



# Research Report General Assembly 2

The Question of Sexual Abuse of Victims  
by UN Workers

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## Introduction

Historically, United Nations peacekeepers have been protected from prosecution when carrying out peacekeeping duties because they have been granted 'immunity.' Immunity allows peacekeepers to carry out their duties without being prosecuted by the governments of UN member countries.

However, many peacekeepers protected by immunity have been found to abuse this privilege, by sexually harassing and assaulting those they are sent to help. Women and children are particularly vulnerable to this.

There is, however, no current system in place to prosecute the perpetrators of sexual assault, many of whom are in positions of trust. Victims have no way of coming forward and whilst many high-profile accusations have been made, there have been no prosecutions.

In the past 15 years, over 1700 allegations of sexual abuse have been made, however, due to the difficulty in reporting an incident, many more are suspected.

## The Committee

General Assembly 2 is about Human Rights. The delegates in this committee have to pass resolutions to the General Assembly that give clear and workable recommendations to deal with these important issues. This means that before entering this committee, we would like you to have already written a resolution on at least one of the issues. This will make the lobbying process a lot easier but it will also benefit your ability to understand what is going on during the debate. Since we are a General Assembly we will be part of the big plenary session that will be held on the last day of MUNA. During the plenary session all GAs come together to vote on one resolution per GA.

## Keywords

- **Functional Immunity**  
Immunity from prosecution when a peacekeeper is on duty
- **Full Immunity**  
Immunity from prosecution no matter the circumstances
- **Memoranda of Understanding**  
Agreement between UN and Host Country to waive prosecution rights
- **Statement of Forces Agreement**  
Agreement between UN and TCC that it is up to the TCC to investigate and prosecute troops
- **TCC**  
Troop Contributing Country
- **OHCHR**  
Human Rights Office of the High Commissioner

## Overview

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UN workers have, since the founding of the United Nations, been protected by immunity, which was first introduced in the UN Charter in 1945. This immunity allows the peacekeepers to carry out their duties as appropriate without being prosecuted by the courts of any UN member country they might be working in. This is incredibly useful, allowing workers to deliver aid to otherwise inaccessible areas.

However, over the past several decades, allegations of sexual abuse on a wide scale have surfaced, with peacekeepers abusing their privileges. There have been several high-profile cases in the media that have caught the public's attention.

Peacekeeping is divided up into different categories; military (which is then divided into battalions, staff officers and observers), police, and civilian. Each category has its own set of conditions when it comes to immunity, and so each has a different system concerning investigation and prosecution. Civilians, military observers, locally recruited, salaried staff and UN civilian police enjoy functional immunity whilst on duty, but do not when off duty. If, for example, a peacekeeper killed a pedestrian by running them over in the car whilst on patrol, they would be immune from prosecution, but if they did the same whilst on their way to a shop on a day off, they would be subject to prosecution.

Immunity can be waived by the UN Secretary General if it is deemed that immunity perverts the course of justice. This is mostly a theoretical power; it is used little as most cases do not reach the Secretary General. If used, perpetrators may be prosecuted by both their home state and the state in which they are working.

Immunity works slightly differently for military members. Troop Contributing Countries, known henceforth as TCCs, enter a Memoranda of Understanding with the UN. The Memoranda states that only the TCC is able to prosecute its soldiers. The host country enters a Status of Forces Agreement with the UN, which waives its right to investigate and prosecute soldiers when on missions. Therefore, it is up to the TCC to investigate all incidents, and, if necessary, send the soldier home and then prosecute.

The problem with this is that often the victims do not have access to any system of complaint within the TCC, and have no way of making a formal complaint. The first port of call is the soldier's commanding officer, but not all incidents are investigated at this level and taken further. If it happens to be a commanding officer that has committed the wrongdoing, then it is a long and bureaucratic process that many victims, most of whom do not speak the language of their accused, are not familiar with.

The issue of sexual exploitation by UN workers has come to public attention via news outlets, which have independently investigated and reported on cases which have been brought to their attention by both victims and whistleblowers.

The issue is both widespread and individual, with perpetrators acting in both large groups and on their own, which makes identifying the problem difficult in many places. Victims may feel pressured into staying silent, as the peacekeepers are in a

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position of trust and the victims may feel that they will face consequences for speaking out. Some victims may also face stigma within their own cultures and societies.

In response to the issue, the American-based AIDS-Free Foundation set up the Code Blue Campaign, which advocates the ending of impunity for UN workers who commit sexual assault. This campaign is currently the only one of its kind, and it is run independently.

When cases do reach the UN for prosecution, there is often an overwhelming bias against victims. Often, there are cover-ups, as found in the case of the Central African Republic in 2014, where the perpetrators were members of the French military. The cases initially reported took over a year to investigate fully, due to high-ranking officials dismissing claims, and there are cases still pending four years later.

### **Arguments**

It is almost universally acknowledged that the issue of sexual exploitation within UN peacekeeping missions is important, and that the actions of abusers are despicable. However, there are varying viewpoints about how to tackle the issue.

There is, unfortunately, a culture of self-protection within any power structure, and the UN is no exception. Some workers may feel compelled to cover up incidents and allegations out of loyalty to a colleague who may be a known perpetrator. Others may feel that they would be threatened if they came forward, especially if the allegations are against a superior. Others may fear for the reputation of the organisation. This causes a dilemma; if one is unable to come forward within the organisation in fear of retribution, how can a system be put in place within the organisation?

The Code Blue Campaign advocates an external commission, which would theoretically investigate allegations. This is, however, very expensive and difficult to implement and run, and it would be difficult for the commission to investigate every single claim.

It should also be borne in mind that the concept of functional immunity must also be protected and must not be relinquished where it used according to its original purpose. After all, functional immunity is important for the protection of peacekeepers when carrying out duties sanctioned by the UN. As legislation stands, there is no specific wording on the issue of sexual assault. Waiving immunity in the case of rape is a long and bureaucratic process, which falls under 'exceptional circumstances.' As the problem is widespread, a more efficient process is needed.

Tackling the problem within some countries is complicated due to the stigmatization of victims. It is therefore imperative that any solution is dealt with efficiently and quietly, to minimise the risk of victim-blaming.

It is also important to note that sexual assault can happen within the UN, and there have been a similar lack of convictions in these cases. UN workers must therefore

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have an efficient system of reporting assault or exploitation, which could potentially bypass their superiors who may be the accused.

### Resolution

Your resolution must reflect your country's stance on the issue. You must take into consideration if your country is a TCC or a Host Country, or both. You must also take into consideration any high-profile incidents of sexual exploitation by UN workers in your country and any social stigma surrounding rape, especially with regard to girls.

### Links and sources

- **Code Blue Campaign**  
<http://www.codebluecampaign.com>
- **The Guardian**  
<https://www.theguardian.com/world/2012/jan/15/bosnia-sex-trafficking-whistleblower>
- **Pass Blue**  
<https://www.passblue.com/2015/07/14/french-military-covered-up-sex-abuses-by-its-soldiers-in-central-africa-a-french-journal-says/>
- **UNA**  
<https://www.una.org.uk/magazine/summer-2013/un-immunity-who-guards-guardians>

