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# SEXUAL ABUSE AND EXPLOITATION OF WOMEN AND GIRLS BY U.N. PEACEKEEPING TROOPS

Valorie K. Vojdik\*

#### INTRODUCTION

The international community has begun to focus on the experience of women during war and armed conflict, particularly upon the use of sexual violence against women as a means of military, cultural, and political domination. It is tempting to assume that the end of hostilities brings an end to sexual and gender-based violence. The arrival of United Nations peacekeeping forces is presumed to provide security and protection to civilian populations ravaged by the atrocities of armed conflict. In 2004, widespread allegations of sexual abuse of women and girls by U.N. peacekeepers in the Democratic Republic of Congo shattered that myth. The U.N. received over 150 allegations by Congolese women who accused U.N. peacekeepers of sexual assault, forced prostitution, exploitation, and rape.

The Secretary-General of the U.N. appointed Prince Zeid Ra'ad Zeid al-Hussein, the Permanent Representative of Jordan, to investigate the allegations. In 2005, Prince Zeid submitted his report, "A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations" (Zeid Report). The Zeid Report determined that numerous instances of rape on the part of U.N. peacekeepers likely had occurred, as well as widespread sexual exploitation of women and girl children, which often included prostitution and "survival sex," i.e. the exchange of sex by women and girls for money, food, or jobs to survive. In the Congo, payment for sex averaged between one to three dollars per sexual encounter. Many times, peacekeeping forces exchanged small gifts of food, as little as an egg or a banana, in exchange for sex. One senior member of the Congo peacekeeping mission allegedly made pornographic films of sex with refugee and displaced women and girls. In the wake of the Congo scandal, the U.N. has dismissed five U.N. staff members and repatriated

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77 military personnel and national police from their missions, including six commanders.

The Zeid Report offered concrete recommendations for increasing the accountability of all peacekeepers, including those from U.N. member nations that contribute members of their national militaries to U.N. peacekeeping missions. The recommendations are geared toward improving investigation, enhancing the culpability and accountability of individual troops, and creating monetary funds to compensate and reimburse victims. These are critical first steps toward addressing the problem. But these measures, by themselves, are inadequate to redress the endemic problem of gender-based violence by peacekeeping forces.

While the recommendations represent an important first step, they do not address the underlying causes of the sexual exploitation and violence against women and girl children in conflict and post-conflict situations. First, the exploitation of women and girls in post-conflict situations is not an isolated occurrence and must be understood within the overall context of gender-based violence against women. Far from being an aberration, violence against women by peacekeeping troops is part of the continuum of violence against women that exists preconflict, becomes intensified and exacerbated during conflict, and continues post-conflict. Poverty and gender inequality both enable and exacerbate sexual exploitation of women during and after wartime. Second, the sexual abuse by peacekeepers is not the act of a few bad apples or rogue soldiers acting on their own, but the natural consequence of the militarized masculinities that pervade military institutions and cultures across time and societies. The hypermasculinity within most, if not all, military organizations encourages and reinforces patterns of abuse and violence toward women. The mechanisms for policing and punishing sexual exploitation by peacekeeping troops have been inadequate, effectively allowing sexual exploitation to occur with impunity. I will discuss both of these underlying causes of sexual exploitation and some concrete measures to address each.

# I. SEXUAL EXPLOITATION OF WOMEN AND GIRLS BY U.N. PEACEKEEPING TROOPS IS WIDESPREAD

The allegations of exploitation and abuse unfortunately are not unique to the Congolese U.N. mission members. As the Zeid Report observed, "Sexual exploitation and abuse by military, civilian police

and civilian peacekeeping personnel is not a new phenomenon." Similar practices have occurred in Bosnia, Somalia, Sierra Leone, Liberia, Cambodia, Timor-Leste, and a host of other nations throughout history. In 2002, Save the Children Fund and the U.N. High Commissioner for Refugees documented widespread allegations of sexual abuse and exploitation by U.N. peacekeepers in West Africa. In Bosnia and Herzegovina in the early 1990s, U.N. peacekeepers engaged in sex trafficking of women. Soldiers were regular customers in the brothels in Bosnia, which relied on women who had been sold into The arrival of peacekeeping troops is often forced prostitution. accompanied by a rapid rise in prostitution. In Cambodia, for example, peacekeeping troops were associated with a rise in a cottage sex industry of prostitution serving U.S. military and foreign military customers. A UNICEF study of 12 nations with peacekeeping forces in place found that in half of those countries, the arrival of peacekeeping troops was associated with a rapid rise in child prostitution. One example is Mozambique. A peace treaty signed in 1992 led to the entry of U.N. peacekeepers. But there was evidence that peacekeeping soldiers recruited young women, girls aged 12 to 18, into prostitution. And you can go back, as speakers in the last panel stated, to evidence of sexual abuse in World War II and before that.

The Zeid Report specifically found that sexual exploitation and abuse is widespread, underreported, and undeterred by the existing rules and regimes designed to prevent such activity. Under rules promulgated in 2003 by the Secretary General, the U.N. staff is prohibited from engaging in sexual exploitation, which is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another." "Sexual abuse" is defined as "actual or threatened intrusion of a sexual nature, whether by force or under unequal or coercive conditions." The definitions of sexual exploitation and abuse are broad and not limited to traditional notions of rape or assault; rather, the rules focus on abuse of power or trust for sexual purposes. The purpose of the rules is to protect women, children, and others who are particularly vulnerable in post-conflict situations from abuses of power. As the Zeid Report explains, however, these rules apply only to U.N. staff and personnel. U.N. peacekeeping operations are conducted both by U.N. staff and personnel as well as military troops and civilians from socalled troop-contributing countries. As I will explain later, status-offorces agreements between troop-contributing countries and the host nation typically exempt troops from contributing countries from criminal prosecution by the host nation.

## II. EVALUATING THE ZEID REPORT RECOMMENDATIONS: NEED TO ADDRESS THE UNDERLYING CAUSES OF SEXUAL EXPLOITATION

The Zeid Report offered concrete recommendations for increasing the accountability of all peacekeepers, including those from troop-contributing countries. The recommendations are geared toward improving investigation, enhancing the culpability and accountability of individual troops, and creating monetary funds to compensate and reimburse victims. These are critical first steps toward addressing the problem. But these measures, by themselves, are inadequate to redress the endemic problem of gender-based violence by peacekeeping forces.

While the recommendations represent an important first step, they do not address the underlying causes of the sexual exploitation and violence against women and girl children in conflict and post-conflict situations. First, the exploitation of women and girls in post-conflict situations is not an isolated occurrence and must be understood within the overall context of gender-based violence against women. Far from being an aberration, violence against women by peacekeeping troops is part of the continuum of violence against women that exists preconflict, becomes intensified and exacerbated during conflict, and continues post-conflict. Poverty and gender inequality both enable and exacerbate sexual exploitation of women during and after wartime.

Second, the sexual abuse by peacekeepers is not the act of a few bad apples or rogue soldiers acting on their own, but the natural consequence of the militarized masculinities that pervade military institutions and cultures across time and societies. The hypermasculinity within most, if not all, military organizations encourages and reinforces patterns of abuse and violence toward women. The mechanisms for policing and punishing sexual exploitation by peacekeeping troops have been inadequate, effectively allowing sexual exploitation to occur with impunity. I will discuss both of these underlying causes of sexual exploitation and offer some concrete measures to address each.

### III. PRE-EXISTING STRUCTURES OF GENDER INEQUALITY

Gender-based violence and exploitation of women during conflict is not an isolated phenomenon but, as Amnesty International has said, is an extreme manifestation of the unequal power relations between men and women during peacetime in most societies. The starting point for looking at this issue is not the post-conflict position of women but their position pre-conflict, within pre-existing structures of gender inequality which make women and girls particularly vulnerable to sexual violence and exploitation during and after armed conflict. In peacetime, women throughout the globe are subjected to domestic violence, rape, and sociopolitical and economic inequalities. Women across the world are disproportionately poor and disproportionately lack access to political power and the justice system. War exacerbates and intensifies that inequality.

As some of the speakers in the last panel noted, women are affected in distinct ways as compared to men by the economic disruption and violence that occurs in armed conflict. First, as the U.N. Security Council recently recognized, civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict. For example, women and children constitute the majority of refugees and internally displaced persons and are often targeted as victims of sexual violence by combatants and armed criminals. Second. war ordinarily results in the economic devastation of society which impacts women in distinct ways. Ordinary means of subsistence are often destroyed. Women living in largely rural communities are particularly affected. Women's social, cultural, and political powerlessness exacerbates the economic effects of wartime. In many societies, women live under customary law which affords them little if any legal, political, or economic power or rights. Women in many societies are barred from owning land or inheriting property. And in these communities, war is particularly devastating. Many times, women are widowed and, as one of the speakers in the last panel noted, war widows are often left bereft of any property, expropriated from their homes, and are forced to live without any means of support.

The economic loss that society in general suffers is particularly felt by women who are usually the primary caretakers of children, and who may have no economic opportunity to earn money. Wage labor may be largely destroyed; land may be destroyed. The violence and lawlessness in general that flourishes during wartime also make it particularly difficult for women to protect themselves or to make money to feed themselves. Even where customary law does not exist, women lack access to land, money, and employment opportunities, leaving them without the necessary resources or power to provide for themselves or their families after their means of subsistence are destroyed. As a result, women's social status, economic status, and health status decline during conflict.

Traditional support structures that exist in society are often destroyed during war, leaving women without an important means of survival. Women who are displaced and forced to leave their communities often wind up in refugee camps or camps for internally displaced persons (IDPs), both of which are rife with violence. Refugee camps are notoriously dangerous, particularly for women. Women in the camps are often responsible for collecting food and wood to build fires, which often requires them to travel away from the camp, where they are often attacked by bandits and armed robbers. In one of the camps in Darfur, up to 14 women a week were raped during 2004. In addition, there is evidence that domestic violence increases during wartime and armed conflict, and in refugee camps as well. The sexual violence that women experience in refugee or IDP camps is often at the hands of their intimate partners or spouses. As a matter of survival, women in conflict and post-conflict situations often feel they have not recourse but to exchange sex for money or sex for food—to engage in what is called survival sex.

Further, armed conflict results in the destruction of many other critical social structures, including the justice system. Civil and political rights are often suspended, so whatever recourse there might have been to women with respect to violence is often destroyed. This contributes to a feeling of among men, both combatants and noncombatants, that they may engage in sexual violence with impunity.

Unfortunately, military peacekeepers are all too often willing to exploit the vulnerability of women and children during post-conflict situations. Peacekeepers often reproduce the relationships of violence and power and exploitation that existed pre-conflict and during conflict. Police or security forces assigned to protect camp residents also perpetrate violence against women and girl children in camps. Women are even endangered crossing borders during flight, when border guards often demand sex in exchange for passage.

#### IV. MILITARIZED MASCULINITIES AND VIOLENCE AGAINST WOMEN

In examining the sexual exploitation of women and girls in conflict and post-conflict situations, it is important to understand the role of militarized masculinities. A number of scholars have written about the militarization that occurs prior to and during conflict in a society, and have noted that with increased militarization comes increased gender stereotyping and violence against women. A society at war often valorizes its male combatants, who are seen as macho or important. This culture of hypermasculinity that develops often serves to legitimate or at least rationalize violence against women, at the hands of men in the host country (both combatants and non-combatants) as well as peacekeeping troops.

Joshua Goldstein wrote a fascinating book published in 2000 called "War and Gender." In his book, he traced the history of the relationship between gender and war, trans-historically and across cultures. Goldstein concluded that almost all militaries are predominantly male and rely upon cultural appeals to masculinity both to mobilize men to participate in war and to train men to become warriors. Goldstein argues that the relationship between gender and war is reciprocal. Warriors are constructed as masculine; and masculinity is constructed through war. According to David Marlowe, the Chief of Military Psychiatry at the Walter Reed R.E. Institute of Research, the soldier's world is characterized by a stereotypical masculinity marked by profanity and crude sexuality. A soldier's "maleness" is what defines him as competent, protects him, and instills his self-confidence as a warrior.

This culture of hypermasculinity has important consequences for society. What is critical is that this militarized version of masculinity is defined specifically in opposition to the notion of femininity. Thus, the construction of masculinity necessitates the denigration of femininity, which encourages and legitimizes violence against women.

Within the U.S. military, for example, there are a variety of rituals and practices which compel males to prove their masculinity through the symbolic and actual enactment of hypermasculinity that denigrates women. From the beginning, drill sergeants humiliate recruits by calling them derogatory terms for women: pussies, sissies, girls, or fags. Cadence calls often denigrate women, or celebrate sexual domination

of women. At the Naval Academy in our country in the late 1980's, one of the Glee Club favorites was called the S&M Man, which was sung to the tune of Candy Man. It's rather graphic. The first verse went, "Who can take a chainsaw, cut the bitch in two, fuck the bottom half and give the other half to you?" This was a chant that was shouted at recruits and naval officers as they drilled. Goldstein's book contains a photograph of a marine platoon whose members had graduated from training in 1989, and it shows the men posing with their drill instructors, and they're holding up a blown-up picture of a naked woman, with a hand-lettered sign reading "kill, rape, pillage, burn." These images reveal sexual violence toward women used as a means to define the masculinity of warriors and warriors as masculine.

Both symbolic and actual violence against women, therefore, are endemic in the military. The admission of women into the federal service academies in the 1970's was met with hostility and harassment, and it continues to this day. In 2005, a Congressional report found that over 50 percent of women in military service academies experienced sexual harassment, and one out of five reported being sexually assaulted or raped. Just recently, the football captain of the Navy football team was arrested and charged with rape of a female midshipman. During the current war against Iraq, approximately 300 complaints have been filed by female troops accusing U.S. male troops of sexual assault. Similar practices that construct and celebrate masculinity within military institutions occur across cultures, including in Canada and Britain.

Unfortunately, sexual violence and exploitation of women by military forces in conflict or post-conflict situations is rarely prosecuted, which encourages military forces to feel that they may engage in such violence with impunity, free from prosecution or accountability. The Zeid Report details the lack of enforceable guidelines that clearly prohibit this type of conduct. It was not until 2003 that the Secretary General of the U.N. adopted specific rules of conduct that prohibit U.N. staff and personnel from engaging in sexual abuse or exploitation. Those rules, however, do not apply to civilians or members of national military forces, which constitute a large proportion of peacekeeping forces. Peacekeeping missions typically include a large number of civilians hired to assist in rebuilding the infrastructure of the country and doing reconstruction work. In addition, U.N. member nations contribute troops from their national military forces. The 2003 rules do not apply

to either civilian peacekeepers or military forces contributed by foreign nations.

The military personnel of troop-contributing nations are also immune from prosecution by the host country for crimes committed while in the host country, including crimes like rape or sexual trafficking. The U.N. Model Status-of-Forces Agreement provides that military personnel from troop-contributing nations are immune from criminal prosecution by the host nation. Instead, the troop-contributing country has criminal jurisdiction over its military personnel. Individual troop-contributing nations may negotiate status-of-forces agreements with the host nation and such agreements likewise preserve immunity from prosecution for troop-contributing military troops. These status-of-forces agreements are a holdover from the past, when preserving state sovereignty was Neither the U.N. nor troop-contributing particularly important. countries want to have their personnel subjected to criminal prosecution in foreign countries. To some extent, that is a reasonable concern, particularly in post-conflict situations where there is often no operational justice system. There is a concern that U.N. member nations will not donate their troops for peacekeeping missions if their troops were exposed to the risk of criminal prosecution in host nations without an assurance of due process or meaningful justice.

The flip side, though, is that the troop-contributing nation has a tremendous amount of discretion about whether to prosecute its military troops for acts committed in the host nation. The Secretary General may order the repatriation of military personnel who have been found culpable of serious misconduct. Under the Model Status-of-Forces Agreement, however, the troop-contributing country has the responsibility to prosecute the conduct under its own rules or laws. And there are serious problems with this system. First, some nations do not prohibit some of the conduct that would be considered sexual exploitation under the 2003 U.N. rules. Some countries permit prostitution, for example. Many countries do not prohibit sexual relations between consenting adults, even though there is a power differential between the two. Survival sex, for example, would violate the U.N. rules but would be lawful in many if not most nations. So the remedy itself is underinclusive to that extent.

The second problem is that you often have the fox guarding the henhouse. To the extent that military cultures often have turned a blind eye toward sexual abuse or misconduct by their troops, it is unlikely that they will be willing to prosecute conduct that would fall under the U.N.'s definition of exploitation, absent a clear provision in their military code prohibiting it. And even if this were to occur, think about the logistical problems with prosecuting a crime in the contributing country. The witnesses to the crime or the abuse, as well as most of the evidence, are in the foreign country. During the U.N. investigation of the complaints of abuse in the Congo, for example, a large percentage of the women who could have complained could not be located. People don't have addresses or mailboxes in refugee camps. So, as a logistical matter, the system as it stands now is inadequate for punishing or holding peacekeepers accountable for these violations.

#### V. RECOMMENDATIONS FOR CHANGE

As I said, the U.N. has begun to try to address some of these gaps, and the Zeid report makes some very good recommendations. For example, it recommends that troop-contributing nations establish military court-martial tribunals in the host country to be able to prosecute wrongdoing immediately. This would send an important and very visible message to the host nation that sexual exploitation of women is not tolerated.

It is critical, however, to change the military culture of hyper-masculinity that encourages and legitimates gender-based violence and exploitation of women. Unless and until there is a strong commitment for change at the command level, however, massive cultural or institutional change is unlikely to occur. In the meantime, concrete reforms can be taken to punish and deter peacekeeping troops from engaging in sexual abuse and exploitation. Following the Zeid Report, several of the U.N. peacekeeping operations have established Conduct and Discipline Units staffed by senior-level experts to address complaints of sexual exploitation—an important first step in holding perpetrators accountable.

Adoption of many of the Zeid Report recommendations would further improve the accountability of military leaders of troop-contributing nations for the thorough investigation and prosecution of alleged exploitation and abuse committed by their troops. For example, the Zeid Report recommended extensive training programs for all peacekeepers and outreach into local communities to, inter alia, develop an appropriate means for victims to make complaints. The Report

recommended that, where possible, the mission's Military Police Unit, which supervises peacekeeping troops, should be from another country than the troops that it supervises. The Report also recommended the establishment of a permanent and professional investigative body, independent of the peacekeeping missions, to investigate cases of sexual exploitation and abuse. It also recommended that troop-contributing countries participate in such investigations to assure access to all relevant information and to insure that evidence is gathered in conformance with the laws of the troop-contributing country to insure its admissibility in criminal or disciplinary proceedings.

Significantly, the Zeid Report also recommended that troop-contributing countries conduct on-site courts martial of its members for serious cases of exploitation and abuse. An on-site court martial would allow local access to witnesses and evidence, thereby improving the ability to successfully prosecute misconduct. Further, it would demonstrate to the host nation that foreign peacekeeping troops are accountable for acts of sexual exploitation and abuse of local women and girls. Adoption of these recommendations can help overcome the tendency of national militaries to turn a blind eye to sexual misconduct by their troops and to send the message that such misconduct will not be tolerated. Requiring troop-contributing nations to conduct on-site courts martial, moreover, would more effectively sanction and deter sexual exploitation.

It is also critical to focus on concrete ways to improve women's socioeconomic position in the wake of conflict. It is not enough to merely provide redress for sexual violence, or tribunals or truth-seeking commissions. Eliminating gender inequality is essential to reduce the vulnerability of women and girls to sexual abuse and exploitation in post-conflict situations. Eliminating cultural, legal, and social traditions that prohibit women from owning or inheriting land is an important step toward providing women with economic power. Focusing development efforts on expanding employment and small business opportunities for women similarly will help reduce women's social and economic vulnerability. Small steps, such as redesigning refugee camps so that women are not forced to travel long distances to gather food or firewood, or distributing food to women before men, have been shown to reduce sexual violence against women.

#### CONCLUSION

In the end, the widespread gender-based violence, abuse, and exploitation by peacekeeping troops illustrates the uniquely deleterious impact that war has on women. As Kelly Astin said during the last panel, the harm that women face goes beyond sexual violation. War brings with it economic deprivation, hunger, malnutrition, and lack of access to reproductive care—all of which are exacerbated by preexisting gender inequality. In addressing the harms of war, women and children all too often are left out of the equation. If nothing else, the recent U.N. scandal has stimulated the international community to think more broadly about the impact of the war upon women and girl children and to broaden the lens through which we consider post-conflict exploitation of women and girl children. Rather than consider the sexual abuse and exploitation by U.N. peacekeepers as an isolated occurrence, we need to conceptualize it more broadly as part of a continuum of gender-based violence that occurs, before, during and after conflict.1

<sup>1.</sup> The following sources were used during the preparation of this presentation: Lynn Freedman, Censorship and Manipulation of Family Planning Information: An Issue of Human Rights and Women's Health, in Health and Human Rights 145-78 (Jonathan Mann ed., Routledge 1999); Jacque du Guerny & Elisabeth Sjoberg, Interrelationship Between Gender Relations and the HIV/AIDS Epidemic: Some Possible Considerations for Policies and Programs, in Health and Human Rights 202-15 (Jonathan Mann ed., Routledge 1999); Rosalind Petchesky, Body as Property: A Feminist Re-Vision, in Conceiving the New World Order: The Global Politics of Reproduction (Univ. of Cal. Press 1995); Frederick Rawski, To Waive or Not To Waive: Immunity and Accountability in U.N. Peacekeeping Operations, 18 Conn. J. Int'll. 103 (2002); H. Patricia Hynes, On the Battlefield of Women's Bodies: An Overview of the Harm of War to Women, in 27 Women's Studies International Forum 431 (2004); U.N. Secretary-General, Women, Peace and Security, U.N. No. E.03.IV.1 (2002); Amnesty International, Women, Peace and Security, IOR 52/004/2004 (Oct. 2004); Valorie K. Vojdik, Beyond Stereotyping in Equal Protection Doctrine: Challenging the Exclusion of Women from Combat, 57 Ala. L. Rev. 303 (2005).