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Conflict, Sexual Trafficking, & Peacekeeping

PEP

BRIEFING NOTE

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A Partnership for Effective Peacekeeping (PEP) Publication

The PEP is a non-partisan policy working group that brings together the humanitarian, human rights, peace and security, think tank, and academic communities in support of greater peace operations capacity. The PEP promotes public policy solutions to improve national and international peacekeeping infrastructure, and works to build the political will to support such policies by: providing an open forum for discussion of peace operations issues; serving as an information resource for media and policymakers; and engaging in educational efforts that facilitate greater understanding of peace operations. The PEP does not exclusively support any one particular solution for the capacity problems that prevent effective peacekeeping operations. Rather, the PEP facilitates the exploration of all potential pragmatic and achievable solutions in a candid and 'outside the box' atmosphere.

General Information

Trafficking in persons is a modern-day form of slavery, involving victims who are typically forced, defrauded or coerced into sexual or labor exploitation. It is among the fastest growing criminal activities, occurring worldwide and within individual countries. Globally, at least 600,000 - 800,000 people, mostly women and children, are trafficked each year across borders, including 14,500 - 17,500 persons into the United States. Annual profits from human trafficking have been estimated at five to seven billion dollars.

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines trafficking as:

- ❑ *...the recruitment, transportation, transfer, harboring or receipt of person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

Sex trafficking is defined as:

- ❑ *...the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act: means of any sex act on account of which anything of value is given or received by any person.*

The Covenant of the International Criminal Court (the Rome Statute) regards trafficking in the context of an armed conflict as a war crime and a crime against humanity.

The Impact of Conflict

Internal and regional conflicts can result in large populations of refugees and internally displaced persons (IDPs). Refugees and IDPs are more susceptible to exploitation because a large supply of potential victims is made vulnerable by many factors, including poverty, the attraction of a perceived higher standard of living, weak economic structures, the lack of employment opportunities, and the loss of family and community support networks. These factors leave displaced people vulnerable to a trafficker's demands and threats.

The absence of the rule of law in most post-conflict settings, including an effective and properly functioning police force, judiciary, and penal system, allows transnational criminal networks, official corruption, and weak immigration policies to flourish. Human trafficking takes place undeterred by the authorities, and traffickers thrive.

Sex Trafficking and Prostitution

Women and children constitute up to 80% of the world's refugee and IDP population. In failed or failing states, and in states transitioning from

conflict, the availability of economic opportunities is severely restricted for women and girls, making prostitution as a means of income attractive.

The International Organization for Migration estimates that 500,000 women are trafficked into prostitution operations every year. Women are lured by the promise of better jobs and more opportunities when they leave their country of origin. Once they have arrived in the destination country, many of these women are forced into prostitution as a way of “paying off their debt,” which includes transportation costs, housing, and food. Much of the money that is generated through prostitution goes directly into the hands of the traffickers, fueling the industry.

Sex Trafficking, Prostitution and UN Peacekeeping Operations

The presence of UN peacekeepers (as well as humanitarian relief workers and others) represents an economic opportunity in a setting where there are few other means of earning income. They are almost always comparatively wealthy in contrast to the population they are helping. Consequently, when the UN starts up a peace operation, the number of brothels and incidences of prostitution often increases.

- ❑ In Bosnia and Herzegovina, the trade in so-called ‘sex-slaves’ hardly existed until the mid-1990s. Its explosive growth was apparently fuelled by the arrival of tens of thousands of predominantly male NATO and UN personnel in the wake of the signing of the Dayton Peace Accord by Bosnia, Croatia and Yugoslavia in 1995. Madeleine Rees, the UN High Commissioner for Human Rights in Bosnia, has estimated that 30% of those visiting Bosnia’s brothels were UN personnel, NATO peacekeepers, or aid workers. Other NGO research has suggested that since 1995, 70% of traffickers’ income in Bosnia came directly from peacekeepers.
- ❑ In Kosovo, less than three months after the deployment of international forces and police officers, trafficking was identified as a problem by the Organization for Security and Cooperation in Europe (OSCE). According to an Amnesty International Report, international personnel represent 20% of the people using trafficked women and girls even though they comprise only 2% of Kosovo’s population.

Estimates of the problem of sex-trafficking, prostitution, and UN peacekeeping operations are inherently difficult to get right. Nevertheless, there does appear to be a relationship between the number of international peacekeepers and aid workers and sexual trafficking and prostitution. Furthermore, no matter the actual extent of the problem, the *perception* of the problem has serious implications for the overall credibility of the UN.

The Implications for UN Peacekeeping

UN peacekeepers are supposed to be impartial protectors, and to do that job they require trust above all. Yet allegations of UN peacekeepers involved in the sex trade and the sex industry undercut the very essence of what UN peacekeeping is supposed to embody. Sexual misconduct within UN peacekeeping operations weakens the implementation of the mission’s mandate, and provides material for anti-UN elements, obstructionists and negative media campaigns. The reputation and perception of the UN mission becomes compromised, creating distrust within the community, directly impeding the mission’s efforts to bring peace to the community.

Accountability within UN Peacekeeping Operations

The lack of accountability for peacekeepers (military personnel, civilian police, and military observers) is a serious problem. Experts contend that what little punishment the UN can bring to bear does not adequately address the crime and does not provide a deterrent to other people who may be tempted to get involved in trafficking. Unfortunately, the UN’s room for action is severely restricted.

The UN is bound by Status of Forces Agreements (SOFA) between the UN and the host country for the

peacekeeping operation, and Contribution Agreements between the UN and countries contributing personnel to the peacekeeping operation. Both agreements ensure that peacekeepers generally cannot be tried for crimes they commit, except by their own country, thus leaving the UN with little room for action.

The UN does have the ability to carry out internal investigations of peacekeepers, but the proceedings are not conducted in a transparent or streamlined way, leaving many to question their effectiveness. The UN also has the ability to repatriate a peacekeeper to his or her country of origin, but once the peacekeeper has returned home, the UN has effectively lost what little jurisdiction it ever had. Few criminal charges have been brought by contributing countries against repatriated peacekeepers for trafficking-related offences. Most are reluctant to bring charges against their own troops and police for actions that allegedly took place in foreign lands. Some countries do not even criminalize many forms of rape and other sexual offences.

UN Actions to Combat the Problem of Sexual Misconduct of Peacekeepers

The UN Department of Peacekeeping Operations (DPKO) has created a framework with the intended goal of, *“ensuring from the outset of any peace operation that human trafficking, as a serious form of exploitation and abuse, is given due attention and is managed appropriately as a problem which can undermine core UN and peacekeeping objectives in a host country.”* The 2004 DPKO policy paper established a three-tier program to support existing efforts in combating human/sex trafficking

- Awareness and Training:** Develop and Distribute Training Material
- Discipline, Accountability and Community Relations:** Develop a clear and uniform procedural pathway for monitoring of behavior, complaints reporting, investigations and follow up. Build the capacity to analyze the impact of the mission on a host community and establish systems to effectively receive and send messages to the community and civil society.
- Support to Anti-Trafficking Activities:** Supply guidance to host countries national capacities to eradicate human/sex trafficking

Other examples of UN activity to stop trafficking:

- In June 2001, the UN mission in Bosnia Herzegovina and local authorities formed “STOP”, Special Trafficking Operations Program, with the goal of eliminating the sex trade. STOP initiated multiple raids on well known brothels and nightclubs - more than 200 raids were conducted. Additionally, STOP was involved in the training of local policemen to identify and combat sex trafficking.
- In May 2002, the UN Interregional Crime and Justice Research Institute released a conference report signaling the need for a comprehensive training program concerning trafficking, slavery and peacekeeping.
- UNMIK (Kosovo) police have been working closely with IOM/OSCE officials to identify and repatriate victims of sex trafficking.
- In 1998, UNMIBH (Bosnia and Herzegovina) created the trafficking subgroup within their gender coordination board.

Critics claim, however, that the UN does not take the issue of peacekeeper involvement in sexual trafficking seriously.

- In 2001, the UN was accused of effectively halting an investigation into allegations that UN peacekeepers in Bosnia were recruiting and enslaving Eastern European women in brothels. David Lamb, a former UN human rights investigator in Bosnia stated in regards to his investigation of sexual trafficking in Bosnia, *“I have to say there were credible witnesses, but I found a real*

reluctance on the part of the United Nations...leadership to investigate these allegations.”

- ❑ Jacques Klein, the UN Secretary General’s special representative to Bosnia, argued that it would be inappropriate to concentrate efforts on the role of UN peacekeepers as customers of brothels, saying that, *“The focus of our efforts should be on corrupt government officials and members of organized crime who perpetrate the trade and allow it to flourish.”*

Conclusion

Traffickers will continue to target and exploit post-conflict situations (and consequently UN peacekeeping missions). The perpetuation of the relationship between UN peacekeeping missions and sexual trafficking will lead to the continued creation of “corruptive power structures” while undermining rule of law.

Part of the answer to the problem of ineffective UN peace operations must therefore be a better attempt to address sexual misconduct issues with UN peacekeepers and the problem of sex trafficking in post-conflict situations. The quality and professionalism of personnel serving in UN peace operations must continually be improved through more rigorous standards and better training and leadership, while procedures within the UN Department of Peacekeeping Operations must be improved and made more transparent. In the end, however, it will be up to the Member States of the UN to solve this problem, because they are the only ones who have the power to do so.

This briefing note was written by Jehan Khaleeli, a student at the College of William and Mary, during a summer internship program at Refugees International. It was edited by Peter H. Gantz, PEP Executive Coordinator, and Sarah Martin, an Advocate with Refugees International.

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