

⁴² See for example The New Humanitarian, "Blunders in Central African Republic Sex Abuse Probe detailed in internal UN review" (31 October 2019): <https://www.thenewhumanitarian.org/investigations/2019/10/31/Central-African-Republic-sex-abuse-probe-internal-UN-review>

⁴³ Amnesty International, "CAR: UN investigations into fresh allegations of sex abuse underlines need for peacekeeper accountability" (6 January 2016): <https://www.amnesty.org/en/latest/news/2016/01/car-un-investigations-into-fresh-allegations-of-sex-abuse-underlines-need-for-peacekeeper-accountability/>; Human Rights Watch, "UN: Stop Sexual Abuse by Peacekeepers" (4 March 2016): <https://www.hrw.org/news/2016/03/04/un-stop-sexual-abuse-peacekeepers>. Academics have also published numerous research reports looking at the psychosocial impact of sexual abuse on victims/survivors, at the racial and gendered biases underlining the power dynamics between the local population and peacekeepers. See for example Katherine Jennings "Service, Sex, and Security: Gendered Peacekeeping Economies in Liberia and the Democratic Republic of the Congo" (2014) 45 Security Dialogue 313 at 315.



Proposing a new approach

Consultations with key actors led us to believe that there are two new strategic approaches which could help us to overcome the challenges above, and successfully pressure both the UN and concerned TCC governments to make the necessary systemic reforms and achieve accountability for child sexual exploitation and abuse by UN peacekeepers:

- Forming a coalition on sexual exploitation and abuse accountability – to create a sustained campaign for UN reform
- Engaging in strategic litigation – to enable child survivors to access justice and push for subsequent TCC reform

Strategic engagement amongst partners to create a sustained campaign for UN reform

Many parts of the UN's architecture need to reform in order to make accountability for child sexual abuse by UN peacekeepers possible: the office of the UNSG, the Victims' Rights Advocate, the Office of Legal Affairs, the Office of Internal Oversight Services, the leadership and structure of Peacekeeping Missions, and more.

Therefore, a wide range of capacities and expertise is required to lead a successful campaign towards relevant UN institutions and agencies in New York, Geneva, host countries and TCCs. Since no single actor has all the required capacity and geographical reach to effectively campaign for all these reforms, there is a strong need to collaborate.

Creating a coalition would allow us to pool expertise and experience in different geographical locations and at multiple levels, leveraging the strength of each partner to reinforce one another's work and achieve the desired systemic changes at various UN levels.

Drawing from the idea of "clever coalitions" developed by Crisis Action,⁴⁴ this strategy proposes launching a 'coalition' composed of selected individuals and organisations, each with their regional or thematic expertise, working towards the common goal of accountability for child sexual abuse cases in the peacekeeping context. This will allow us to broaden the base for our outreach and advocacy; bring in a much-needed diversity of approaches and experiences; and break down the magnitude and complexity of a seemingly intractable problem.

⁴⁴ Crisis Action, *Creative Coalitions: A Handbook for Change* (August 2017): <https://crisisaction.org/wp-content/pdf/creative-coalitions-a-handbook-for-change.pdf>

Strategic litigation to enable child survivors to access justice and push for subsequent TCC reform

There have been very limited attempts at strategic litigation to pursue justice for child survivors of sexual abuse committed by peacekeepers. When CRIN and REDRESS organised their workshop in November 2019, all participants agreed that there was great, untapped potential and opportunities for strategic litigation to be used as an instrument to challenge the widespread impunity of child sexual abuse committed by peacekeepers.

Research conducted by REDRESS and CRIN revealed that some of the challenges faced by those who attempted litigation on behalf of survivors of sexual abuse by peacekeepers can be overcome through strategic litigation. This methodology combines legal cases with other strategies such as advocacy, communication, and activism to ensure there is a community behind the client, an impact after the judgement, and a cause beyond the case. Successful strategic litigation has a great potential to effect key legal, policy and institutional changes which will constitute long-term prevention. In the process, survivors are also provided with psychosocial rehabilitation and empowered to become advocates for their own cause, where they wish and are able to do so.

In particular, we currently see opportunities to pursue strategic litigation across CAR, DRC, Haiti, Uruguay, Sri Lanka and France. Developing strategic litigation in these countries, would require a project lasting a minimum of three years.

We therefore believe that the pursuit of well-selected strategic litigation cases, across a small number of countries, by a coalition of groups with complementary expertise and outreach, can be used as a key component of a wider global advocacy strategy to pursue systemic reform on accountability for child abuse in peacekeeping contexts.

02

Section Two

Proposed Strategy.

Objectives and activities

Ultimate objective:

End child sexual abuse by UN peacekeepers

Intermediate objective:

Improved access to justice for child victims/
survivors

Main activities:

- Create a global coalition on accountability for child sexual exploitation and abuse
- Pursue strategic litigation in TCCs

In a nutshell, this strategy aims to ultimately end child sexual abuse by UN peacekeepers, by developing two new approaches to fight impunity:

1. Increased collaboration and coordination among experts working on this issue
2. Efforts specifically directed at strategic litigation – both of which should result in more efficient advocacy for systemic policy changes at UN and TCC levels

Types of activities

Coalition-building to create a sustained campaign for UN reform

- **Identify and mobilise experts** needed for the coalition (expertise will be needed on international law, specific national legal/political contexts, children's rights, child safeguarding, MHPSS support, advocacy at UNHQ levels, etc).
- **Create an international coalition** of lawyers, sexual exploitation and abuse survivors, NGOs, civil society organisations, doctors, MHPSS experts, activists, academics and journalists to end the sexual exploitation and abuse by UN peacekeepers.
- **Organise a kick-off coalition workshop** for members to share their respective knowledge, explore avenues for action on accountability, define shared objectives, and present a common civil society position to the UN and relevant TCCs.
- **Design and implement accountability projects** which take advantage of and combine the expertise, capacity and geographical location of several coalition partners, in order to overcome the usual barriers to accountability for child sexual abuse by peacekeepers.
- **Hold learning meetings** or webinars to share and leverage the specialist knowledge, strategies and strength of each partner (e.g. from Haitian partners on leading paternity suits against peacekeepers).

Research

- **Monitor new cases** of sexual exploitation and abuse of children in peacekeeping contexts and regularly publish and share data with coalition partners to inform legal advocacy strategies.
- **Analyse data on accountability** for allegations of child sexual abuse by peacekeepers that is made available by UN agencies and TCCs, in order to identify trends in reports, convictions and pending cases, for advocacy purposes.
- **Create an interactive map** as a public campaigning and advocacy tool which would facilitate follow-up on the status of allegations and pending prosecution cases.
- **Document continued barriers to accountability** for SEA against children in peacekeeping contexts as part of coordinated monitoring and evaluation of activities conducted by coalition members to assess progress towards their stated objectives.
- **Expose the impact of sexual abuse on children** by coordinating a study from medical, mental health and psychosocial experts, and use it for advocacy purposes.

Strategic litigation

- **Document new cases** of child sexual exploitation and abuse through lawyers, doctors and national civil society organisations in the coalition.
- **Identify the strongest cases and jurisdictions** for strategic litigation by:
 - > Consulting survivors and their relatives to identify their priorities and the actions that they would be willing to take (petitions, private advocacy, media work, legal action, etc.) to pursue accountability.
 - > Consulting national partners to assess their willingness and capacity to support accountability efforts through strategic litigation including by pursuing connected policy reforms at the government level.
 - > Mobilising coalition members to build legal teams to litigate the cases, including by facilitating linkages between selected lawyers in TCCs and host countries.
- **Pursue holistic, strategic litigation cases** combining legal work with effective advocacy, media and communications initiatives from various members of the coalition (see below activities under “Advocacy”).
- **Apply a survivor-centred and children’s rights compliant approach to strategic litigation cases**, including providing assistance and support throughout the case, helping complainants make informed decisions while guaranteeing their safety and confidentiality and respect of their needs and wishes.
- **Explore other legal avenues for accountability** including undertaking cross-jurisdiction civil cases, filing complaints to regional or international human rights mechanisms, seeking judicial reviews for TCC decisions not to prosecute, and litigating against TCCs themselves – when they fail to prosecute cases of peacekeeper sexual abuse against children.

Advocacy

- **Launch a global campaign** on activism against child sexual abuse by UN personnel, using the example of “16 days of activism against gender-based violence”, with various coalition members pushing for different legal and policy reforms at UN and TCC levels (e.g. training OIOS investigation teams; or establishing reporting mechanisms that are independent from UN peacekeeping operations).
- **Organise a round table with key UN actors and Member States** to present the coalition’s strategy for systemic change at UN and TCC levels, and start dialogue on this issue. This could be convened by a friendly state (e.g. the Canadian Mission to the UN).
- **Advocate for key policy reforms to be discussed in the next Open Debate** for UNSC Resolution 2272, by applying pressure on the UNSG, the Under-Secretary on Peace Operations, and key Member States.
- **Combine complementary advocacy initiatives** from different coalition members to achieve a selected change within a specific UN institution or TCC government: e.g. a mixture of ‘naming and shaming’ tactics and more collaborative engagement (or technical assistance) targeting key UN officials with our policy objectives. Individual organisations would use different strategies, and build on working together in a more comprehensive manner to target the same actors.
- **Roll out in-country awareness-raising initiatives** through local coalition partners: for example, a campaign “caravan” could criss-cross the country with local civil society, lawyers, journalists to kick-start the process of empowering communities through interactive activities informing them of their rights.
- **Work with journalists** to raise awareness about the issue and create more pressure for change at the UN and TCC levels: publish op-eds on the work of the coalition in key national and international media; write press releases following relevant events in countries with peacekeeping missions; and produce frequent social media posts for key dates and major achievements towards our objectives.

