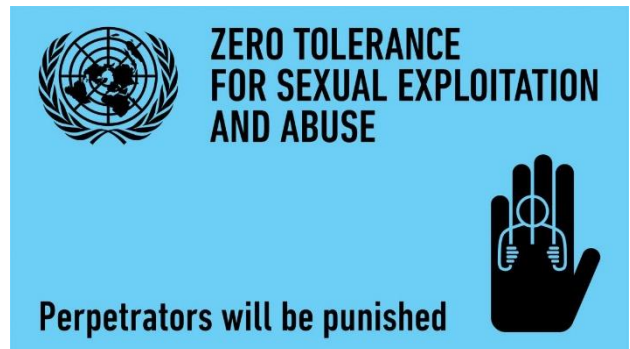


The inefficiency of the United Nations' Zero-Tolerance policy



An analysis of the United Nations Zero-Tolerance policy regarding Sexual Exploitation and Abuse: A gap between policy and reality.

Marije Arkesteijn – 16099834

June 9, 2020

Supervisor: Isabel Düsterhöft

Word count: 19.989

European Studies

Faculty of Management & Organisation

The Hague University of Applied Sciences

Executive Summary

The following research aims to determine feasible and effective recommendations on how to improve the United Nations zero-tolerance policy with respect to sexual exploitation and abuse by UN personnel. The UN has pursued a zero-tolerance policy since 2003, which means that any sexual contact between UN personnel and a citizen is prohibited. Still, 1057 allegations of sexual abuse by UN personnel on peacekeeping missions have been reported since 2007 to this day (United Nations Conduct in UN Field Missions, 2020). Therefore, the primary assumption of this study is that the current policy is not effective and needs improvement.

To provide suggestions for improving the United Nations' zero tolerance policy, research is conducted through qualitative desk research and semi-structured interviews.

After examining secondary and primary sources, the following factors are identified that contribute to the problem of sexual exploitation and abuse by UN personnel: personal contact between a soldier and a civilian, the 'madness of war', the macho culture in a UN peace mission, the poverty in the host country, the conflict situation with a collapse of institutions, the cultural background of UN personnel on gender inequality, the global differences between the legality of prostitution and sexual adulthood and impunity.

Furthermore, together with desk research, the results of the interviews provide a detailed analysis of the UN approach to tackling sexual exploitation and abuse and the shortcomings of this policy. Thereafter, the study establishes the reasons for the impunity within the UN, citing complications of the investigation process and prosecutions, the immunities UN personnel holds and the underreporting of sexual exploitation and abuse cases. All these things considered, both the literature study and interviews present various policy recommendations. A division is made between preventive, representative and protective recommendations, and are further tested for feasibility and efficiency.

After the analysis of the suggested policies, the conclusion is made. Certain policy recommendations are feasible and will help to reduce the number of sexual crimes committed by UN personnel: improve working conditions for UN personnel, prosecute perpetrators, assist victims and an impartial court mechanism.

Table of Contents

Executive Summary	III
List of abbreviations	VII
1. Introduction	1
Research structure	3
2. Literature Review	4
2.1 Concepts	4
2.1.1 SEA	4
2.1.2 Peacekeeping operation	4
2.1.3 Peacekeeping personnel	5
2.1.4 Impunity	5
2.1.5 Zero-tolerance policy	6
2.2 Important figures	6
2.3 Sexual exploitation and abuse in conflict	9
2.3.1 Causes and circumstances SEA	10
2.4 SEA and UN personnel	11
2.3.1 Country context	11
2.3.2 Peacekeeping context	12
2.4.3 Criticism	14
2.5 Impunity within the UN	15
2.5.1 Investigation process	15
2.5.2 Prosecutions	15
2.5.3 Immunities	16
2.5.4 Underreporting	16
2.6 Recommendations	17
2.6.1 Preventive recommendations	18
2.6.2 Representative recommendations	22
2.6.3 Protective recommendations	23
3. Methodology	24
3.1 Research purpose	24
3.2 Primary vs secondary research	24
3.2.1 Secondary sources	24
3.2.2 Primary sources	25
3.3 Quantitative vs qualitative research	25
3.3.1 Qualitative interviews	26
3.3.2 Processing of interviews	27
3.2 Inductive vs deductive approach	27

3.4 Research Ethics.....	28
3.5 Research limitations.....	28
4. Findings.....	29
4.1 Sexual exploitation and abuse in peacekeeping missions.....	29
4.1.1 UN personnel	29
4.1.2 Causes and circumstances	30
4.2 UN zero-tolerance policy.....	32
4.2.1 Effectiveness of the policy	32
4.2.2 Definition of SEA	33
4.3 Impunity.....	33
4.3.1 Prosecutions	34
4.3.2 Underreporting	34
4.3.3 Immunity	34
4.4 Alternatives and solutions.....	35
4.4.1 DNA technology	35
4.4.2 More female UN workers.....	36
4.4.3 Improved welfare for UN personnel	37
4.4.5 Status of forces agreements.....	37
4.4.6 Special court mechanism.....	38
5. Analysis.....	40
5.1 Risk factors	40
5.1.1 Country context.....	40
5.1.2 Peacekeeping operation context.....	40
5.2 Impunity.....	42
5.2.1 Prosecutions	42
5.2.2 Underreporting	42
5.2.3 Immunities	43
5.2.4 Legal loopholes	43
5.3 Alternatives.....	44
5.3.1 Genetic genealogy	44
5.3.2 More female UN workers.....	44
5.3.3 Improved welfare for UN personnel	45
5.3.5 Status of forces agreements.....	45
5.3.6 Special court mechanism.....	45
5.3.8 Limitation of immunities.....	47
6. Conclusion and Recommendations	48
Bibliography.....	50

Appendices	55
Appendix 1: Student ethics form	56
Appendix 2: Interviews.....	59
Interview transcript Andrew Macleod	59
Interview transcript Kaila Mintz	70
Interview transcript Lotte Vermeij.....	78

List of abbreviations

CAR: Central African Republic

CDU: Conduct and Discipline Unit

DRC: Democratic Republic of the Congo

HRW: Human Rights Watch

ICC: International Criminal Court

MS: Member States

MOU: Memorandum of Understanding

PKO: Peacekeeping Operation

R2P: Responsibility to protect

POC: Protection of Citizens

SEA: Sexual Exploitation and Abuse

SG: Secretary General

SOFA: Status of Forces Agreement

TCC: Troop Contributing Country

UN: United Nations

UNHCR: United Nations High Commission for Refuge

UNSC: United Nations Security Council

1. Introduction

How is peace and security in the world guarded? Nearly all countries in the world operate together in one intergovernmental organization: the United Nations (UN). The UN has established the United Nations Security Council (UNSC), primarily responsible for the maintenance of international security and peace, within the framework of the UN's objectives and principles (United Nations, 2019). More specifically, if a conflict arises anywhere in the world, the UNSC will first try to mediate by talking. If unsuccessful, the council may decide to send an (armed) forces to a conflict zone to restore and preserve peace. This is called a peacekeeping mission or peacekeeping operation (PKO) (United Nations, 2019).

One organization within the UN organises these PKO's, namely the UN Peacekeeping Force that has deployed more than 70 UN missions around the world to date (Better World Campaign, 2019). In these missions, a distinction can be made between small, diplomatic and political delegations and large mobilizations of armed peace troops involving various UN personnel, such as UN troops and police contributors or civilian personnel (International Association of Professionals in Humanitarian Assistance and Protection, 2019). The role of all UN personnel, often called peacekeepers, primarily entails protecting civilians (Odello & Burke, 2016). In addition to protecting civilians as the primary goal of a peacekeeping mission in international and local conflicts, it has also been formally drafted in two mandates in a context of UN peacekeeping operations: 'Responsibility to Protect' (R2P) and 'Protection of Citizens' (POC) (Willmot & Sheeran, 2014).

Despite the official protective role of peacekeepers, a number of them have been the subject of allegations of (sexual) abuse during peacekeeping missions. Since 1990, the UN has frequently been discredited with these accusations ranging from rape and sexual assault to paedophilia and human trafficking, thus ignoring all principles the UN stands for (Bove & Ruggeri, 2015). These crimes are not only an extreme violation of human rights but also jeopardize the legitimacy of the mission and threatens the promotion of gender equality in host countries (Karim & Beardsly, 2016).

The problem of sexual exploitation and abuse (SEA) by peacekeeping personnel has been recognized by the UN since 2003 when the most essential policy action was taken, namely the definition of the zero-tolerance policy:

"The UN has a zero-tolerance policy with respect to sexual exploitation and abuse. UN rules forbid sexual relations with prostitutes and with any persons under 18, and strongly discourage relations with beneficiaries of assistance" (United Nations, 2003).

Nevertheless, after the introduction of the zero-tolerance policy, new accusations of SEA are made every year. For instance, in 2014 when French soldiers were found guilty of raping children in the Central African Republic (CAR) or in 2016, when there were 104 new reports with 287 victims of SEA by UN personnel on a peacekeeping mission (United Nations, 2020). These incidents are shocking and expose

a paradox in the media and academic world as the UN has pursued a zero-tolerance policy since 2003. The UN is therefore criticized for its response to SEA, and in particular for the flaws in the zero-tolerance policy and impunity within the UN.

To give an illustration, academics argue that the zero-tolerance policy should be reformed as it is interpreted far too broadly, mainly caused by the definition used by the UN for "sexual abuse" (Nordas & Rustad, 2013). Moreover, repressive measures are also being called into question. Due to the immunities of UN personnel, SEA offenders can only be tried by their country of nationality and not by the country where the abuse takes place. Additionally, there is an absence of a legal system within the UN to punish these abuses (Ndulo, 2009; Odello & Burke, 2016; Stern, 2015). Finally, there appears to be a significant conspiracy of silence within the UN regarding sexual abuse by its personnel, which contributes to the impunity of these crimes (Warah, 2018).

Throughout the years, various theories have been formed in literature that determine the shortcomings of the UN's zero-tolerance policy and document the factors that contribute to SEA during peacekeeping missions. However, due to the complexity and sensitivity of the subject, there is still no viable and effective solution that could compensate for the shortcomings of the current policy and thereby bring a decline in SEA cases. To make recommendations on this, extensive research is needed, starting with investigating what is required and what is missing. Consequently, the research question of this dissertation is:

How can the United Nations zero-tolerance policy with respect to sexual exploitation and abuse be improved?

The answer to the central question will be built on the following sub-questions:

- 1 . What is sexual abuse, a UN peace mission, UN peacekeeping personnel, and impunity?
- 2 . How many cases of sexual abuse during a UN peacekeeping mission are recognized by the UN?
- 3 . What are the causes or circumstances that contribute to SEA in conflict areas/by UN personnel?
- 4 . What is the UN zero-tolerance policy?
- 5 . What parts of the zero-tolerance policy make it hard to implement?
- 6 . What is the level of impunity in conflict areas and within the UN?
- 7 . What are suggested alternatives and solutions for the UN zero-tolerance policy?

Research structure

The **introduction** presents an overview of UN peacekeeping missions in general and identifies the problem of sexual abuse in these missions. Moreover, it briefly introduces the zero-tolerance policy and its criticism. Eventually, the created paradox is explained and the relevance of the research is made clear.

After the introduction, the literature review follows. The **literature review** contains different chapters to provide structure in this dissertation. The first chapter defines concepts adopted in this dissertation. Next, the second chapter provides an overview of causes of SEA in conflict countries, divided in war context and country context. Then, the third chapter examines the causes of SEA by peacekeeping personnel, divided in country context and mission context. The fourth chapter follows, studying the current UN policy on SEA and its criticism. After that, the fifth chapter devotes extensive attention to the impunity that occurs within the UN. Eventually, the last chapter provides an overview of recommendations mentioned in the literature.

The **methodology** provides a framework of research methods chosen in this dissertation to achieve the most credible results, by means of justifying the use of both explanatory and descriptive research and qualitative approach and. Furthermore, the methodology defines the research limitations and research ethics in this dissertation.

Thereafter, the **results** present the main outcomes of the qualitative interviews by summarizing the primary data mentioned by three experts consulted.

Moving on, the **analysis** compares and substantiates the information obtained from the findings with the literature review. Moreover, a critical argumentation is developed to provide answers to the sub questions.

The **conclusion** then provides the answer to the central research question, which simultaneously provides **recommendations** because the answer concludes *how* to improve UN zero tolerance policy.

2. Literature Review

The literature review presents an overview of the existing knowledge in respect of the research problem. This knowledge is collected from various sources, such as scientific journal articles, books, papers, theses and archive material. Additionally, the literature review contains a critical discussion of the most relevant information that can ultimately be used in the analysis in order to answer the research question.

2.1 Concepts

It is significant to clarify certain concepts that are adopted in this dissertation to gain an improved understanding of the research range. The following concepts have been chosen to be defined due to the different perceptions that prevail about them: SEA, Peacekeeping operation, UN peacekeeping personnel, Impunity, and Zero-tolerance policy.

2.1.1 SEA

When examining any form of sexual violent behaviour by UN personnel in peacekeeping missions, the term SEA is applied. This definition is rather extensive, but in order to evaluate UN policy it is important to adopt the same definition as the UN. The UN defines sexual exploitation and abuse as the following:

“The term “sexual exploitation” means 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. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions” (United Nations, 2003).

This definition reveals that power plays a major role in sexual abuse. The unequal or compelling circumstances can be linked to the power aspect of UN personnel vis-à-vis the civilian, the victim.

2.1.2 Peacekeeping operation

Peace (keeping) mission, UN mission and peacekeeping operation are used as synonyms throughout this dissertation. The UN considers a peace mission as its most effective tool to help countries in conflict navigate to peace (United Nations, 2020). According to Nordas, professor in political science and Rustad, senior researcher, these missions can serve four different purposes. The first is peacekeeping, where the goal is to maintain international peace and security. In addition, peacemaking ensures that measures are taken to address a conflict and includes diplomatic consultations between the hostile parties to the conflict. The purpose of peacebuilding is to reduce the risks of relapse into a conflict by strengthening national capabilities and laying the foundation for lasting peace and development. Finally, peace enforcement entails coercive measures such as the use of military forces (Nordas & Rustad, 2013).

There are currently 13 UN peacekeeping operations deployed on three different continents (Better World Campaign, 2019).

2.1.3 Peacekeeping personnel

UN personnel present on a peacekeeping mission can be of three different types and each with their own responsibility: UN soldiers, UN police contributors and civilian personnel (United Nations, 2020). The UN soldiers are better known as the troops on site or UN blue helmets. According to the UN, the UN blue helmets are the backbone and the most visible part of a peace operation. UN military personnel operates closely with UN police and civilian personnel to promote stability, security and peace processes (United Nations, 2020). As of today, a number of 82,445 UN troops and police personnel with 120 different nationalities are present in PKOs (Better World Campaign, 2019). In addition, currently more than 14,000 civilians work in UN PKOs (United Nations, 2020). The April 2020 UN report announced that the military and police personnel are mainly from Ethiopia, Bangladesh and Rwanda (United Nations, 2020).

Since 90% of the UN personnel on a peace mission are UN blue helmets (military personnel), the literature refers most to them when it comes to peace personnel (Grady, 2010). However, when the term UN personnel is used in this dissertation, it refers to all types of UN personnel on a peace mission. When an argument is made with emphasis on the distinction of UN personnel, the terms "civil" "police" "military" or "non-military" are used.

2.1.4 Impunity

Child Rights International Network (CRIN), a research and policy organization, drafted a policy advice for the UN to eradicate sexual abuse by UN personnel on a peacekeeping mission and defines impunity as "exemption from punishment" (Child Rights International Network, 2016, p. 3). In addition, Swaine, associate Professor of Practice of International Affairs, points out that there is also implicit impunity where the person's socio-political status confers some kind of immunity on him/her (Swaine, 2015).

Nynke Douma, independent consultant and Dorothea Hilhorst, professor of Humanitarian Aid and Reconstruction, conducted a study into humanitarian aid for people who have been victims of sexual abuse in Kivu, Congo. They cite the problem of impunity in Congo, describing it as "a lack of legal budgets by the government, costly procedures, a lack of knowledge of the procedures, illegal bail, breaking out of prison, and corrupt and politically influenceable practices" (Douwma & Hilhorst, 2012, p. 9). Moreover, St. Germain, professor Oregon State University Women's & Gender Studies Program and Dewey, professor in Gender and Women's Studies, write that the end of impunity is defined when offenders are held liable through criminal, civil, administrative or disciplinary procedures (St. Germain & Dewey, 2013).

Consequently, impunity is conceptualized in this dissertation as a lack of (efficient) criminal proceedings, resulting in an exemption from punishment for the perpetrator.

2.1.5 Zero-tolerance policy

In 2003, the UN compiled a Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse. This is due to the incidents at the end of 2001 in West Africa (Liberia, Guinea and Sierra Leone). More than 1,500 refugees were interviewed on-site and it was discovered that children in particular were victims of sexual abuse by humanitarian workers, including UN personnel. The allegations were mainly about sex in exchange for food or other material benefits (Simm, 2011). The UN therefore decided in 2003 that SEA is completely prohibited by all UN personnel on a peacekeeping mission and violates universally recognized international legal norms and standards (United Nations, 2003).

The UN has therefore drawn up a number of standards:

- a) SEA is serious misconduct and therefore needs disciplined action;
- b) Sexual activity with children under the age of 18 is prohibited;
- c) The exchange of money, employment, goods or services for sex is prohibited;
- d) Sexual relations between UN personnel and a beneficiary of protection are strongly discouraged by the unequal power relationship between the two;
- e) UN personnel must report other UN personnel if they are suspected by SEA;
- f) UN personnel managers have a responsibility to create an atmosphere where SEA is prevented.

2.2 Important figures

The Conduct in UN Field Missions website provides data on sexual exploitation and abuse of all UN personnel. The chart below displays the number of allegations reported since 2007 until 2020. Importantly, the UN website states: “an allegation of sexual exploitation and abuse can implicate one or more alleged perpetrators, and it can involve one or more victims” (United Nations Conduct in UN Field Missions, 2020, p. 1)

Mission
All

Category of personnel
All

Nationality
All

SEXUAL EXPLOITATION AND ABUSE OVER TIME

This graph provides information on the total number of allegations reported by year.

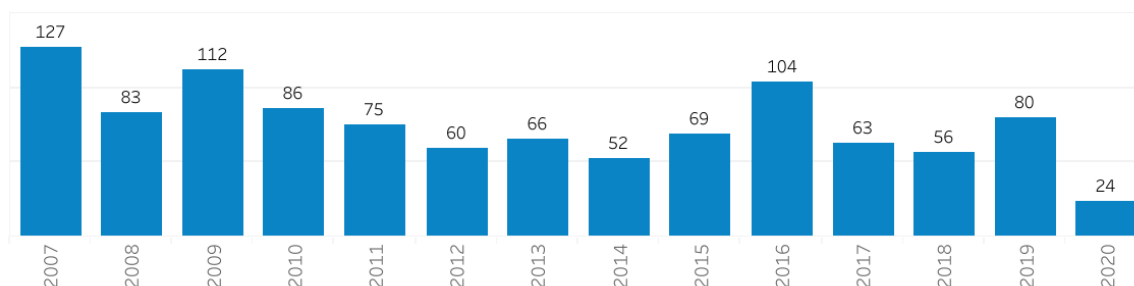


Figure 1. Graph reported SEA allegations over time (United Nations Conduct in UN Field Missions, 2020).

Additionally, the website presents the data on the perpetrators, categorizing them in military, police and civilian personnel. Observing the table below, one can conclude that most of the reports are against military personnel.

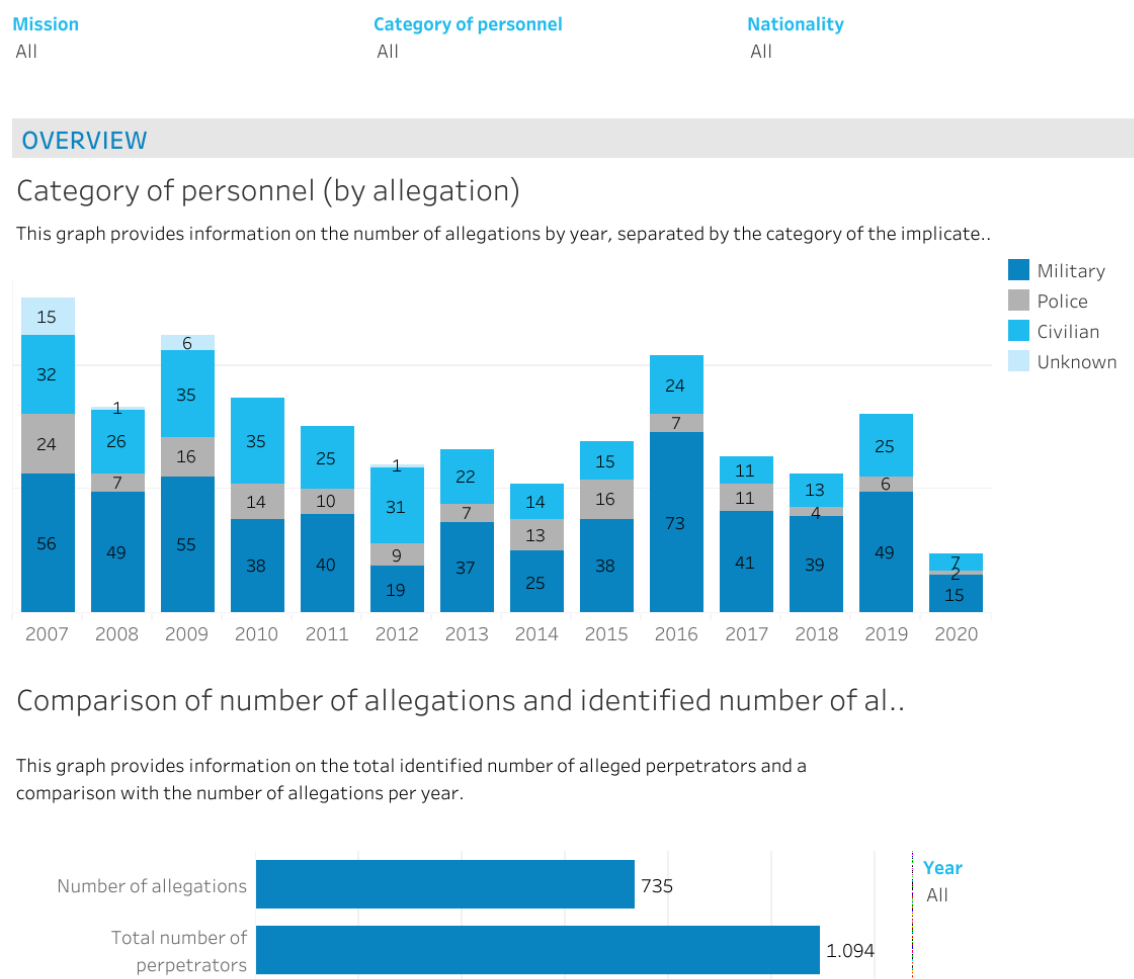


Figure 2. Graph category of personnel (United Nations Conduct in UN Field Missions, 2020).

Lastly, it seems significant to mention the nationality of the perpetrator. The website offers the data on the nationalities from uniformed personnel, meaning police and military contributors. The graph below shows that three countries where the most perpetrators come from are Cameroon, South Africa and Democratic Republic of Congo.

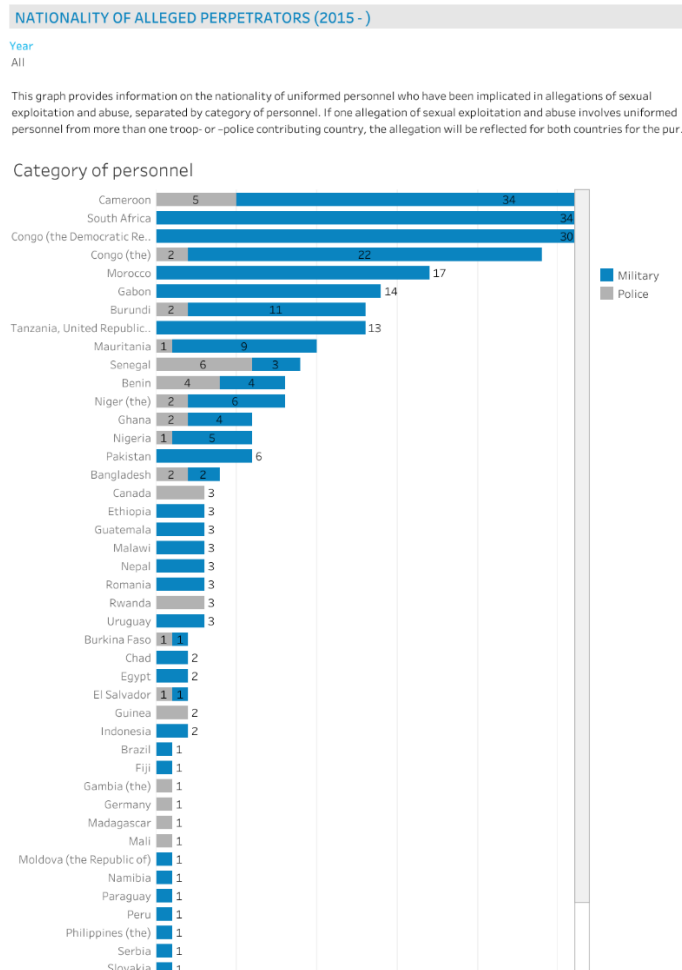


Figure 3. Graph nationalities perpetrators (United Nations Conduct in UN Field Missions, 2020).

2.3 Sexual exploitation and abuse in conflict

The research question of this study focuses specifically on sexual abuse by UN personnel on a peace mission. Therefore, the dissertation emphasizes this problem within the more wide-ranging context of sexual abuse in conflict areas. After all, a peace mission is always within the context of a conflict or post conflict. An overview of possible causes for sexual abuse during conflict allows in the first instance to compare the sexual abuse by UN personnel with the sexual abuse in conflict areas. In addition, the question is asked whether the conflict context can be an explanatory cause of the sexual abuse by UN personnel.

2.3.1 Causes and circumstances SEA

Swaine states that there is no single cause for sexual abuse during an armed conflict, so there is a need to deepen the debate. Sexual abuse must be viewed in the various **contexts** in which it manifests itself (Swaine, 2015).

2.3.1.1 War context

As Swaine states in her research, war in itself creates opportunities for state actors (national police and army), but also for ordinary citizens, to sexually abuse other citizens. The **direct contact** that arises between the citizen and the state actor, such as in a 'stop and search', can be a cause for sexual abuse. In addition, the use of **alcohol** by state actors during a war can also be a reason to sexually abuse civilians (Swaine, 2015). An argument that Congolese soldiers made in the study by Eriksson Baaz and Stern (2008) is the use of drugs and the "**madness of war**" such as the trauma and the unnatural conditions that destroy people's common sense (Eriksson Baaz & Stern, 2008).

In addition, several authors have recently cited that sexual abuse is a **weapon of war** and should be considered a serious international war crime (Bernard, 2014; Ferris, 2007; Pruitt, 2012; St. Germain & Dewey, 2013; Swaine, 2015). Bernard (2014) discusses the main reasons for sexual abuse as a weapon of war; obtaining power over the territory or resources, ethnic cleansing, humiliating enemies, obtaining information or retribution (Bernard, 2014).

A war context often also means a military context. Eriksson Baaz and Stern investigated the motivations of Congolese soldiers to commit violence, including sexual abuse. The article explores how the soldiers legitimize their actions. The authors explain the argument of **masculinity** within a military context, namely the achievement of "being man" during assault:

“Through militarization, any ideal type of masculinity becomes linked to the ability and willingness to commit violence. Women’s association with a need for protection, peacefulness, and life-giving acts as a counterpart to the supposed ‘masculinity’ of protecting, fighting and killing” (Eriksson Baaz & Stern, 2008, pp. 57-83).

Whitworth (2004) also clarifies that soldiers are within a specific context that is socially constructed, which they cannot resist and that context legitimizes violence, including sexual abuse. It is a violent, homophobic, racist context that also includes misogyny. This obviously does not mean that all soldiers are sexual beasts. A military operation is dominated by male personnel, which maintains the **macho culture** (Whitworth, 2004). Furthermore, Inger Skjelsbæk, psychologist and gender studies scholar, states that to be a "real man" during a war situation, the idea exists to suppress "feminine" traits such as insecurity and softness. Such views can make it, cynically said, easier for military personnel to sexually abuse civilians during war circumstances (Skjelsbaek, 2001).

2.2.1.2 Country context

Eriksson Baaz and Stern's (2008) study in Eastern Congo revealed **poverty** as one of the major risk factors. The soldiers explained that the violence facilitated looting and thus became a livelihood strategy. The abuse was also an expression of their suffering and frustrations related to poverty. Poverty means that the men/soldiers can no longer support their families and thus cannot maintain their status as breadwinner. Consequently, they do not meet the expectations of their families and fear that their wives no longer love them. In addition, soldiers hold a low status within society. These frustrations together turn to sexual abuse, as the soldiers lack income to pay for a prostitute (Eriksson Baaz & Stern, 2008). In addition, Elizabeth G Ferris, International Migration Research Professor at Georgetown University, argues that poverty in the conflict area is also a reason for women/girls to prostitute themselves, increasing the offer (Ferris, 2007).

The argument "violence is a result of the suffering of poverty and weak leadership" ensures that a simple distinction can no longer be made between perpetrator and victim. According to the research by Butler, Gluch and Mitchell, which deals with the relationship between perpetrator-victim in sexual abuse by security forces, there is a positive correlation between high financial corruption in a country and sexual abuse. The more corruption in the political system, the more members of the security forces sexually abuse civilians because the soldiers are not paid (Butler, Gluch, & Mitchel, 2007).

2.4 SEA and UN personnel

In 2013, three UN experts wrote a report commissioned by the UN on sexual abuse by UN personnel during the peacekeeping missions in Congo, Haiti, Liberia and South Sudan. For this report, a team of experts was set up to identify the risk factors for the implementation of the UN's zero-tolerance policy (Awori, Lutz, & Thapa, 2013). Among other studies, this report is used to establish the causes and consequences of sexual abuse by UN personnel as core part of this research.

2.3.1 Country context

The first significant risk factor is the context of the country in which the peace mission is taking place. According to Muna Ndulo, professor of International & Comparative Law at Cornell Law School, this context is usually a (post-) conflict situation faced with a weak economy, weak judicial systems, corrupt and ineffective law enforcement agencies, weak or non-existent rule of law and significant power differences between UN personnel on peacekeeping and local populations (Ndulo, 2009).

To be more specific, in this post-conflict situation, there is great deal of **poverty**. When there are few options to generate income, women are more likely to switch to the alternative of having sex in exchange for food, money or other material benefits (Awori, Lutz, & Thapa, 2013; Ndulo, 2009). Sex work where UN personnel in participates is seen as sexual abuse by the UN zero-tolerance policy. This is later discussed and criticized in chapter 3.4. The research by Nordas and Rustad (2013) shows that less developed countries have higher rates of sexual abuse by UN personnel during peacekeeping missions.

In countries where there is a high degree of development, women have more opportunities to earn a living (Nordas & Rustad, 2013). An example of this is the CAR case mentioned in the introduction, where poverty can be seen as one of the causes. The CAR is in the second last place of the international 'human development index' list (United Nations Development Programme, 2019).

Furthermore, the country's **security situation** is also an important risk factor according to experts Awori, Lutz and Thapa (2013). When there is a high factor of violence, UN personnel and the local population have less personal contact (Awori, Lutz, & Thapa, 2013). Research shows that when the security situation is more relaxed, sexual abuse by UN personnel increases because the chance of direct contact between UN personnel and a citizen increases (Awori, Lutz, & Thapa, 2013; Nordas & Rustad, 2013; Simic, 2009).

Specifically, academics refer to a **peacekeeping economy** (Jennings & Nikolić-Ristanović, 2009; Simic, 2009). This term refers to the industries and services such as hotels, bars, restaurants, transportation, etc. that arise when a peace mission operates in a certain area. This also includes the offer of prostitution and sex work. Kathleen Jennings, researcher at the Applied Institute for International Studies and Vesna Nikolić-Ristanović, professor at Belgrade University/Victimology Society of Serbia, state that these services are mainly aimed at UN personnel and thus offer a number of jobs to the local population. It is therefore also assumed that those jobs - and the income that goes with them - are usually temporary, because that peace mission will eventually disappear (Jennings & Nikolić-Ristanović, 2009).

2.3.2 Peacekeeping context

A second risk factor concerns the context of the peace mission itself. Post-conflict situations are faced with a **breakdown of norms** such as human rights and dignity (Awori, Lutz, & Thapa, 2013). Certain authors acknowledge that when UN personnel experience little relaxation during a peacekeeping mission, moral values can erode, thus potentially causing sexual abuse (Awori, Lutz, & Thapa, 2013; Defeis, 2008).

Moreover, as mentioned before, UN staff consists of different nationalities, each with their own **cultural background** with their own values and norms (Awori, Lutz, & Thapa, 2013). By these cultural values and norms, the authors refer to the way women are treated and how gender relations are managed (Awori, Lutz, & Thapa, 2013). For example, the fact that sexual abuse among women and inequality between women and men are considered normal by some standards. Sabrina Karim, Assistant Professor in the department of Government at Cornell University and Kyle Beardsley, Professor of Political Science assume that when individuals originate from a more patriarchal society, measured in terms of **gender equality** in their home countries, they will more readily intend to sexually abuse citizens (Karim & Beardsly, 2016). To give an illustration, from the graph previously demonstrated in 2.2 it can be assumed that most of the allegations were made against uniformed personnel from Cameroon, South Africa and Congo. The 2018 UN gender equality index display the gender equality in these countries:

Cameroon ranks 140th, South-Africa ranks 97th and DRC ranks 156th. These are quite low rankings, which means that there is little gender equality (United Nations Development Programme, 2018)

A high degree of "tolerance" with regard to the use of violence towards women can therefore play an explanatory role in the attitude of UN personnel of these countries towards women. Missions with more staff employed from countries where gender equality is better registered receive fewer allegations of sexual abuse (Karim & Beardsly, 2016).

Furthermore, there are worldwide differences between **the legality of prostitution**, the age of consent and the age of marriageability (Kanetake, 2012; Ndulo, 2009; Reiz & O'Lear, 2016; Stern, 2015). Stern, fellow in Stimson's Future of Peace Operations program and Kanetake, Assistant Professor of Public International Law, explain that in many troop-sending states, the age of sexual consent is under 18 and that prostitution with a person over 18 is legal (Kanetake, 2012; Stern, 2015).

In addition, the **macho culture** is present in a peace mission and that context ensures more sexual abuse (Karim & Beardsly, 2016; Whitworth, 2004). Karim and Beardsley state the following:

"SEA in the context of security forces may be a major symptom of militarized masculinity, an aggressive form of masculinity needed for warrior culture to flourish" (Karim & Beardsly, 2016, pp. 100-115)

A peacekeeping operation is dominated by male personnel, which maintains the macho culture in a peacekeeping mission.

Moreover, Athena Kolble, a doctoral candidate in Social Work and Political Science at the University of Michigan, states that in many host countries a man already holds more power than a woman (Kolbe, 2015). UN personnel has extra power through its weapon (Blue helmets), uniform, badge, connection to the military. This weakens a woman's ability to say no to sexual relations or to seek help (Kolbe, 2015).

Odello, a Reader in Law at Aberystwyth University and Burke, a Senior Lecturer in Law at the University of Canterbury explain the unequal power positions as on one side the peacekeepers in a position of trust, and on the other side the local population that seeks protection (Odello & Burke, 2016)

Thus, there are two forms of power relationships of a UN staff to the local population: the economic situation and trust. The post-conflict situation of a country where a peacekeeping mission is located often consists of weak economies, weak or not existing justice systems and ineffective police as previously described.

According to Stern, there is often a significant power difference in such an environment and a large disparity between UN personnel and the local population. UN personnel can take advantage of this by demanding sex in exchange for food, medicine or money (Stern, 2015)

On the contrary, Awori, Lutz & Thapa explain that due to the large economic inequality between the peacekeeping personnel and the local population, a "win / win" situation arises in sex work / prostitution. The UN worker experiences the pleasure of sex and the prostitute receives money to earn a living. As a result, it is not often that these sexual activities are reported, which leads to underreporting of these incidents (Awori, Lutz, & Thapa, 2013).

2.4.3 Criticism

2.4.3.1 Definition SEA

In studies on sexual exploitation in UN peacekeeping operations, there has been loud criticism of the broad definition of sexual abuse in the 2003 SG bulletin. The UN zero-tolerance policy uses the term SEA (sexual exploitation and abuse), see earlier 2.1.5.

The third condition of the SG bulletin (2003) states that the exchange of money, employment, goods or services for sex is prohibited (previously mentioned in 2.5.1). This implies that in a context of UN peacekeeping missions not only child prostitution is completely prohibited, but also prostitution in general (Kanetake, 2012). The fourth bulletin of the SG bulletin also states that 'romantic' sexual relations between UN personnel on a peacekeeping mission and civilians are strongly discouraged. Thus, the definition of SEA means that any sexual relationship where there is an unequal power relationship can fall under the concept of SEA and is therefore prohibited. Therefore it does not only cover events that involve brutal strength or threats (Nordas & Rustad, 2013)

Academics agree that the UN definition used for SEA is imprecise (Kolbe, 2015; Kanetake, 2012; Nordas & Rustad, 2013; Simic, 2009; Simic, 2013). Odello and Burke (2016) explain why the UN bulletin (2003) takes sexual abuse so widely and as a result sees prostitution as sexual abuse. The power that UN personnel has over a citizen exploits any sexual interaction (Odello & Burke, 2016).

The comprehensive definition of sexual abuse poses a number of problems. First, the used definition of SEA undermines the sexual autonomy ('the agency') of the victims. The bulletin considers the woman a passive and helpless object that has no autonomy over her own body (Kanetake, 2012; Simic, 2013; Odello & Burke, 2016). Many women and girls 'voluntarily' engage in prostitution as a source of income because it is usually the only way to survive (Ndulo, 2009; Odello & Burke, 2016). Neudorfer notes that when sexual abuse is reported, it is usually not about prostitution (because there is a win-win situation), but about sexual relations without mutual consent such as rape (Neudorfer, 2014).

Furthermore, Simic claims that the line between exploitative sex and non-exploitative sex is very vague in the bulletin by rejecting the relevance of consent and age (Simic, 2013). Stern and Kanetake explain that in many troop-sending states, the age of consent ('sexual age of consent') is under 18 and prostitution with any person over 18 is legal (Kanetake, 2012; Stern, 2015). After all, the bulletin also

does not state anything about the legality or illegality of the sex industry in the host countries (Jennings & Nikolić-Ristanović, 2009).

2.5 Impunity within the UN

UN personnel work in a (post-) conflict area and have an unequal position of power compared to the local population due to their function, financial position and uniform. The impunity of UN personnel who sexually abuse civilians during a peace mission is therefore enormous. Different authors cite various reasons for impunity.

2.5.1 Investigation process

Awori, Lutz and Thapa (2013) indicate the reason for the long research process. The UN emphasizes that an investigation process may last a maximum of 6 months (Awori, Lutz, & Thapa, 2013). The UN's website state the following:

UN investigative entities are required to complete investigations into allegations of sexual exploitation and abuse within six months, subject to extenuating circumstances. Troop-contributing countries have also been asked to complete their investigations within this time frame.

In addition, it is difficult to obtain specific information, such as nationality, about the accused (Grady, 2010; Neudorfer, 2014). This is partly due to the political weight exerted by the troop-sending countries in providing personnel, especially due to the shortage of troop supply (Grady, 2010).

2.5.2 Prosecutions

Logically, a major reason for impunity is because the UN does not have a legal system to sanction such abuses (Kanetake, 2012; Ndulo, 2009; O'Brien, 2012; Odello & Burke, 2016; Stern, 2015). The UN can only impose administrative sanctions such as fines, dismissal and repatriation (Neudorfer, 2014; Odello & Burke, 2016; Stern, 2015).

UN military personnel (90% of the personnel on mission) who misbehave can only be tried by their country of origin (TCC) and not by the country where the abuse took place or by the UN (Child Rights International Network, 2016; Ndulo, 2009; Odello & Burke, 2016). This means that when UN soldiers commit a (sexual) offense in the country of the peace mission, that country cannot arrest and/or prosecute them. This is laid down in a 'Status of Forces Agreement' (SOFA), a treaty between the UN and the recipient country, and in a 'Memorandum of Understanding' (MOU), a treaty between the UN and the troop-sending country (Stern, 2015).

However, troop-sending countries have historically been reluctant to prosecute UN personnel involved in sexual misconduct on a peacekeeping mission. However, the states have an obligation to do this (Defeis, 2008; Odello & Burke, 2016)

According to authors Kanetake, Ndulo and Odello & Burke, sexual abuse is not imputable to the UN as an organization, as UN personnel are not performing any official act at the time of the crime (Kanetake, 2012; Ndulo, 2009; Odello & Burke, 2016). Yet sexual abuse by UN personnel is often seen as a problem for the UN rather than a problem of the perpetrator as an individual or the troop-sending state. This is due not only to the difficulty of identifying UN soldiers and troop-sending states, but also to the political sensitivity to identify a specific country with sex scandals (Kanetake, 2012).

Academics argue that these crimes can cause negative publicity for the country in question because their officials commit crimes abroad (Neudorfer, 2014; Odello & Burke, 2016; Stern, 2015). Moreover, this can be linked to too little training or information, which is the duty of the troop-sending country. These states therefore prefer to sweep these allegations under the carpet (Stern, 2015).

Clearly, much depends on the political will of the troop-sending countries to prosecute their officials. However, much also depends on the political will of the UN member states to reform the UN legal system (Child Rights International Network, 2016).

2.5.3 Immunities

In addition, Awori, Lutz and Thapa indicate the reason for the extreme caution within the UN system regarding the rights of the offenders (Awori, Lutz, & Thapa, 2013). Other academics refer to these rights of UN staff as immunities and are one of the causes of the impunity within the UN (Defeis, 2008; Ndulo, 2009; Odello & Burke, 2016; Reiz & O'Lear, 2016).

These immunities are described in Article 105 of the UN charter. Article 105 (1) and (2) provide that the UN and its representatives enjoy immunities necessary for the fulfilment of its purposes and to enable the UN to carry out activities efficiently and independently. These immunities are also written down in a SOFA, an agreement between the UN and the recipient country. For example, UN blue helmets are declared immune to prosecution in the host country, even if the acts do not fall within their official functions. Those rights were not initially intended to be used for the personal benefit of UN personnel who commit (sexual) crimes. These immunities are intended to prevent the host country from hindering the mission by, for instance, requiring UN personnel to be sent home (Kanetake, 2012). As indicated earlier, only the troop-sending country has the exclusive right to prosecute their officials (Kanetake, 2012; Ndulo, 2009; Odello & Burke, 2016).

2.5.4 Underreporting

An underreporting of the facts prevents the UN from knowing how serious the problem of sexual abuse by UN personnel actually is (Awori, Lutz, & Thapa, 2013).

Ferris found that male humanitarian workers protect each other when their colleagues are accused of sexual abuse. Female humanitarian workers also find it difficult to protest because their superiors are

mostly men (Ferris, 2007). The underreporting of sexual abuse ensures that perpetrators will never be held liable for acts that have not been reported.

In addition, reporting the abuse would in some situations constitute a ‘lose/lose’ situation. On the one hand, reporting the sexual abuse entails many disadvantages for the victim. It brings shame to the family and the community (Aworì, Lutz, & Thapa, 2013; Butler, Gluch, & Mitchel, 2007; Grady, 2010; Pruitt, 2012; Seelinger, 2014; Stern, 2015). The idea also exists that the presence of a raped woman dishonours the community, which is why many victims are prevented from returning to the family (Pruitt, 2012). In addition, the woman will no longer be able to support herself when she reports it (Ferris, 2007; Kolbe, 2015; Stern, 2015). The victim may also be scared of revenge by the perpetrator, who sometimes carries a weapon (Stern, 2015). On the other hand, the perpetrator is stigmatized within the peace mission as a nuisance and his job security is threatened (Aworì, Lutz, & Thapa, 2013; Simic, 2010; Simm, 2011).

In addition, Nordas and Rustad cite that the whistle-blower could become a victim of stigma when reporting misconduct.

“Sexual exploitation and abuse is also often underreported due to taboos and reporting obstacles. Instances of abuse and exploitation may go unreported to protect the reputation of the peacekeepers, and so called ‘whistle-blowers’ could be stigmatized” (Nordas & Rustad, 2013, pp. 551-534)

Moreover, sexual abuse is usually not reported because there is general mistrust of all types of authorities. This is because the states where the peacekeeping missions are located usually consist of corrupt and ineffective authorities (Nordas & Rustad, 2013). Victims often do not know where to report an accusation (Neudorfer, 2014). In addition, Kolbe points out that victims are often unaware that sexual relations are illegal. As mentioned before, there are worldwide differences per country regarding the legality of prostitution (Kolbe, 2015). This not only creates misunderstandings among perpetrators, but also among victims. Stern also points out that victims often assume that the peace mission is more likely to believe the perpetrator's word than that of the victim (Stern, 2015).

Under-reporting and normalization of sexual abuse are a cause of impunity, but also a consequence. Academics cite that UN personnel believe/know they will get away with it (Jennings & Nikolić-Ristanović, 2009; Ndulo, 2009). Due to the climate of impunity within the UN, the underreporting once again causes people or victims to become discouraged about reporting such crimes (Aworì, Lutz, & Thapa, 2013).

2.6 Recommendations

Several theories have been devised over the years to address the sexual abuse of UN personnel, they can be categorized into preventive, representative and protective recommendations.

2.6.1 Preventive recommendations

2.6.1.1 Poverty

Various authors describe poverty as a structural cause of sexual abuse in conflict areas, but also in a peacekeeping context, see earlier at 2.1.3 and 2.3.2. Accordingly, academics argue that a holistic approach to poverty in the host country may be a solution to the sexual abuse of UN personnel on a peacekeeping mission (Ferris, 2007; Mertens & Pardy, 2016; Ndulo, 2009; Simic, 2013). Earlier, a power relationship was also cited by the economic inequality between UN personnel and the local population.

Ferris argues that as long as UN personnel have control over access to life's necessities, they will be in a position where the abuse of their power is not only possible but likely. As long as the international humanitarian community cannot mobilize sufficient resources for vulnerable civilians, girls/women will continue to have sex with UN personnel for "a handful of peanuts" (Ferris, 2007). According to Mertens and Pardy, it is therefore important to contextualize sexual abuse within patterns of general abuse and other forms of (non-sexual) and structural violence, such as the lack of housing, land, medical care, education, etc. (Mertens & Pardy, 2016). Additionally, Ndulo suggests tackling social and economic problems that lead girls and women to prostitution, and that creating alternative jobs should be number one on the agenda (Ndulo, 2009).

As mentioned earlier, Simic (2013) claims that adult prostitutes have voluntarily chosen to prostitute themselves and argues that this is not sexual abuse. As Simic sees this as an economic option for women in post-conflict areas, the UN should promote alternative economic opportunities for local women (Simic, 2013). Simic also asks to recognize prostitution as a potentially important way for women to support themselves and their families. As long as there is no alternative for those women, prostitution should not be banned (Simic, 2013). The UN's zero tolerance policy prohibits UN personnel from paying for sex, i.e. it denies prostitutes their right to work and earn money. Imposing a ban on prostitution does not necessarily contribute to preventing or diminishing it. According to Simic, this only ensures that prostitution will take place underground (Simic, 2013).

2.6.1.2 Definition SEA

In the SG bulletin (2003) ensures, as mentioned earlier, that there must not be any sexual relationship between a citizen in the conflict area and UN worker on the spot. This also means that UN personnel can be "wrongfully" accused for "sexual abuse". According to Simic, the bulletin treats all women as victims and UN personnel as sexual predators (Simic, 2013).

According to Simic, a distinction must therefore be made between exploitative sex and non-exploitative sex. Non-exploitative sex can be about prostitution or a romantic relationship. Adult, voluntary and adequately compensated prostitution is not exploitative and should therefore not be prohibited according

to the author. Consent and age should play an important role in distinguishing from exploitative and non-exploitative sex (Simic, 2013).

2.6.1.3 More diversity in PKO

Considering macho culture in a peacekeeping mission to be a cause of UN sexually abusive personnel, several academic authors recommend engaging more women in a UN peacekeeping operation (Defeis, 2008; Dharmapuri, 2013; Pruitt, 2012; Jennings & Nikolić-Ristanović, 2009; Karim & Beardsly, 2016).

It is important to point out that there has never been an indication that UN female personnel on a peace mission sexually assaulted someone. According to Dharmapuri, the presence of women can cause men to behave more disciplined towards women on the peace mission (Dharmapuri, 2013). A second advantage can be that more sexual abuse is reported. When UN personnel on a peacekeeping mission are mainly men, this poses a problem for certain countries where women are prohibited from discussing sexual problems with a man or in a situation where a woman is uncomfortable sharing such experiences with a man (Dharmapuri, 2013; Pruitt, 2012). Hence it seems that women in a peace operation carry a double burden. On the one hand trying to help local women who are victims of sexual abuse and on the other hand to prevent sexual abuse (Simic, 2010).

According to CRI, the UN cannot influence personnel recruited in a troop-sending country (Child Rights International Network, 2016; Simic, 2010). Thus it is mainly up to the troop-sending states to recruit women. According to CRIN, national NGOs can also play an important role in lobbying for female UN blue helmets (Child Rights International Network, 2016).

Yet, there is considerable criticism in the academic world regarding the recommendation to deploy more female UN personnel. First, according to some authors, the proportion of women will not increase rapidly because more men work in military institutions (Pruitt, 2012; Karim & Beardsly, 2016; Simic, 2010). The role of women will therefore remain quite limited in their potential to transform the mission context. Furthermore, according to Karim and Beardsly, female personnel cannot combat patriarchy and militarized masculinity if the institutional structures are responsible for it (Karim & Beardsly, 2016). In addition, women are often under social pressure in their jobs and feel intimidated to report (sexual) misconduct, especially as women have to overcome sexual bias to prove they are team players (Jennings & Nikolić-Ristanović, 2009; Karim & Beardsly, 2016).

Moreover, Simic finds it problematic that the UN and academics claim that men will behave better in front of women (Simic, 2010). This is unacceptable because this claim does not take into account the presence of local women. Simic argues that locals respond to the uniform and not to the gender identity of the UN blue helmet. If people respond to the power of UN personnel in a local community, regardless of gender, the victims will not report sexual abuse to women any faster, as other authors claim. There is therefore no point in further fighting to increase the number of female UN personnel (Simic, 2010).

Pruitt claims that when women are assigned such roles, they break the stereotypes of women as victims (Pruitt, 2012). Simic, on the other hand, argues that the recommendation to employ more women perpetuates gender inequality because, according to many authors, women have a characteristic that men do not have, namely the "soft" and the "pacifying". It remains unclear whether women can indeed act 'more calmly' than men. If it is proven that women cannot or are not expected to do so, Simic wonders what the added value of a woman is within a peace mission. Traditional gender roles are promoted very strongly with the recommendation to employ more women (Simic, 2010).

Several authors argue that gender inequality is an underlying cause of sexual abuse by UN personnel (Karim & Beardsly, 2016; Simic, 2013; Ndulo, 2009). Karim and Beardsley argue that increasing the representation of women in peace operations is indeed a solution to this. However, improving the standards of gender equality among all UN staff regardless of gender is even more important. The more personnel who believe in gender equality within a mission, the more patriarchal norms within the peace mission are softened. Missions with more staff from countries where gender equality is better registered receive fewer allegations of sexual abuse (Karim & Beardsly, 2016). Gender equality is a value that both women and men can perpetuate. Dharmapuri also calls for a greater understanding of gender equality and research into its benefits (Dharmapuri, 2013).

Moreover, Bove and Ruggeri argue that when multiple nationalities are present on the peace mission, there is less chance of (sexual) crimes through mutual control (Bove & Ruggeri, 2015). According to the UN, the troop-sending countries and their national commanders are responsible for their military personnel on a peacekeeping mission (United Nations, 2019). That is why various UN soldiers will check each other for misconduct. In addition, the media and public opinion hold an important role. A diverse mission is gaining more media attention from different countries and is therefore more likely to report crimes (Bove & Ruggeri, 2015).

2.6.1.4 Improve working conditions

Defeis argues that UN soldiers must work under severe mental conditions (Defeis, 2008). To facilitate the work of UN personnel, the UN introduced recreation spots near the mission area and included visits with relatives. Awori, Lutz & Thapa also recommended recreational facilities for UN personnel (Awori, Lutz, & Thapa, 2013). According to Simic, it is indeed important that the UN creates safe and healthy working conditions, but this measure should not be presented as an effective prevention of sexual abuse. In other words, recreational facilities must be installed to create good working conditions, but not as a preventive measure against sexual abuse (Simic, 2009).

2.6.1.5 Training

According to Stern, UN personnel have their own cultural background, with various legal systems in their home countries regarding the legality of prostitution and the age of consent (Stern, 2015). It is therefore important to inform UN personnel before they leave for a peace mission. UN personnel need

to be clearly informed about what wrongdoing entails, and especially where the UN has a different vision than that in their home country

As previously cited in 2.4.2, UN personnel receive training before departing for a peace mission and a mandatory online training program has been in place since 2016. CRIN points out that two weeks of training turns out to be insufficient and has the perception of a bureaucratic tick-box exercise (Child Rights International Network, 2016). CRIN therefore calls on the UN member states to donate money to provide better and more intensive training. Moreover, Human Rights Watch (HRW) recommends the UN to ensure that UN peacekeepers receive consistent training on zero-tolerance policies, including clear communication about the consequences for personnel violating them (Human Rights Watch, 2016).

2.6.1.6 Immunities

Since UN personnel on a peacekeeping mission enjoy certain rights, immunities, academics argue that the UN should limit the extent of those immunities (Odello & Burke, 2016; Reiz & O'Lear, 2016; Simic, 2013). Simic argues that the unequal position of power of the UN personnel vis-à-vis civilians is mainly due to these immunities instead of economic or sex power, as the 2003 bulletin assumes. As Odello and Burke state, the nature and extent of the immunities should be limited to what is functionally necessary, and certainly not for sexual crimes (Odello & Burke, 2016). Reiz and O'Lear believe that limited immunity, rather than absolute immunity, against local prosecution or other regional human rights banks can be helpful in providing greater protection for victims. The host country or regional court could then invoke the rights of the victim instead of the perpetrator (Reiz & O'Lear, 2016).

Furthermore, Odello and Burk argue that the UN could send clearer messages to tackle these crimes. In addition, national and international courts can play a role, focusing on possible exceptions to these immunities. If the TCC thoroughly investigated the cases of sexual abuse during UN missions and consequently prosecuted them for evidence, this discussion would make no sense. Immunities would then fulfill the role for which they were conceived, victims would have rights and those responsible for crimes would be prosecuted (Odello & Burke, 2016)

Moreover, Dechamps, Jallow and Sooka believe that when a TCC initiates a procedure to prosecute a UN staff member for a sexual crime, the UN must facilitate these processes. Immunities should not be a barrier for UN personnel to show up in court as witnesses. In particular, when the UN has sent the allegation to the responsible national authorities (TCC) for investigation or prosecution, it would be suspected that UN officials are participating in the legal process. Immunities should only exist in circumstances where the UN has determined that disclosure of information by UN personnel may pose a security threat to the victims or witnesses (Deschamps, Jallow, & Sooka, 2015).

2.6.2 Representative recommendations

Neudorfer (2014) argues with the deterrence theory that UN personnel will commit fewer (sexual) crimes if there are severe penalties on the wrongdoing, if they are thus deterred. According to many Western academics, punishing the perpetrators is the solution to impunity. Today, UN personnel are held under the responsibility of their home country, ie the troop-sending country (TCC). Certain authors argue that prosecution of the perpetrator would be better done by the host country

2.6.2.1 *Host country*

Certain academics cite the opportunity to have personnel who sexually abused civilians prosecuted by the peace operation host country (Defeis, 2008; Ndulo, 2009; Odello & Burke, 2016). Witnesses and evidence are thus more locally accessible. In addition, the local population would have a greater sense of justice (Defeis, 2008; Ndulo, 2009). Finally, it could also serve as a deterrent method (Ndulo, 2009; Neudorfer, 2014).

However, even if the host state has applicable laws that allow the execution of UN personnel, the judicial system is usually unable to prosecute such crimes because of the country's context at the time. Ndulo explains that in conflict-affected countries, there is usually no reliable judicial or police force to ensure the prosecution and enforcement of the law. As a result of corruption, the courts are further suffering from a crippling identification crisis. Moreover, there is often little political will to prosecute them. In addition, peace operations usually remain on-site for approximately six months, so the time frame within which prosecution must take place is very short (Ndulo, 2009).

Moreover, the charges can be legal in the host country. For example, prostitution between consenting adults is not a crime in certain countries. The age of consent also varies from country to country (Kanetake, 2012; Ndulo, 2009; Reiz & O'Lear, 2016; Stern, 2015).

2.6.2.1 *Troop contributing countries*

The TCCs have a responsibility to prosecute their personnel when a sexual crime has been committed. However, Defeis argues that TCCs have historically been reluctant to prosecute criminals (Defeis, 2008). Defeis states that this is due to the legal differences per country regarding age of majority and prostitution which cause problems. This means that when a criminal is prosecuted in his home country for sexual abuse (according to the zero tolerance policy), where prostitution is legal, for example, the UN's zero tolerance policy no longer holds (Defeis, 2008). Moreover, the TCCs usually isolate the victims, as well as the authorities of the host country (Reiz & O'Lear, 2016).

Stern (2015) recommends that the UN should better support the TCCs with follow-up and exchange of information about the research. The deployments of the 'misconduct tracking system' (MTS) need to be improved to fill in all categories of personnel. This guarantees that every UN staff who committed misconduct earlier is screened and therefore has no chance of being recruited at the UN (Stern, 2015). HRW also recommends making clear to TCCs that their ability to hold their military responsible for

sexual crimes is an essential criterion for deciding whether the UN will accept troops from their country in the future (Human Rights Watch, 2016). However, this can create difficulties as there is a shortage of countries willing to send troops on a peacekeeping mission.

2.6.3 Protective recommendations

According to various academics, there is generally a clear need for community-based solutions that encompass both the individual victim and the entire social environment (Douwma & Hilhorst, 2012; Stern, 2015; Verelst, De Schrijver, De Haene, Broekaert, & Derluyn, 2014)

First, CRIN (2016) recommends that a better complaint mechanism should be designed for the victims. The fear of stigma and not being taken seriously is high among victims of sexual abuse. CRIN therefore asks international organizations to work together in order to design a system where the local population can file a complaint against UN personnel in all confidentiality and privacy (Child Rights International Network, 2016).

Second, HRW (2016) and CRIN (2016) recommend avoiding victims having to repeat their trauma multiple times in different interviews. Since stigmatization of victims after sexual abuse largely affects the mental health of victims, family therapy and sensitisation activities are thirdly recommended (Child Rights International Network, 2016; Human Rights Watch, 2016). In addition, attention must be paid to certain (erroneous) perceptions of victims regarding their possible role in acts of sexual abuse (Verelst, De Schrijver, De Haene, Broekaert, & Derluyn, 2014).

In 2009, Ndulo argued that UN children, who are born as a result of sexual abuse by UN personnel, should be able to receive child benefit. When the UN worker returns to its home country after its service, contact with the child is no longer possible and therefore also beyond the reach of the courts of the mother's country (Ndulo, 2009). The UN writes in 2017 that when paternity has been proven through DNA testing or paternal confirmation, the UN must exchange legal documents to ensure paternity is legally recognized by courts in the country of both the mother and the father. Member States' cooperation and active involvement in this process is essential (United Nations, 2017).

However, the HRW study in CAR shows the lack of assistance for victims (Human Rights Watch, 2017). CRIN (2016) recommends lobbying relevant international organizations such as UNICEF and UNHCR to ensure that the victim assistance process is followed (Child Rights International Network, 2016).

CRIN (2016) recommends legally protecting whistleblowers who disclose information of sexual malpractice. UN whistleblowers have often faced revenge such as compulsory redundancy. The CAR case with Kompas as a whistleblower is a reminder that even "senior officials" may be fired as a result. However, there is a specially mandated organization, the UN Ethics Office, to protect whistleblowers. CRIN therefore argues that the UN Ethics Office should strengthen protection. Psychological support for the whistleblower is also necessary (Child Rights International Network, 2016).

3. Methodology

This chapter presents the chosen research methods that are applied throughout this study. More specifically, it justifies the preferable approaches to investigate the research problem and introduces the basis of particular techniques to answer the central research question. As Micheal Quinn Patton states, to acquire scientifically valid and trustworthy results, the appropriate research methods have to be chosen (Patton, 1980).

3.1 Research purpose

According to Robert K. Yin, the nature of research is categorized in three types of purposes: to explore, describe or explain. However, Yin emphasises that boundaries between the categories are not at all times obvious (Yin, 1994). According to Colin Robsen, there is often a lack of theory or sharply formulated hypothesis when using exploratory research (Robsen, 1993). Furthermore, Robsen states that while exploratory research tries to gain insight into the subject and problems, descriptive research searches for characteristics and aspects that characterise the problem or situation (Robsen, 1993). The research question of descriptive research is usually focused on analysis, which is why the questions often start with *what*. Lastly, Yin states that explanatory research is about the "*why* questions" (Yin, 1994). For example, it is examined what causes a certain phenomenon or why change in variable A causes a change in variable B. In addition, explanatory studies proceeds with simply descriptions and aim to explain certain observations, mostly with the use of theories or hypotheses (Yin, 1994). Looking at the research question of this dissertation, the goal is to provide recommendations on the improvement of the UN's zero-tolerance policy. To be able to establish these recommendations, the research needs to define the factors and variables that cause the UN's zero-tolerance policy's defects. Based on these deficiencies, links to the possible enhancements can be made. Even though descriptive techniques are used to describe the aspects that characterise the problem, the main aim is to connect the underlying factors to the issue at hand and to hypothesise the outcomes of potential improvements. Furthermore, plentiful theories and hypotheses are available and used in this research. Therefore, the research is more explanatory than descriptive or exploratory.

3.2 Primary vs secondary research

When conducting research, there are several means to obtain data. Steven D. Krause explains two different approaches. Firstly, the collection of primary data is called primary research or field research as it is research for which one "has to go into the field". On the other hand, research based on secondary data is called secondary research (desk resarch). It is research that can in principle be done 'behind the desk' (Krause, 2020).

3.2.1 Secondary sources

Ajayi states that a secondary source interprets, analyses and/or explains primary sources (Ajayi, 2017). These sources are one or more steps away from the original event and are therefore not always as

relevant as the source. The literature review starts with secondary sources conducted by desk research within various disciplines on the broad theme of the dissertation, such as African studies, peace studies, international political sciences, international law studies, development studies, women's studies, and human rights. This includes international measures for sexual abuse in conflict areas and the impunity that prevails, thus not only in a peacekeeping context. This is done to better evaluate the existing zero-tolerance policy of the UN. Thereafter, a literature study was conducted on the theme of the dissertation itself, namely on sexual abuse in a peacekeeping context by UN personnel. The causes and consequences of sexual abuse by UN personnel are discussed. Additionally, the UN policy, the criticism thereof and the recommendations are discussed. Furthermore not everything is described in the academic literature, thus an additional document analysis is conducted. The analyses of these documents are structured desk research. These documents are mainly UN documents but also reports from organizations that had already criticized UN measures, organizations that brought issues to light about this problem or organizations that are fighting for human rights in conflict areas such as AIDS-Free. World, CRIN and Human Rights Watch. These documents provided additional information about the general theme of the dissertation. The collected data forms the basis of the research material. That is to say, that the analysis of secondary sources can indicate in which research part of this dissertation more information is needed, for which there is no clarity or too much information. By having this clear, primary research can be done and the appropriate questions can be invented for fieldwork.

3.2.2 Primary sources

According to Krause, primary sources are the original evidence of events, objects, people, or work performed. Examples include research results, statistical data, eyewitness reports, surveys, and interviews (Krause, 2020). The actual event can be approached as closely as possible via primary sources. The primary sources in this dissertation consist of fieldwork conducted in the form of interviews with experts on the research theme, especially interviews concerning UN policy recommendations, criticism and the clarification of certain policy measures. Although a distinction is made between the two types of sources, reliable research contains both primary and secondary sources (Maso & Smaling, 2004).

3.3 Quantitative vs qualitative research

The following fundamental choice that can be made is whether quantitative research or qualitative research is applied. Gilbert states that whereas quantitative research aims at uncovering facts, and the results are often expressed in figures, qualitative research is more descriptive in nature and focuses on interpretations, experiences, and meaning (Gilbert, 2008). Therefore, qualitative results are usually expressed in words (Gilbert, 2008). According to Brannen, the quantitative method is often chosen because of its relative exactness and lack of ambiguity (Brannen, 2017). Furthermore, quantitative research creates an opportunity for statistical tools to summarize and examine measurable facts (Brannen,

2017). In contrast to qualitative research, Patton (1980) states that quantitative research is not beneficial if one desires to study the causes and effects of a matter. Namely, qualitative research produces the opportunity to uncover more comprehensive data (Patton, 1980). For instance, while undertaking a qualitative in-depth interview, the researcher could track the interviewee through widespread information or ask specific queries. For this research, qualitative methods are chosen. Since sexual abuse is a difficult and sensitive issue, a questionnaire or a survey was soon excluded. It is almost impossible to investigate perpetrators or victims of sexual abuse in a short term dissertation investigation. That is why it seemed more suitable to examine the policy side of this phenomenon. Furthermore, with a qualitative method, there is considerably more possibility to delve deeper into the causes of sexual abuse, which requires further explanations, not numbers. During the qualitative research, the observations and underlying beliefs of people are examined. It is research that is held to substantiate, supplement, elaborate, apply or contradict existing and new theories. This is done through in-depth interviews.

3.3.1 Qualitative interviews

The type of qualitative research used in this dissertation is a semi-structured interview. Here one has a general interview schedule with predefined, more general formulated questions, but one can deviate from this (Gilbert, 2008). In contrast to structured interviews, there is room for follow-up questions, which reveal more and more detailed information, which is the goal of this qualitative research. For example, one can continue to ask if the respondent says something interesting or when it is not fully understood what the interviewee says or means. To produce the most reliable and actual outcome for this research, the research problem must be observed from various angles. The interviewees are selected for their expertise of the general theme of this dissertation or within an explicit area considered significant to determine this study.

The first interviewee is Andrew Macleod, a lawyer, officer by training, specialized in war crimes and crimes against humanity, and former aid-worker. In 2009, Macleod quit working for the UN as head of Early Warning and Emergency Preparedness for UN High Commissioner for Refugees, citing its lack of effectiveness and efficiency, and the institutional failure to address paedophilia within the UN. Macleod is consulted for his knowledge of sexual abuse in the aid industry and critical commentary on current UN policies.

The second interviewee is Kaila Mintz, the Coordinator of the Code Blue Campaign and Senior Advisor to AIDS-Free World, focusing on ending impunity for sexual violence committed by UN personnel. Mintz speaks for the Code Blue Campaign and advocates for an impartial Special Court Mechanism to resolve legal flaws they believe the UN is dealing with at the moment.

The third interviewee is Lotte Vermeij, a Dutch UN peacekeeping soldier and peacekeeping trainer. She is openly advocating for more female UN soldiers in peacekeeping missions. Mainly with the idea that this will combat sexual abuse, both by the population and by UN soldiers. Vermeij's experiences and in-depth knowledge of current UN rules and training make the interview a valuable addition.

As all consulted experts live abroad, the interviews are done during an online Skype conversation. The first choice is to keep the dialogues in a video call because the respondents can be observed during the call, allowing for facial expressions such as confusion or discomfort to be perceived. Additionally, these 'live' conversations give the possibility for follow-up questions. For this reason, the use of email interviews is excluded, as there is no personal contact and therefore no verification is possible.

3.3.2 Processing of interviews

The information used in the study should be as accurate as the information provided in the interviews. That is why recordings are made of all the interviews with a voice recorder. In order to select the correct information from the conducted interviews that is valuable for the research, transcriptions of all recordings are made and stored securely on the personal phone of the researcher of this dissertation. The choice is whether to use verbatim or selective transcription. According to Gilbert, verbatim transcribing means composing a letter-by-letter transcript and thus completely following the speaker accurately (Gilbert, 2008). Verbatim offers the advantage of the ability to interpret the intonation of respondents, which is important when doing qualitative research. Furthermore, selectively transcribing interviews may leave out issues that may not seem relevant at first, but may be important in later research (Gilbert, 2008). Therefore, verbatim transcriptions are made in this research. All transcripts made are added to the appendix of the dissertation.

3.2 Inductive vs deductive approach

The following fundamental choice that can be made in research methodologies is to adopt either an inductive or deductive approach in the research process. Whereas an inductive approach develops an explanatory theory from the facts and phenomena, a deductive approach deduces the phenomena from general principles or theories (Gilbert, 2008). According to Maso and Smaling, a crucial advantage of the inductive method is the open-mindedness with which the data can be accessed (Maso & Smaling, 2004). Additionally, inductive analysis ensures that no observations or categories are excluded or included in advance. On the other hand, the main disadvantage of inductive research approach is the fact that the validity of the developed categories is difficult to test, as an inference in inductive research is likely, but not logically unavoidable (Maso & Smaling, 2004). Therefore, the inductive analysis leaves room for inventiveness and originality, but also lack of validity (Pollit & Bouckaert, 2000).

While adopting a deductive research approach, there is a theoretical or conceptual framework from which one starts and which one can fall back on. According to van Staa and de Vries, an advantage of the active use of theory during all research phases is that it constantly stimulates researchers to think about the meaning and scope of empirical findings. It breeds theoretical sensitivity, which prevents researchers from getting stuck in a mere description without interpretation (van Staa & de Vries, 2012). However, the nature of qualitative data stands in the way of a purely deductive approach: theory cannot be laid as a schematic grid over qualitative data. Moreover, a quick and superficial interpretation of qualitative data with theoretical concepts can lead to simplification and over interpretation (van Staa & de Vries, 2012).

Usually, according to van Staa and de Vries, a general theory will not exactly fit the data and empirics will also give rise to further nuance or refinement of the theoretical concepts (van Staa & de Vries, 2012). The use of existing theory during research therefore requires a combination of the inductive and deductive approach. In this dissertation, this mixed method research approach is applied. The open research question in this research makes it possible to inductively explore different avenues for improvement. However, several existing theories are tested by deduction.

3.4 Research Ethics

Ethics must be taken into account when writing research. According to Kai Erikson, research misconduct must be avoided at all times (Erikson, 1995). More specifically, a violation of ethics during social research could cause harm to the participants and fellow researchers could lead to incorrect science and are dishonest to those who depend on the academic accuracy of the research (Erikson, 1995). This dissertation consults human subjects to conduct primary data, which requires certain research principles. The researcher is responsible for the interviewees of the study. That is to say, it is important that the participants are well aware of what the purpose of the interview is, what happens to their input and that they have given their consent to use their given information. A consent form has to be filled in beforehand. Moreover, the participants will be informed of their rights and the opportunity to withdraw from the study. If the participants want to be mentioned anonymously in the study, they will be offered a Confidentiality Agreement form. It should be taken into account that the subject of this dissertation is a sensitive issue. It is important that the interviews are approached as objectively as possible. The interviewee is not supposed to feel uncomfortable or offended. If this happens, it will not yield credible results. Therefore, the questions are prepared as correctly and objectively as possible in advance, ensure that no reproaches are made and remain professional.

3.5 Research limitations

Several limitations must be taken into account in advance to avoid problems during the investigation. As Price states, these limitations are shortcomings or faults which possibly are the consequences of large

scope, little material, wrong chosen research method, not sufficient time of financial resources and so on (Price, 2013). Every research has the possibility of containing deficiencies (Price, 2013).

As the research focuses at SEA in conflict countries and PKO, one could consider doing research in such context. However, the financial resources were not available for a dissertation to do research there. This is termed a limitation of budget and geographical location. Yet because this dissertation examines the policy side of the problem, it does not seem necessary to be present in a peace mission. Primary sources have been used instead, such as interviews.

4. Findings

In this chapter, the results of all conducted interviews are reported. After evaluating the literature review, there are three experts consulted in three separate interviews concerning various parts of the dissertation topic. The topics are selected to provide more clarity, to point out the contrast or confirm stated data. The interviewees are Andrew Macleod, Kaila Mintz, and Lotte Vermeij,

4.1 Sexual exploitation and abuse in peacekeeping missions

Because of the different opinions that emerged in the literature study on the causes or circumstances that contribute to SEA, the experts are asked what they consider to be the causes or circumstances.

4.1.1 UN personnel

The questions in the interview with Macleod are mainly focused on SEA by UN soldiers, and when asked about the causes or circumstances that contribute to and/or facilitate sexual exploitation and abuse by UN peacekeeping soldiers, Macleod points out that “focussing just on UN soldiers is a mistake, as there are far more civilian workers than UN soldiers” (A. Macleod, personal interview, November 20, 2019). Macleod explains that civilian aid workers are often longer active in UN missions and have more direct contact with the inhabitants. According to Macleod, direct contact increases the chances of committing SEA acts considerably among civilian aid workers (A. Macleod, personal interview, November 20, 2019). Similarly, Mintz explains that the Code Blue campaign mainly focuses on ending impunity among UN non-military staff as they discovered that pathways to justice for civilian personnel simply do not exist. Nevertheless, the Code Blue campaign recognises the problem of how military and police personnel are held to account as well K. Mintz, personal interview, January 10, 2020). Furthermore, Code Blue extended its campaign over time, beyond peacekeeping. Mintz elaborates on this, UN non-military personnel does not operate in merely peacekeeping, they switch departments of the UN as well K. Mintz, personal interview, January 10, 2020). In addition, the Code Blue campaign discovered that SEA victims were already in the UN. Mintz refers to misconduct claims within the UN, “when UN personnel get away with sexual violence against their colleagues, they are encouraged to do it again, using people they meet in line with their work and who have even less power” K. Mintz, personal interview, January 10, 2020). In addition, according to UN peacekeeping trainer Vermeij, UN soldiers are constantly in the spotlight, since they wear a uniform and a blue helmet hence mainly

represent the image of the UN. As a result, they are the ones named in the media when inappropriate behaviour is brought to light. Nevertheless, there is plenty going on behind the scenes on the civil side, which is not highlighted in the media (L. Vermeij, personal interview, March 12, 2020).

However, when asked about exact numbers, and whether it is possible to distinguish soldiers, civilian workers, or police, Vermeij explains that this is very complex to estimate. Vermeij states, “there are certainly rotten apples in every department” (L. Vermeij, personal interview, March 12, 2020). Furthermore, it could be influenced by the size of the mission; how many soldiers the UN send on broadcast, how many humanitarian aid workers are present, what kind of environment the staff is in, what kind of exposer personnel have; are there bars or clubs to go to, do they have interaction with locals or are they more isolated (L. Vermeij, personal interview, March 12, 2020).

4.1.2 Causes and circumstances

Overall, all three interviewees acknowledge that the causes and circumstances are complex and not as black and white as they seem. Furthermore, they all affirm that there is more than just one root cause.

One cause Macleod remarks is the imbalance of power, both in military and civilian aid, there is a white rich male on one side and poor local children and women on the other side. Often the offender just ‘buys’ civilians, since he could never afford them back in his home country but now, he assumes he has the authority to do it. For instance, Macleod refers to survival sex, which happened in the ‘food for sex scandal’ in the early 2000s. Civilians were only given access to a refugee camp if they provided one of their family members for sex or slavery (A. Macleod, personal interview, November 20, 2019). In like manner, Vermeij cites survival sex. However, Vermeij claims that it is determined by poverty in conflict areas (L. Vermeij, personal interview, March 12, 2020). Stating, “when an entire system collapses, people live in poverty and what one observes is that civilians approach UN personnel as a last resort for hope to obtain a better-quality life” (L. Vermeij, personal interview, March 12, 2020).

When discussing to what extent socio-economic circumstances contribute to SEA cases in conflict areas. Vermeij states that in certain countries, prostitution is used to survive and is not directly considered as something damaging (L. Vermeij, personal interview, March 12, 2020). It is essential to emphasize that it is forbidden by the UN, it goes against all principles of the UN, and child prostitution or sexual abuse is negative in any case (L. Vermeij, personal interview, March 12, 2020). Yet, looking from the population’s perspective, some women benefit from prostitution and receive no other income, it is their only way to survive (L. Vermeij, personal interview, March 12, 2020). Vermeij witnesses the complexity of this when several women explained, “at least this way I can earn some money. Otherwise, I have no food for my children” (L. Vermeij, personal interview, March 12, 2020).

Mintz speaks for the Code Blue Campaign, and from their perspective criminal accountability is part of the cause. Mintz states, “if people were to be held accountable, we think that would serve as a deterrent, that would stop people from doing it in the first place” (K. Mintz, personal interview, January 10, 2020).

Impunity of sexual harassment contributes to a destructive working environment, even if it does not implicate a level of crime, it would prompt people to do worse wrongdoings without being punished for them (K. Mintz, personal interview, January 10, 2020). Similarly, Vermeij acknowledges impunity as one of the main causes of SEA during UN missions. That is to say, that whenever people are not held responsible, they are easily drawn to do it again with impunity (L. Vermeij, personal interview, March 12, 2020). Macleod endorses this idea by stating, “Any criminologist will tell you: the size of the penalty doesn’t deter the crime. The fear of detention does deter crime. Currently, the fear of detention in the aid industry is close to zero. And even if you do get detected. You know you going to get away with it” (A. Macleod, personal interview, November 20, 2019).

Furthermore, Mintz refers to the UN as a sort of boys club. The Code Blue campaign studies the roots of the phenomenon from a feminist perspective by saying that the UN embraces a patriarchal system that enables offenders of sexual violence, to both commit acts and not be punished for it (K. Mintz, personal interview, January 10, 2020). On the other hand, Macleod disproves this theory as he claims that an adequate amount of women employed in the UN, including extremely senior women, who have extremely senior roles in the UN, know about the problem, and choose to look the other way (A. Macleod, personal interview, November 20, 2019).

What else at play is, is that personnel wish to protect their career. According to Mintz, professions in the UN are highly valued, there is plenty at stake and people do not want to expose their colleagues (K. Mintz, personal interview, January 10, 2020). In particular, women working in the UN have less job security as they often hold lower positions. Despite witnessing abuse or being aware of the fact that one of their co-workers is committing a crime, they will not report it since they feel that their careers are on the line (K. Mintz, personal interview, January 10, 2020).

Alternatively, Vermeij considers high intensity during UN missions to be one of the main causes of SEA (L. Vermeij, personal interview, March 12, 2020). That is to say, UN personnel is constantly under high pressure with endless hours of work in unsafe areas and away from home and their families for an extended period. As a result, boundaries are blurring, individuals do things that they will not do at home and this contributes to SEA issues (L. Vermeij, personal interview, March 12, 2020). Vermeij emphasizes how significant it is for UN personnel to leave the mission regularly, either going home to see their family or on vacation to unleash the constant tension they are under (L. Vermeij, personal interview, March 12, 2020). Furthermore, Vermeij speaks from her observations that once UN staff, whether military, police, or civilian colleagues find themselves in extremely stressful situations, they tend to exhibit transgressive behaviour more quickly. Tragically, that includes alcohol and drug abuse, but also sexual harassment-related behaviour (L. Vermeij, personal interview, March 12, 2020).

4.2 UN zero-tolerance policy

When discussing the UN zero-tolerance policy and the current UN's approach to SEA cases in general, a couple of striking opinions emerge. Whereas both interviewees Macleod and Mintz believe that the UN zero-tolerance policy is ineffective, Vermeij has a slightly more nuanced judgment (A. Macleod, personal interview, November 20, 2019; K. Mintz, personal interview, January 10, 2020; L. Vermeij, personal interview, March 12, 2020).

4.2.1 Effectiveness of the policy

As Macleod states, "Zero-tolerance policy has zero prosecutions, it means that zero-tolerance has zero effect" (A. Macleod, personal interview, November 20, 2019). He brands the policy as a platitude the UN introduces to distract society and make one believe the UN is managing it. In fact, according to Macleod, the UN is blocking the chances of prosecuting UN personnel. For instance, according to Macleod, the UN blames it on the status of forces agreements, the undependability of the local law enforcement or the UN does not want to re-victimize the victim (A. Macleod, personal interview, November 20, 2019). Macleod does not claim these arguments are false but disapproves inactive response the UN has. Macleod states, if peacekeeping soldiers cannot be prosecuted for SEA because the status of forces agreements do not allow it, change the status of forces agreements (A. Macleod, personal interview, November 20, 2019). Macleod adds, if there is no trust in the local law enforcement, then either strengthen the local law enforcement or prosecute that person back in their home country, when the extraterritorial law applies. And lastly, if light cannot be shined on the victim by safety perspectives, the UN should create an advanced protection regime to hold the perpetrator responsible without revictimizing the victim. Macleod states, zero-tolerance does not mean anything if SEA offenders are not in jail (A. Macleod, personal interview, November 20, 2019).

Mintz agrees by stating that the current approach of the UN includes legal flaws. Particularly, when looking at possibilities of prosecuting civilian personnel. Namely, there is no clear place to report and to try perpetrators of sexual abuse, which is problematic (K. Mintz, personal interview, January 10, 2020).

In comparison, Vermeij believes that there is continuous room for improvement but still does not label the zero-tolerance policy as problematic. When asked whether Vermeij thinks UN personnel is sufficiently and clearly informed during training about what includes sexually unacceptable behaviour and especially where the UN has a different vision than may apply in the host country of the UN soldier, Vermeij explains that it depends on which country one trains. Every country has its own culture, norms, values, and laws which generate different behaviour. Mainly concerning different perspectives on prostitution. UN personnel who come from countries where prostitution is legal might have to go through a whole mindset shift to understand the policy (L. Vermeij, personal interview, March 12, 2020).

The trainer explains that the pre-deployment training contains a mandatory part regarding SEA but is rather inadequate to achieve an actual mindset shift.

However, Vermeij says that there is extra mandatory training that all peacekeepers must complete before they arrive on a mission regarding sexual exploitation and abuse. And lastly, there is training in the mission, specifically focused on how UN peace personnel should behave. Thus there are different moments when training regarding SEA is given. Yet, the outcome depends on which country and person (L. Vermeij, personal interview, March 12, 2020).

Besides, Vermeij emphasizes that the UN is paying increasing attention in its training to what is and what is not acceptable behaviour according to the UN zero-tolerance policy. The UN frequently adjusts training with different approaches to receive improved responses (L. Vermeij, personal interview, March 12, 2020). In addition, when asked whether Vermeij has the impression that the zero-tolerance policy could be properly enforced in practice, the answer is, “the UN has no control on how possible offenders might be tried, so they can repatriate them and send them out of their missions, but the follow-up is very difficult. And because they have little power in that, it makes it more difficult to maintain” (L. Vermeij, personal interview, March 12, 2020).

4.2.2 Definition of SEA

Another interesting topic discussed during the interviews is the definition of SEA and how it is incorporated into the zero-tolerance policy. Particularly Macleod criticizes the use of the three-letter abbreviation SEA. Explicitly, Macleod states that SEA is an empty and detached three-letter acronym (A. Macleod, personal interview, November 20, 2019). The professor explains that the acronym only speaks for Sexual Exploitation and Abuse yet neglects the fact what is taking place in reality, namely, child rape. Macleod claims that only when people are emotionally affected, someone will bring about a change. This is not the case with the acronym SEA (A. Macleod, personal interview, November 20, 2019). Vermeij explains that the UN is constantly working on evolving definitions, including the concept of SEA. However, it is easier said than done. Vermeij elaborates on this, it is a long, complex and political process that is happening at headquarters in New York, and all member states must agree that it will eventually become the official language of the UN (L. Vermeij, personal interview, March 12, 2020).

4.3 Impunity

A further subject frequently mentioned in the literature review is the culture of impunity within the UN. Similarly, the interviews cover a significant part of this subject. The questions are aiming for a better understanding of what causes the impunity, the effect of impunity on peacekeeping missions, and the solutions for impunity.

4.3.1 Prosecutions

Both Mintz and Macleod state in the interviews that trials and prosecutions of UN personnel are rare (A. Macleod, personal interview, November 20, 2019; K. Mintz, personal interview, January 10, 2020). Mintz refers to an organization, Reddress, engaged in researching prosecutions of UN peacekeepers regarding child sexual abuse, they discovered only a small number of prosecutions have taken place, and all of them were military staff (K. Mintz, personal interview, January 10, 2020). In like manner, Vermeij states that there are merely a few cases reported on the UN's website. No one knows the exact number of cases, which is due to the aforementioned underreporting of SEA cases, this generates to impunity (L. Vermeij, personal interview, March 12, 2020).

4.3.2 Underreporting

Vermeij explains that underreporting is mainly due to a culture of silence within the country of conflict (L. Vermeij, personal interview, March 12, 2020). In conflict countries such as Mali and Democratic Republic of the Congo (DRC), there are certain consequences if a person becomes a victim of sexual abuse. In Mali, this is due to religion as it is not accepted in Islam. And in DRC, there is a taboo on sexual abuse, consequently, women are often expelled from their community (L. Vermeij, personal interview, March 12, 2020).

Additionally, Macleod states that if only one in seven rapes are reported in the United Kingdom, it would be logical reasoning that this is not a more enhanced number in the developing world. In other words, the UN is only looking at the cases of victims who were brave enough to come forward (A. Macleod, personal interview, November 20, 2019).

Furthermore, Vermeij claims that sexual intercourses between UN personnel and citizens have different layers. To be exact, there are certain cases where the victim and UN soldier or humanitarian worker have a relationship that involves love and there is consent from both sides. It is admittedly an abuse of power by the UN worker, as the citizen probably hopes for a more promising future when married or even has a child with someone from the UN. Still, these relationships are forbidden, but will not be reported (L. Vermeij, personal interview, March 12, 2020).

4.3.3 Immunity

Significantly, all interviewees agree that immunity plays an essential role in impunity, in both the causes and the solutions. To give an illustration, Code Blue started their campaign entirely focused on immunity and the ways immunity was a barrier to accountability (K. Mintz, personal interview, January 10, 2020). The UN has come clean and declared that there is absolutely no immunity when UN personnel commits SEA, and UN staff only holds immunity for their work functions, thus SEA is not a part of that, which is a step in the right direction (K. Mintz, personal interview, January 10, 2020). As Vermeij explains, UN personnel has immunity to a certain extent, it is possible that the Head of the Mission and the Secretary-General, waive an individual's immunity when SEA is involved (L. Vermeij, personal

interview, March 12, 2020). However, according to Mintz, UN staff possesses immunity until the UN concludes that a crime has taken place. Therefore the UN maintains still excessive power, resulting in restricting local police and law enforcement officers from conducting investigations (K. Mintz, personal interview, January 10, 2020). Mintz explains how this generates difficulties de facto, the Code Blue campaign is supporting certain cases, where even though a UN soldier or civilian worker has been accused of a sexual crime, local police obtained enough evidence to investigate, and yet the UN shields the worker with immunity since they have not concluded the crime has taken place (K. Mintz, personal interview, January 10, 2020).

Moreover, even though there are restrictions on these immunities, for instance, staff immunity or functional immunity, the approach the UN applies to communicate and operate regarding immunity is problematic. Macleod agrees by stating that the UN is not stressing enough to the public that it is possible to wipe out immunity for civilian personnel. Instead, the UN is holding the troop providing countries responsible for sentencing the peacekeeping soldiers and claim there is nothing they can do (A. Macleod, personal interview, November 20, 2019).

Mintz explains that related to that, is that if the UN would wave immunity for a UN civilian aid worker, the individual can simply be held responsible and tried in a country where the crime occurred. According to Mintz, then the UN would argue that the local authorities are not reliable, do not have enough capacity, or will not proceed with a fair trial. As a result, the UN declares that only the country of nationality should have jurisdiction (K. Mintz, personal interview, January 10, 2020). However, this is impractical for a couple of reasons. First of all, there is a legal loophole at play that makes it impossible for certain countries to exercise jurisdiction, or they simply do not have the legal authority to prosecute. That is to say, there are laws in countries that do not apply extraterritorially, primarily when a crime is committed abroad against an adult (K. Mintz, personal interview, January 10, 2020). In addition, some countries do not acquire legal resources to investigate and prosecute. For instance, India or Bangladesh, countries with enormous populations and lack of capital, and also the largest troop providers. Lastly, Mintz argues that it is not only legally but also morally correct that the host state holds primary jurisdiction, as the country of host state would feel more fairness for its citizens (K. Mintz, personal interview, January 10, 2020).

4.4 Alternatives and solutions

When looking at changes the UN could make to improve the current zero-tolerance policy, the interviewees proposed alternatives and solutions in various areas. Both practical and legal adoptions.

4.4.1 DNA technology

One of the suggested alternatives is to introduce a new DNA technology to uncover the perpetrator's identity. Macleod advocates this idea as it would produce true transparency on the data of SEA (A. Macleod, personal interview, November 20, 2019). Together with others, Macleod is currently working

on a development named genetic genealogy at Kings College in Western University. The technology makes it possible to put the DNA of a 'UN baby' through publicly accessible databases to identify the files (A. Macleod, personal interview, November 20, 2019). Macleod explains that the role of the UN would be crucial in this process as they would collect the DNA of all peacekeeping personnel and authorize the use for paternity testing, in the case of SEA (A. Macleod, personal interview, November 20, 2019). Vermeij agrees that this technology can be a deterrent to misconduct and claims that this theory is already being discussed by the UN (L. Vermeij, personal interview, March 12, 2020). However, it is a sensitive matter as all staff must agree that their DNA is stored somewhere, and personnel might be concerned about their privacy. In addition, all kinds of national laws may hinder this plan (L. Vermeij, personal interview, March 12, 2020). When asked whether UN soldier and trainer Vermeij would be willing to give up her DNA, the answer was not immediately no. Vermeij states that handing over DNA to an international organization is a complex decision, because how will the organization assure the data is safe? The trainer is not necessary against the idea but refers to possible obstacles such as data breaches and national privacy laws (L. Vermeij, personal interview, March 12, 2020).

4.4.2 More female UN workers

Another solution thoroughly discussed in the interviews is to establish more women in peacekeeping operations and/or in the humanitarian aid sector in general. This theory is both supported and criticized by the interviewees. Firstly, Vermeij is a serious proponent as more female UN personnel on the ground could be the link to women and children within the population. This link is essential to reassure the victims that it is safe to report sexual abuse by UN soldiers or humanitarian workers (L. Vermeij, personal interview, March 12, 2020). According to Vermeij, reporting SEA to male personnel is problematic for a couple of reasons. First of all, there is still a taboo on sexual abuse, victims might feel ashamed and talking with someone from the opposite sex is less comfortable. Secondly, victims are possibly traumatized by an uncomfortable experience with men in uniform or a dominant position and therefore might feel uncomfortable. As a result, victims are not sure who the protector is and are less likely to report (L. Vermeij, personal interview, March 12, 2020). In Vermeij's experience, the quantity of reporting has increased since more women joined the peacekeeping troops. More specifically, Vermeij claims that there is more information shared hence improved access to the entire population (L. Vermeij, personal interview, March 12, 2020). Vermeij explains that the UN is already working on encouraging women to join peacekeeping missions by tailoring certain practices. For instance, if a UN soldier would normally go on a broadcast for a year, an exception would have to be made for a woman with young children. For example, 6 months abroad for a mission should also be made possible (L. Vermeij, personal interview, March 12, 2020). However, Vermeij states that employing more female UN workers does not guarantee a reduction in SEA cases, it is something to be proven. Yet, individuals engaged in SEA are mainly men, thus replacing men for women or having an equal mix of both sexes, could result in a reduced amount of SEA cases (L. Vermeij, personal interview, March 12, 2020).

Moreover, Vermeij mentions an argument from a feminist perspective, namely, that if more females were involved in peacekeeping missions, there would be awareness and more control concerning SEA incidents. Then again, that is something to be proven (L. Vermeij, personal interview, March 12, 2020).

By contrast, Macleod states that the problem will not be solved by placing more women in the aid industry. Macleod argues that there several women in the UN already who turn a blind eye. Three examples are named: Valerie Amos, who was in charge of OCHA, for 4 years, the Office for the Coordination of Humanitarian Affairs, Helen Clark, former prime-minister of New-Zealand who was in charge of the UNDP for eight years and the current Victims' Rights Advocate for the United Nations, Jane Connors. Macleod states he extensively discussed the SEA problem with all three of these senior women, but none of them made an actual change (A. Macleod, personal interview, November 20, 2019). Furthermore, Macleod believes that placing more lower ranking women in peacekeeping missions is a theory invented by feminist academics who "just want to blame men" (A. Macleod, personal interview, November 20, 2019).

On the other hand, Mintz does not disapprove the idea, but is uncertain whether it is sufficient to make a difference. Mintz believes that more women working in the UN certainly contributes to a balance of power in general, but claims a more far-reaching change is needed (K. Mintz, personal interview, January 10, 2020). The problem here is that the women striving for a high position in the UN would drop those feminist traits to fit into the UN's patriarchal attractive systems. Mintz claims that even though more women are working the UN, legal flaws to prosecution in the current policy persist (K. Mintz, personal interview, January 10, 2020).

4.4.3 Improved welfare for UN personnel

Furthermore, Vermeij explains that it is also extremely important that the welfare activities in the missions are improved. These activities are important so that UN personnel can relax and separate themselves from the mission. Sport, for example, can be used as an emotional outlet. Besides, music or social activities can help reduce tension (L. Vermeij, personal interview, March 12, 2020). Moreover, Vermeij emphasizes that the UN should act stricter regarding a period of leave from the peacekeeping missions. This must happen regularly for the UN worker to 'reset' (L. Vermeij, personal interview, March 12, 2020). From Vermeij's own experience, not all police and military colleagues are not properly dispatched from the mission. To illustrate this, instead of being sent home, vacation, or another country, they are sent to another city in the same country which is often still part of a risk area, this is not sufficient (L. Vermeij, personal interview, March 12, 2020).

4.4.5 Status of forces agreements

Another solution suggested by Macleod is to adjust the status of forces agreements to specifically exclude immunity from sexual exploitation and abuse offenses in all status of forces agreements (A. Macleod, personal interview, November 20, 2019). Mintz states that it could be a credible solution as

it would imply that the host country holds the exact mechanism to try the UN military accused on their territory (K. Mintz, personal interview, January 10, 2020). Yet, the memorandum of understanding between the troop-contributing countries and the UN will make this challenging. Politically, it is improbable the TCC would agree to the idea of allowing the host country to prosecute their people (K. Mintz, personal interview, January 10, 2020).

However, as an alternative to this idea, Mintz introduces more complementary jurisdiction systems. In these systems, the sending countries still have primary jurisdiction, but if they fail to hold their troop accountable, other mechanisms kick in, such as the host state or a specially designed court (K. Mintz, personal interview, January 10, 2020).

4.4.6 Special court mechanism

The Blue Code campaign advocates for a special court mechanism. This mechanism is designed to avoid the obstacles that make prosecution challenging when for instance, crimes are not followed upon as the host state or the country of nationality is not willing/able to prosecute (K. Mintz, personal interview, January 10, 2020). This more impartial system could be applied in peacekeeping operations every time there is a 'gap' (K. Mintz, personal interview, January 10, 2020).

Moreover, this special mechanism includes an entire procedure, starting with reporting. The Code Blue campaign discovered by talking to victims that there is little to no trust when it comes to reporting sexual abuse to the UN. Victims do not feel sufficiently protected as they have been victimized by the UN before and they are unsure whether it is safe to report without being further stigmatized (K. Mintz, personal interview, January 10, 2020). Therefore an external place to report SEA crimes would be prominent in the proposed court mechanism. As a result, more investigations will set in motion, complaints will be assessed more honestly and are more credible accepted or refused. Instead of the UN deciding whether a case is worth investigating, an independent team of qualified experts should have the authority to investigate, to take out the UN conflict of interest (K. Mintz, personal interview, January 10, 2020).

And the last part of the process Code Blue campaign suggests is to provide after dealing services, to guide victims with their case, provide advice, and to ensure a fair working follow-up (K. Mintz, personal interview, January 10, 2020).

Moreover, Macleod strongly recommends ending the UN's internal investigations (A. Macleod, personal interview, November 20, 2019). Currently, the investigations are problematic as the office of internal oversight spends years deciding whether SEA took place. As time goes, the evidentiary chain often disappears, as well as the victim. Therefore, the odds of prosecution are zero (A. Macleod, personal interview, November 20, 2019). It is unjust for the UN to investigate itself, even in the office of internal affairs are whistle-blowers, they have blown the whistle, and they are all fired (A. Macleod, personal interview, November 20, 2019).

Lastly, Macleod advocates for an independent permanent organization to investigate and discover victims. As well as an independent panel to research the threats of re-victimising the victim. When it is decided not to prosecute a certain case, this panel should review this verdict to ensure it is not an excuse for indecision (A. Macleod, personal interview, November 20, 2019).

5. Analysis

The analysis presents the relevance of the findings in respect to the literature review. This is an essential part in this research as the problem at hand and possible recommendations are analysed and merged into the answers to the research problem. This chapter is divided into subtopics to give a clear overview of the analysis made.

5.1 Risk factors

As discussed in the literature review, there are certain risk factors that contribute to SEA during UN missions. Similarly, the findings cover noteworthy data on the causes or factors that lead to SEA in PKO. These factors can be categorized in country context or peacekeeping context.

5.1.1 Country context

From the literature study it can be deduced that the circumstances in a post conflict area play a significant role in the occurrence of SEA. One of the risk factors both mentioned in the literature review and the findings, is on the subject of **poverty** in a (post) conflict country. When asked about circumstances that contribute to SEA in peacekeeping missions, Vermeij states that the population in certain (post) conflict countries often deals with complete disintegrated economic systems, which generates poverty (L. Vermeij, personal interview, March 12, 2020). The population seeks contact with UN personnel to survive, assuming they will benefit financially. This can be done by means of financial gifts or exchange of money or food for sex (L. Vermeij, personal interview, March 12, 2020). Similarly, the study by Nordas and Rustad shows that less developed countries have higher rates of SEA by UN personnel during peacekeeping missions (Nordas & Rustad, 2013).

Thus, it can be said that a strong economy plays a large factor in SEA due to the fact that the citizens are ‘dependent’ on UN personnel for primary necessities of life. Simply stated; UN personnel should not yield to temptation to abuse their power or economic stability should be created. However, not all UN personnel has the same values and morals and economic stability is quite a long-term process.

5.1.2 Peacekeeping operation context

The first noteworthy point is that certain authors in the literature review acknowledge that when UN personnel experience **little relaxation** during a peacekeeping mission, moral values may erode, which may be a cause of sexual abuse (Awor, Lutz, & Thapa, 2013). Vermeij supports this argument by declaring that when the level of stress in peacekeeping missions is extremely high, boundaries are blurring and people tend to behave more disobedient (L. Vermeij, personal interview, March 12, 2020). This establishes that the conditions under which the UN staff works, contribute to the need for abuse of their power and serve as a sort of ‘outlet’. If these conditions were to be enhanced, these urges might decrease and result in less SEA.

What is also thoroughly investigated in the literature research is the role of the UN's **patriarchal structure** and **macho culture** in a PKO. According to several authors, including Sarah Whitworth, a peace operation is dominated by male personnel, which maintains the macho culture in a peace mission and could contribute to sexually inappropriate behaviour (Whitworth, 2004). Particular reference is made to militarized masculinity in a *warrior culture*, where aggressiveness is a common phenomenon (Karim & Beardsly, 2016). The findings support this argument as Mintz believes that the UN retains a patriarchal structure, where involvement in SEA and its impunity is normalized (K. Mintz, personal interview, January 10, 2020). In addition, Vermeij states that the engagement of female UN personnel in PKO is crucial for an improved approach to tackle SEA in peacekeeping missions. That is to say, in most cases the perpetrators of SEA are men, hence placing more women in PKO's would simply reduce the number of possible perpetrators. Moreover, more feminist perspectives among UN workers would create more acknowledgement regarding SEA incidents and support victims to report SEA (L. Vermeij, personal interview, March 12, 2020).

Then again, according to Macleod, there are enough women who now work in the UN but deliberately decide not to do anything. Macleod is also talking here about some fairly senior women who know about the problem and all fail to tackle SEA (A. Macleod, personal interview, November 20, 2019). The same is suggested by Mintz, who thinks that especially women with a higher position are too invested in the patriarchal system (K. Mintz, personal interview, January 10, 2020). This is as well discussed in the literature review where authors Karim and Beardsley claim that UN female personnel cannot combat patriarchy and militarized masculinity if the institutional structures are responsible for it (Karim & Beardsly, 2016).

Taking both these sides into account, the presence of women will automatically result in a less patriarchal structure and macho culture as working side-by-side with a woman can contradict the militarized masculinity. However, Macleod makes his point by stating that in the past, female employees have turned a blind eye. A logical explanation could be, that the few women who have worked themselves to the top are even more eager to keep their position and therefore could refrain themselves from tackling the SEA issue. The question is: how many female UN workers are 'necessary' to break through the patriarchal military culture? If say, 25% (one in every four employees) of the staff would be female the masculine environment might diminish. This could be a strive for the UN and reduce SEA, this topic is being further discussed in 5.4.2.

Moreover, the **imbalance of power** is a recurring argument in both the findings and literature study. A UN worker, whether on the military side or the humanitarian side, holds recognized status and additional power through his weapon, uniform, badge, and connection to the military (Kolbe, 2015). The interviews covered the power imbalances referring to sex for food scandals and survival sex.

As the main goal of UN PKO is to maintain peace during conflict, showing power is an indispensable characteristic of UN staff. This aspect is crucial, however, if an employee is not respecting the main principles of the UN, this power might be taken away. This threat, if stated clearly by the UN, could motivate the staff to behave accordingly and decrease SEA.

Finally, it can be clearly said that the culture of **impunity** plays a major role in SEA. All three interviewees consider criminal accountability part of the cause. The impunity of SEA provides an incentive to repeat the same act or encourage others to commit SEA and get away with it (A. Macleod, personal interview, November 20, 2019; K. Mintz, personal interview, January 10, 2020; L. Vermeij, personal interview, March 12, 2020). This will be further discussed in chapter 5.3.

5.2 Impunity

5.2.1 Prosecutions

As the literature review and findings show, there have been hardly any prosecutions against UN personnel. Logically, the main reason for impunity is because the UN does not have a **legal system** to try such crimes and can only impose administrative sanctions such as fines, dismissal and repatriation (Neudorfer, 2014; Stern, 2015). This is also explained by Vermeij, who claims that the zero-tolerance policy is a challenge to uphold due to the UN's limited powers in prosecutions (L. Vermeij, personal interview, March 12, 2020). In addition, the literature emphasizes that the SOFA and MOU only permits the TCC to prosecute their military UN personnel. Despite this responsibility, prosecutions barely occurred (Child Rights International Network, 2016; Defeis, 2008; O'Brien, 2012; Simic, Rethinking 'sexual exploitation' in UN peacekeeping operations, 2009; Stern, 2015).

This demonstrates that the UN gives the TCC this responsibility to punish UN workers, who often do not have the resources or rights to prosecute their citizens committing crimes in other states. Thus, the effective implementation of the zero-tolerance policy relies heavily on the legal mechanisms and political willingness of the troop-sending countries, which are often not available.

5.2.2 Underreporting

In addition, the underreporting of incidents contributes to the impunity culture. As Macleod states, the UN is only looking at the cases of victims who were brave enough to come forward (A. Macleod, personal interview, November 20, 2019). According to the literature research and the findings, the following factors play a role in the underreporting.

A factor mentioned earlier by Mintz is that UN personnel wishes to **protect their professions** and therefore remain silent about prohibited activities (K. Mintz, personal interview, January 10, 2020). Similarly, Ferris noted that male personnel protect each other when their colleagues are accused of sexual abuse. The whistle-blowers that do blow the whistle, have all been fired (A. Macleod, personal interview, November 20, 2019). In addition, female colleagues find it unsafe to report SEA because they

often hold lower positions thus have even less work security (Ferris, 2007). If more employees would be prosecuted, who for example for a sentence reduction could also identify the people who were aware, less people would protect each other to avoid the risk. Furthermore, whistle-blowers (women or men) should be protected when the information they provided is confirmed. This could be a part of the zero-tolerance policy which can create a more comfortable environment to check one another.

Moreover, SEA is usually not reported because there is a **general mistrust** of all types of authorities due to corruptness and ineffective authorities, which resulted in a lack of confidence in any type of authority (Nordas & Rustad, 2013). For example, Vermeij claims that victims are often afraid of men in uniform due to trauma and therefore do not like to report the abuses because they are not sure who the protectors are (L. Vermeij, personal interview, March 12, 2020). Likewise, Mintz spoke to victims who feel defenceless because they have previously fallen victim to the UN and are afraid to report due to further **stigmatization** (K. Mintz, personal interview, January 10, 2020). More female employees could recover this mistrust and fear for victimised women. Nevertheless, the general mistrust and stigmatization in a country is generally very deep-rooted and takes time and effort to progress.

5.2.3 Immunities

What can be concluded from both the literature review and the findings is that the immunities of UN personnel play a key role in the impunity of SEA crimes. The literature review clarifies that these immunities are intended to prevent the host country from interfering with the mission by, for example, requiring UN personnel to be sent home. However, these rights are now being misused as a personal benefit for UN personnel who commit SEA (Kanetake, 2012). For instance, these immunities make it impossible for the host country to prosecute UN personnel, even if the acts they commit are not part of their job functions.

As Vermeij and Macloed explain, in the case of sexual abuse, it is possible for the Head of the Mission and the SG al to waive the immunity of a peacekeeper (A. Macleod, personal interview, November 20, 2019; L. Vermeij, personal interview, March 12, 2020). Subsequently, the person can simply be held responsible and tried in the country where the crime took place. However, UN personnel will continue to hold immunities until only the UN has decided that SEA has truly taken place. These massive powers of the UN restrict local police and law enforcement officers from investigating.

5.2.4 Legal loopholes

As the literature review indicated previously, only the troop-sending country has the exclusive right to prosecute their officials (Kanetake, 2012; Ndulo, 2009). However, Mintz explains that there is a legal loophole that makes it impractical for certain countries to prosecute or simply do not have legal jurisdiction (K. Mintz, personal interview, January 10, 2020). Mintz refers to certain countries where their national laws do not apply extraterritorially when a crime is committed against an adult (K. Mintz, personal interview, January 10, 2020). For instance, if a Canadian peacekeeper is referred back to the

country of nationality after committing SEA in Central African Republic, Canada is not authorized to prosecute this peacekeeper. Moreover, certain countries might not possess the resources to go investigate and try crimes that occurred outside their border (K. Mintz, personal interview, January 10, 2020). A possible long-term solution would be to create a complementary jurisdiction system. In this system, the TCC will still have primary jurisdiction, but if they fail to hold their staff accountable, other organisations will take over, such as the host state, ICC, or an external, specially designed court.

5.3 Alternatives

After the causes of the problem have been determined, the flaws of the current policy have been analysed, the impunity has been discussed; the alternatives which have been mentioned in the literature review and the findings will be tested for feasibility and effectiveness.

5.3.1 Genetic genealogy

Macleod suggests a newly developed **DNA technology** to reveal the identity of perpetrators of SEA (A. Macleod, personal interview, November 20, 2019). It is essential that the UN makes it obligatory to take DNA from all personnel on a peace mission, which can be paternity tested as soon as babies are born from abuses. Vermeij claims that the UN has been considering collecting DNA for a while now (L. Vermeij, personal interview, March 12, 2020). However, the protocol of taking DNA is a difficult, complicated process as all Member States are responsible for collecting the DNA of their staff, and the UN can only ask voluntarily (United Nations, 2020). Both Vermeij and Macleod agree that compulsory donation of DNA can be a deterrent and that the results of the tests provide an accurate picture of the number of abuses (A. Macleod, personal interview, November 20, 2019; L. Vermeij, personal interview, March 12, 2020). However, the complexities in this are privacy concerns and national laws that do not allow it. Vermeij confirms this, stating that it is still uncertain whether your DNA is safely stored, and is not hacked or misused (L. Vermeij, personal interview, March 12, 2020). As a solution, the donation of DNA must in any case be introduced as a voluntary option, along with instructions from trainers about the abuse problem. Personnel who go on a mission without intent to misbehave will be the first to donate their DNA, after which the rest are automatically encouraged to do the same.

5.3.2 More female UN workers

Another suggestion that several authors in the literature review and UN trainer Vermeij advocate in the findings is to increase the number of **female personnel** in peace missions. The literature review points out the value of this solution. That is to say, there has never been an indication that UN female peace personnel sexually assaulted anyone. Furthermore, the presence of women can cause men to behave more disciplined towards women on the peace mission (Dharmapuri, 2013). Another advantage is the increase in reports of sexual abuse (Dharmapuri, 2013; Pruitt, 2012).

However, due to the criticism on this theory that is also discussed in the literature review, it can be concluded that this recommendation is only achievable in the long term and its effect will be limited. In

2019, only 6% of nearly 95,000 peacekeepers in field missions were women (United Nations Peacekeeping, 2019). These are worrying figures where equality between men and women is hard to find, yet the UN is striving to do so. The 2028 target for women serving in military contingents is 15%, and 25% for military observers and staff officers (United Nations Peacekeeping, 2019). This will make little difference as there are simply more men who work in military institutions. The role of women will therefore remain quite limited to mitigate macho culture in peace missions. Consequently, what seems to be a better argument is to improve the standards of **gender equality** among all UN personnel of all sexes so that patriarchal standards within the mission are softened (Dharmapuri, 2013; Karim & Beardsly, 2016; Simic, Rethinking 'sexual exploitation' in UN peacekeeping operations, 2009).

5.3.3 Improved welfare for UN personnel

Both the literature review and the findings indicate that there must be an improvement in working conditions for UN personnel. UN trainer Vermeij points out that so-called **welfare activities**, such as sports, music and social activities, are important for releasing the stress of the mission. In addition, UN personnel must regularly leave the mission to break free from the constant pressure they experience (L. Vermeij, personal interview, March 12, 2020). Similarly, Defeis points out that UN soldiers work under severe mental conditions (Defeis, 2008). Awori, Lutz & Thapa also recommended recreational facilities for UN personnel (Awori, Lutz, & Thapa, 2013). Although it will be a viable short-term policy recommendation, this measure should not be presented as an effective prevention of sexual abuse. But rather it should be installed to create safe and healthy working conditions.

5.3.5 Status of forces agreements

Moreover, Macleod proposes to adjust the SOFA to specifically exclude immunity from sexual exploitation and abuse crimes in all SOFA's (A. Macleod, personal interview, November 20, 2019). The literature review indicates that even though the SOFA obliges the TCC to hold their citizens responsible for the crimes they commit, troop-sending countries have historically been reluctant to prosecute UN personnel involved in SEA on a peacekeeping mission (Child Rights International Network, 2016; Defeis, 2008; O'Brien, 2012; Simic, 2009; Stern, 2015). Therefore, Macleod's suggestion is theoretically an effective solution as it empowers the host state to try SEA offenders on their territory. In practical terms, however, this solution is a politically sensitive idea. In other words, the TCC would never agree with the host country to prosecute their citizens, not to mention the MOU signed by the TCC and the UN, which will hinder this.

5.3.6 Special court mechanism

Another rather discreet and complete alternative is suggested by Mintz, who speaks for the Code Blue campaign. The campaign advocates for an independent, impartial **Special Court Mechanism**. This mechanism would end the UN's conflict of interest (K. Mintz, personal interview, January 10, 2020). Mintz calls this mechanism an entire process, which starts with the development of special intake

agencies where victims can report SEA (K. Mintz, personal interview, January 10, 2020). Similarly, CRIN asks international organizations to work together in order to design a system where the local population can file a complaint against UN personnel in all confidentiality and privacy (Child Rights International Network, 2016). Likewise, Macleod advocates for an autonomous and long-lasting organization to seek victims and to study the threats of re-victimizing the victim (A. Macleod, personal interview, November 20, 2019). These agencies can be placed in a conflict area where UN peacekeeping is also located, it must be made clear to the population that this is a stand-alone organization where all their complaints are taken seriously.

The next phase in the suggested Special Court Mechanism is the investigations and prosecutions. In case of allegations made against civilian UN staff, the Special Court Mechanism would be responsible for investigation and prosecution. Currently, the host state would have jurisdiction over SEA crimes. However, the UN declared that host state is often incapable of investigating or trying crimes as the country is already dealing with crisis and conflict. The Special Court Mechanism would therefore discharge the judiciary of the Host State from liability for the treatment of SEA (K. Mintz, personal interview, January 10, 2020). In case the Special Court Mechanism receives allegations against military personnel, the mechanism would actively refer the cases back to the TCC, to give them a chance to prosecute their personnel themselves. If a TCC fails to do so, the mechanism could step in and do the job (K. Mintz, personal interview, January 10, 2020).

Moreover, the Code Blue Campaign acknowledged the basic elements that support MS to create a Special Court Mechanism. The proposal starts with a Victim's Bill of Rights, what will offer a framework to preserve a transformed legal system. It would indicate exactly what victims are permitted to (Code Blue Campaign, 2020). Additionally, to gain first-hand insights from citizens living in peacekeeping countries, the Code Blue Campaign advocates a smartphone self-interview technique called CAVIA. The campaign also calls for public hearings in (former) peacekeeping missions to be organized so that victims can share their stories and local responders provide informed criticism to a panel of expert witnesses. Those insights and comments would be passed on to the UN Member States, filling in the crucial dimension that decision-makers lack (Code Blue Campaign, 2020).

Finally, in order to keep the system responsive and transparent, the Special Court Mechanism would invoke the regular contribution of local and international civil society experts in the fields of sexual violence, gender and culture (Code Blue Campaign, 2020).

Overall, the Special Court Mechanism seem to work in theory. The question now is whether it is feasible since the UN must step back and lose power as a result. It is unlikely that the UN would quickly agree to this.

5.3.8 Limitation of immunities

Lastly, Macleod advocates for an adjustment of articles 18 and 19 of the UN convention on privileges and immunities to exclude sexual exploitation and abuse for any hope of getting immunity (A. Macleod, personal interview, November 20, 2019). Likewise, the Code Blue Campaign suggests the UN to make clear that the immunity delivered to UN staff in the *1946 Convention on the Privileges and Immunities* does not include sexual crimes (K. Mintz, personal interview, January 10, 2020). This suggestion has been made without any addition as to how it will look in practice. Nor is there any further information on this in the literature study that can be used to substantiate this solution.

However, the literature review discusses the feasibility of limiting the aforementioned immunities in the UN charter Article 105, paragraphs 1 and 2. Academics argue that the UN should limit the extent of those immunities (Reiz & O'Lear, 2016; Simic, 2009). That is to say, limited immunity, rather than absolute immunity, against local prosecution or other regional human rights banks can be helpful in providing greater protection for victims. The host country or regional court could then invoke the rights of the victim instead of the perpetrator (Reiz & O'Lear, 2016). In addition, immunities should only exist in circumstances where the UN has determined that the disclosure of information by UN personnel may pose a security threat to the victims or witnesses (Deschamps, Jallow, & Sooka, 2015).

Having said that, a (partial) curtailment of these immunities may make fewer troops available. Due to the political weight of the troop-sending countries, the question of limiting immunities will cause a great deal of debate, even if it does have an effect on the prevailing impunity. Therefore, in the short term it seems more realistic to continue working within the framework of current immunities and to put much more pressure on the troop-sending countries. Given the sensitivity of the (international) media and the general public, every political and military government will be sensitive to this.

6. Conclusion and Recommendations

This dissertation aims to provide substantiated advice on how to improve the current zero-tolerance policy regarding sexual exploitation and abuse by UN personnel. The research centres specifically on the sexual abuse by UN personnel, but placed it in the broader context of sexual abuse in conflict areas. The dissertation first focused on the causes of sexual abuse in both contexts, and the policy pursued in this regard. The comparison produces differences, but also many similarities. This research has come to the conclusion that there is not a one specific cause which leads to SEA by UN personnel, rather a combination of circumstances, or in other words; factors that contribute to SEA.

These factors are: personal contact between a soldier and a civilian, the 'madness of war', the macho culture in a UN peace mission, the poverty in the host country, the conflict situation with a collapse of institutions, the cultural background of UN personnel on gender inequality, the global differences between the legality of prostitution and sexual adulthood and impunity.

Additionally, the research shows what part of the UN's zero tolerance policy makes it difficult to enforce it in practice and why it is therefore ineffective. Namely, the imprecise definition of SEA by the UN, the inability for prosecution of UN personnel without investigation by UN, and the immunities peacekeeping personnel holds. Lastly, various recommendations made in this research are discussed and evaluated. These outcomes are taken into account when providing recommendations on how the zero-tolerance policy can be improved.

A number of policy recommendations are achievable in the short term and will have an impact. An overview is given below to provide a clear structure of recommendations .

Since UN personnel has to work under severe mental conditions, very practical measures seem important, such as **recreational facilities**, strict regulation of contact between UN personnel and civilians. Moreover, peacekeepers must be regularly sent on leave from the mission

To tackle impunity, it is important that UN personnel who committed sexual crimes are effectively **prosecuted**. Due to the principle of immunities, only the troop-sending countries can prosecute their officials. The first way to effectively prosecute the perpetrators is to put much more pressure on the troop-sending countries. A second way is to reformulate the principle of immunities and their concrete interpretation. This is, of course, a particularly delicate issue, since the immunities were originally intended to prevent the host country from interfering with the mission by, for example, requiring UN personnel to be sent home. Due to a (partial) curtailment of those immunities, perhaps no or fewer troops will be made available. Therefore, it seems to be more realistic in the short term to continue working within the framework of current immunities and put much more pressure on the troop-sending countries.

It is important to prosecute the perpetrators with the aim of combating impunity, but attention should also be paid to victims and whistle-blowers. It therefore seems to me a crucial recommendation to **assist**

victims. In order to combat stigmatization and impunity, a better complaint mechanism must be designed so that the victim can file a complaint against UN personnel in confidentiality and privacy.

An **impartial court mechanism** seems to be the most effective and thoughtful recommendation, although while this suggestion is likely to have a long-term impact and the UN should take a step back here, introducing it would likely cause many more cases to be reported, handled and tried , thus reducing the number of cases and ensuring justice.

The UN has been pursuing a zero tolerance policy against sexual abuse by UN personnel on a peace mission for seventeen years. Sexual crimes can never be completely ruled out, but a better policy that is closer to reality can lead to a further decrease in the number of crimes in the future.

Bibliography

- Ajayi, V. O. (2017, September). *Primary Sources of Data and Secondary Sources of Data*. Retrieved from researchgate.net:
https://www.researchgate.net/publication/320010397_Primary_Sources_of_Data_and_Secondary_Sources_of_Data
- Awori, T., Lutz, C., & Thapa, P. J. (2013). *Expert mission to evaluate risk to SEA prevention efforts in MINUSTAH, UNMIL, MONUSCO, UNMISS*. United Nations.
- Bellamy, A., & Hunt, C. (2015). Twenty-first century UN peace operations: protection, force and the changing security environment. *International Affairs*, 1277-1298.
- Bernard, V. (2014). International review of the Red Cross: Sexual violence in armed conflict - from breaking the silence, to breaking the cycle. *Cambridge Journals*, 424-682.
- Better World Campaign. (2019). *UN peacekeeping*. Retrieved from
<https://betterworldcampaign.org/un-peacekeeping/>
- Bove, V., & Ruggeri, A. (2015). Kinds of Blue: Diversity in UN Peacekeeping Missions and Civilian Protection. *British journal of political science*.
- Brannen, J. (2017). *Mixing Methods: Qualitative and Quantitative Research*. Routledge.
- Butler, C. K., Gluch, T., & Mitchel, N. J. (2007). Security Forces and Sexual Violence: A Cross-National Analysis of a Principal-Agent Argument. *Journal of Peace*, 669-687.
- Child Rights International Network. (2016). *Sexual violence by peacekeepers against children and other civilians - a practical guide for advocacy*. United Kingdom: Companies House & Charity Commission.
- Code Blue Campaign. (2020). *Code Blue*. Retrieved from SPECIAL COURT MECHANISM PROPOSAL: <http://www.codebluecampaign.com/solutions/>
- Defeis, E. F. (2008). UN Peacekeepers and sexual abuse and exploitation: an end to impunity. *Washington University Global Studies Law Review*, 185-214.
- Deschamps, M., Jallow, H., & Sooka, Y. (2015, December 2015). *Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*. Retrieved from United Nations:
<https://www.un.org/News/dh/infocus/cenaficrepub/Independent-Review-Report.pdf>
- Dharmapuri, S. (2013). Not just a numbers game: increasing women's participation in UN peacekeeping. *PROVIDING FOR PEACEKEEPING NO. 4*.
- Dolan, C. (2014). Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions. *IDS Bulletin - Institute of Development Studies*, 80-84.
- Douwma, N., & Hilhorst, D. (2012). *Fond de commerce? Sexual violence assistance in the Democratic Republic of Congo*. Wageningen University.
- Erikson, K. (1995, Summer). Commentary. *The American Socialist*.
- Eriksson Baaz, M., & Stern, M. (2008). Making sense of violence: voices of soldiers in the Congo (DRC). *Modern African Studies*, 57-83.

- Ferris, E. G. (2007). Abuse of Power: Sexual Exploitation of Refugee Women and Girls. *Journal of Women in Culture and Society*, 585-590.
- Gilbert, N. (2008). *Researching Social Life*. London: SAGE Publications Ltd.
- Grady, K. (2010). Sexual Exploitation and Abuse by UN Peacekeepers: A Threat to Impartiality. *International Peacekeeping*, 215-228.
- Human Rights Watch. (2016). *UN: Stop Sexual Abuse by Peacekeepers*. New York.
- Human Rights Watch. (2017, Maart 10). *UN Plan to Stop Peacekeeper Abuse Puts Victims First*. . Retrieved from HRW: <https://www.hrw.org/news/2017/03/10/un-plan-stop-peacekeeperabuse-puts-victims-first>
- International Association of Professionals in Humanitarian Assistance and Protection. (2019). *Peacekeeping missions*. Retrieved from https://phap.org/PHAP/Themes/Actors_coordination/Peacekeeping_missions/PHAP/Themes/Peacekeeping.aspx?hkey=a74ad5d0-aadc-4e65-9122-68de30e435ae
- Jennings, K. M., & Nikolić-Ristanović, V. (2009). *UN peacekeeping Economies and Local Sex Industries: Connections and Implications*. Brighton: MICRO CON.
- Kanetake, M. (2012). The UN Zero Tolerance Policy's Whereabouts: on the Discordance Between Politics and Law on the Internal-External Divide. *Amsterdam Law Forum*, 51-61.
- Karim, S., & Beardsly, K. (2016). Explaining sexual exploitation and abuse in peacekeeping missions: The role of female peacekeepers and gender equality in contributing countries. *Journal of Peace Research*.
- Kolbe, A. (2015). It's Not a Gift When It Comes with Price': A Qualitative Study of Transactional Sex between UN Peacekeepers and Haitian Citizens. Stability. *International Journal of Security and Development*, 1-26.
- Krause, S. D. (2020, May 18). *Primary Research Versus Secondary Research*. Retrieved from Humanities, LibreText: [https://human.libretexts.org/Bookshelves/Composition/Book%3A_The_Process_of_Research_Writing_\(Krause\)/02%3A_Thinking_Critically_About_Research/2.03%3A_Primary_Research_Versus_Secondary_Research](https://human.libretexts.org/Bookshelves/Composition/Book%3A_The_Process_of_Research_Writing_(Krause)/02%3A_Thinking_Critically_About_Research/2.03%3A_Primary_Research_Versus_Secondary_Research)
- Maso, I., & Smaling, A. (2004). *Kwalitatief onderzoek, praktijk en theorie*. Amsterdam: Boom Lemma Uitgevers.
- Mertens, C., & Pardy, M. (2016). 'Sexurity' and its effects in eastern Democratic Republic of Congo. *Third World Quarterly*, 956-979.
- Nasu, H. (2011). Operationalizing the Responsibility to Protect in the Context of Civilian Protection by UN Peacekeepers. *International Peacekeeping*, 364-378.
- Ndulo, M. (2009). The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions. . *Berkeley Journal of International Law*, 127-161.
- Neudorfer, K. (2014). Reducing Sexual Exploitation and Abuse: Does Deterrence Work to Prevent SEAs in UN Peacekeeping Missions? . *International Peacekeeping*, 622-642.
- Nordas, R., & Rustad, S. (2013). Sexual Exploitation and Abuse by Peacekeepers: Understanding Variation. *International interactions*, 511-534.

- O'Brien, M. (2012). Protectors on trial? Prosecuting peacekeepers for war crimes and crimes against humanity in the International Criminal Court. *International Journal of Law Crime and Justice*, 223-241.
- Odello, M., & Burke, R. (2016). Between immunity and impunity: peacekeeping and sexual abuses and violence. *International Journal of Human Rights*, 839-853.
- Patton, M. (1980). *Qualitative research and evaluation methods*. Sage Publications Inc.
- Pollit, C., & Bouckaert, G. (2000). *Public management reform: a comparative analysis*. Oxford University Press.
- Price, J. H. (2013). Research Limitations and the Necessity of Reporting Them. *American Journal of Health Education*, 66-67.
- Pruitt, L. (2012). Looking Back, Moving Forward: International Approaches to Addressing ConflictRelated Sexual Violence. *Journal of Women Politics and Policy*, 299-321.
- Reiz, N., & O'Lear, S. (2016). Spaces of Violence and (In)justice in Haiti: A Critical Legal Geography Perspective on Rape, UN Peacekeeping, and the United Nations Status of Forces Agreement. *Territory Politics Governance*, 453-471.
- Robsen, C. (1993). *Real World Research*. Oxford: Blackwell Publishers Inc.
- Seelinger, K. T. (2014). Domestic accountability for sexual violence: The potential of specialized units in Kenya, Liberia, Sierra Leone and Uganda. *International Review of the Red Cross*, 539-564.
- Simic, O. (2009). Rethinking 'sexual exploitation' in UN peacekeeping operations. *Women's studies International Forum*, 288-295.
- Simic, O. (2010). Does the Presence of Women Really Matter? Towards Combating Male Sexual Violence in Peacekeeping Operations. *International Peacekeeping*, 188-199.
- Simic, O. (2013). *Distinguishing between exploitative and non exploitative sex involving UN peacekeepers: the wrongs of "zero tolerance"*. Norwegian Peacebuilding resource centre.
- Simm, G. (2011). *Aid for Sex: Humanitarian NGO workers in West Africa*. Canberra, Australia.
- Skjelsbaek, I. (2001). Sexual Violence and War: Mapping Out a Complex Relationship. *European Journal of International Relations*, 211-237.
- St. Germain, T., & Dewey, S. (2013). Justice on whose terms? A critique of international criminal justice responses to conflict-related sexual violence. *Womens Studies International Forum*, 36-45.
- Stern, J. (2015). *Reducing Sexual Exploitation and Abuse in Peacekeeping*. Stimson.
- Swaine, A. (2015). Beyond Strategic Rape and Between the Public and Private: Violence Against Women in Armed Conflict. *Human Rights Quarterly*, 755-786.
- United Nations. (2003). *Secreatry-General's Bulletin: special measures for protection from sexual exploitation and sexual abuse*.
- United Nations. (2017). *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations*. United Nations-SG.
- United Nations. (2019). *United Nations Peacekeeping*. Retrieved from WHAT IS PEACEKEEPING: <https://peacekeeping.un.org/en/what-is-peacekeeping>

- United Nations. (2019). *United Nations Security Council*. Retrieved from Peace and Security: <https://www.un.org/securitycouncil/>
- United Nations. (2020). *Conduct in UN field missions*. Retrieved from Sexual Exploitation and Abuse: <https://conduct.unmissions.org/sea-overview>
- United Nations. (2020). *CONDUCT IN UN FIELD MISSIONS*. Retrieved from PATERNITY CLAIMS: <https://conduct.unmissions.org/remedial-paternity>
- United Nations. (2020). *Summary of Troops Contributing Countries by Ranking: Police, UN Military Experts on Mission, Staff Officers and Troops*. United Nations.
- United Nations. (2020). *United Nations Peacekeeping*. Retrieved from What is peacekeeping: <https://peacekeeping.un.org/en/what-is-peacekeeping>
- United Nations. (2020). *United Nations Peacekeeping*. Retrieved from Civilians: <https://peacekeeping.un.org/en/civilians>
- United Nations Conduct in UN Field Missions. (2020, June 6). *Sexual Exploitation and Abuse*. Retrieved from United Nations: <https://conduct.unmissions.org/sea-victims>
- United Nations Development Programme. (2018). *Table 5: Gender Inequality Index (GII)*. Retrieved from Human Development Reports: <http://hdr.undp.org/en/content/table-5-gender-inequality-index-gii>
- United Nations Development Programme. (2019). *2019 Human Development Index Ranking*. Retrieved from Human Development Reports: <http://hdr.undp.org/en/content/2019-human-development-index-ranking>
- United Nations Peacekeeping. (2019, December 31). *WOMEN IN PEACEKEEPING*. Retrieved from Gender statistics: <https://peacekeeping.un.org/en/women-peacekeeping>
- United Nations, General Assembly. (2005, October 24). *Resolution adopted by the General Assembly on 16 September 2005*. Retrieved from United Nations: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf
- van Staa, A., & de Vries, K. (2012). *Directed content analysis: een meer deductieve*. Boom Lemma Tijdschriften.
- Verelst, A., De Schrijver, M., De Haene, L., Broekaert, E., & Derluyn, I. (2014). The mediating role of stigmatization in the mental health of adolescent victims of sexual violence in the Eastern Congo. *Child abuse & Neglect*, 1139-1146.
- Warah, R. (2018, April 18). *Daily Notion*. Retrieved from UN's culture of silence allows sexual harassment to continue: <https://www.nation.co.ke/oped/opinion/UN-s-culture-of-silence-allows-sexual-harassment-to-continue/440808-4310276-3f1pb/index.html>
- Whitworth, S. (2004). *Men, Militarism, and UN Peacekeeping: A Gendered Analysis (Critical Security Studies)*. Lynne Rienner Publishers; illustrated Edition edition.
- Williams, P. (2013). Protection, Resilience and Empowerment: United Nations Peacekeeping and Violence against Civilians in Contemporary War Zones. *Politics*, 287-298.
- Willmot, H., & Sheeran, S. (2014). The protection of civilians mandate in UN peacekeeping operations: reconciling protection concepts and practices. *International Review of the Red Cross*, 517-538.

Yin, R. K. (1994). *Case study research: design and methods*. University of Michigan: Sage Publications.

Appendices

Appendix 1: Student ethics form

THE HAGUE
UNIVERSITY OF
APPLIED SCIENCES

European Studies Student Ethics Form

Your name: Marije Arkesteijn

Supervisor: Isabel Düsterhöft

Instructions:
Before completing this form you should read the APA Ethics Code (<http://www.apa.org/ethics/code/index.aspx>). If you are planning research with human subjects, you should also look at the sample consent form available in the Final Project and Dissertation Guide.

- Read section 2 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
- Complete section 1 and, if you are using human subjects, section 2, of this form, and sign it.
- Ask your project supervisor to read these sections (and the draft consent form if you have one) and ask him/her to sign the form.
- Always append this signed form as an appendix to your dissertation. This is a knock-out criterium; if not included the Final Project/Dissertation is awarded an NVD.

Section 1. Project Outline (to be completed by student)

- Title of Project:** Final dissertation on the subject of the UN zero-tolerance policy regarding sexual abuse and exploitation
- Aims of project:** This dissertation deals with the zero-tolerance policy that the UN pursues with regard to sexual violence and exploitation. Despite the policy, cases of SEA continue to occur during peace keeping operations. What is wrong with current policy and how can it be improved? The investigation also goes deeper into the causes of sexual abuse in (post) conflict areas and the impunity of UN soldiers. The purpose of this research is to find out which alternatives the UN could use to reduce, and ultimately end sexual abuse and exploitation during peacekeeping operations.
- Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer 'NO' to this question.)**

Yes

If yes: you should complete the section 2 of this form.

If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.

Section 2 Complete this section only if you answered YES to question (iii) above.

(i) What will the participants have to do? (v. brief outline of procedure):

The participants will answer several questions in a semi-structured interview related to the subject. First they will hear a short introduction on the subject and the purpose of the interview. After that, they will be asked for their permission to record the interview. And after they answered the questions, they will have the opportunity to ask questions and after that, the interview will be finished.

(ii) What sort of people will the participants be and how will they be recruited?

The interviewees are selected for their expertise of the general theme of this dissertation or within an explicit area considered significant to determine this study. Recruitment is done through internet, LinkedIn and personal connections.

(iii) What sort of stimuli or materials will your participants be exposed to? Tick the appropriate boxes and then state what they are in the space below

Questionnaires

Pictures

Sounds

Words X

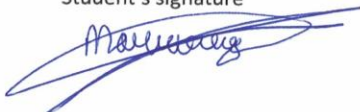
Other

(iv) Consent: Informed consent must be obtained for all participants before they take part in your project. By means of an informed consent form you should state what participants will be doing, drawing attention to anything they could conceivably object to subsequently. You should also state how they can withdraw from the study at any time and the measures you are taking to ensure the confidentiality of data. A standard informed consent form is available in the Dissertation Manual. Appendix the Informed Consent Form to your Final Project/Dissertation as well.

(v) What procedures will you follow in order to guarantee the confidentiality of participants' data?

Firstly, the participants will have to sign a consent form. Secondly, they will be informed of their rights and opportunity of withdrawing from the study. If the participants want to be mentioned anonymously in the study, they will be offered a Confidentiality Agreement form. Transcripts are made of all interviews. These are written and stored on a laptop that the author of the thesis, Marije Arkesteijn, has access to. In addition, the supervisor could require access to the interviews.

Student's signature



Date 17/05/2020

~~J. Dierker~~

Date 4 May 2020

(if satisfied with the proposed procedures)

Appendix 2: Interviews

Interview transcript Andrew Macleod

Wednesday 20/11/2019

Time of interview: 42 min 40 seconds

M = Marije Arkesteijn, interviewer

A = Andrew Macleod, interviewee

M: Ok, well thank you for your time. My name is Marije and I am a student at the Hague University of Applied Sciences in the Netherlands and I am writing my dissertation on the UN zero-tolerance policy, regarding sexual exploitation and abuse and I am very glad that I have to opportunity to ask you some questions. I have 8 specific questions, but I also have one theme I would like to discuss more openly. Should we start with the questions?

A: Sure

M: Okay, well first of all, could you please give a brief background information of yourself? What do you consider to be the main focus areas of your career? Do you have any experiences with UN peacekeeping operations or the UN in general.

A: Yeah, okay I am a lawyer and I am the officer by training and I am specialized in war crimes, crimes against humanity and genocide. I spent in the 1990's working for the international community for the red cross in former Yugoslavia or Rwanda and places like that. In the 2000's I moved over to the united nations, I spent time there as head of Early Warning and Emergency Preparedness for UN High Commissioner for Refugees. And I ran several natural disaster operations like the Pakistan earthquake. Among other things. I quit working for the UN in 2009 citing its lack of effectiveness and efficiency, lack of held accountable and the institutional failures to deal with the out of control pedophilia that exist within the UN. When I left in 2010, I said the UN will one day be recognized as the second largest power of pedophiles next to the catholic church. But now I know I am wrong, they are bigger. And when people doubt that, I simply put it this way; there are more aid workers than there are catholic priests in more countries than the catholic church is present in with bare access to children and control, food, water and shelter. In other words, the vulnerability of the people is high and the opportunity to do it for offend is higher and the current preventing of work being put in place is almost zero and the UN

words of zero-tolerance are just empty. Because as of today, how many UN officials have been charged and go on to jail, for sexual abuse? Answer: none. Until people go to jail, this is isn't taken seriously.

M: Okay, I would like to know what you think are the causes or circumstances that contribute and facilitate in Sexual Exploitation and Abuse by UN soldiers?

A: Well, I think focusing just on UN soldiers is a mistake. There are far more civilian aid workers than soldiers. Civilian aid workers are often employed for longer and have more direct contact with the civilian population. So the chances of offending are much higher amongst the civilian aid staff. The UN is normally transparent about peacekeeping soldiers. Because they have been saying, it is up to the troop providing countries to punish the soldiers and there is nothing we can do. And now you get distracted and angry about the fact that soldiers doing something and there is nothing you can do to punish them. And the UN is silent about the civilian staff, but the UN can punish the civilian staff, they can wipe immunity for civilian staff, they can turn in the prosecutors of the civilian staff but they don't. So talking about mainly peacekeeping soldiers is the exact route the UN wants you to go. Because then you go down stuck in this very thick vortex. About how injustice it is that you can't hold to account soldiers providing by troop providing countries and you missing the big dip. That we can hold people to account, which is the sexual abuse done by civilian aid workers. Now what are the causes. First thing I like to say, is one of the great damages is just calling it sexual exploitation and abuse. Sexual exploitation and abuse is when I make a wrong word place advance on you for example. That is sexual exploitation and abuse. What we are talking about here is sexual exploitation and abuse but even worse than that. Putting in the words of an eleven years old girl in Central Africa republic. "I didn't have breast yet and he still raped me". So we are talking about sexual exploitation and abuse AND child rape. And you must not fall into the trap of just using the three letter abbreviation SEA or just using the phrase of sexual exploitation and abuse. That is not what is happening here. It is sexual exploitation and abuse and child rape. Now, what are the causes. There are a number of them and it is very complicated. One cause is, there is an underline preselection in a certain proportion of humanity that are attracted to children and attracted to abuse. As psychologist said to me, some people like tall, some like short, some like fat, some like skinny, some like blond, some like brunette, some like old, some like young. The national crime agency here in the United Kingdom estimates the prevalence of pedophilia amongst man in the British community, to be about 1 in 35, about 3%. The child abuse inquiry in Australia found it 7% of the catholic clerics participating in pedophilia. So the underline preference in a community is about 3%, in industries that attract people it is about 7%. And the national crime agency here is also been warning since 1999 that is if we crack down predators of pedophilia in the developed world, the predators go now to the developing world and their chosen methodology to get access to children, is joining a children's charity. So, one of the causes is this underlined preselection of a certain proportion of human

beings, it is part of humanity. The second one is a thing called opportunities to offending, which is you never thought you will be an offender but an opportunity came in front of you and you took it. And the third one is simply that in these environments whether there is a development setting or a conflict setting or a post-conflict setting. You have got enormous imbalances of power. Either in peacekeeping, you have got a man with a gun, so that is imbalance of power or the civilian side you have got a large white person who is phenomenally rich within the local context with phenomenally poor children and women so he just buys them. Because he can and he could never afford them back in his home country and this is the really horrible thing behind what is called survival sex which we saw in the food for sex scandal in the early 2000s. Where some families were only given access to a refugee camp if they handed over one of their children for sex or slavery. So the causes are quite complex. But I have seen them repeated again and again and again.

M: Okay, according to you, these are the causes of sexual abuse and exploitation in peacekeeping operations. What I've read in literature was macho culture, poverty in post conflict countries and cultural background of the UN blue helmets with regard to gender inequality could also influence.....

A: You see, that is nonsense. Because what that is doing, is neocolonial racism. Here are black people from countries that don't respect women or abusing women now in the of a blue helmet. That is distraction again. There are plenty of white men doing this too. And what those academics are doing, they are getting you to distracted to say things as, this is a horrible thing that happens in war, it happens in underprivileged countries, it is a problem that we rely on poor peacekeeping soldiers from poor countries and this is what happens. No it is us. It is white men that are doing this too and white women that are allowing this to happen. Because there is no one in a UN agency or in a NGO that doesn't know this is happening and they are all turning a blind eye. Have you read the International Development Committee of the House of Commons report, Sexual exploitation and abuse in the aid sector?

M: No

A: Right, I will send it to you, the headline is they are complacent to the level of complicit and they are putting their reputation of the agency before the reputations of the children. I am sure you know the Oxfam scandal what happened in the last year or so. The female chair of Oxfam said that they knew about this for ten years and did nothing. It is absolute distraction, pointing at black peacekeeping soldiers and say, oh it is because they come from a poor culture. Nonsense. Everyone is doing it.

M: Alright, so it also won't make a difference if there would be more women working in humanitarian aid sector?

A: No, there are plenty of women who are turning a blind eye to it now. I will give you two names, Valerie Amos, who was in charge of OCHA, for 4 years, the Office for the Coordination of Humanitarian

Affairs. And Helen Clark, former prime-minister of New-Zealand who was in charge of the UNDP for eight years. Both of them, I personally briefed on the issue of child abuse before they took out their roll. I spend half a day in the British high commission in Canberra briefing down the Valerie Amos when she was British ambassador in Australia, before she took on her roll. And I said: you are only ever going to change one or two things. Please pick this one. And Helen Clark, when finished being prime minister. I spent four hours on the telephone with her on the same theme. So here are two extremely senior women who had extremely senior roles in the UN who knew about the problem, because I told them. And they did nothing. So again it is an distraction. The truth is, everyone is complicit and everyone is turning a blind eye and dissertations like yours will really really help if they are properly focused. But if we go down by the vortex of saying, this is a problem of peacekeeping, this is a problem because of poor countries, this is a problem of men, nonsense. The entire structure is doing it and there are plenty of women who know about it and they are turning a blind eye. The current Victims' Rights Advocate for the United Nations, Jane Connors, I have spoken with her directly about it and when is the last time she has come out in public and condemned it? This is just academic nonsense coming from feminist who just want to stand up and blame men. And don't take responsibility for everyone. The solution would not be fixed, just by putting more women in the aid industry. There are plenty women in the aid industry and they are turning a blind eye, just as much.

M: Okay thanks for your perspective. I would like to continue to the next subject.

A: Okay.

M: Are you aware of the zero-tolerance policy and what are you expectations?

A: I've got zero expectations, because, well, zero-tolerance policy also has zero prosecutions. It means that zero-tolerance has zero effect. So there is series of laws, most countries, the criminal law applies only in its country. The English law applies in England, the American law applies in America etc. There is a small area of law, called extraterritorial law. Where countries apply the law, to their own nationals and citizens all around the world. The United States, the Netherlands, Germany, Belgium, Australia, the UK, the all have what is called extraterritorial law on child sex offenses. In the United Kingdom for example, section 72 of the sexual offenses act, makes it unlawful to have sex with a child anywhere in the world. So if I have sex 15 year old in the democratic republic of Congo, as well is being a crime in the democratic republic of Congo, it is a crime here in the United Kingdom. How many staff have UN agencies and NGOs reported back to their home police forces for prosecutions under extraterritorial child sex offense legislation? Zero. The most powerful statistic in the world is zero. Now the only way zero can be credible, if there is no one committing these offenses and we all know that is nonsense. So when they say things like zero-tolerance, well tell me, why haven't they come out and said blatantly article 18 and article 19 of the UN convention on privileges and immunities will never be used to protect child sex offenders. Why don't they change the standards of forces agreements with troop-providing

countries to say anyone accused of child sex offenses will not have immunity. And when you rise this with the UN, they say: ah, it is difficult enough to get troop-providing countries who provide peacekeeping soldiers anyway. Nonsense. Troop-providing countries provide soldiers because they get paid an enormous amount. when the exporters for the democratic republic of Congo is the provision of peacekeeping soldiers. There is no way that governments like that in the democratic republic of Congo or central Africa republic are going to lose hundreds of thousand millions of dollars of funding from the UN, for the sake of allowing one of their soldiers to rape a child. This is all rubbish. So zero-tolerance is just a platitude the UN has put out there and try to distract people, with all due respect, like yourself, to think, ah they are doing something about it. Until people go to jail, nothing will change. And so far, no one has gone to jail and every time you talking about sending someone to jail, they will give you a hundred reasons why it can't be done. Status of forces agreements, don't want to , re-victimize the victim, the unreliability of the local law enforcement, and some of this is true, but that doesn't mean you shouldn't do something. That just makes it a problem to get over. So, if we currently can't prosecute peacekeeping soldiers for SEA, because of the status of forces agreements says we can't. Then change the status of forces agreements. If we don't rely upon on the local law enforcement. Then either strengthen the local law enforcement or prosecute that person that back in your home country, when there is the extraterritorial law. But they don't do either of that. So how can zero-tolerance mean anything, if we don't put people in jail.

M: Okay thank you. That is a very clear perspective.

A: I get very upset about it. I've been fighting for this for nearly ten years now. And nearly ten years, I've been getting this nonsense of zero-tolerance, something must be done, displacement of powers, this happens in conflict sites, that is all rubbish. It is just that no one has the courage to stand up and say enough is enough, we need to fix it.

M: Well, the UN is now publishing every quarter a report on the allegations, in order to create more transparency. Do you think improvement/progress?

A: No. Well, it is a progress, transparency is good and static to hold them to account is good. But do we think this is going to make a difference? No. One is seven rapes is reported in the United Kingdom. Do you think more or less rapes would be reported against the UN in a developing world? If one in seven rapes is reported in the UK. Just pick a number out of the year. How many rapes do you think are reported against the UN in a developing world? 1 in ten, 1 in fifty or 1 in hundred or 1 in a thousand.

M: One in ten?

A: Ok, let's call it one in ten. That means the UN system is only looking at one in ten people brave enough to come forward. What about the 9 in ten that are not coming forward. Where is the UN statement that says, we are now going to create a permanent organization that does nothing but survey

populations to seek out and find victims of abuse. They are not even looking forth and they are trying to pursue this, oh we're now being transparent on the way we are handling abuses, when they know that is... I don't think it is one in ten, I think it is 1 in thousand that does report. If you were a women in de Democratic Republic of Congo and you begin raped by a UN soldier at a point of a gun. Are you going to turn up to the UN and report it?

M: Yes. I don't know. Well, it's different for me, cause I am not living in a conflict country and I know my rights.

A: And they are in line to properly see what the UN is doing here. They create structures and apart from communication systems To make is seem like they are doing something of substance, but when you dig under it, you see it's all smoke and mirrors. You can create a transparency on reporting as much as you like. But what are you doing to encourage the victims to report, what are you doing to compensate if they report, what are you doing to protect them if they are coming forth.

M: Very interesting. I have another question for you. There is this definition of Sexual Exploitation and Abuse that the UN uses. And some academics state that it is viewed to broadly. What are your thoughts on this, is it possible to adjust this definition and therefore stop sexual Exploitation and Abuse in peacekeeping operations or has this nothing to do with the sexual abuse and will it not help?

A: So do you favor stop calling it Sexual Exploitation and Abuse and start calling it what it is. Sexual Exploitation and Abuse and child rape. And you got to put those words on there all the time. And you have got to say from the beginning, the problem is the entire aid industry. They boil everything down to three letter acronyms. They love three letter acronyms. Do you get any emotion when someone says to you the three letters SEA?

M: Not really.

A: Do you get any emotion when someone says Sexual exploitation and abuse?

M: Yes, more.

A: Do you get emotion when someone says sexual exploitation and abuse and child rape?

M: Yes

A: Only when we get emotional, only when we get angry, we will actually make change. So I think there is a huge problem in the academic world by dressing this up in academic sentences; SEA, causes of this, isn't it difficult, disempowerment, countries which disrespect women.. these are just wasting words and avoiding the problem. We got to find the people who are abusing women and children and we got to put them in jail. Full stop.

M: So, that was my next question, what are the feasible and effective alternatives to the zero-tolerance policy that is currently being implemented?

A: Well you don't have words zero-tolerance, you have actually zero tolerance. Which means, that your initial starting point must be people have to be prosecuted. Then you've got to ask why are people not being prosecuted. And fix all of these problems. And there are problems. Is it possible that in some countries and some communities that there is a real danger of revictimize the victim? And the answer is yes, there is. There are a lots of stories in Islamic countries, where a woman reports a rape, she will be charged with adultery and often stoned to dead. That is not a good outcome. And what that means, is mainly in the aid industry, the UN will turn around and say therefore we cannot shine a light on the victim and I am like nonsense. What we now got to do is put a different protection regime around the victim, and make sure the we can still hold the perpetrator to account, without revictimizing the victim. But what the industry does, they use this as an excuse to inaction. So yes there are things like you don't want to revictimize the victim. Yes, there are things like local law enforcement or the local judicial system can't be rely upon and can't be trusted. That is true in many countries. But that doesn't mean the response should be inaction. That means something ... got to try have. When Oxfam was asked why they did nothing about their staff using prostitutes in Haiti, when prostitution is unlawful in Haiti. Oxfam answer was: well we didn't think the local police would do anything about it so we didn't report it. What is this rubbish that everyone thinking that they are above the law. No absolutely they should have reported it. And I took me sitting there on the media, BBC and the minister of international development here. To make Oxfam hand over the dossiers Because one of the prostitute was underage.

M: Okay, thank you well.....

A: You can tell I get quite passionate and angry about this subject

M: Haha yes, but it is good, I have not yet come across this side of the subject. So there has to be more practical measures.

A: That already exist on paper. I mean, the point is, any criminologist will tell you, let's take it down to the basic level. Any criminologist will tell you: the size of the penalty doesn't deter the crime. The fear of detention does deter crime. Currently the fear of detention in the aid industry is close to zero. And even if you do get detected. You know you going to get away with it. So we got alternative. There is now a new DNA technology being developed, what we are developing here at Kings College in Western University called: Genetic genealogy. Where you can now take the DNA of a Child born of an abuse, put it through publicly available databases and identify the files. We are running a first test case at the moment. We just had a declaration of parentage. Yesterday given in the British court for two Filipina girls, and their father was an aid-worker in the Philippines 18 years ago. We are doing five new test cases over the next couple of weeks. The UN should collect the DNA of each of the peacekeeping soldiers and that should be used for paternity testing, when there have been abuses. This is not hard.

And it is not complicated, and what the UN will say is against privacy, it is this or that, we can only ask voluntarily. Nonsense. The thing is, the industry does not want the truth to be told about how large the scale of this is. There was a Swedish government founded report, I'll send it to you as well. That found, just looking at the women between the ages of 18-35 and found out that over the last nine years, there were 59000 victims of Sexual Exploitation and Abuse of the hand of UN in aid industry. Wait for this.. just in Monrovia. Let alone Liberia. Let alone the rest of the world. The truth is if we had true transparency on the data of sexual abuse done by peacekeepers and civilian staff. It wouldn't be in the hundreds per year. It wouldn't be in the thousand per year. It will probably not even be in a tens of thousands per year. Particularly if you take all types of sexual exploitation and abuse in count.(24.40) It will be in a hundred of thousands in the year and sexual abuse against children would be in the multiple thousands per year. There is no way the industry wants that number to come out in public. But that is the scale of the problem. What the industry desperately wants is, people like you, with all due respect, to write reports as zero-tolerance is making progress and maybe the progress could happen faster but finally things are started to be done now. There are only a few challenges.. Nonsense.

M: Okay, if I the policy is not effective enough, I am looking for alternatives. So what do you suggest as feasible and effective alternatives ?

A: Let me give you a couple good alternatives: one, every single UN agency and NGO must have a standby agreement with local police forces for reporting all actions(25.32) of sexual exploitation, abuse and child rape. Secondly, there should be standby agreements with the home nation police forces of everyone peacekeeping forces and civilian staff. So any accusation of child sexual abuse or adult sexual abuse is immediately reported back to the police forces of home nations as well. Evidence is gathered and immediately send back. And put an absolute end to eternal investigations. One of the problems of internal investigations is an accusation is made, the office of internal oversight services spends two or three years doing an investigation about whether sexual abuse took place and then after three years, what happened to the evidentiary chain. It's gone. What happened to the victim? Often gone. What is the chance of getting prosecution? Zero. Stop internal investigations. If you and I sit down and have a cup of coffee one day and I say hey I need more money, and you say yes I need money too, so we go rob a bank. We have the money go back to the café and say ok before this is reported to the police we should do an internal investigation. So we do an internal investigation and we decide we were justified by taking the money. Is this justice? That is what the UN system is doing. They are investigating themselves. There are enough whistleblowers in the office of internal oversight services. They have blown the whistle and they were fired. So one; standby agreement with the local police. Two: a standby agreement with the police of your home country. Three: end all internal investigations. Four: you create a permanent organization to seek out and find out victims. And five: if the decision is every made not to prosecute because it is in the best interest of the victim not to prosecute. All these dangers of re-victimize

the victim. That decision not to prosecute must reviewed by an independent panel. Because right now those excuses are excuses to inaction.

M: Okay, well that was actually my final question about the impunity. Why after all this criticism. The people are still not prosecuted or in jail like you said.

A: Because it is in no one's interest other than the powerless and voiceless children and women who are being abused. It is in no one's interest to actually put someone in jail. The difference between the catholic church and the UN is this: at least after decades of children saying to their mothers I have been abused by a priest. Mothers finally got together and said something. Mothers in Boston, Washington, Melbourne, Dublin, London all start to coming together and say something is going wrong here. Who is representing the women and children and mothers in de developing world?

M: No one

A: Right. There is your problem. The only way how we are going to stop this is starting to throw people in jail and not just the individual perpetrators. So section 72 of the sexual offenses act, makes it unlawful to have sex with a child under the age of 16. The United States law says you're not allowed to have sex with a child under the age of 16, or encourage, facilitate or support. Now my view is, see those who working in the aid industry let say the UN and known this for years and turned a blind eye. They are aiming, encouraging, facilitating and supporting this and neglect. We need to put those people on trial too. It is time, we actually put the head of UNDP, the head UN peacekeeping operations and the secretary general himself on trial. Because they allow this to happen and not only have they allow this to happen. They said it. Kofi Annan wrote in this book that his largest professional regret was not stopping the genocide in Rwanda. His second largest professional regret was not stopping the pedophilia of UN staff. Ban Ki-moon said the same. That is twenty years between those two men. In the 2017 the high level panel of sexual exploitation and abuse. The current secretary general said: contrary to what some people say, sexual exploitation and abuse is not a problem of peacekeeping, it is a problem of the broad United Nation system and probably larger outside of peacekeeping. In other words: even with the hundreds of victims that they admit to every year of the hands of peacekeepers. They know there are more outside of peacekeeping. And their response was a piece of paper that says zero-tolerance. My answer to that is: who has gone to jail? The answer is: nobody.

M: Okay, thank you. That is a lot of information. And very useful I think. A perspective I haven't read about in academic literature.

A: And you won't read about it. Because who funds most of their academic research into this.

M: The UN?

A: What I am going to send you now is: The Swedish government funded report, the international development committee of houses of common report into sexual exploitation and abuse in the aid industry and I am going to send you a five page summary of the problem as I see it. I first gave the secretary of state for international development of the united kingdom a couple of years ago. This sets out the scope and the scale of the problem as I see it. And this will give you a little bit more background and research you can go to. Feel free to reach out to me after you have read this for a follow-up discussion if you want.

M: Thank you!

Informed consent form Andrew Macleod



Informed Consent Form

Informed Consent Form

- 1) Research Project Title: Interview UN zero-tolerance policy regarding SEA in PKO
- 2) Project Description (1 paragraph)

This dissertation is about the zero-tolerance policy that the UN pursues with regard to sexual violence and exploitation. Despite the policy, cases of SEA continue to occur during peacekeeping missions. What is wrong with current policy and how can it be improved? The investigation also goes deeper into the causes of sexual abuse in (post) conflict areas and the impunity of UN soldiers. The purpose of this research is to find out which alternatives the UN could use to reduce, and ultimately end sexual abuse and exploitation during peacekeeping operations.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: Andrew MacLeod

Signature:

A handwritten signature in black ink, appearing to be 'A. MacLeod', written over a horizontal line.

Date: 25/11/2019

Interview transcript Kaila Mintz

Friday 10/01/2020

Time of interview: 40 min 15 seconds

M = Marije Arkesteijn, interviewer

K = Kaila Mintz, interviewee

M: First of all, could you please give brief background information about yourself and the code blue campaign? What do you consider to be the main focus areas of your career?

K: My name is Kaila Mintz, and I have been the coordinator AIDS FREE WORLD blue code campaign since June 2014, we officially launched the campaign in May 2015. So I helped develop the campaign before we launched it, I am also now a senior advisor of AIDS FREE WORLD. Prior to that, I had two different jobs on my name, one of them was a foreign services officer at the Canadian government, I worked at what it is now global affairs. And at diplomatic service. The code blue campaign is, as you probably saw, focused on ending impunity for sexual violence committed by UN personnel. When we launched the campaign it was primarily focused on peacekeeping personnel. We focused on that to tackle one part of the problem. We were practically focused on civilian personnel, so the nonmilitary side. Because even though there are a lot of problems about how military and police personnel are held to account. There are still pathways to justice, there are systems even if they are quite bad, in order to hold them to account. But what we find in the civilian side, is that those systems just don't exist. So there really aren't routes to accountability. So that is where we now on focus. We did extent the campaign over time. Beyond peacekeeping. Because we know when we focus on UN civilian personnel in peacekeeping. Those personnel don't work in just peacekeeping, they work in other parts of the UN. They switch around in their career. We extended beyond peacekeeping to look at everywhere the UN works. So focusing on terms of the victims, the people the UN are supposed to serve. But also the victims were in the UN already. So the sexual harassment like misconduct claims. Because we found that if UN personnel get away with sexual violence against their colleagues, it make them more embolden to do it again people who have even less power that they encounter in the line of their work. So this is a little bit of history about how we started and where we grew. We are focused on justice and criminal accountability in particular and trying to propose solutions to, you know, from feminist perspectives and patriarchal structure and ensure that criminal accountability is possible and ensure active to justice is real..

M: Ok, well, thank you for the information. I have one part in my dissertation that will focus on the solutions, well, the alternatives. I have some questions about that later. But I was wondering, so do you mainly focus on ending the impunity or also on the prevention of sexual abuse? Like, do you also focus on the causes for example? What starts the sexual abuse in the first place.

K: I guess we see that, like from our perspective, we see that a lot of criminal accountability is part of the cause. You know we see that, if people were to be held accountable, we think that would serve as a deterrent, that would stop people from doing it in the first place. But we don't look at the traditional prevention very much. That is not really our main focus. Other groups do that. We are not against that focus but it is not our area of focus. We have a niche there to focus on. Criminal accountability is another structural issue I would say. That prevent the .. for being taken seriously. So we do sort of look at barriers of reporting and those kind of things but looking at it in overall justice perspective.

M: Ok, yes, because my next question was: several studies mention the causes of sexual abuse in (post) conflict areas. What do you think are the causes or circumstances that contribute and facilitate sexual exploitation and abuse by UN staff in peacekeeping operations?

K: That is a broad topic I would say. A couple things come to mind. One is that, what I mentioned, is passing the patriarchal structure within the UN. It is a sort of boys club, even though there are women at the UN now, but there are certainly patriarchal systems in place that enable perpetrators of sexual violence, to both commit acts and get away with it. And it does affect sort of condone that minimizes women experiences and diminishes the power of women and whistleblowers and others in the system who might speak up against any of these abuses. The whole structural courses there, that make sexual violence sort of more common place and more acceptable within the UN. And another thing is that people want to protect their career within the UN. UN jobs are highly ... There are networks that will protect the perpetrator within the system, there is so much at stake and so people will protect each other and not rat out their colleagues. Especially women in the UN, they have less job security and their positions are less... You know, when they are not a senior, they may feel like they can't report against their colleagues. Even if the witness abuse or they know that their colleague is committing a crime, they may feel like they can't report it because their jobs are on the line. So those are some of the things that play structurally and I think also at play is that, when people get away with it that involves..... So when people are not held to account, because of all those problems, when justice is not possible, then people say, well, I can do it with impunity. It is a whole range I mean, even some people will commit sexual harassment and not involves a level of crime, but it still contribute to a very negative working environment and can lead to people doing worse crimes.

M: Hmm, OK, so do you think it will make a difference when there is a more equal division of men and women working in the aid sector. For example, for more female blue helmets?

K: I am not sure about that. I think that generally more women should be working.. I mean it certainly needs the imbalance of power. I think the challenge is, that we often see women who rise to a more senior level, say they had to sometimes wo..... patriarchal attractive systems and drop some of those characteristics. So it is not a guarantee that they will change those systems right. Because if they benefit from those systems , they play the game and they might be invested in these systems. I think it has to be a broader change than that. Probably more diversity overall and more women and people from different background taking over will contribute, but I don't think it is sufficient. I think it is one thing and I think what is still going to be missing, just imagine if right now we recruited more women and they have more power over different parts. In terms of the civilian staff who work for the UN, say in peacekeeping, there is still a legal flaw. There is no clear place to report and to try perpetrators of sexual abuse. So that is still going to be a problem. And that won't be solved by having more women involved in the UN.

M: Ok, well thank you for answer. The next question I had is UN peacekeeping personnel have certain rights, immunities. Academics argue that the UN must limit the size of those immunities. Is it possible to adjust those immunities? What has the blue campaign to say about those immunities?

K: Yes absolutely. Immunity is the key here. When we started our campaign we were entirely focused on immunity and the ways immunity was a barrier to accountability. In a way we called for the UN to end immunity, that was our initial line and focus our campaign on. The UN said there is no immunity when there is sexual abuse, when there is a crime of sexual abuse. They can't have immunity then. They only have immunity for their job functions. And sexual abuse is not part of their job functions. But the problem is that even though the UN has come clean and said that. Which is a step in the right direction. They have immunity until the UN decide that a crime may have happened. So the UN has still retained enormous power.exist in the beginning of the process and that limits local police forces or local law enforcements from doing investigations. We have some cases that we are supporting where, even though someone has been accused of a sexual crime, even though the police have enough information to want to investigate, the UN will still coming back to say the person has immunity. So the UN reserves so much power in deciding whether or not immunity applies. So basically the facto applies. So basically it applies even if they say it may or it may not. So yes, immunity is a huge problem and the way that the UN communicates about immunity is a big problem. There are some limits to UN immunities, like the staff immunity or functional immunity. The way the UN operates and the way the UN talks about it and sort of the perceptions that local officials are different about immunity still cause problems and cause a lack of justice. Related to that I would say, usually a crime is tried in a place where

the crime happens. So if UN personnel abuses someone in the Central African Republic. It should be the Central African Republic authorities who would investigate and have a trail and all of that. The UN often says, even though it is not totally clear in their systems, they say well, the Central African Republic government, we don't really trust their authorities, they won't have a fair trial or they don't have the capacity. So increasingly the UN now says: the country of nationality has jurisdiction. So if you are Canadian, I am Canadian, and you work for the UN, Canada should have jurisdiction or authority. And that is problematic for a number of reasons. One, it should be the host state, the stage where the crime happens should have primary jurisdiction. Second, the UN has not gone and asked all of the countries, well they asked, but they don't have the answers to whether all the countries, like Canada, the Netherlands can actually exercise jurisdiction or can actually exercise a legal authority to prosecute. So in my country Canada, there is a problem where, if a crime is committed by a Canadian abroad against an adult victim, our laws would actually not apply, extraterritorially, they would not apply if the crime happened outside of Canada. It were if it involves a child victim, so there is a loophole there. That where we take issue with this idea that you can just refer back to the country of nationality. So one, there is this legal loophole problem and second not all countries of nationality have the resources to go investigate and try crimes that happened outside their border. You can think of countries that have huge populationresources like Bangladesh and India. They have a lot of people working for the UN. They may have the will, but not the resources or they may not have the will to go out and do an investigation in another country. It is a very difficult scenario and it is one that the UN doesn't really understand what is possible and what countries are willing to do.

M: Okay, so are those also the reasons, which you just mentioned. Why is there such a great climate of impunity within the UN? Because they won't research it, and there are no prosecutions. Are those the reasons no one is ended up in jail?

K: Yes, I would say it is very rare that there are trials and even rarer that there are prosecutions. Maybe you have heard of this, an UK based organization Redress, they are coming out with their report very soon about prosecuting peacekeepers regarding sexual abuse, they are focusing on children and they try to find examples of prosecutions and they came up with very few, and all of them were military. Involved in research and according them and very Obviously sexual violence is difficult to prosecute in any way, in any country. But it is even harder in the UN context when staff move around and they are protected by immunity, when different countries are involved, when they have to send investigators and problems with that, and with our proposal we trying to get around these great challenges, both legal loopholes and difficulties in executing and derangements.

M: So, would it be possible to prosecute a blue helmet or a humanitarian aid worker in front of the ICC or a third party state instead of their own country?

K: I think some academics looked into the possibility of bringing someone in front of the ICC. The challenge with that these are more domestic crimes and not international crimes. Like genocide or crimes against humanity, they are more like domestic crimes that happened in an international context. When there is a whole battalion that had lot of abuses maybe you could hold someone senior in battalion who knew about it and was not preventing it, maybe you could hold a commander responsible. That is an interesting area to explore. I think it is unlikely and it won't solve the problem for us, it won't solve the problem for the civilians who are not part of a.. , unless you were to get someone senior from the UN who didn't hold someone accountable. But I think that will be challenging, not saying not possible. I think it is not that realistic in the current .set. of the ICC and the current .set. of peacekeeping of the UN. And I think a third party, I don't know. I haven't looked into that much. When we talk about third party, in a way when we talk about a country of nationality that is not a third I guess it is like a second party..... I just talked about some of the challenges that even the country of nationality of UN staff versus trying and prosecuting these people. It is possible in some cases, in some places people need to change their laws in order to make it possible and sometimes it is a matter of political will and political resources, and resources in general. Finding investigators and all those things.

M: Ok, thanks, yes because my next question was: to what extend is it possible to prosecute people in a dominant position, who know about these actions and allow it to happen? Because I think this is also a big issue, that there are actually people who have an essential position, know about this crimes.

K: Well, we haven't seen that happening, we have seen some people getting fired from time to time. Firing is not the same as prosecuted, obviously. But it is one way of holding accountable. That happens very rarely. Often people don't even get fired. They just leave their job. Like we saw with Pierre Krähenbühl, for the United Nations Relief and Works Agency for Palestine Refugees, he was accused of sexual misconduct and he just left his job, he was not even fired. So people do leave the UN and Luiz Loures in the UN aids case, which is profiled on our website, he was accused and he didn't get fired, he left and then Michelle Sidibé was the head of UNAids, he was accused of not doing the right thing and he also left on his own terms before getting fired. I don't even know if he would have been fired. So people leave and are sort of held accountable, but not really. Often they still keep their pension or their s... It is just so so rare that people are actually hold accountable. Even in the most basic sense of getting fired. There are cases that happened, not at the most senior level. I think often what we find, if we could uncover this more systematically. Which researchers are not able to do because of the secrecy all around this and the lack of information. And I think people who are racialized or who have lower status, are more likely to held accountable. People in positions of power, white man are more likely to be protected, where lower level local staff are more likely to be held accountable, like locally engaged staff. Black perpetrators, brown perpetrators are more likely to justice than white perpetrators, for the same crimes, the same acts. There is a racialized element to this as well.

M: well ok, thank you for the answer. The next question is a little bit more specific; could the UN adjust the status of forces agreements to specifically exclude immunity from sexual exploitation and abuse offenses in all status of forces agreements?

K: yes they could, that would mean the status of forces agreements are between the UN and the host country. That would mean the host country would have to have the right mechanism place to try any military personnel that are accused on their territory. I think that is probably doable but the problem is that what is linked is a memorandum of understanding, which is signed between the sending countries, the TCC's, the troop contributing countries and the UN. I think the TCC politically are very unlikely to agree to that, agree to let the host country prosecute their personnel. So realistically it is very unlikely. People have proposed doing that. What we see at discussion at the C34, which is the UN Special Committee on Peacekeeping Operations, that there is no ap.. for that right now. Some academics look at could we have more complementary jurisdiction, it would still be the responsibility of the sending countries to hold their troop accountable, but if they fail, then other mechanisms kick in, like the host state or the ICC or we proposing a special court, that is more realistic. You give the sending country the chance to prosecute and if they don't, then you look at the alternatives. I think there is also an argument to be made that military personnel explained to us, which we agree with, military need to be able to maintain discipline over their troop. So to take away their right of prosecution, might be problematic because then the whole military system doesn't work then. Discipline is important and military structures are there for a reason. It makes sense that they want to retain that control within the military structure, provided that it works and provided that the military is not protecting their own. punishment is possible.

M: hmm okay, and to combat stigmatization and impunity, a better complaint mechanism must be designed so that the victim can file a complaint against UN personnel in complete confidentiality and privacy. Do you think this is possible and feasible for the UN?

K: yes absolutely I agree, there needs to be a better system. And maybe it is time to talk about our proposed solutions, our special court mechanism. What we proposing is a peacekeeping to get around some of the barriers that challenge that crimes are not referred to the host state but also the country of nationality, they may not be able to prosecute or may not want to prosecute. So we are proposing Peacekeeping when there is a gap and it would be a special court mechanism and not just a court but a whole process so it will start with reporting, absolutely. Because we identified that is the problem, victims don't want to go to the UN necessarily to report. When I spoke with victims, or advocates who work with victims, said: we have been victimized by the UN and we don't want to go to report on the base, we don't feel safe and protected to reported it to them ... and further stigmatized. So we think an outside place to report is essential and we were proposing a court mechanism be designed where you have an outside place to report these crimes and that could then trigger investigations, complaints could

be accept fairly, see if they are credible, see if they deserved to be investigated and that takes out the UN conflict of interest, so no longer would it be the UN deciding whether a case seems to have emerged and should be investigated, which is problematic but rather independent trained experts would investigate, could say; ‘yes, ok, now it is time to investigate’ or ‘no it doesn’t seem like this could have happened, so we are not going to put our resources there’. It would be a more impartial system. We would propose after dealing services so that when you go and report there are services available to ... the victim and the victims could get advice on their case and ways of following up and all those kind of things that would make it easier to report and then make it more likely to report and then make it safer to report.

M: Okay well thank you very much, that was indeed my final question, what are the solution blue code campaign proposes. I would like to include your special court mechanism in my dissertation. Thank you for your time.

Informed Consent form Kaila Mintz



Informed Consent Form

Informed Consent Form

1) Research Project Title: Interview UN zero-tolerance policy regarding SEA in PKO

2) Project Description (1 paragraph)

This dissertation is about the zero-tolerance policy that the UN pursues with regard to sexual violence and exploitation. Despite the policy, cases of SEA continue to occur during peacekeeping missions. What is wrong with current policy and how can it be improved? The investigation also goes deeper into the causes of sexual abuse in (post) conflict areas and the impunity of UN soldiers. The purpose of this research is to find out which alternatives the UN could use to reduce, and ultimately end sexual abuse and exploitation during peacekeeping operations.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: *K. Mintz*

Signature: *Kaila Mintz*

Date: *22/7/2020*

Interview transcript Lotte Vermeij

Friday 12/03/2020

Time of interview: 1 hour, 16 min and 35 seconds

M = Marije Arkesteijn, interviewer

L = Lotte Vermeij, interviewee

M: Can you provide some background information on yourself and what are your main areas of focus for your current position?

L: I have been working for the past 12 years on “Peacekeeping” with the UN, for the UN, sometimes for other organizations, but always somehow connected to the UN. I spent two years in Congo myself, with the UN mission there, missions in Mali and central Africa and other countries. At the moment I mainly focus on training Peace keepers, which are not only military peace keepers but also police and civil peace keepers. Each Mission has three components, Civil, Military and Police. I train all three of those components. Sometimes together, sometimes separately. I mainly focus on protection of civilians topics, conflict related sexual violence, child protection, sometimes SEA. Sometimes in training but sometimes also worked on in missions. But mainly peacekeeping.

M: Are those men and women to whom you give the training?

L: Yes, sometimes only men, sometimes only women and mixed composition. Sometimes the composition is military and sometimes civil.

M: Is the training per country or mixed in composition?

L: That is possible, that is possible per country, sometimes I give pre-deployment training in certain countries and sometimes it is a training where we have different nationalities, so more than 30 nationalities together.

M: Okay, interesting. Do you think that during training UN personnel are sufficiently and clearly informed about what sexually unacceptable behaviour means? especially where the UN has a different vision than may apply in the host country of the UN soldier.

L: Yes, if that is sufficient and clear... I think that there is always room for improvement, each country has its own culture, norms and values, laws, etc. So everyone behaves differently and this is just how the world works.

And for some countries prostitution is illegal and for other countries it is legal, so what you get is that people who go on broadcast, where SEA is not allowed and neither is prostitution, they have to go through a whole mind-set shift, so it depends very much from which country you train, where people come from whether it is enough information or not.

Because for some it is "it goes without saying" that prostitution is not allowed, and for other countries that are used to it, that is the most normal thing in the world. So it really depends.

During pre-deployment training it is a mandatory part and it is always discussed but not always so "in depth" that you can actually achieve a mind-set shift, so that is very difficult. There is also a mandatory training regarding SEA that all peacekeepers must do before they arrived on their mission. And then there is also training in the mission, specifically aimed at what everyone should do, so there are different times when training is given. And the outcome depends a bit on which country and person of course.

M: And these trainings... because I know that sexual violence has been going on for a while... is there now more focus on SEA in these trainings and has this received more attention or has it remained the same?

L: No, this has become more and they have also chosen a different approach, because of course the UN itself also recognizes that there are still problems with this, just as it applies to other organizations in conflict areas. But they do try to improve on this and adjust training so that you have, for example, better messaging so that you get a better response.

M: Do you think it would make a difference if the UN changed the definition of sexual exploitation and abuse? As for the different perspectives on prostitution.

L: Well the definition of these kinds of concepts, not only for SEA, but also for other things, are evolving definitions, so these will be adjusted as time goes. Of course you have to. Because sometimes you find out that there are, for example, specific issues that are not covered by this definition. So that is very important, but also a very political process.

Those things are done in New York at the headquarters, of course you have all the member states and they all have their own opinion about that. So it is a long process, but it is very important because it will eventually become the official language used by the UN and if that is decided, everyone will have to adhere to it.

M: So it could have an effect, but it just takes too long for something like that to be adjusted?

L: Yes, so there is a lot of consultation before everyone agrees, so it is a political process and the adaptation is already being done, as I said, those are evolving definitions that change over time.

M: Are you aware of the vision and content of the zero tolerance policy?

L: Yes

M: Do you have the impression that this policy can be properly enforced in practice?

L: Well that's the tricky part, of course the UN has no control over the countries, be they troop-contributing countries or police-contributing countries or civilian. The UN has no control over the countries how those people might be tried, so they can repatriate them and send them out of their missions, but their follow-up is very difficult. And because they have little power in that it makes it more difficult to maintain.

Well it is very clear to our military colleagues that the spotlight is always on because they have a uniform on and they are always the ones that are featured in the media, so they are careful and of course you have things here and there not going well. But I think there is a lot going on in between on the civil side and within military organizations because they are not the ones in the spotlight.

M: Actually I wanted to focus on blue helmet soldiers but after a few interviews I found out that this is not the biggest problem. That's difficult.

L: But it is not a problem that it is difficult, this is also good for your thesis. As for enforcement in the missions, do you know your conduct and discipline unit?

M: I've read about it

L: Okay, in every UN mission you have different sections that focus on different topics, the conduct and discipline unit focuses on SEA and they also provide training and they also follow up on cases, so if a mission receives allegations about a peacekeeper or this country has done this and someone has misbehaved here and there, then CBU, Conduct and discipline, will go after it first and collect some facts and then it will be handed over to New York and then that country will have to follow do it up if something actually happened.

But there is a section in every mission that is involved in that, so they are concerned with enforcement and of course the leadership of each mission is involved, because without leadership you will not get there.

M: Ok interesting. And what do you think are the causes or circumstances that contribute to and / or facilitate sexual violence and abuse in (post) conflict areas?

L: I think for many people who are in that area and misbehave that it often has to do with the fact that you are in a region for a long time, an unsafe area, high stress level, endless hours of work. Far away from family, for example, some cannot go home for a whole year and people sometimes do strange things that they would not do at home. As a result, the boundaries are blurring and this also leads to SEA issues. So that's part of it. So it is also very important that people can leave regularly. On leave from the mission so that they go home or on vacation. It does not matter what but that you are out of the setting,

because the stress level for everyone in such mission is very high. And of course there is still a difference between the mission in Cyprus and the mission in Central Africa or a mission in Mali. But if you look at those high-intensity missions where it is very complex and where the UN itself is also attacked, those are very stressful situations and you just see with all colleagues whether you have military, police or civilian colleagues, boundaries are blurring and people are in a kind of pressure cooker and then these things happen faster. And that is of course not justifiable and what we discussed earlier, in some cultures it is quite normal to get involved with prostitution, for example. So that can be very normal, so then someone does not feel that he is doing something wrong. So that can also be a cause.

M: What would you think, for example, I don't know to what extent that is possible, if the circumstances of the UN soldiers will be improved. Or at least in the mission itself, perhaps more facilities and things like that that could be improved. Do you think this helps?

L: Sure, absolutely. You can improve welfare, in the missions they call it welfare activities, and that can be anything. Sport is of course very important, that people can move and use it as an outlet instead of other things but also, for example, social activities. So often missions are organized once a week or once every two weeks. For example, they organize an evening that you get together with music and things like that and drink together. These are important things to be able to relax too, because I think that it is a big problem that people are under constant tension and don't relax.

M: Could cultural differences also be an aspect, because you mentioned, for example, that some countries have a different view of prostitution?

L: Yes. Well what I have seen my own missions, in Congo, Central Africa, Mali, is that people are under constant pressure and then I see colleagues doing strange things that they normally do not. The same with alcohol abuse, drug abuse for example. The boundaries are blurring for people. So when boundaries blur, they also start to show this kind of boundary crossing behavior. That's the tricky part. But what you mentioned earlier, culture definitely has to do with it because we see that some countries, people from some countries are getting much more involved than others

M: And which countries are they then?

L: That's a bit tricky, of course, to name things. Have you looked at all figures on the UN website?

M: Yes, I know some cases. Not all of them by heart. Those cases that were best known because they were also picked up by the news. For example, a case that was being handled, French soldiers were in...

L: In Central Africa

M: Yes

L: Yes that's right, but that is one of the few European cases. We don't really have European cases very much if you compare it to African cases because those cultures are also more often close to each other,

the country where we are sent out, there is no prostitution, you see. So then for example there is offer and then they think oh yes it is possible. And then there is impunity, that they are not held responsible. That can be a factor because then they think oh yes I can do that with impunity. However, immunity can be removed. Because if you are on broadcast then you are of course at the UN so you cannot just be detained by the host country, but if you misbehave and SEA is involved, the head of the mission and the SG, the secretary general, can wipe out that immunity. That means that you can be held responsible so that is decided case by case.

Because .. there is impunity of these things so that they are not held responsible. If you are at the UN you have immunity to a certain extent, but if there is cross-border behavior with SEA it can be waved and if your immunity is waved then you can simply be held responsible. Also in that country.

M: Ok so then is the host country responsible for the trial, or not?

L: This can be the case with civilians, for example

Ok and another reason or cause that contribute to sexual abuse. Sometimes we also see that the population there is mainly concerned with survival and because conflicts still play or have taken place, an entire system actually collapses. So there are a lot of people who live in poverty and what you see is that approaching UN personnel is sometimes also a hope for people to have a better life and perhaps that could be in the short term through financial gifts, for example. You know that exchange of money for sex or food for sex. All those things. So that may also have to do with it. This naturally gives you more exposure.

M: Yes, so you would say that poverty also plays a factor.. and do you have insight into whether everyone involved has an equal share in sexual abuse? You could make a distinction between civilians, UN personnel and any rulers.

L: Yes that is a good question and those people in a higher position are also involved, but that is defined differently by the UN. So the abuse that is made of the population by UN personnel or humanitarian aid workers is called SEA, so Sexual exploitation and abuse, which you write about in your thesis. And if you look at the abuse by those in power or as you mentioned the army or the police, for example. That abuse is often linked to the conflict itself. They often abuse ethnic minorities. Or during elections to initiate displacement of the population. And that is what the UN calls conflict-related sexual violence. So they look at that in different ways. So everything that is done by aid workers or UN personnel that is SEA and the rest that happens within a country can be other cases including conflict related sexual violence. But the UN does not see that as SEA.

Then it gets very wide, so if I were you I would focus on SEA because that's really what UN personnel does. However, the same standards must also be applied to humanitarian aid workers, such as NGOs

M: Do you have any idea whether it is about the same numbers as in blue helmet soldiers and civilian workers?

L: Yes well that is very difficult to say because nobody knows how many cases there are, to name exact numbers. So it is also difficult to give an estimate. Who does more or less, or is it right. That, of course, depends on the size of such a mission. How many people the UN has sent out. How many humanitarian personnel are there in the country, what kind of areas are they in, what kind of exposure do they have there, for example are there bars to go to, they meet locals there which increases the risk, or are they in a very isolated area where they have very little interaction anyway, because then you have fewer cases. So that is very difficult to say, but you can certainly say that both the UN and humanitarian workers, NGOs and international organizations, are all involved in SEA. You have bad apples at every organization.

M: Because I am actually looking into that, how many cases in total there are, but I have found something. But I don't know how reliable that is. It is from 2017 I believe. I know that the UN wants to be very transparent about how many cases there are

L: Yes, they try to be more transparent in that by publishing those figures on the website, which are the figures of cases that are followed up. But that is only the number of cases that are still being worked on. Because there are also other cases where we do have allegations but that have not been verified and if you are not sure you can of course not follow up on that. And there are other cases that are not reported for a number of reasons.

M: I believe they now report quarterly

L: You can of course include the most recent figures, or an equation over the past few years, in your thesis and then add this to what is reported, but this is probably not complete because there is also underreporting and there are factors that to ensure that we did not have a hundred percent picture of it. So I would add that. And that is one of the initiatives they are taking to better enforce SEA. Because they also show to those who are part of a mission, and say look if you misbehave so and so then it will also be public on the website. Not with the name there. But with the country. No country wants to be on that list. So that's one of the ways they put pressure on peacekeepers to behave

M: Ah, OK. Thank you, I will check the UN website for their most recent report. And do you believe that there is a good gender balance in UN humanitarian aid missions and a good balance between different nationalities?

L: More women are needed in missions. That is still true. Because women often have an easier link to women and children within the population, they come across as less dangerous and this makes it easier to report cases.

M: Yes, and is it about SEA by soldiers or about SEA among civilians?

L: Reporting violence can of course be anything. So if we look at sexual abuse. There is still a taboo around it in most countries so it is very difficult to talk about it because it can also have consequences within the communities. They can be rejected.

But if you have more women “on the ground”, it is often easier to talk about it, often because the perpetrators are men. More often you see that women and children are especially afraid of men in uniform, whether or not they have a blue helmet does not matter. They don't always know who the protector is. They may just be traumatized, because they have a bad experience with someone in uniform or someone from the state or someone from the UN mission, it doesn't really matter. So if you have women then you “overcome” that problem. That challenge actually. So reporting that can be in the SEA field, but it can also be conflict related sexual violence. So, for example, if there are rapes by the military or by the police, the national local army. More women on the floor also makes it easier, it is still not easy, easier to talk about.

M: And are there already more women in the army, say at the UN, or ...?

L: Yes

M: And do you also notice that more reports are being made?

L: Yes certainly. In any case, that is my experience. Certainly that more information is shared. So that you have easy access to the entire population. And there are more women. Which is still a push that the UN is giving to it and that is getting better every year. They also keep track of how many women are broadcast every month. Together with their unit, but also on an individual basis, for example. So they are working on that, but we are not there yet. Many more are still needed because the percentage is still far too low.

M: and how do you encourage women to participate more in the military?

L: Yes, every country has fewer women in the army than men anyway, so of course that has to be tackled per country to increase that at all. But to get them to missions can also be a burden for female soldiers, for example because when they go on a mission and they have young children, it is often said or thought: that is a bad mother because she will not stay at home for the kids. If it's the other way around, when men go on a mission, you don't have those prejudices. So those are things that women still run into. So there must be policy within a country to make those things easier, so for example if you would normally go on broadcasting for a year, now if you are a woman and you have children under 7 you can also go 6 months instead of a year, making it easier. So the UN is doing things like that now to make it more attractive and easier for women. So those are some stimulation initiatives actually.

M: OK And do you happen to know how it is in the Netherlands? Are there actually many female Dutch UN soldiers?

L: No. We don't have that many. The Netherlands does not send out very many people at all. If you look at the major troop contributing countries, these are Asian and African countries. Europe does send out staff officers but not units. Of course we have had a number of soldiers in Mali, but they are also back. So there are a number of women but not very many.

M: Do you think that if more women join the UN military, sexual violence and abuse will decrease? Why or why not?

L: Yes, I don't really know if it will really diminish. A lot of people say yes it decreases because then women can also watch what is happening and have more control over it. And uncover things and so on and so forth, but of course you don't have to. That is very difficult because, to say, because there has not yet been any real research into whether this actually makes a difference. That is very difficult to quantify. To prove it.

M: Yes, because it would mean more reporting, more people reporting it, you said that at the beginning?

L: The probability is that the population, probably more women, will report ... Cases can report. From the population. Yes but again, that is of course also something that is of course not fixed. So now there are a number of studies that have just started on those topics to see if we can strengthen that evidence and that kind of claim

M: OK, yes, I also wanted to see what could the UN do or what would be possible alternatives that might make policy stronger and whether that might have to do with more women joining the army, but that is not sure if that would help

L: No, but you cannot say that with certainty, but it is of course true that most people who are engaged in SEA things, sexual abuse for example, that are often men. If you have women instead of men, it is less likely to happen. If you have a mix. When the ratio becomes a bit more equal.

M: Yes OK. I have indeed read that as a cause that because the whole system is actually very masculine, so more acts like this happen

L: Yes it is indeed said yes, but yes, how are you going to prove that. That's the tricky part

M: Right. Do you think there is a culture of silence about abuse in conflict areas and do you have an idea about the cause of this?

L: Yes it is. For example if you look at Mali, it also has to do with religion. So if you look at Mali and compare it to Congo, those are very different contexts. But there can be a culture of silence in both countries because there are certain consequences of whether or not you have been abused. Even if you

are the victim, they are double punished. Do you understand what I mean? And in Mali that can of course have to do with religion because within Islam that is of course not done. And if you look at Congo. There is a taboo anyway about sexual violence, many victims of it are expelled from their community. And that is why sexual violence is also widely used by the Congolese army because it actually destroys the communities. But when you look at the abuse of UN soldiers, it has different layers. Because sometimes when someone has a boyfriend ... if we call it that. Sometimes people start a relationship, and that is of course not allowed. That is against the rules, but it sometimes happens and sometimes children are born. And that is for people in a conflict area ... Sometimes people fall in love and then they get married and that whole story and then that is love but also abuse of their position, that can also be the case for both said, because it is of course also so that there is benefited if you might have a child then you have a chance for a better future. At least hope for that.

M: And are there many UN babies, I don't know what to call them, babies of UN soldiers?

L: There are certainly, but still, the number, you do not know exactly how many there are. But there are certainly, because you have sometimes been in areas where the UN has been for a long time and then suddenly there are children who have a less dark skin color. And then you see, something has happened here.

M: If having a relationship is forbidden ... Because with those UN babies, they can find out DNA.

L: Exactly, that is indeed possible. That is one of the measures then discussed by the UN; then we have to collect the DNA from everyone who goes on air so that, in the case of SEA, we can trace it back to the person who did it. But of course that is a very sensitive subject because then everyone has to record their DNA. Is that possible?

M: Yes good question. I wouldn't know that, but I think if they store it, that DNA, then nothing else can be done with that. Then it is safely stored somewhere I would think?

L: Yes, but then you have all kinds of national laws, because of course they are different for each country. And then you will hand over personal information to an international organization. How will that organization ensure that that data is safe, that is very complex. So that would be a way to stop people from misbehaving.

M: You are of course also a UN soldier. Would you mind giving up or giving off DNA somewhere?

L: Well you don't know. I personally don't mind that much but you don't know what happens if you have a data breach somewhere. That is not unrealistic in these days with cyber security. A lot of things can happen with your personal information. And that is of course a problem. And that is also the problem for member states because they also protect their own citizens. You can just give that personal information.

M: Yes correct. It may be an idea, but it may not be feasible

L: Yes not yet, but who knows in the future if the technology continues to improve. Who knows that there may be possibilities, but I think that is now too much at an early stage

M: Yes. Well. Good to remember and write something about this. Do you know something about the following question: What are the consequences of sexual abuse for victims in and a (post) conflict area?

L: Yes for the area itself and that society there, for example. Yes I think it is... that is also difficult to say because in some countries prostitution is used to survive and has been accepted so it does not have to be seen as a negative immediately, and it gives people income. So yes, is it positive, negative. Of course it depends very much on which perspective you use to look at it. But I would say especially also in the case that children are abused. That is of course always negative. Because you hear that, of course, those stories that children get food in exchange for ..., or get some money in exchange for ... That is not done for children anyway. That shouldn't be allowed at all. And for adults, if you try to look at the different sides of the story, maybe someone would choose to offer themselves for money. But yes is that a fair choice? That is very difficult. I don't think that is black and white. It is a very gray area.

M: Yes if someone offers himself, I am of course not in that position so I will not know, but as a UN soldier I will at least know that that is not allowed....

L: No of course not. They shouldn't do that. You should never do that because it goes against everything the UN stands for. That is wrong anyway. But I mean from the perspective of the population. Some people earn their living in this way and have no other income. That is very difficult if you take that away. Sometimes those communities are also not happy at all when a base closes because they miss out on a very large part of their income. Because of course they also have their market around it. It attracts all kinds of different people. So that's very complex and, SEA, whatever form it takes, it's all wrong, you shouldn't do it at all. Absolutely not, not by anyone. But if you are in those missions then you can see the complexity of those societies. So it is very difficult. But especially when it comes to children. This naturally leads to traumatization, which also has a long-term impact on society. So it's very bad anyway.

M: Ok so it has an effect on the area. But mainly negative

L: Yes, I would say that, but I have also spoken to people there who say yes, but at least this way I can earn some money. Otherwise I have no food for my children. That makes it very difficult. Seen from the UN, it is completely wrong. And then you sometimes meet people within the population who look at it differently. Who see it as an economic advantage. So that makes it very difficult. But from the UN standpoint, it is not acceptable

M: And do you have insight into how often a sex offense is reported? Do you know figures or do you have an idea whether the perpetrators are actually being prosecuted?

L: Yes, well, that depends on case by case, again. And on the website you can see the figures of the cases that have been tried. But yes, what we said earlier is of course not the actual numbers we are dealing with

M: OK. And can you estimate the consequences for the victim? For example, do they receive victim protection or other help?

L: Yes, that's possible. And that is again on a case by case basis. And that is not the same in every country. However, there are certain programs in place, such as funds to provide assistance to victims and sometimes to protect them, because that is sometimes necessary, yes. That of course protects your identity. Both from the communities and the perpetrators.

M: Yes, so it happens, victim protection?

L: Yes, that's possible. But that doesn't always mean it happens. It can be present in areas. There are certainly cases that that happens but not always, I cannot say that it is 100 percent certain.

M: OK, but from the UN, is there anything said about it, about victim protection or?

L: Yes, the UN is also trying to look at that to work on it. So there are special initiatives for it. And they often do this in collaboration with other organizations, because sometimes even when a mission closes, they still need help. So then you have to look at long term follow up

M: What would you think if the offender was tried by the host country, the International Criminal Court (ICC) or a third country? That would mean that the troop-sending country has nothing more to say about the UN soldiers, when committing a crime.

L: I think if you used a different method of trial it would be very daunting. Very well, on the other hand, it could be that they then sweep things "under the rug". If you send a unit with 200 people. They know that this is happening and will protect each other more and will not talk about it. If the trial is done elsewhere. I do not know. So that's tricky, and I don't know if that will happen. But if it were, I think it would be an effective deterrent. But then you are stuck with laws from different countries.

M: Yes, because if someone in the Netherlands makes a mistake, you will also be tried here. But for the Netherlands, perhaps, I am not saying that this is happening, it is a reason to sweep under the rug a little easier. It gets more difficult when ICC does it. This is going to be difficult

L: Yes that is very difficult. That is also what I mean when the trial is conducted by another country. Suppose we are from the Netherlands and Central Africa is going to bring trial. Then you also enter a Central African prison, for example. And then maybe people will protect each other because they don't want the story to come out, and thereby end up in an African prison

M: Yes that is true.

L: It's very complicated.

M: Of course, there are just laws that make some things in different countries just not possible. I have yet to investigate this properly. I find this difficult

L: Yes, but you can make a "general statement" that these laws are there and that this makes it very difficult. Plus what you can always use in your writing is that this is of course a very politically sensitive issue. Because if you look at how the UN works: everything is decided in New York, by the member states. So the mandate of the mission is to have member states consensus on how we approach certain issues. All of this has to be done by member states. So that's a very political discussion. So about this too. There will be no country that says, I will have my citizens tried by country X. Nobody agrees. So even if you don't know all the laws, you can also use this as an argument. That is the reality.

M: Yes correct, then I had one last question. Do you have any suggestions (besides more female UN soldiers) to tackle sexual violence in conflict areas?

L: Yes, we discussed a few things. I think the most important things are that people regularly leave the mission and that the UN really goes after it. I did my mission as a civilian peace keeping mission and then depending on the danger, the risk area / level, you have how many weeks you have to leave. Where I have been is the high risk. So I had to leave the country every 6 weeks. Then you have 1 or 2 weeks' leave. And you are expected to leave the country, whether you go on holiday or go home, it does not matter. But they do this so you can reset. This is very important. And that does not always happen for the military and police colleagues. Every country earns money by sending troops. If you take out a lot of troops and have them sent back and forth each time, it will of course cost a lot of money. And they also build up leave, but not every country ensures that the military / police also leave the mission country. So for example what you see then that blue helmets are somewhere in the middle of nowhere in Central Africa and when it is time for leave, they are sent to the capital instead of home / vacation / out of the country. So in this example they were sent to Bangui. But Bangui is still a mission area. This is still a high risk area.

M: This is not enough?

L: No, and you don't see your family at all, so it doesn't lessen that stress at all. So I think that's very important that the UN is behind this. The peacekeepers really have to leave the country.

M: Okay, yes

L: They actually have to go on leave. And do not remain in risk areas.

M: Well, I'm definitely going to take that with me. I had not heard / read / found much about this at all. It is very nice that I was able to discuss this with you in detail. Do you have anything to add on this topic?

L: No I don't think so. I think you have most of it. But if there are things later that you don't know, we can talk later.

M: Super nice! Thank you for your time and effort! I really appreciate it

Informed consent form Lotte Vermeij



Informed Consent Form

Informed Consent Form

1) Research Project Title: Interview UN zero-tolerance policy regarding SEA in PKO

2) Project Description (1 paragraph)

This dissertation is about the zero-tolerance policy that the UN pursues with regard to sexual violence and exploitation. Despite the policy, cases of SEA continue to occur during peacekeeping missions. What is wrong with current policy and how can it be improved? The investigation also goes deeper into the causes of sexual abuse in (post) conflict areas and the impunity of UN soldiers. The purpose of this research is to find out which alternatives the UN could use to reduce, and ultimately end sexual abuse and exploitation during peacekeeping operations.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: Lotte Vermeij

Signature: 

Date: 12 March 2020