

Call for Ideas
on Fighting against Trafficking in Human Beings and the Smuggling of Migrants

2nd Diplomacy Barcamp:

Fighting against Trafficking in Human Beings and the Smuggling of Migrants

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Rome, October 31st, 2014

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A SYSTEMIC FAILURE: UN PEACEKEEPING AND ITS ROLE IN HUMAN TRAFFICKING
AND SEXUAL EXPLOITATION IN THE CONGO AND ELSEWHERE

Imagine for a moment that you are in a war torn country, impoverished, hungry, and in constant danger. You would hope that those who are sent to “keep the peace” would do their part to protect you and your family from aggression and exploitation. In a more perfect world, the sight of blue helmets would bring a sigh of relief as the U.N. is supposed to stand up for the weak. You would not expect that their presence would exacerbate the problems your people are experiencing, much less bring a whole host of problems on their own. Yet in the Congo, as in most places with Peacekeeper presence (Haiti, Kosovo, Sierra Leone,...etc), the case is exactly the opposite. Rather than protecting the weak and thwarting off criminals, Peacekeepers now have a long track record of sexual abuse and rape of the local population, exchanging food stuffs for sexual services, and brothel patronage, which in its turn funds the seedy underbelly of crime that often comes with the territory of a conflicted or post conflict zone. Combined, these actions serve only to foster a dependency on peacekeeper aid because conflict and crime is perpetually funded, and on a laterally related note, their presence creates a demand for prostitution, which ultimately has led to tacit institutional support for forced prostitution, human trafficking, rape and thus the financial and emotional abandonment of children resulting from rape, and the sexual exploitation of children.

In 2004, peacekeepers impregnated 141 women and committed around 150 *known* sex crimes, including pornography, and in both 2008 and 2009 over 15,000 rapes were reported each year, though the Deputy Head of Peacekeeping did not reveal how many of these incidences were related to peacekeepers, though global trends in peacekeeping point to a spike in sexual exploitation and trafficking (Lendman). On average, over 1,152 women are raped every day in the Congo and are 58% more likely to be raped than their American equivalents (newstimeafrica.com). In 2010, it was reported that close to 300 women were raped en masse in a village nearby a peacekeeping base (Howden). This just goes to show that women are not protected, but exploited, and crimes against humanity take place on a daily basis. Also, Women Under Siege reports that in January 2011, five Uruguayan peacekeepers were accused of the rape of a 17-year-old Haitian teenager, and in March, two Pakistani peacekeepers were accused of the rape of a 14-year-old boy. In a way or another, the responsible of the atrocities avoided punishment, or they were simply sentenced with one year of prison. According to the United States Institute of Peace, in 2013 “the reported number of fresh allegation has dropped from the peak seen in the early 2000s” (Ferstman).; however, as reported by Carla Ferstman, (Director of REDRESS, a human right organization based in London) the figures on abuses by peacekeeping personnel are still high. Indeed, in 2012, sixty allegations were reported in ten field missions while “the rate of related criminal persecutions remains negligible” (Ferstman).

The UN peacekeepers are targeted in this project specifically because they are representatives of the most powerful and influential of IGO's, and in order to tackle this problem in its entirety, we believe it is important to direct our attention at the international standard-bearers, in order that nation states and private contractors will follow suit.

At the beginning of 2000, data reporting massive sexual exploitation and abuse by peacekeepers during military missions in in-conflict or post-conflict countries were massively reported by the press. At that time, the astonishing evidence and the subsequent concern for the data regarding the increase of human trafficking, pushed the UN to recognize the urgency of addressing Trafficking in Human Beings (THB) further. That produced the supplement to the *Convention Against Transnational Organized Crime*, which is better known as the *Palermo Protocols*: composed by the *Protocol to*

Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, and the *Protocol Against Smuggling of Migrants by Land, Sea, and Air* (Carol S. Brusca, 1). That same year, in the “*Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography*”, the General Assembly specified which jurisdiction has to be applied in cases of abuse by peacekeepers, namely he one of the country of origin of the abuser, and clarified how the extradition of the abusers from the host country to the country of origin must take place.

A report commissioned in 2001 by the Office of the UN High Commissioner of Refugees investigating the sexual exploitation and abuse of vulnerable people by UN personnel in peacekeeping operations (particularly “persistent and serious” in West Africa), was presented in January 2002 showing shocking and shameful results (SecurityCouncilreport). The report was issued on October of the same year stressing the difficulties of conducting a proper and complete investigation due to the nature of the abuse studied and the “environment in which it occurred,” (SecurityCouncilreport). For these reasons, in 2003, the Secretary General issued a policy Bulletin providing and presenting “special measures for protection from sexual exploitation and abuse“(SecurityCouncilreport). This Bulletin on Special Measure for Protection from Sexual Exploitation and Sexual Abuse (SGB), also called the “zero-tolerance policy (ZTP) bans almost all sexual activity between peacekeepers and local women in order to prevent sexual exploitation and abuse,” (Olivera Simić, 165).

Despite the 2003 Bulletin, banning any kind of sexual contact between UN personnel and local people, acts of sexual exploitation and abuse continued, to a particular extent in the Democratic Republic of Congo (Scuritycouncilreport). Here, rapes, sexual contact with women and children through coercion or for the exchange of money, food, or gifts were common (Securitycouncilreport). After continued coverage by the media and the press about the increasing sexual exploitation , abuse, and misconduct by peacekeepers in their mission, the Council requested an investigation by the Secretary-General Kofi Annan and advised for an implementation of the code of conduct and training of UN peacekeepers (Defeis, 193). So, the Secretary General charged Prince Zeid Ra’ ad Zeid Al-Hussain, the Permanent Representative of Jordan and a former UN peacekeeper, with the task of

“[investigating] and [reporting] on possible abuse” (Defeis 188). On March 2005, the Zeid Report was ready, and it presented numerous and continue abuses and sexual exploitation of women and girls in countries in a situation of conflict or post-conflict where peacekeeping missions were in act. Sex could be traded with money, food, or clothing. Other times, peacekeepers raped the women and girls and gave them gifts after having sexually assaulted them in order not to make it seem a case of sexual abuse. Consequently, many abused young women and girls gave birth to the so called “ peacekeeper babies” who are not supported by their biological fathers (Defeis 188). In 2005, following the accusations of continued sexual abuses by UN peacekeepers in the DRC, peacekeeping officials responded that the Member States providing the soldiers had the task to “send sterner commanders and toughen the punishment for perpetrators” (un.org). In eastern Bunia town, although the troops were aware of the investigation, and report were conducted by the Office of Internal Oversight Services (OIOS), the peacekeeping personnel continued its “activities” (un.org). “The OIOS investigated 72 allegations, resulting in 20 case reports. Of these cases, perpetrators were positively identified in six, not identified in 11 and the accusations were not fully corroborated in two,” (un.org).

Many propositions were made to stop and prevent peacekeepers from sexually abusing the population they are supposed to protect. However, despite many proposals and several conventions, not fully satisfying results have been accomplished, and the abuses remain. The reason lies in the fact that every TCC (Troop Contributing Country) has exclusive jurisdiction for prosecuting its personnel, and very often there is little political will to implement or enforce rules against sexual abuse, much less prosecute the sexual abusers. Such circumstances are also referred to as “jurisdictional gap”, as Professor Scarpa argues, in which “*exclusive jurisdiction*” is given to the country of origin of the abuser (Silvia Scarpa, 24). Often the perpetrators of sexual abuses and violations are sent home, but then, no further action is taken by the state (Defeis, 207). Also, the soldiers usually come from poor countries and are willing to participate in the UN missions sometimes more for the remuneration that they get from it than for the cause of the mission and for protecting the people.

Some programs have been implemented up to now in order to efficiently prevent abuses and punish the abusers. What has been done practically (in the first decade of 2000) to solve impunities

has sometimes worked also as a kind of “sanctions” against the abusers. Pre-deployment training and education programs informing new personnel about the position of the organization towards sexual abuses by peacekeeping personnel, how the organization reacts to them, and the implications for those who are caught in committing such abuses are well outlined. Rule four of the *Ten Rules: Code of Personal Conduct for Blue Helmets* provides that “peacekeepers ‘...[do not] indulge in immoral act of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.” (Defeis, 193). Other interventions include awareness-raising campaigns in the host countries, curfews for military and peacekeeping personnel, “the prohibition for civilian dress for uniformed contingents”, so that they can be easier identified, the declaration of some building such as brothels and other bars as “off-limits to UN personnel,” and the improvement of recreational activities within the bases (Fleshman). There have also been proposed programs for victim assistance (2007), including financial and technical support, medical services, educational opportunities, and psychosocial services, and investigation and disciplinary measures, such as the one proposed in the 2003 Bulletin providing regulations clarifying that sexual abuse and exploitation will be punished and will lead to “disciplinary action, including dismissal” (Defeis, 193).

If Member States and the UN itself have not been effective in enforcing their own rule and laws, what can be done by other actors in order to change this system of impunity, purposeful blindness, and “boys will be boys” attitude by the ones who should prevent abuses against vulnerable people rather than carry them out?

NGOs might be created in order to protect the vulnerable and put public pressure for the U.N. not only to enforce and enhance its own policies, but to also put pressure on member states to change the underlying issue of service culture in the U.N. peacekeeping ranks. Whenever a Peacekeeping Operation is deployed, an NGO should have the chance to be built close to a U.N. Peacekeeping base or a checkpoint, surrounded by visible cameras as to create an impression that someone is watching (that would also allow to cut security spending for the NGO due to the proximity to the militarized building). The NGO’s short term goal would be to provide a safe-haven for runaway forced sex workers, a community feeding service as to prevent trading sexual favors for basic sustenance, and a

place for peacekeeper children to be safe and taken care of in order to alleviate the pressure on unintended mothers. The intermediate goal is to provide schooling in order for women and children to become literate, knowledgeable of trafficker tactics and deception, self-defense, and gender equity, while learning some basic skills that could serve as a basis for work. Ideally, a partnership with Fair Trade might be set up in order to women and children to sell the goods they create in order to make an income. This is really likely to have an empowering effect, not only on the women but also on their children who might have otherwise grown up to follow in their mother's footsteps, or worse the abusers, however unwittingly. The long-term plan is to document interviews with victims and use any information or evidence captured on film to illuminate acts of exploitation, peacekeeper contributions to the problem, and the enhanced poverty as a result of fatherlessness, unsupported children and mothers. The idea is to draw attention to the many facets of the issue, framing it in such a way that—local issues aside—the U.N. peacekeepers are often not in fact keeping the peace, but rather exacerbating the already profound problems in the areas where they operate. A continuous media blitz focusing on the U.N.'s and member states' complicit connection to local conflict might eventually create the political will to enact effective punitive policies and bring more women into the missions as to create a check on "Masculine culture," and dismantle the "boys will be boys" excuse. That is likely not only to put further pressure to change the recruitment policies in order to prevent the entry of persons with strong gender discrimination and disregard for human rights but also to finally incentivize the entry of strong, proven leadership to change the culture of what is acceptable behavior in a conflict zone. Zero-tolerance cannot simply be a hollow promise and an overall change in institutional culture and leadership needs to be implemented. Peacekeepers ought to be an elite force, not a collection of sexual tourists in elaborate institutional disguises. Creating NGOs for the problem discussed will help denouncing and recording abuses efficiently and asserting opposition to inhuman acts towards other vulnerable human beings, especially when such inhumanity is perpetrated by people who are supposed to help, keep, and build peace.

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