



SEXUAL EXPLOITATION AND ABUSE BY INTERVENTION FORCES IN CENTRAL AFRICAN REPUBLIC

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ABSTRACT

Sexual exploitation and abuse (SEA) continues to undermine UN operations thereby affecting the efficacy of these interventions. This study aims at investigating the extent of “allegations of SEA by intervention force with reference to UN intervention in contemporary African conflicts: A Case of Central Africa Republic (CAR).” This was a library-based research that relied on secondary data. Data was obtained from books, e-books, journals, UN publications and websites. The collected data was analysed thematically so as to establish the extent of allegations of sea by intervention force in CAR. The findings show that UN interventions force in CAR is faced with a myriad of challenges that affect its mandate execution. Much as there has been some positive output in MINUSCA operations, these successes have been shadowed by some of these challenges. SEA has been widespread in Central African Republic, though some of the allegations date before the UN intervention, the wide perception of the populace is that the UN forces are to blame. From the study it can also be concluded that the UN has its hands tied and has not been able to effectively enforce investigations by the TCCs since this a responsibility of the Troop/Police Contributing Countries (T/PCCs). Given the fact that the UN always faces a challenge of raising troops for PKOs it does not want to lose this ability further by blacklisting TCCs who fail to complete such investigations and punish the offenders. The system wide measures put in place in support of the ‘Zero tolerance policy’ have not been effective. Since the study has established that SEA is a real challenge facing PKOs, there should also be effort to make sure that each country takes direct responsibility for the crimes perpetuated by their contingents and failure to complete investigations and conclude such cases should be enforced by strict penalties including banning from participation in Peacekeeping Operations (PKOs).

Key words: Sexual Abuse and Exploitation; Central Africa Republic; MINUSCA; UN Peace Keeping Operations

I. INTRODUCTION

Since 2000, the UN has mandated interventions in a number of conflicts in Africa. These include: “UN Mission in Ethiopia and Eritrea (UNMEE), UN Organisation Mission in the Democratic Republic of the Congo (MONUSCO), UN Mission in the Central African Republic and Chad (MINURCAT), UN Mission in South Sudan (UNMISS), UN Operation in Côte d’Ivoire (UNOCI), the UN Multidimensional Integrated Stabilization Mission in the Central African Republic, (MINUSCA), UN Operation in Burundi (ONUB), UN Mission in the Sudan (UNMIS), and UN Mission in Liberia (UNMIL).”¹

Regrettably, peacekeeping forces have often been accused of sexual assault against local women. This undermines intervention efforts; often prompting accusations and counteraccusations among peacekeepers, local populations and government authorities.² Such complaints have always challenged the legitimacy of the missions in the implementation of their mandates to an extent that they overshadow the missions’ success.

¹UN, ‘List of Past Peacekeeping Operations’ [online]. Accessed on 6 September 2019.
<https://peacekeeping.un.org/en/list-of-past-peacekeeping-operations>

²Thelma Awori, Catherine Lutz and Paban Thapa, ‘Final report: expert mission to evaluate risks to SEA prevention efforts in MINUSTAH, UNMIL, MONUSCO and UNMISS,’ (New York: UN, 2013), p. 1. Accessed on 6 September 2019,
<http://static1.squarespace.com/static/514a0127e4b04d7440e8045d/t/55afcf1e4b07b89d11d35ae/1437585313823/2013+Expert+Team+Report+FINAL.pdf>



Arising from this, the UN and the international community now recognise Sexual Exploitation and Abuse (SEA) as a threat to the efficacy of peacekeeping missions and are seen as “betrayal of trust by the international community.”³ Irrespective of the way in which it exhibits itself, SEA has continued to be part and parcel of peace support operations and despite the presence of elaborate mechanisms aimed at curbing it, allegations continue to be reported.

In 2015, following allegations made against peacekeepers serving with MINUSCA who were accused of rape and sexual assault targeted at local populations, the UN Secretary General (UNSG) accepted resignation of “the UN Special Representative of the Secretary General (UNSRSG)” to MINUSCA, Babacar Gaye⁴ and subsequent repatriation of 120 members of Republic of Congo (RoC).⁵ Although “the UN Department of Peace Operations” (UNDPO) and the Force Commanders went into intense deliberations on ways of averting such occurrences, the overall impact of these accusations on the performance of peace missions is worth being analysed. This study thus sets out to investigate the extent of allegations of SEA by intervention force in Central African Republic (CAR).

1.2 Statement of the Problem

SEA continues to impede UN operations and one good example of this is its mission in the CAR. Reports of such cases were in the increase in 2015 forcing the UNDPO to repatriate some troops from the mission. The associated litigation processes and accusations take off focus from the original intentions of the peacekeeping mandates. This leads to increases in prostitution, sex trafficking and other protracted cases of sexual assault including the rape of women and girls.⁶ However, understanding the extent of allegations of SEA in the CAR and their implications of the PKOs in the country is hard to fathom without in-depth study. It is in this context that this study investigated how SEA affects the execution of UN interventions in contemporary African conflicts with a special focus on the CAR.

1.3 Research Objective

This study aimed at investigating the extent of allegations of SEA by intervention force in Central African Republic.

II. LITERATURE REVIEW

2.1 Conceptual Framework

Intervention in conflict situations refers to an intermediary in a conflict situation. By getting involved in the conflict, the intermediary helps the disputing parties resolve or manage the conflict. Interventions can either be military or diplomatic. In the context of the UN, armed third-party interventions can either be peacekeeping or peace enforcement. UN intervention has over the years expanded from what was initially referred to traditional peace keeping during the cold war era, to responding to complex emergencies involving more than just keeping the peace but rather a broader spectrum of tasks⁷ which require closer interaction with the civil populace. Success of third-party interventions largely depends on the trust and perceptions of the belligerents of the enforceability of the outcomes the interveners propose.⁸

The composition, interests and attitudes of the TCCs further complicated by interests of other non-troop contributing countries, also largely contribute to the success. At times it becomes very difficult to assess the success of an intervention because it depends on the context of this assessment. Crocker argues that interveners in conflicts are obligated to have their own definition of success. They should have such definition in mind and ensure that they do not

³ UN General Assembly, Note by the Secretary-General, Report on an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, A/71/99, June 2016

⁴United Nations Secretary General, Statement to the Press on Central African Republic. (New York 12 Aug 2015). Accessed on 6 September 2019. <https://www.un.org/sg/en/content/sg/press-encounter/2015-08-12/full-transcript-secretary-generals-remarks-press-central>

⁵UNSCR S/2016/305, 1 April 2016. Accessed on 6 September 2019.

https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_305.pdf

⁶ Sandra Whitworth, ‘Men, Militarism and UN Peacekeeping: A Gendered Analysis’, (Boulder, Colorado: Lynne Rienner, 2004) pp. 67- 68.

⁷ Sens Allen, ‘From Peacekeeping to Peace Building: The United nations and the Challenge of Intrastate War’, in, *The United nations and Global Security*, Richard Price and Mark Zacher (eds), (New York: Palgrave, 2004).

⁸ Robert Nalbandov, *Foreign Intervention in Ethnic Conflicts* (Burlington: Ashgate, 2009).



get embroiled in the problem which could aggravate the situation.⁹ This infers therefore, it is the international community through the UN that determine the success of its intervention.

Since the intervening forces operate in an environment that lacks proper governance and institutions that regulate the various social activities, it is expected that their operations and other social activities are governed by the 'UN code of conduct'. "While there are layers of law regulating some of these actors, such as military peacekeepers, who are bound by the laws of their sending state and military discipline, they benefit from immunity from the host state's law for crimes they commit in that country."¹⁰ This explains the inabilities of host nations to deal with SEA. This could have negative repercussions on the peace keeping missions,

2.2 Allegations of SEA by the United Nations Intervention Force

A report on the UN intervention in Bosnia in the 1990's indicated that, "there were rampant incidences of girls and women being trafficked into Bosnia. This, though organised by criminal groups, enjoyed the involvement of international personnel." Simm notes that "according to local police, trafficking had not existed prior to the arrival of international peacekeepers." "The clientele of these women included local police and population, the stabilization Force, International Police and employees of humanitarian agencies in Bosnia-Herzegovina."¹¹ At the centre of this scandal was DynCorp, "a private military and Security Company that the US Government contracted to undertake the training of police and advisers to the UN mission in Bosnia."¹² He further noted that, "despite evidence from whistle-blowers, corroborated by US Army investigations, no members of the international police taskforce were prosecuted for trafficking in Bosnia, they were instead repatriated."¹³

Although SEA might have persisted in peace operations, it first became a major issue in PKOs in the UN Transition Mission in Cambodia (UNTAC) in 1993 where there was a significant increase in the number of prostitutes (from 6000 before the conflict to 25,000 in 1993).¹⁴ During this period, there were complaints of sexual abuse against girls and reports regarding cruelty by UNTAC members on prostitutes as compared to local customers.¹⁵ Regrettably, UN did not take any firm action against the perpetrators. The head of the mission just stated that "boys are boys" and the troops were just advised not to park UN vehicles near brothels or wear their uniforms when going there. Further, condoms totalling close to 1 million were imported into the country for purposes of curbing the spread of HIV.¹⁶ In 1995 "in Bosnia and Herzegovina, there were reports that girls and women were trafficked to work as sex slaves in brothels that UN personnel frequented and it became quite clear that peacekeepers were complicit in the trafficking."¹⁷ However, the UN failed again to adopt a wide definition of trafficking that could offer enough protection to victims of SEA.

In 2002, SEA was also reported by Save the Children-UK (SC-UK) and UNHCR. Focused "on Liberia, Guinea and Sierra Leone, the three west African countries of the Mano river region," the report indicated that international and NGO staff engaged in wide ranging acts of SEA against refugees. "There were allegations that UN staff engaged in sex with women and girls in "exchange of money, food and school fees."¹⁸ In a 2002 report by the UNSG, noted that "SEA by humanitarian staff cannot be tolerated and anyone employed by or affiliated with the UN who breaks that sacred trust

⁹ Crocker, Chester A., and Fen Osler Hampson. "Making Peace Settlements Work." *Foreign Policy*, no. 104 (1996): 54-71. doi:10.2307/1148990.

¹⁰ Simm, Gabrielle. "Regulating Sex in Peace Operations." In *Regulatory Theory: Foundations and Applications*, edited by Drahos Peter, 415-28. Acton ACT, Australia: ANU Press, 2017. Accessed April 15, 2020. www.jstor.org/stable/j.ctt1q1crtm.34.

¹¹ Simm, Gabrielle. 2017. Op.cit

¹² Ibid.

¹³ Ibid.

¹⁴ Sandra Whitworth, Op.cit.

¹⁵ Ibid.

¹⁶ Olivera, Simic, 'Regulation of Sexual Conduct in Peacekeeping Operations' (New York, London: Springer, 2012), p41 <https://books.google.co.ke/books?id=l4KwJVeCp14C&lpg=PP1&pg=PR3#v=onepage&q&f=false>

¹⁷ Ibid.

¹⁸ UNHCR and Save the Children (UK), 'Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone based on Initial Findings and Recommendations from Assessment Mission 22 October - 30 November 2001.' https://www.savethechildren.org.uk/content/dam/global/reports/health-and-nutrition/sexual_violence_and_exploitation_1.pdf Accessed on 6 September 2019.



must be held accountable and, when the circumstances so warrant, prosecuted.”¹⁹ However, though many cases were reported, there was little evidence that much had been done to check the occurrences of SEA in most African conflicts.

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.”²⁰ In this regard, “the practice of any form of sexual relations between peacekeepers and the local populations for the purposes listed, is considered as sexual exploitation.” Sexual abuse is defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”²¹ Irrespective of the way in which it exhibits itself, SEA has continued to be part and parcel of peace support operations.

SEA has in the recent past been considered as one of the greatest challenges in the UN efforts in peace support operations. UN special measures for “protection from SEA (A/69/779 and A/70/729) dated 2016,” detail an on-going programme of action in selected areas. These include “enforcement, prevention, and remedial action,” including strengthened administrative and financial sanctions for all categories of UN personnel. These efforts were set in motion following the Secretary-General’s 2013 report (A/67/766) that itself built on work begun in 2005.²² The 2013 report outlined enhanced activities in three key areas. To begin with, there was need to institute additional measures to promote good governance. There was also need to strengthen leadership as well as managerial and individual accountability. Further, “robust oversight and enforcement was also needed to curb the persistent challenges encountered in the implementation of the zero-tolerance policy.”

A UN investigation undertaken in 2013 on SEA, pointed that it was “most significant risk to UN peacekeeping missions (UNPKMs), above and beyond other key risks including Protection of Civilians (PoC).”²³ This shows that without doubt, that sexual exploitation as a practice in UNPKMs is increasingly becoming a serious crime. As a result of its gravity, the UNSG Ban Ki-moon stated that “a single substantiated case of SEA involving UN personnel is one case too many.”²⁴ Regrettably though, acts perceived to be SEA continued to be perpetuated by military and civilian personnel. This took place against a clear policy framework aimed at checking it and holding its perpetrators accountable.²⁵ This was exemplified in the CAR in 2015 when numerous allegations of SEA perpetrated by peacekeepers were reported. Regrettably, there was little action meted on most of the perpetrators of such abuse, which was seen as “betrayal of trust by the international community.”²⁶

According to the UN “Zero tolerance” to SEA fact sheet, “in March 2017, the UNSG brought forward a comprehensive four-pronged strategy aimed at reining in on SEA through preventive and response strategies spanning the entire UN system. This included: “stamping out with impunity through reinforced reporting and investigations; ensuring that the rights of the victims as well as their dignity were prioritised and; dealing with bottlenecks to the achievement of criminal accountability in the UN. It also called for the engagement of external partners as well as the civil society in handling SEA.” The need to improve strategic communication so as to foster education and transparency was also considered as critical.

Following an upsurge of cases/ allegations of misconduct and sexual abuse by military personnel in UN missions, particularly MINUSCA, a number of efforts have been initiated in order to curb this vice. These efforts that are also in reaction to the UNSG’s report on “Special measures for protection from sexual exploitation and sexual abuse (A/69/779, dated 13 Feb 2015)” that made recommendations on “prevention, enforcement and remedial action.” Subsequent to this, following allegations of “sexual abuse of several young children in exchange for food or money by

¹⁹UNGA, Investigation into sexual exploitation of refugees by aid workers in West Africa (A/57/465, Oct 2002). Accessed on 6 September 2019.

<https://reliefweb.int/report/guinea/investigation-sexual-exploitation-refugees-aid-workers-west-africa-a57465>

²⁰ UNSG, ‘Secretary-General’s Bulletin: special measures for protection from sexual exploitation and sexual abuse ST/SGB/2003/13’, p1.

²¹ UNSG, ‘Secretary-General’s Bulletin: Op.cit.

²² United Nations Documents, ‘A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations, (A/59/710. March 2005).

<https://www.securitycouncilreport.org/un-documents/document/se-a-59-710.php>

²³ Thelma Awori, 2013.Op.cit. p1.

²⁴ United Nations General Assembly (UNGA), ‘Special Measures for protection from sexual exploitation and Abuse’-Report by Secretary-General (UNSG), Feb 2015.

²⁵ Ibid.

²⁶ UN General Assembly (A/71/99, June 2016), Op.cit.



PKO troops in CAR,” the UNSG constituted a panel to investigate these allegations and a report was published in December 2015.²⁷ Due to the seriousness of the allegations, “in February 2016, the UNSG appointed Jane Holl Lute as Special Coordinator on improving the UN response to SEA.” On behalf of the UNSG, the Special Coordinator was to focus on system-wide efforts which were aimed at strengthening, aligning, building on and tracking the existent measures in the three focal points namely: “prevention, enforcement and remedial measures.” However, since peace support operations often take place in areas that are immensely affected by violence, it is often untenable to thoroughly investigate cases of SEA. In some cases, it also become unattainable for mission leadership to enforce prosecution for perpetrators of this vice since it is incumbent upon the TCCs to undertake investigations and subsequent criminal proceedings against the perpetrators.²⁸

III RESEARCH METHODOLOGY

This is a library-based research that has purely relied on secondary data. Data has been obtained from books, e-books, journals, UN publications and, on-line publications among others. The data so collected has been analysed thematically so as “to establish the key themes and trends from which findings, conclusions, and recommendations have been drawn.”

IV. FINDINGS AND DISCUSSIONS

4.1 Evolution of SEA Allegations Levelled Against MINUSCA Peacekeepers

Since inception, MINUSCA has experienced a number of challenges key among them being allegations of SEA that informed key policy changes and implementation in the United Nation Department of Peace Operations (UNDPO). Most of these allegations started almost immediately after the establishment of the mission²⁹ however since 2015 the allegations have drastically reduced.³⁰ It is worth noting that SEA has not only been a challenge to MINUSCA but to all other UN missions. According to UN statistics as at December 2019, out of 363 allegations of SEA reported since 2015 to date, 148 cases (40.77%) were allegations raised against MINUSCA³¹ (See Figures 1 and 2 below). It is worth noting that, SEA allegations were on the decline since 2007 until 2014, however since then there has also been an increase (See Figure 1). Amnesty international reported that in exchange for sexual services, peacekeepers offered money or food³² and in some cases involved children.

²⁷ United Nations, “Report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic: Taking action on sexual exploitation and abuse by peacekeepers” (A/71/99, 23 June 2016)

²⁸ UNSG, Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse ST/SGB/2003/13, oct 2003. Accessed on 8 September 2019. <https://reliefweb.int/report/world/secretary-generals-bulletin-special-measures-protection-sexual-exploitation-and-sexual>

²⁹ United Nations Secretary General's Report, A/70/729 (2016), ‘Special measures for protection from sexual exploitation and sexual abuse.’ Accessed 5 November 2019. <http://www.un.org/en/peacekeeping/issues/cdu>.

³⁰United Nations, ‘Sexual Exploitation and Abuse,’ Accessed on 17 December 2019. <https://conduct.unmissions.org/sea-overview>

³¹ Ibid.

³² Amnesty International, ‘CAR: UN troops implicated in rape of girl and indiscriminate killings must be investigated,’ 11 August 2015. Accessed 01 December 2019. <https://www.amnesty.org/en/latest/news/2015/08/car-un-troops-implicated-in-rape-of-girl-and-indiscriminate-killings-must-be-investigated/>



Figure 1: SEA allegations in all UN peacekeeping Missions.

Source: <https://conduct.unmissions.org/sea-overview>

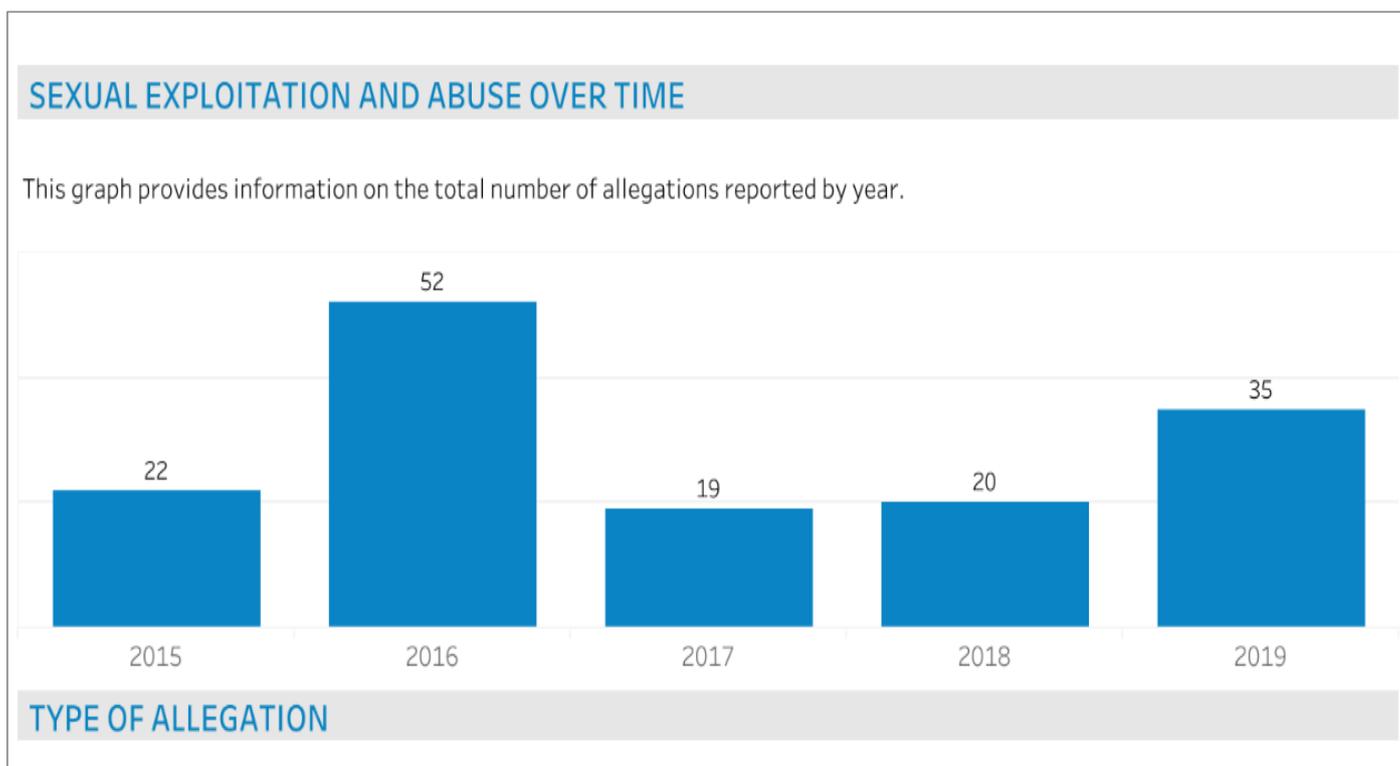


Figure 2: SEA allegations in MINUSCA

Source: <https://conduct.unmissions.org/sea-overview>

Repeated allegations of rape and sexual assault targeted at local populations in MINUSCA pushed the United Nations Special Representative of the Secretary General (UNSRSG) Babacar Gaye to resign in 2015. At the same time, 120 soldiers from the RoC were repatriated.³³ During this period, there were mass allegations that UN forces and other international non-UN forces in the country had casually handled cases of SEA.³⁴ As a result, the UNSG appointed three legal experts were to investigate the manner in which the UN had responded to these reports.³⁵ The investigations revealed that SEA in CAR had been perpetuated since 2013 by three different missions; MISCA, the French-backed peacekeeping force (Operation Sangaris) and MINUSCA.³⁶ It is worth noting that even prior to 2013, sexual abuse allegations in CAR have been documented by some scholars.

Sandra Whitworth in her book written in 2004 noted that, “in the CAR, SEA was characterized by increases in prostitution, sex trafficking and other protracted cases of sexual assault including the rape of women and girls.”³⁷ This statement suggests that the issue of SEA did not start when the intervention forces were deployed but rather it could be an endemic problem in the country. The aftermath of increased allegations in 2015, was protracted litigation processes and accusations that took off focus from the original intentions of the peace keeping mandate. Regrettably, there is little evidence to show that appropriate action has been taken against most of the perpetrators of SEA in CAR apart from the repatriation of some of them which was seen by the local community as “betrayal of trust by the international community.”³⁸ From the available data, most of the allegations were committed by military (See Figure 3 below).

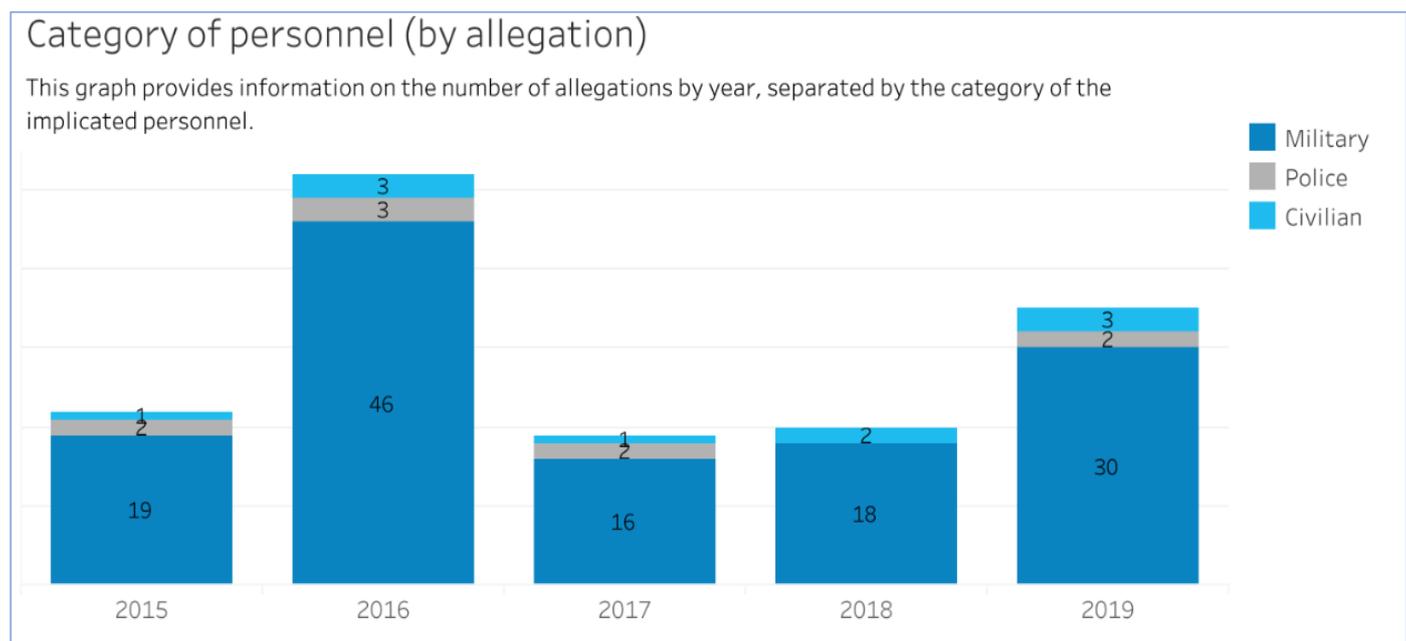


Figure 3: Categories of personnel involved in SEA allegations in MINUSCA

Source: <https://conduct.unmissions.org/sea-overview>

³³ UN, ‘Central African Republic: Meeting reported victim of sexual assault, UNICEF provides ‘every possible help’ (2015). Accessed on September 6, 2019. <https://www.un.org/africarenewal/news/central-african-republic-meeting-reported-victim-sexual-assault-unicef-provides-every-possible>.

³⁴ United Nations ‘Security Council resolutions 2127 (2013), 2134 (2014) and 2149 (2014).’

³⁵UNSG, ‘Secretary-General Appoints Independent Review Panel on UN Response to Allegations of Sexual Abuse by Foreign Military Forces in Central African Republic (SG/SM/16864-SG/A/1578 22 June 2015.’

³⁶ UNGA, ‘Report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic (A/71/99), 23 June 2016.’

³⁷ Sandra Whitworth, Op.cit.

³⁸ Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, 2015. Op.cit.

“An independent review on undertaken by international peacekeeping forces on SEA in the CAR also reported that in exchange for money or food, MINUSCA peacekeepers sexually abused several young children.”³⁹ In 2015, rapes in the CAR were also documented by the Human Rights Watch (HRW). Some of the examples cited included those of two girls (18 and 14 years old respectively) who were allegedly gang raped by Armed MINUSCA peacekeepers. While the younger girl was a passer-by, “the older had sought food and money from the peacekeepers and was threatened with death if she resisted.”⁴⁰ However, from the available statistics, it can be seen that the number of child victims has drastically reduced (see Figure 4 below).

Although there were allegations of exploitative relationships in CAR in which civilians provided sexual services for small amounts of money or food,⁴¹ rape and gang-rapes were commonly reported.⁴² However, there has been a lot of sensationalism in the reporting of such allegations especially those that come from NGOs some of which have to justify their existence and therefore sometimes reports are grossly exaggerated.

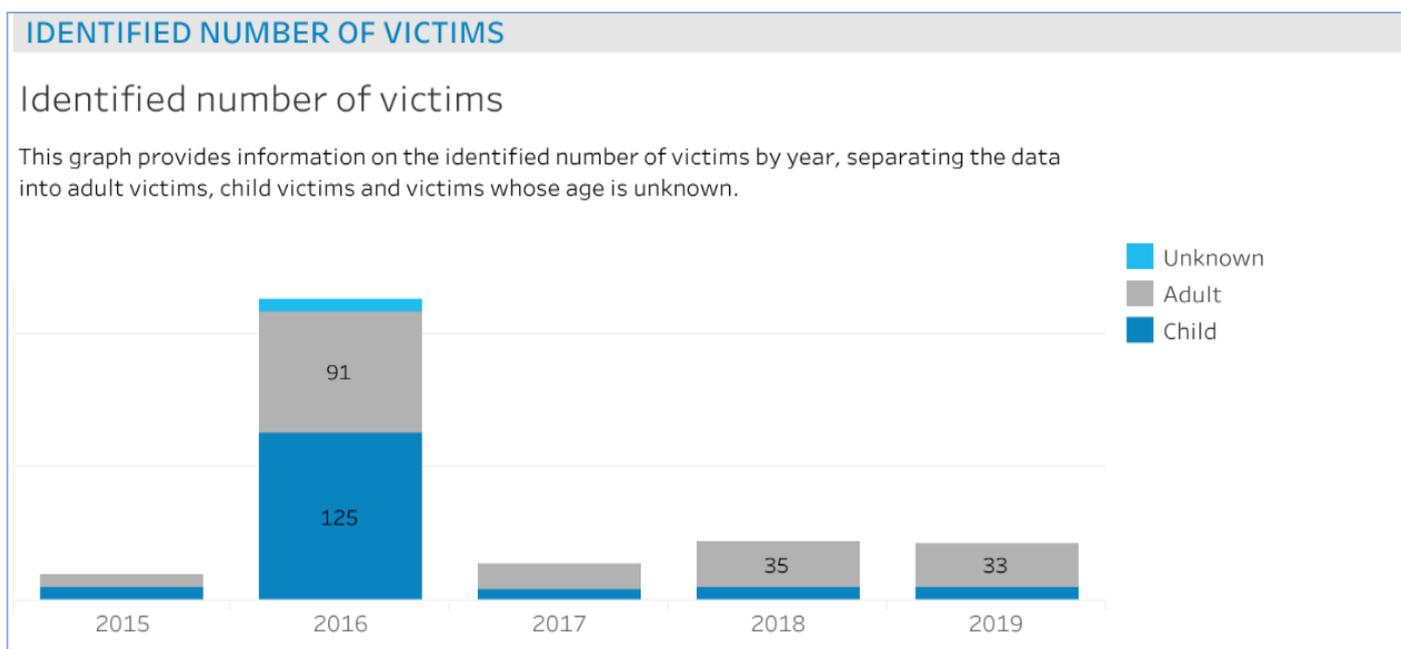


Figure 4: Categories of identified victims in MINUSCA

Source: <https://conduct.unmissions.org/sea-overview>

Despite the fact that allegations of SEA continue to be reported in MINUSCA, a number of these remain unsubstantiated and some are still pending investigations (See Figures 5, 6 and 7 below). Investigations are either done by the TCCs or the UN through the “Office of Internal Oversight Services (OIOS).” This is the UN internal oversight body that mandated to conduct audit, inspection and investigations.

³⁹ UNGA Report (2016), Op.cit

⁴⁰ Human Rights Watch, (HRW), *Central African Republic: Rape by Peacekeepers, UN, Troop-Contributing Countries Should Hold Abusers Accountable*, Nairobi 4 Feb 2016. <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>.

⁴¹ Landguiden. (2015). ‘Centralafrikanska republiken – Sociala förhållanden. Landguiden – Utrikespolitiska institutet.’ Accessed 7 December 2016.

http://www.landguiden.se.ezproxy.its.uu.se/Lander/Afrika/CentralafrikanskaRepubliken/Sociala-Forhallanden_

⁴² Amnesty International. (2015), Op.cit.

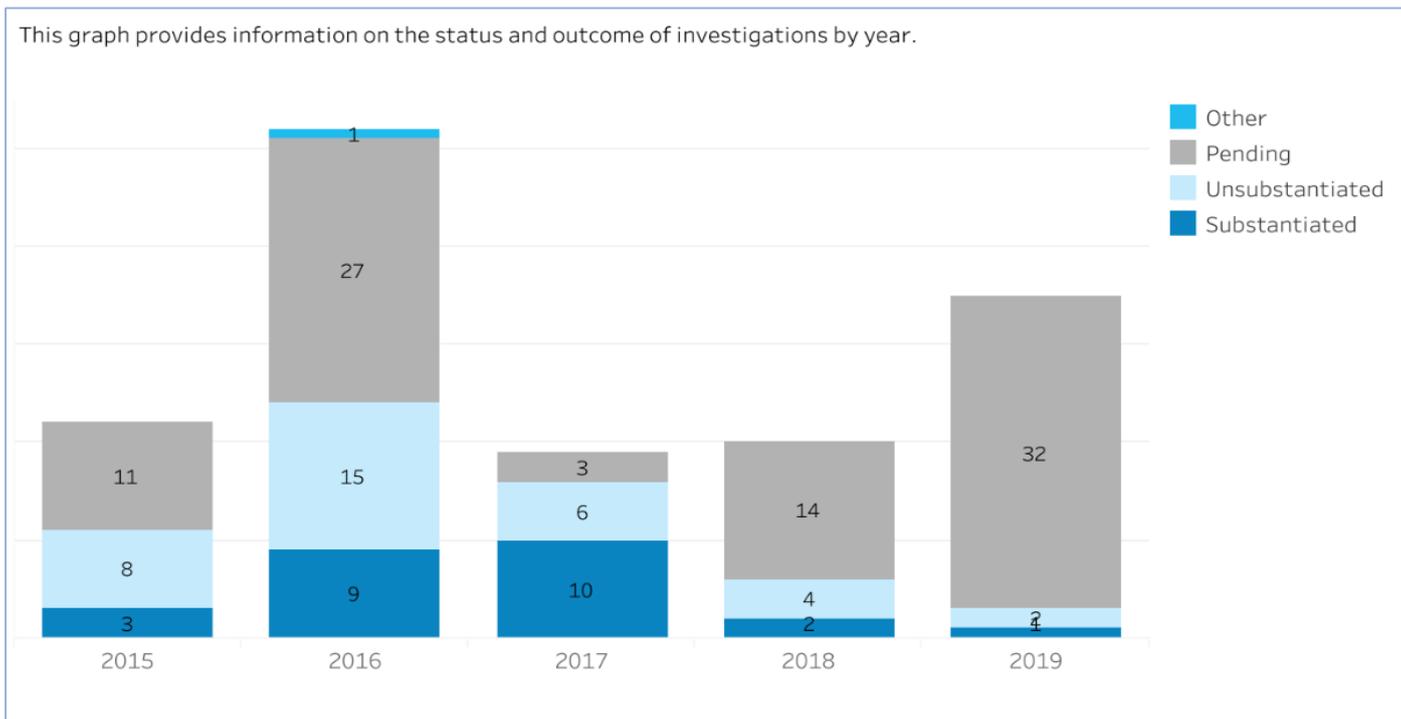


Figure 5: Investigation outcome status of allegations in MINUSCA

Source: https://conduct.unmissions.org/sea-investigations_2

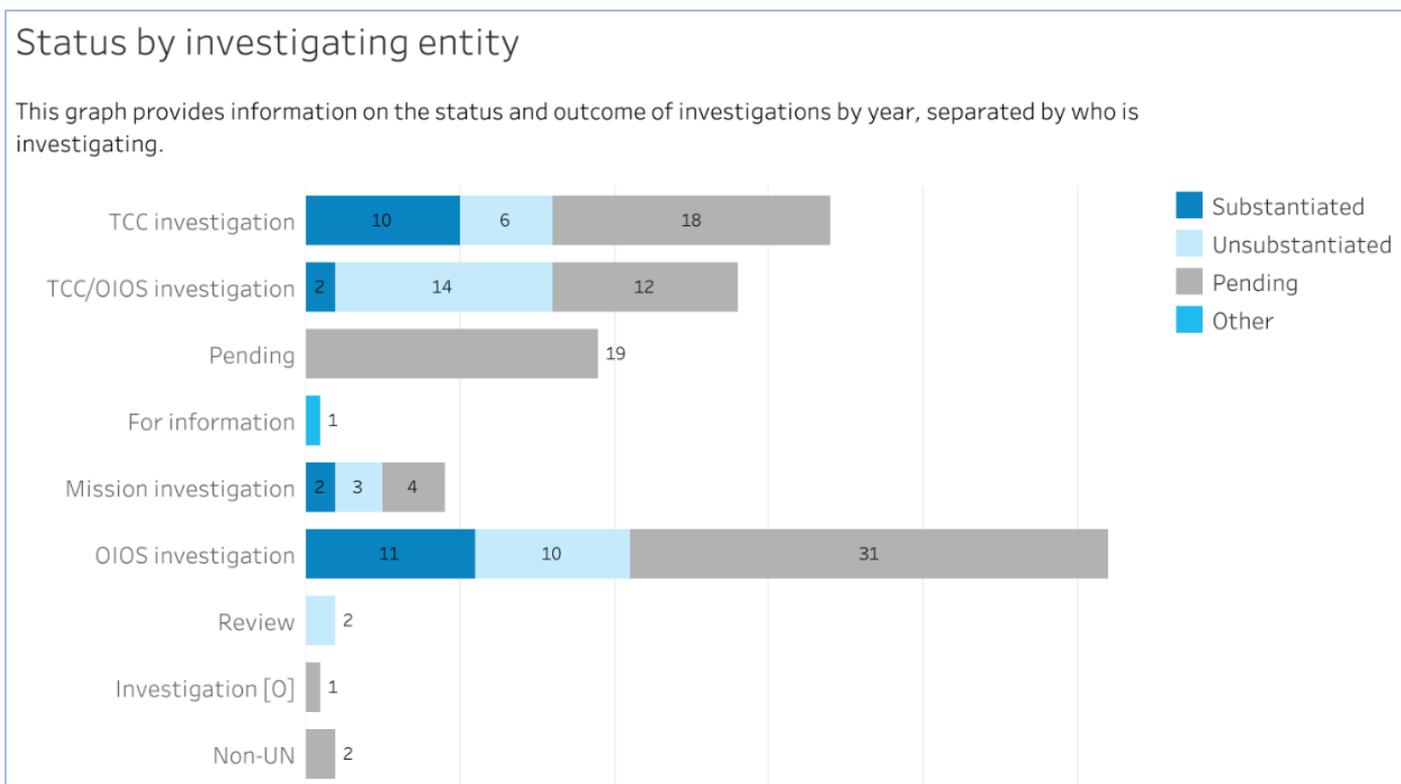


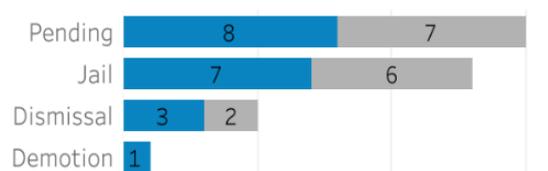
Figure 6: Investigation outcome status of allegations in MINUSCA

Source: <https://conduct.unmissions.org/sea-investigations>

This section provides information on actions taken by national governments and by the United Nations in response to substantiated allegations involving uniformed personnel. In most cases, Member States and the United Nations will take distinct actions against the same individual. Also, more than one type of action may be taken by the Member State with respect to the same individual. For example, the same individual may be imprisoned and dismissed from service.

Number of substantiated allegations involving uniformed personnel: 24

Actions taken by national governments



Action taken by the United Nations



■ Abuse
 ■ Exploitation

Figure 7: Action taken by TCC and UN since 2010

Source: <https://conduct.unmissions.org/sea-actions>

In 2016, a Human Rights Watch report indicated that, since SEA was explicitly criminal in CAR, perpetrators of this vice were found out to have systematically planned and therefore such acts were not opportunistic in nature.⁴³ This was buttressed by the 2015 UN report that showed that extensive cases of SEA meted against children by soldiers in PKOs through various forms of abuse were recorded including regular oral as well as anal rape of boys, most of whom were homeless and starving aged between 8 and 15.⁴⁴ The alleged perpetrators were 26 peacekeepers drawn from Chad, Equatorial Guinea and France.⁴⁵ Notably, France is not a TCC in MINUSCA, but it unilaterally carries out security operations in CAR.

In 2016, another report showed that over 108 additional cases of SEA by international peacekeepers were investigated. These allegations are not recent cases but cumulative since interventions commenced in CAR. Regrettably, all these peacekeepers had been repatriated by the time the victims were being interviewed.⁴⁶ The 2014 report pointed out in one incidence, a “commander of the French forces in CAR was allegedly involved in grave practices of SEA. The commander “after tying up and undressing 4 girls, he forced them to have sex with a dog.” This shows that SEA in the CAR often went beyond the normal cases of sexual abuse for pleasure and pursuit of financial returns from pornography and sex trafficking. It shows that some of the peacekeepers “perpetuated SEA for sadistic pleasure involving elaborate planning and coordination.”⁴⁷ Data available with the UN indicate that ROC, Gabon, Morocco, Democratic Republic of Congo (DRC), Cameroon, Burundi and Mauritania have the highest number of allegations (See Figure 8 below).

⁴³ Human Rights Watch (2016), Op.cit.

⁴⁴ UNGA, Report of the Secretary-General Special measures for protection from sexual exploitation and sexual abuse A/69/779 13 February 2015.

⁴⁵ Ibid

⁴⁶ Aids Free World, ‘Shocking news reports of peacekeeper sexual abuse in the CAR’, 30 March 2016. <http://www.codebluecampaign.com/press-releases/2016/3/30>.

⁴⁷ Ibid.

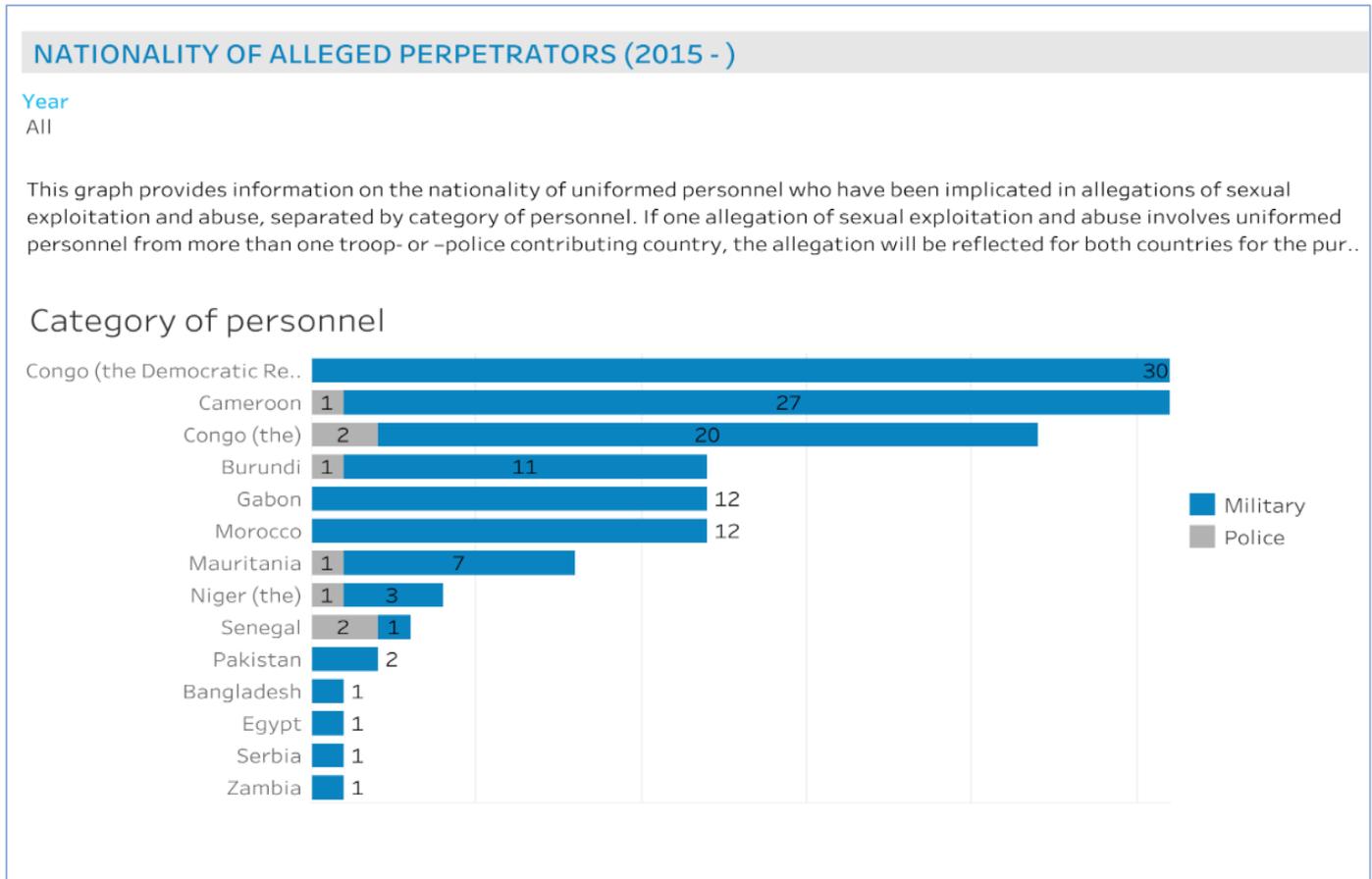


Figure 8: Nationality of alleged perpetrators
 Source: <https://conduct.unmissions.org/sea-subjects>

In most cases, victims have been reluctant to report SEA. This emanates from the fact that many of them were subjected to stigmatization and ostracism by their families and communities after reporting the sexual abuse incidences. In other cases, the victims, feared retaliation by the perpetrator. This is due to the fact that in some cases the perpetrators were armed.

In most post conflict countries, there are PKOs, general lack of confidence and mistrust of authority is common and is more rampant when law enforcement agencies of the State are characterised by ineffectiveness and corruption⁴⁸ or when they are non-existent at all. Delays in reporting, can also be due to lack of proper reporting channels or information on the existing channels or fear. These delays have led to a rise in paternity claims (See Figure 9). However, given that the alleged perpetrators have already left the mission area, it becomes difficult to investigate. Even when the UN engages the concerned TCC, the onus remains on the TCC to cooperate and if it doesn't then the case remains pending.

⁴⁸ Jenna Stern, 'Reducing Sexual Exploitation and Abuse in UN Peacekeeping Ten Years after the Zeid Report civilians in conflict,' *Policy brief no.1, February 2015*. Accessed on Accessed 01 December 2019.
<https://www.stimson.org/sites/default/files/file-attachments/Policy-Brief-Sexual-Abuse-Feb-2015-WEB.pdf>.

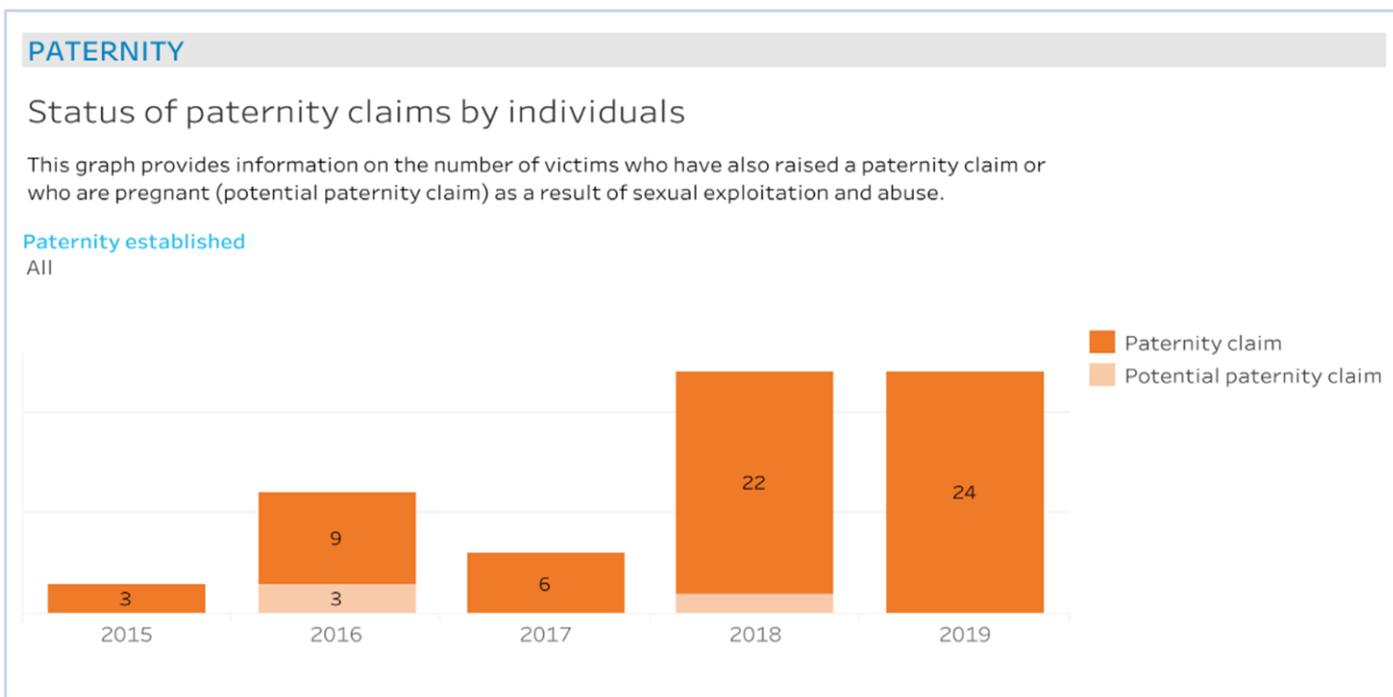


Figure 9: Paternity and potential paternity claims

Source: <https://conduct.unmissions.org/sea-victims>

4.2 Response to SEA Allegations in MINUSCA

Released in March 2005, the Zeid Report, made several recommendations which included: “the establishment and implementation of a comprehensive strategy aimed at eradicating SEA by UN peacekeeping personnel. This was a notable and significant step in the efforts undertaken by UN to combat SEA.”⁴⁹ The report also recommended “the propagation of the UN standards of conduct. It also advocated for reformation of the investigative process. It was also suggested that there was need to strengthen managerial, organizational, and command responsibility.” The need to institute individual disciplinary accountability was recommended. Lastly, financial and criminal accountability were also recommended.⁵⁰

Empirical evidence shows that MINUSCA continues to face major SEA challenge leading to mistrust of peacekeepers and other international personnel by the local population. In recognition of the gravity of upsurge of cases/allegations of misconduct and SEA by military personnel in PKOs in MINUSCA, various efforts by both the TCCs and the UN have been initiated in order to curb this vice. The allegations of SEA in CAR in 2015 prompted the UNSG to appoint a Special Coordinator in February 2016. This appointment was triggered by a report submitted on December 17, 2015 by “the High-Level External Independent Review Panel on SEA by International Peacekeeping Forces in the CAR”⁵¹ The office of the coordinator was established with an aim of “improving the UN response to SEA.” Additionally, for purposes of improving the UN response to SEA, the UN strengthened the capacity of the organization to “undertake prevention, enforcement and remedial measures.”⁵² These took place in response to a report on special measures for protection from SEA by the UN Secretary General Secretary which had made recommendations on combatting SEA such as prevention, enforcement as well as remedial actions.

⁴⁹ Jenna Stern, Op.cit.

⁵⁰ Ibid

⁵¹ UNSG, ‘Secretary-General Appoints Jane Holl Lute of United States as Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse (SG/A/1634-BIO/4812 8 February 2016).’ Accessed on Accessed 01 December 2019 <https://www.un.org/press/en/2016/sga1634.doc.htm>

⁵² Jenna Stern, Op.cit.



Indeed, SEA cases in CAR forced the UN leadership to change its position on SEA. The UN having been previously accused of ignoring reports on allegations of SEA, the UNSG acknowledged that the Secretariat alone did not have the capacity to address the challenges related to the widespread challenge of SEA by troops in PKOs. As a result, TCCs were given the sole responsibility for ensuring that victims got justice.⁵³ Arising from this therefore, as part of the enforcement measures, the UN requested TCCs to deploy investigators embedded in the troops or must be able to deploy investigators at a short notice when requested by the UN.⁵⁴ However, the response of Member states has been slow, and, in some cases, the alleged crimes committed by the soldiers especially where consensual sex is concerned, or prostitution are not crimes as per the domestic law and therefore states are reluctant to respond. TCCs desire to maintain their reputations; they would rather let the case remain as pending.

Although the responsibility to mete disciplinary actions on military forces falls on TCCs retain disciplinary responsibility for their military forces, this is not the case with UN staff. In this light, UN employees, both civilian and police, are disciplined by the UN. This is done through fines, repatriation or dismissal, which are forms of administrative sanctions.⁵⁵

Conversely, members of military forces have “general immunity from prosecution in the host country” under the “UN Model Status of Forces Agreement (SOFA).” In this regard, the TCCs are tasked with investigating the alleged misconduct by troops. Also, the right to prosecute offending military personnel exclusively falls on the TCCs. There are however chances for waiving this immunity. This is usually untenable, though, when the host state does not have function justice systems or when its due process is in doubt. In this context, the UN has faced insurmountable challenges in ensuring that TCCs investigate and prosecute perpetrators. This has left the UN with few options, most of which are indirect. These include “blaming and shaming” the TCC in their reports into taking action.

There is immense reluctance by most TCCs to admit that their troops have been involved in SEA during PKOs. This is aggravated by possibilities of linking such misconduct to inadequate training. As a result, some TCCs opt to sweeping the allegations under the rug. In spite of implementing stronger anti-SEA policies and procedures, the Zeid report of 2005 posits that it remains a tall order making perpetrators accountable. This aggravated by the fact that PKMs operate in complex working environment. The also peacekeepers work in disparate parts of the world. They also speak different languages, and based on their classification, they have divergent relationships with the UN.⁵⁶

4.3 MINUSCA Action Plan on SEA 2018 – 2019

MINUSCA action plan on SEA 2018 - 2019⁵⁷ is designed to implement the UNSGs proposals in his reports, “A/69/779 of 13 February 2015 to UN General Assembly, and Special Measures for Protection from SEA, A/71/818 of 28 February 2017.” In this regard, the action plan sets out “to ensure that MINUSCA, through joint efforts, can address SEA by all categories of its personnel effectively. This entails deployment of effective tools and mechanisms. It also involves the implementation of activities focused on prevention, enforcement and remedial action.” It also incorporates buttressing measures aimed at ensuring that victims receive assistance.

In order to ensure zero-tolerance to SEA, MINUSCA personnel are duty-bound to abide to strict guidelines which include but not limited to; “SEA by all categories of Personnel serving with the UN constitutes acts of very serious misconduct and are therefore grounds for termination of employment, repatriation and criminal proceedings; sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence; any sexual activity with children may be immediately referred to Judicial Authorities for prosecution; exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited; sexual relationships between UN personnel and beneficiaries of assistance are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of MINUSCA and UN

⁵³ UNSG, ‘Secretary-General’s remarks to Security Council consultations on the situation in CAR’, August 2015. Accessed 01 December 2019. <http://www.un.org/sg/statements/index.asp?nid=8903>.

⁵⁴ Code of Conduct in UN Field Missions: Investigations. Accessed 01 December 2019 <https://conduct.unmissions.org/enforcement-investigations>

⁵⁵ Jenna Stern, Op.cit.

⁵⁶ Jenna Stern, Op.cit.

⁵⁷ MINUSCA ‘Action Plan on Sexual Exploitation and Abuse 2018 – 2019 matrix of activities.’ Accessed on November 22, 2019. https://minusca.unmissions.org/sites/default/files/minusca_sea_action_plan_matrix_of_activities_-_20180419_final.pdf



as a whole; where any UN personnel develop concerns or suspicions regarding SEA by a fellow worker, whether in the same office or not, she/he must report such concerns via established reporting mechanisms, as set by MINUSCAs standing operating procedures 2018 and; MINUSCA Leadership, including Chief of Sections is obliged to create and maintain an environment which prevents SEA.⁵⁸ The success of the action plan largely depends on the commitment of various managers /leaders, commanders and individuals in the enforcement and supporting an environment free from SEA.

4.4 Analysis of Findings

From collected data it can be deduced that allegations of SEA remain one of the critical issues that is challenging the implementation of mandates of UN peace support operations. Statistics show that in the last twelve years (since 2007) the UN records indicate a downward trend since 2007 and a sharp rise in 2015 and 2016. MINUSCA alone accounted for 40.8 % of the total allegations since 2015. The rise in the reporting of allegations in 2015 and 2016 can be attributed to the various measures taken by the UN which included, the conduct of investigations in CAR and the Secretary Generals recommendations on ways of prevention, enforcement and remedial action against SEA. Further, the increase of local community awareness and the perception that the UN policy on the provision of assistance to victims would have some financial benefits have led to the victims coming out to report the allegations though most of them are yet to be substantiated. Apparently, out of the top six countries in respect to allegations on SEA, all of them are Francophone countries and 3 (DRC, ROC and Cameroon) are immediate neighbours of CAR and these countries are relatively new contributors in the UNPKOs. The relationship between the number of SEA allegations and the geographical proximity of the of these countries to CAR is yet to be studied.

From the data, it is apparent that cases of SEA existed even before the intervention by the UN which can be interpreted to mean that SEA could be linked to the general absence of the rule of law however exacerbated by the presence of peacekeepers. The data collected seem to point a finger to the military as the main culprits, however it is worth noting that the military is one of the most conspicuous elements in CAR due to their numbers. As at December 2019, out of the total MINUSCA strength of 15,045 personnel the military constitutes 11,158 Troops, 169 Military observers and 308, Staff Officers.⁵⁹

Since 2015, out of the 148 allegations, only 26 have been substantiated, 33 unsubstantiated, 84 are still pending and 2 are under review. The question that needs to be asked is why some of these cases are pending and why such a large number have not been substantiated. The unsubstantiated cases can be linked to the reluctance of the TCCs to investigate, lack of proper information from those that reported and probably the complexities within the country. Probably, some of the cases were just hearsay and those that reported could not provide adequate information. Paternity claims have been difficult to investigate and verify in the absence of TCCs collaboration efforts especially in cases where the troops alleged to have committed offences have completed their tour of duty.

Despite the fact that the Zero tolerance policy has been in place since 2003, the Zeid report and the various measures undertaken by the UN since 2015, SEA continue to be reported in UN PKMs.

V. CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

Based on the study findings, it can be concluded that UN interventions force in CAR is faced with a myriad of challenges that affect its mandate execution. Much as there has been some positive output in MINUSCA operations, these successes have been shadowed by some of these challenges. SEA has been widespread in Central African Republic, though some of the allegations date before the UN intervention, the wide perception of the populace is that the UN forces are to blame. From the study it can also be concluded that the UN has its hands tied and has not been able to effectively enforce investigations by the TCCs since this a responsibility of the T/PCCs. Given the fact that the UN always faces a challenge of raising troops for PKOs it does not want to lose this ability further by blacklisting TCCs who fail to complete such investigations and punish the offenders. The system wide measures put in place in support of the 'Zero tolerance' policy has not been effective.

⁵⁸ MINUSCA Action Plan (2018-19), Op.cit.

⁵⁹MINUSCA, 'Facts and Figures.' <https://minusca.unmissions.org/en/facts-and-figures>. Accessed on November 22, 2019.

5.2 Recommendations

Since the study has established that SEA is a real challenge facing PKOs, there should also be effort to make sure that each country takes direct responsibility for the crimes perpetrated by their contingents and failure to complete investigations and conclude such cases should be enforced by strict penalties including banning from participation in PKOs.

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