

Military Aide Memoire: United Nations Measures against Sexual Exploitation and Abuse



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Commanders' guide on measures to combat Sexual Exploitation and Abuse in United Nations military

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United Nations
Peacekeeping



DO's and DON'Ts when serving in United Nations peacekeeping operations

DO's

Protect civilians against any form of sexual exploitation.

Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, caring, considerate, mature, respected and trusted peacekeeper.

Promptly report any allegation(s) of sexual exploitation and abuse by fellow United Nations colleagues to the Conduct and Discipline Team (CDT) or other sexual exploitation and abuse Focal Point.

Familiarize yourself with the existing guidelines and procedures that are mission specific.

Cooperate with the investigating officer.

DON'Ts

DO NOT engage in any form of exploitative behavior or sexual acts with the local community regardless of local culture.

DO NOT get involved with prostitution, even if it is legal in the host country, and do not visit any areas that are out of bounds.

DO NOT rely on self-judgement as to what conduct should be considered as sexual exploitation and abuse. If you suspect there has been possible sexual exploitation and abuse, you must report it.

DO NOT harbor or protect perpetrators of sexual exploitation and abuse. Failure to respond or report misconduct is a breach of the UN standards of conduct and may result in sanctions against you.

DO NOT retaliate against alleged perpetrator(s), complainant(s), victim(s) or investigator(s) when confronted with an allegation of sexual exploitation and abuse. Act according to the rules.

Table of contents

Excerpt of keynotes on Sexual Exploitation and Abuse ...	2
Statement by the Military Adviser, Lieutenant General Carlos Humberto Loitey, Office of Military Affairs to Uniformed Commanders	4
Background	6
Purpose	7
Key Terms	8
What Constitutes Sexual Exploitation and Abuse	8
Reasons for Continuing Cases of Sexual Exploitation and Abuse in UN Peacekeeping Missions	9
Consequences of Sexual Exploitation and Abuse	10
Responding to Sexual Exploitation and Abuse	11
Reporting and Investigation Procedures	14
Prevention Actions You Should Know	15
No Excuse Card	20

Excerpt of keynotes on Sexual Exploitation and Abuse



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“Indeed, the vast majority of UN troops and personnel serve with pride, dignity and respect for the people they assist and protect, very often in dangerous and difficult conditions and at great personal sacrifice.

Yet our Organization continues to grapple with the scourge of sexual exploitation and abuse, despite great efforts over many years to address it. We need a new approach.”

“One of my most unforgettable experiences has been listening to the victims of rape, sexual violence, exploitation and abuse. Their haunting stories and chilling testimony will stay with me forever. Such acts of cruelty should never take place. Certainly no person serving with the United Nations in any capacity should be associated with such vile and vicious crimes.”

“Let us declare in one voice: We will not tolerate anyone committing or condoning sexual exploitation and abuse. We will not let anyone cover up these crimes with the UN flag. Every victim deserves justice and our full support. Together, let us deliver on that promise.”

António Guterres
United Nations Secretary-General

“We have made progress. We are more transparent, more assertive and more robust in our efforts to prevent sexual exploitation and abuse, and, if needed, to take strong action to ensure accountability. The Secretary-General has made it clear that he is fully committed to leaving no stone unturned as we work in partnership to end this menace.”

Jean-Pierre Lacroix
USG of the Department of
Peacekeeping Operations



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“The wrongdoings of some people should not tarnish the sacrifice of the more than 100,000 peacekeeping personnel, and their respective countries. “Protectors cannot be predators. Protectors cannot be somebody who is exploiting the people.””

“When blue helmets, or troops supported by the UN, violate the fundamental human rights of others, they defile the precious legitimacy that is critical to the UN's effectiveness and for which their comrades laid down their lives.””

“The Secretary-General has been clear that acts of sexual exploitation and abuse undermine the values of the United Nations and the principle that we must do no harm to those we are entrusted with protecting. We must work in partnership with Member States to continue to demonstrate our collective commitment to taking strong measures to prevent these acts by United Nations personnel, ensure accountability and put victims at the centre of our efforts and concerns.””



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Atul Khare

Head of the Department of Field Support



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“I think that anyone who has children, anyone who has spoken to victims, anyone who has themselves been the recipient of unwanted advances of any kind feels passionate about this issue.””

Jane Holl Lute

Special Coordinator on Improving UN
Response to Sexual Exploitation and Abuses

Statement by the Military Adviser Lieutenant General Carlos Humberto Loitey, Office of Military Affairs to Uniformed Commanders

Despite the United Nations (UN) zero-tolerance policy against sexual exploitation and abuse, continuing reports of allegations of sexual exploitation and abuse against uniformed peacekeepers contradict the principles upon which peacekeeping is based. Sexual exploitation and abuse inflicts irreparable damage on the very people the UN is sworn to protect.



© UN Photo/Eskinder Debebe

The Secretary-General António Guterres has made it clear that addressing this scourge is a top priority for the UN. He demonstrated this commitment in his first weeks in office when he established a task force to develop a clear strategy to achieve further visible and measurable improvements in our approach to preventing and responding to sexual exploitation and abuse.

I was a member of the task force. The Secretary-General instructed us to move beyond “business as usual” and to find innovative ways to more effectively deal with sexual exploitation and abuse in an organization-wide approach, and not just in peacekeeping. He is placing significant emphasis on prevention, accountability (ending impunity) and remedial action, while placing a victim-centered approach as priority. You have an important part to play in this process.

Commanders have a responsibility and are accountable for ensuring that appropriate measures are in place so that personnel under their command are aware of and understand the standards of conduct expected of them and that they will be held responsible if they fail to adhere to those standards. When personnel under your command fail to abide by United Nations rules, it is your command that has failed to communicate and to ensure adherence to relevant measures against sexual exploitation and abuse. Blue Helmets who commit acts of sexual exploitation and abuse will be held accountable under the zero tolerance policy and barred from future service with the United Nations. Also, this action will apply to relevant commanders. We must not allow the actions of a few to tarnish the excellent work of the majority of our brave men and women who serve peacekeeping in the most noble of ways. Those who fail to live up to our high standards do not deserve to be part of our Organization. As commanders, I urge you to be observant and committed to your responsibilities.

As a commander, you hold a special responsibility to set an example to those that you lead, and to hold yourself and them accountable to our standards. The United Nations' strategy to combat sexual exploitation and abuse has to involve all of us working together for a common goal. In peacekeeping, we are taking measures at all levels, covering all categories of personnel, to make progress in eliminating sexual exploitation and abuse from our ranks. Let us go one step further than "zero tolerance" and strive to achieve "zero incidence". Together, we can do this and I rely on you to give this your total support.

Lieutenant General Carlos Humberto Loitey

Military Adviser, DPKO

Background

In order to develop a UN system-wide effort to eradicate sexual exploitation and abuse in the UN, the UN Secretary-General's reports on special measures for protection from sexual exploitation and abuse (A/69/779, A/70/729 & A/71/818)¹ announced reinforced recommendations and initiatives against sexual exploitation and abuse. These recommendations and initiatives have since assumed the centerpiece of the UNs' efforts. Furthermore, the Office of the Special Coordinator for improving the UN response to sexual exploitation and abuse was established and has been working closely with the Conduct and Discipline Unit and Office of Military Affairs to raise adequate awareness and implement measures aimed at combating sexual exploitation and abuse across the UN system.

In addition, on 11 March 2016, the UN Security Council adopted Resolution 2272 (2016) which among several measures, requested the Secretary-General **to repatriate a military unit or formed police unit (FPU) when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit.** The resolution further endorsed the decision **to replace all military units and/or formed police units from a troop/police-contributing country, whose personnel are the subject of allegation(s) of sexual exploitation and abuse, which has not taken appropriate steps to investigate such allegation(s) and/or held the perpetrators accountable or informed the Secretary-General of the progress of its investigations and/or actions taken.**

Clearly, contingent and unit commanders have a significant role and duty in ensuring that their military entities do not become the subject of Resolution 2272 (2016).

¹ Use the google search engine to locate any the document references.



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Purpose

This Aide-Memoire serves to generate adequate awareness on sexual exploitation and abuse and the many UN measures against the scourge. Therefore, the objective of this Aide-Memoire is to provide you, the commander, with a quick reference to the UN measures against sexual exploitation and abuse, including clearly defined command responsibilities.

The Aide-Memoire complements relevant training guidance prior to and during deployment to UN peacekeeping operations. It is intended for all UN military commanders. Moreover, the document may also be a useful resource to UN military observers as well as other entities committed to service under the UN.

Key Terms

Sexual abuse: Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child (under 18 years of age) is considered as sexual abuse.

Sexual exploitation: Sexual exploitation is any actual or attempted abuse of 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. This includes acts such as transactional sex, solicitation of transactional sex, and exploitative relationships.

Sexual Exploitation and Abuse: A breach of the provisions of ST/SGB/2003/13² (Special measures for protection from sexual exploitation and sexual abuse), or the same provisions, as adopted for military, police and other UN personnel.

Zero-tolerance policy: The United Nations policy establishing that sexual exploitation and abuse by United Nations personnel is prohibited and that every transgression will be acted upon. The policy is implemented through effective, prompt and efficient investigation, which may result in administrative, disciplinary or judicial action, as appropriate.

What Constitutes Sexual Exploitation and Abuse

Acts of sexual exploitation and abuse include the following:

- Physical violence of a sexual nature, abusive or non-consensual sex (sexual assault, rape);
- Having sex or any sexual activity with children (anyone under the age of 18) will always be considered to be sexual abuse. Mistaken belief in the age of a child is not a valid defence/excuse;
- Providing assistance or aid of any kind, including food, clothing or lodging, in exchange for sexual favors;

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N03/550/40/PDF/N0355040.pdf>

- Buying sex from sex workers, even if prostitution/sex work is legal in the host country;
- Threatening to withhold assistance or aid of any kind in exchange for sexual favours; and
- Procuring transactional sex for others.

The instances set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for in administrative, disciplinary or judicial action.

Some Risk Factors Associated with Sexual Exploitation and Abuse in UN Peacekeeping Missions

Acts of sexual exploitation and abuse involving uniformed peacekeepers continue to occur due to; among others factors:

- Failure of commanders to be fully aware of the operational environment and factors that contribute to the risk of sexual exploitation and abuse;
- Insufficient pre-deployment and in-mission training on the general awareness of sexual exploitation and abuse, including consequences of such acts;
- Inadequate compliance with the requirements of the UN zero tolerance policy;
- Lack of accountability for failures in command responsibilities;
- Non-adherence by commanders and contingent members to existing reporting procedures in UN peacekeeping missions;
- Lack of vigilance by commanders in monitoring the routine activities of their troops;

- Commanders tolerating conditions that could contribute to sexual exploitation and abuse (such as not taking appropriate measures against offenders);
- Failure to report acts of sexual exploitation and abuse or discouraging others from reporting; and
- Arranging, negotiating and encouraging informal settlements of sexual exploitation and abuse cases, including of a financial nature.

Consequences of Sexual Exploitation and Abuse

Acts of sexual exploitation and abuse by peacekeepers will **definitively** result in disciplinary and/or judicial action by the troop contributing countries (and possibly the host nation depending on the legal status of the peacekeeper). Such acts may also result in administrative and/or disciplinary action by the UN. Other consequences/impacts include:

- Causes additional trauma on persons who may have experienced conflict/sexual violence;
- Could result in unwanted pregnancy;
- Creates the need for victim assistance;
- Stigmatizes victims within their community;
- Undermines troop discipline and integrity;
- Threatens peace and security;
- Negative impact on the image and credibility of UN missions and the Organization;
- Jeopardizes the ability of the UN to efficiently execute mandated tasks;
- Damages the image of the unit(s) and the contributing countries; and
- Can result in the spread of sexually transmitted diseases - HIV, syphilis etc.

Responding to Sexual Exploitation and Abuse

Confidentiality

All allegations of sexual exploitation and abuse (and other misconduct) are to be treated with the highest degree of confidentiality to ensure that the identity of victims, complainants, witnesses, representatives and subjects are protected during the handling of the matter. Any unauthorized disclosure of confidential information may result in disciplinary measures against the person who discloses such information. Communications with the media is the responsibility of Mission Headquarters and UNHQ.

Reporting channels for uniformed personnel

Commanders are to ensure that they and all personnel under their command are familiar with the sexual exploitation and abuse reporting channels that apply in the particular peacekeeping mission which may include the following:

- Their supervisor/commander;
- The mission's UN security personnel;
- Personnel of the Force Provost Marshal;
- The Conduct and Discipline Team(CDT); and/or
- The Office of Internal Oversight Services (OIOS).

Most missions have also established hotlines for reporting sexual exploitation and abuse allegations. See contact details of CDTs at Page 23.

Handling of complaints

If you receive an allegation or complaint of sexual exploitation or abuse, your role is to ensure that it is appropriately reported immediately. If, given the circumstances in which the allegation or complaint is made, the authority to which you would report is not present and you are required to take information from the complainant so that the allegation can be properly reported to the appropriate authorities, you must bear in mind the following guidance.

- React calmly and without prejudice.
- Avoid too many questions and do not attempt to become the investigator. Allow expert investigator(s) to perform the questioning/follow-up.
- Assure the complainant of your keen interest in the matter and readiness to assist.
- Ensure that complaint reporting mechanisms are effective and that complaints are promptly reported to the appropriate channel(s) listed above.
- Maintain confidentiality on all sexual exploitation and abuse reports.
- Consider the removal of alleged perpetrator(s) away from vicinity of complainants.
- Remember to treat any individual that approaches you with respect and dignity, regardless of your assessment of their credibility.
- Never tamper with evidence.

Investigations

Investigations are initiated and undertaken by national authorities in coordination with the OIOS. The National Investigation Officer (NIO) of concerned contingent(s) are required to initiate investigations into allegations of sexual exploitation and abuse upon instructions from their government. Investigations by NIOs into allegation(s)

must be independent, impartial, thorough and prompt. Investigations must be conducted in a manner that is respectful of the extremely sensitive nature of the allegation, as well as the age and gender-related vulnerability of the victim(s). Other important points to note are as follows:

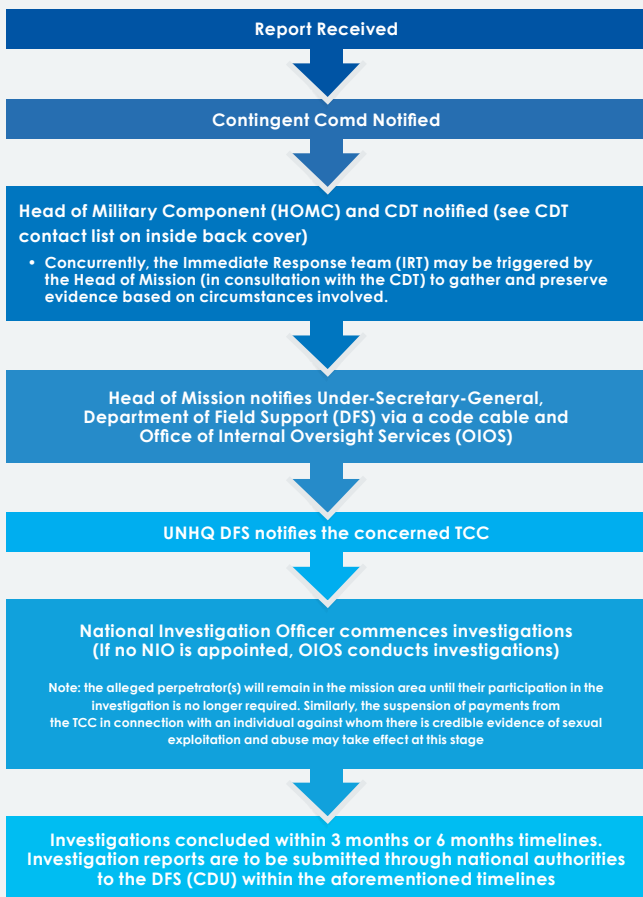
- If there is a need for gathering and preserving of evidence pending the initiation of an investigation, this is to be assessed by the CDT in consultation with OIOS. The mission Immediate Response Team may be deployed to conduct this preliminary work.
- Create a conducive environment that enables the NIO to discharge his/her duty professionally and effectively.
- Draw to the attention of relevant UN offices the situation where personnel under investigation or found guilty of an act of sexual exploitation and abuse and/or other related misconducts are due for the award of a UN service medal. Accordingly, the UN office responsible for presentation of such medal will consider and decide if such person(s) merit the medal.

Duty to cooperate

Commanders are to ensure that all contingent members are aware of the obligation to cooperate and assist in investigations. Any UN uniformed personnel subject to investigation on the allegation of sexual exploitation and abuse, or has information relevant to the investigation, must provide all necessary information as requested, including direct and indirect testimony and physical evidence.

Reporting and Investigation Procedures

The following procedure applies;



Prevention Actions You Should Take

Relevant TCC authorities have the duty to ensure adequate pre-deployment training and the vetting and screening of all uniformed personnel who have been selected for deployment in a UN peacekeeping mission. An attestation certificate indicating that all required training and vetting processes have been duly complied with will be submitted by the TCC to the UN prior to the initial deployment and subsequent rotations of each unit. Moreover, DPKO and DFS will conduct a vetting process of all contingent members for prior misconduct while serving in the UN, upon their arrival in the mission area. Furthermore, all uniformed commanders in service with the UN have certain responsibilities to prevent sexual exploitation and abuse and therefore must familiarize themselves with those responsibilities and measures, in order to achieve a tour of duty free from sexual exploitation and abuse incidents.

Training: Robust in-mission training and workshops are effective means of creating awareness of preventive measures on sexual exploitation and abuse. Commanders have the responsibility to ensure that deployed contingent forces receive adequate in-mission training on such preventive measures, using UN training materials (Relevant documents on sexual exploitation and abuse are available at <https://cdu.unlb.org/>). When in the mission area, commanders are to liaise with relevant Force HQs and Conduct and Discipline Teams (CDT) for joint in-mission training efforts to generate and attain the desired level of awareness. All uniformed personnel are also required to carry the “No Excuse” card³ at all times (see page 20-22).

³ The “No Excuse” card details rules and standards expected of every peacekeepers against sexual exploitation and abuse. (www.un.org/en/peacekeeping/documents/No-Excuse-Card/1-No_excuse_card-2pages-EN.pdf)

Increasing the number of uniformed women peacekeepers in routine operational activities:

The involvement of women in peacekeeping may contribute to a reduction in incidences of sexual exploitation and abuse. Commanders should endeavor to routinely include uniformed female peacekeepers in all duties, including patrols and community outreach efforts. This would help to prevent the involvement of male peacekeepers in activities capable of promoting acts of sexual exploitation and abuse.

Non-fraternization with the civil population: In this context "Fraternization" refers to the act of conducting social relations with other people including any unauthorized personnel in camps. Military personnel shall abstain from engaging with local population unless as part of a planned military task (such as a meeting with civic leaders and security patrols).



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Maintenance of military discipline: Starting with you, commanders at all levels are expected to set and maintain the highest standards of integrity and conduct, both in the performance of their official duties and private lives. All eyes are on you! This will form the basis for commanders to demand and maintain high standards from subordinates. Ensure that all contingent members pay particular attention to the document “We are United Nations Peacekeeping Personnel” and the “Ten Rules: Code of Personal Conduct for Blue Helmets.”



© UN Photo/Tim McKulka

Constant vigilance and regular checkups: Commanders must remain alert and report on potential trends/ indicators of sexual exploitation and abuse within their areas of responsibility, and to do everything possible to discourage such developments. Commanders should conduct spot checks and head counts during non-working hours, and provide good welfare/recreation activities for troops when off duty.

Other actions related to the prevention of acts of sexual exploitation and abuse in your command, include but are not limited to the following:

- Organize briefs by religious leaders such as chaplains and imams addressing the need for zero tolerance of sexual exploitation and abuse in their preaching to military contingents.
- Organize sexual exploitation and abuse focal groups meeting regularly to review and discuss progress.
- Promote the need for upholding high standards of conduct.
- Hold regular meetings with contingent members to discuss measures to prevent misconduct, maintain discipline and good order.
- Organize unannounced field visits to carry out head counts to check troop movement and monitor trends/ activities within your area of responsibility and ensure that adequate prevention measures are in place to address identified risks.
- Include briefings/updates on sexual exploitation and abuse during monthly/quarterly conferences with subordinates.
- Establish preventative measures (e.g. curfews, designate off-limits locations, patrols). Deal with issues before they lead to instances of misconduct and identify the risk areas.
- Utilize the availability and skills of your military police to deter acts of sexual exploitation and abuse through the conduct of frequent patrols.
- Maximize the use of female peacekeepers for ALL activities, including patrols.
- Ensure that troops do not frequent places that encourage acts of sexual exploitation and abuse, and designate off-limit areas.



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- Ensure all movement out of camp is conducted in uniform.
- Provide ablutions co-located with static OPs so that personnel are confined to their work place.
- Ensure regular rotation of troops deployed in remote areas.
- Ensure that unauthorized persons do not frequent UN camp locations (including perimeters).
- Ensure strict entry and exit control at all camps to prevent unauthorized movement of troops out of the camp.
- Create a conducive environment for the reporting of sexual exploitation and abuse.

Sexual Exploitation and Abuse

KNOW THE RULES: THERE IS NO EXCUSE!

- ! At all times we must treat the local population with respect and dignity.
- ! Sexual exploitation and abuse is unacceptable behaviour and prohibited conduct for all United Nations and affiliated personnel.
- ! Sexual exploitation and abuse threatens the lives of people that we are to serve and protect.
- ! Sexual exploitation and abuse undermines discipline, and damages the reputation of the United Nations.

NO EXCUSE • ZERO TOLERANCE FOR SEXUAL EXPLOITATION AND ABUSE



EXPLOITATION



PROSECUTION



IMPRISONMENT

More information: <https://conduct.unmissions.org>





EVERY PERSON UNDER THE UNITED NATIONS FLAG MUST COMPLY WITH THE FOLLOWING PROHIBITIONS:

! **It is strictly prohibited** to have any sexual activity with anyone under the age of 18 years (regardless of the age of majority or age of consent locally or in my home country). Mistaken belief as to the age of the person is no excuse.

! **It is strictly prohibited** to have sex with anyone, in exchange for money, employment, preferential treatment, goods or services, whether or not prostitution is legal in my country or the host country;



It is strictly prohibited to engage in any other form of sexually humiliating, degrading or exploitative behaviour;

I fully understand that:

- Involvement in any act of sexual exploitation and abuse will be investigated and prosecuted if warranted;
- Any proven act of sexual exploitation and abuse will result in measures that can include but are not limited to: suspension, immediate repatriation, dismissal, imprisonment and a ban from future United Nations employment;
- If I witness sexual exploitation and abuse behaviour by others, regardless of their position or seniority, I have a responsibility to take all reasonable measures to stop the misconduct and report the incident immediately to my commander or manager;



Failure to respond or report misconduct is a breach of the United Nations standards of conduct.

There is no excuse!

Email Address/Hot-Lines

Conduct and Discipline Teams in field missions

MINURSO	minurso-cdt@un.org	+212 661 095 664
MINUSCA	minusca-demasea@un.org	+236 75 98 44 45
MINUSMA	minusma-cdt@un.org	+223 94 95 05 46
MINUSTAH	minustah-cdt@un.org	+509 3702 6516
MONUSCO	monusco-cdt-inbox@un.org	081 890 7744
UNAMA, UNAMI, UNMOGIP, UNRCCA	icdu-kuwait@un.org	+965 24 72 4495 or via tie line on 161-222
UNAMID	unamid-cdu@un.org	192-7900
UNIFIL, UNFICYP, UNTSO, UNDOF	unifil-cdu@un.org	+961 1 926000 ext. 6215, 6216, 6219
UNISFA	unisfa-cdu@un.org	+249 901 231 293
UNMC (United Nations Mission in Colombia)	mc-cdreport@un.org	+57 3232082833 +57 310 3422333
UNMIK	unmik_cdt@un.org	+381 38 504 604 ext. 5847
UNMIL	dosomething@un.org	+231-770316262 770316262 Ministry of Gender Children and Social Protection hotline number: 116
UNMISS	unmiss-cdt@un.org	+211 912 1000 12 +211 912 177 237



Contact:

Office of Military Affairs

Conduct and Discipline Unit

Office of the Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse

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