The U.N. Is Not Serious About Its Peacekeeper Rape Problem

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<https://foreignpolicy.com/2015/08/13/bangui-un-car-minusca-sexual-violence-rape/?utm_source=Sailthru&utm_medium=email&utm_campaign=2015_EditorsPicks_Aug13&utm_term>=

It was a raid gone horribly wrong. In the early morning hours of Sunday, Aug. 2, U.N. peacekeeping troops in the Central African Republic entered a Muslim enclave known as PK5 in the capital city of Bangui. They were after a man named Haroun Gaye, a suspect in a number of violent acts allegedly carried out on behalf of the Muslim community, in a country that has been torn apart by war between the mainly Christian “anti-balaka” groups and Muslim-majority Seleka rebels.

The operation quickly spiraled into chaos. A bloody gunfight broke out between the joint Rwandan and Cameroonian peacekeeping force and locals, [killing one peacekeeper](http://www.un.org/press/en/2015/sgsm16984.doc.htm) and injuring eight other peacekeepers, according to the Multidimensional Integrated Stabilization Mission in the Central African Republic, or MINUSCA, the U.N.’s peacekeeping operation in CAR. During a second raid on Aug. 3, four other civilians, including a 16-year-old boy and his father, were killed, according to Amnesty International. A source who asked not to be named said that, according to MINUSCA, one more civilian was killed and 61 people in total were injured, including seven children — numbers, the blue-helmet mission said in an Aug. 13 interview, that it was “not in a position to confirm.” (Amnesty first learned of the attacks the same day of the first firefight — Aug. 2 — but didn’t release the news [publicly until](https://www.amnesty.org/en/latest/news/2015/08/car-un-troops-implicated-in-rape-of-girl-and-indiscriminate-killings-must-be-investigated/) Aug. 11.)

In the mayhem of the attacks, according to Amnesty, one of the peacekeepers allegedly violently raped a 12-year-old girl.

The organization’s [press release](https://www.amnesty.org/en/latest/news/2015/08/car-un-troops-implicated-in-rape-of-girl-and-indiscriminate-killings-must-be-investigated/) relays the alleged attack in detail:

“The girl had been hiding in a bathroom during a house search at approximately 2am on 2 August. A man allegedly wearing the blue helmet and vest of the UN peacekeeping forces took her outside and raped her behind a truck.

‘When I cried, he slapped me hard and put his hand over my mouth,’ the girl told Amnesty International.”

Within 60 hours of the alleged assault — well within the 96-hour [recommended](http://rapecrisis.com/immediate-survivor-resources/) window in which to collect usable biological evidence — the girl was brought to a clinic. There, a nurse found “medical evidence consistent with sexual assault,” Amnesty [reported](https://www.amnesty.org/press-releases/2015/08/car-un-troops-implicated-in-rape-of-girl-and-indiscriminate-killings-must-be-investigated/). The group also saw her torn underwear.

So now the investigation begins — and along with it, a wave of skepticism about whether a rape even occurred.

The investigation will be conducted by the U.N. Peacekeeping’s [Conduct and Discipline Unit](https://cdu.unlb.org/), MINUSCA spokesman Hamadoun Touré told me in a phone interview. He also said that, in his personal opinion, the allegation of rape is not credible. “When peacekeepers arrived at the site to arrest [Haroun Gaye], they were attacked immediately with heavy, heavy weapons,” he said. “I’m sorry, but I don’t think someone would think of raping someone at this time. I think they will think of how to escape. He will think, ‘I’m a human being before I’m a man.’ When you’re under fire, I think you think of saving your life. Really, really, really in this situation you don’t think of a girl.”

During our conversation, a little over a week after the alleged rape, Touré said the office of Conduct and Discipline had just requested more information as it began its investigation, a request he attributes to the supposed unfathomability of the alleged crime. “Maybe that’s why they [Conduct and Discipline] say they needed more substance in this case,” he said. “I don’t know how this kind of thing can happen in a hostile environment.”

The first step for investigators is assembling a timeline of the events on Aug. 2 — which is easier said than done. According to Amnesty’s Joanne Mariner, a senior crisis response advisor, the violence escalated gradually. “When the raid happened, the peacekeepers separated men and women — the women were all brought into a room,” Mariner said. While this frightening scene unfolded, the 12-year-old girl ran to hide in a bathroom. “She was just scared,” Mariner said. “Her family was all herded into one room. In the chaos, they didn’t know she was missing.” It took time for the community to grasp what was happening — that it was under attack — and begin firing back at the peacekeepers, Mariner said. In other words, the alleged rape could have easily taken place in the early stage of events before the all-out gunfight erupted.

Touré’s dismissiveness won’t help advocates get to the bottom of what happened. And it’s just this sort of attitude that has those who monitor sexual abuse in conflict areas outraged. There has been an epidemic of [sexualized violence cases](http://www.womenundersiegeproject.org/blog/entry/when-those-meant-to-keep-the-peace-commit-sexualized-violence) accompanying U.N. peacekeeping missions around the world, particularly in CAR, which has seen accusations against [at least 14 peacekeepers](http://news.yahoo.com/canadian-judge-review-child-sex-abuse-claims-195635105.html) during the country’s nearly three-year crisis. In total, [according to an Aug. 12 statement](http://www.un.org/press/en/2015/db150812.doc.htm) by Stéphane Dujarric, spokesman for the U.N. secretary-general, there have been 57 allegations of possible misconduct in CAR since the beginning of the mission in April 2014, including 11 cases of “possible sexual abuse.”

First documented in [Bosnia and Kosovo](http://www.theguardian.com/world/2005/mar/25/unitednations) in the early 1990s, followed by Mozambique, Cambodia, East Timor, Liberia, the [Democratic Republic of Congo](http://www.theguardian.com/world/2010/oct/15/un-backed-troops-accused-rape-congo), and [Haiti](http://in.reuters.com/article/2012/03/16/un-must-review-policy-on-peacekeepers-wh-idINDEE82F0IX20120316), [among other nations](https://foreignpolicy.com/2015/04/30/nine-times-peacekeepers-have-sexually-abused-those-theyre-supposed-to-protect/), sexual abuse and exploitation by peacekeepers has wracked vulnerable environments. Along with that has come a shocking degree of impunity for those who perpetrate it.

But dramatic change has begun. On Aug. 12, in an unusual step, U.N. Secretary-General Ban Ki-moon announced that he had accepted the [resignation](https://foreignpolicy.com/2015/08/12/u-n-car-envoy-steps-down-amid-allegations-of-abuse-by-peacekeepers/) of the head of CAR’s peacekeeping mission, Babacar Gaye, who also serves as the U.N.’s special envoy to the country. Could this signal a new era in accountability? Many advocates who have long worked on this issue have doubts.

To a large degree, a denial of justice in peacekeeper sexual abuse is baked into the system. Roméo Dallaire, head of the U.N. peacekeeping force in Rwanda during the 1994 genocide, [told Canada’s *Globe and Mail*](http://www.theglobeandmail.com/news/national/canadians-join-campaigners-calling-for-end-to-un-peacekeeper-sex-abuse/article24420285/) in May that there is a “culture of silence” and near-impunity for peacekeepers in missions abroad. Peacekeepers who commit crimes fall under the jurisdiction of their home countries, which frequently do nothing to hold them accountable legally. The U.N., for its part, has [done little to put pressure](http://www.pri.org/stories/2014-10-02/un-let-peacekeepers-involved-haitian-boys-rape) on these countries to carry out justice, advocates say. “The U.N. sees its job as trying to attract peacekeepers,” said Mariner. “They don’t want to do anything to provide a disincentive for countries to provide troops.”

Touré told me that in July, MINUSCA “sent home” six peacekeepers, after one of two people they had detained (for reasons unclear) died under detention — in other words, MINUSCA sent them home during an ongoing investigation into their alleged crime. Touré added that something similar may happen with the peacekeepers under investigation for the alleged Bangui rape, if the girl’s account can be substantiated.

Karen Naimer, director of Physicians for Human Rights’ program on sexual violence in conflict zones, agreed that the U.N. is in what she calls a “particularly sensitive position.” A hard-line attitude pushing for prosecution of peacekeepers in their home countries would make it “entirely foreseeable that those countries will not contribute to further prosecuting missions,” she said.

But she added, “Frankly, there’s a role here for the United Nations, whether it’s the Department of Peacekeeping or the U.N. high commissioner for human rights, to put a lot of pressure on troop-contributing countries to hold them accountable for their behavior.”

There are other theories as to why the scourge of rape by peacekeepers goes largely unpunished. Among the most vehement is one held by Paula Donovan, co-founder and co-director of [AIDS-Free World](http://www.aidsfreeworld.org/), an advocacy group looking at what fuels the global AIDS pandemic. In May, the organization launched a campaign to “end immunity for sexual exploitation and abuse by U.N. peacekeeping personnel” called [Code Blue](http://www.codebluecampaign.com/the-problem/). Donovan said she finds it “absolutely shocking” that the international community would assume that MINUSCA was doing its job in CAR, of all places, a mere four months after [accusations surfaced](http://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car) that French peacekeepers had sexually abused homeless, starving boys in Bangui. With the world’s attention so focused on CAR since the revelations of abuse, it should be made clear that those who commit sexualized violence know they’re being watched and *will* be prosecuted, she told me on Aug. 11. But “somehow this is not getting across.”

In March, Donovan leaked a U.N.-commissioned, independent [report](http://www.codebluecampaign.com/new-gallery-1/d7m9lkgph2zvqgv3dmk3t0vguefjep) from November 2013 outlining multiple factors exacerbating the issue of impunity. It calls sexual exploitation and abuse “the most significant risk to U.N. peacekeeping operations,” and lists shoddy troop training, a deficiency in enforcing the U.N.’s “zero tolerance” policy, and underreporting of abuse among the many problems surrounding peacekeeper sexual violations.

Donovan pointed to a kind of smokescreen she said the U.N. has thrown up to shield itself from an even bigger mess: rape by civilian U.N. workers in peacekeeping missions, which, in 2014, constituted about [70 percent](http://www.codebluecampaign.com/fact-sheets-materials/2015/5/13/sexual-exploitation-and-abuse) of reported cases, [according to U.N. sources](http://www.codebluecampaign.com/fact-sheets-materials/2015/5/13/sexual-exploitation-and-abuse) assembled by Code Blue. In these situations, employees of peacekeeping missions, including civilian police — like those who participated in the raid of the 12-year-old girl’s house in Bangui on Aug. 2 — receive “[functional immunity](http://www.codebluecampaign.com/fact-sheets-materials/2015/5/13/immunity),” which can be waived by the U.N. secretary-general to assist the flow of justice.

“Without immunity, these individuals should be prosecuted for grave criminal offenses in the country in which the crime took place or by their home country,” Naimer said. The U.N., she said, should also actively refer these cases to a competent criminal justice system with jurisdiction “to ensure [they] are adequately investigated and prosecuted.”

Yet before immunity can be waived, the U.N. sends its investigators to decide if a crime really took place — to “substantiate it,” explained Donovan, who has worked in international development and women’s rights for nearly 30 years, much of it at UNICEF and UNIFEM, a precursor to U.N. Women. “No employer gets to do that. You are not judge, jury, district attorney, and police investigator all rolled up into one.” This pre-investigation and assignation of guilt (or not) “makes no sense to thinking people,” she said. “It’s based on the impunity of the U.N.: ‘We’ll do what we want. If we feel like prosecuting, we will.’”

But it does explain why MINUSCA’s Touré kept using the word “substantiate” in the conversation I had with him about the alleged rape in Bangui. He said if there was wrongdoing, the offending policeman would be sent back to his home country. But first, the alleged crime “needs to be substantiated.” He also said that substantiation requires medical evidence, an interview with the alleged victim, and witness testimony — the last of which is no longer required for rape investigations according to international standards, said PHR’s Naimer. Having witnesses corroborate rape stories “went out of fashion about 25 years ago with shield laws,” she said.

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It behooves the U.N. to make it seem like it’s only military personnel engaging in sexualized violence. That way, it can pass the buck to the troops’ home countries and absolve itself of responsibility from the very beginning, said Donovan, therefore avoiding the sticky confusion of whether to waive immunity, and so on. After that, the average person would assume that it’s always the military carrying out rapes in peacekeeping missions. “The U.N. is very pleased with that,” she added. All this confusion — intentionally obfuscating or otherwise — leads to “an enormous protection gap which absolutely must be addressed,” Madeleine Rees, secretary-general of the nonprofit Women’s International League for Peace and Freedom, [wrote in 2013](https://www.opendemocracy.net/5050/madeleine-rees/immunity-and-impunity-in-peace-keeping-protection-gap).

“Law, particularly criminal law, should reflect the nature of the harm done,” Rees wrote. “In the context of peacekeeping the law has become ridiculously and needlessly disorientated as questions of jurisdiction, immunity, nature of service and the respective roles of international organisations vis a vis the State are thrown together.”

Yet right now there may be an opportunity to force the U.N. — where the buck, many argue, should ultimately stop when it comes to peacekeeper crimes — to change how it deals with cases of sexual abuse and exploitation.

This newest alleged rape comes as an independent, 10-week [external panel continues an investigation](http://www.usnews.com/news/world/articles/2015/06/03/un-chief-orders-external-probe-into-child-sex-abuse-claims) ordered by Ban Ki-moon in June in response to the revelation that the U.N. had [failed to respond](http://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car) to accusations against peacekeepers in CAR in 2014. Former Canadian Supreme Court Justice [Marie Deschamps](http://www.thestar.com/news/world/2015/06/23/marie-deschamps-to-lead-child-sex-abuse-probe-of-un-peacekeepers.html), who has investigated sexual assault in the Canadian military, is heading it up. Another panelist is Yasmin Sooka, the highly lauded executive director of the Foundation for Human Rights in South Africa. Several advocates I spoke with described her as a potentially strong voice on U.N. failures in regard to peacekeeping and sexualized violence.

Mariner sees hope in the effort. “Pressure is building for reform. Obviously, it’s been years of failure,” she said. “There’s been the rhetoric of zero tolerance. I think now the gap between the rhetoric and the practice is so glaring that this panel will make some strong recommendations — although it will require continued pressure on the U.N. to get them to actually implement them.”

Donovan is more cynical. With the pronouncement of recommendations, “the U.N. will send in a team and create another policy,” she said. “The U.N. has plenty of policies.”

In the meantime, amid all the legal and political wrangling that must come before determining culpability, there’s a 12-year-old girl in Bangui who is traumatized. The first time an Amnesty researcher visited her house following the attack, Mariner said, she was “trying to be invisible,” curled up on her bed. The researcher had been in the room with her mother, deep in conversation, before he even realized the girl was in there, too. She has been vomiting and crying, Mariner said.

Like [six children who came forward](http://www.aljazeera.com/news/2015/04/french-soldiers-accused-raping-car-children-150430031734446.html) in CAR last year to speak of being sexually abused, the girl has not been offered any kind of protection. Neither MINUSCA nor the U.N. has commented on her well-being. Now, apparently, she has a long wait to see if anyone will take responsibility for the crime she says was committed against her. For now, it seems, she is caught in a system that cares more about protecting its own than the people it is meant to defend.