



## Tool 9.17 Conduct of peacekeepers and other law enforcement personnel

### Overview

*This tool discusses the standard to which United Nations peacekeepers and other personnel are held with respect to their conduct while on mission.*

One aspect of the problem of trafficking in persons is the trafficking of people into peace support operation areas. UNICRI makes three observations about the relationship between peace support operations and trafficking in persons:

- In contemporary peace support operations, the international community is the primary (or only) source of law enforcement, making these operations the primary law enforcement authority for combating trafficking
- Because peace support operation staff are paid a high wage in the context of the localities they serve in, they may knowingly or unknowingly serve as a primary source of demand for trafficked persons, for example in brothels and for domestic labour
- In some cases, members of peace support operations have been implicated in trafficking.



Source: UNICRI website:

[www.unicri.it/wwd/trafficking/peacekeeping/index.php](http://www.unicri.it/wwd/trafficking/peacekeeping/index.php)

The United Nations is stepping up efforts to address the issue of trafficking and related prostitution in post-conflict zones and recognizes that it must play a key role in combating this crime as it relates to allegations and incidents involving its peacekeeping personnel.

- Peacekeepers have a duty to uphold and respect the rights of all members of the host population, particularly women and children, who may be at greater risk of sexual abuse and exploitation. Sexual activity of peacekeeping personnel with anyone under the age of 18 is prohibited, regardless of consent.
- Sexual exploitation and sexual abuse of local populations, including refugees and beneficiaries of assistance, are prohibited. Exchanging money, shelter, food or other goods for sex or sexual favours is sexual exploitation.
- The use of prostitutes by United Nations personnel in mission areas constitutes exploitation and is prohibited. Even where prostitution is not a crime, the purchase of sexual services by United Nations peacekeeping personnel constitutes an act of sexual exploitation.

- All members of peacekeeping operations are prohibited from visiting or purchasing sex at off-limit locations such as bars, nightclubs, brothels or hotels where sexual exploitation and abuse in the form of prostitution are present. The presence of a member of a peacekeeping operation in an off-limit location constitutes support for sexual exploitation and contributes to the profits of organized crime.

The establishment of off-limits locations in mission areas is the responsibility of the head of mission. Managers at all levels are obliged to create an environment that prevents sexual abuse and have a responsibility to support and develop systems that maintain this environment.

Non-compliance with directions concerning off-limits locations constitutes misconduct.

## Anti-trafficking policy of the Department of Peacekeeping Operations of the United Nations

- The Department of Peacekeeping Operations must ensure that peacekeepers are not part of the problem of human trafficking
- The Department of Peacekeeping Operations must identify ways within its mandate to support national structures to combat human trafficking

All United Nations peacekeeping personnel (military, civilian police and civilians) are required to maintain the highest standard of integrity and uphold the same standard of conduct. Any involvement of peacekeeping personnel in human trafficking or any other form of sexual abuse or exploitation constitutes an act of serious misconduct and grounds for disciplinary measures, such as dismissal or repatriation.

The possible consequences of peacekeeping personnel involvement in human rights abuses such as trafficking, beyond the abuse itself, can include:

- The credibility of the entire peacekeeping operation being undermined
- Personnel being exposed to blackmail
- Perpetrators, or the entire contingent or mission, being subject to violent retaliation by family members or communities
- Where those implicated are also responsible for security, military objectives and operational effectiveness can be compromised



*The United Nations has a policy of zero tolerance for the commission of acts of sexual exploitation and abuse by personnel employed by or affiliated with the United Nations.*

## Secretary-General's Bulletin (ST/SGB/2003/13)

### *Special measures for protection from sexual exploitation and sexual abuse*

#### *Section 3*

##### *Prohibition of sexual exploitation and sexual abuse*

- 3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.
- 3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards, which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:
  - (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
  - (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
  - (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
  - (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
  - (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
  - (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
- 3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.



The full text of the Secretary-General's Bulletin (ST/SGB/2003/13) and information about the Conduct and Discipline Units of the Department of Peacekeeping Operations are available at:

[www.un.org/Depts/dpko/CDT/about.html](http://www.un.org/Depts/dpko/CDT/about.html)

## Department of Peacekeeping Operations of the United Nations: reforms to eliminate sexual exploitation and abuse

In 2004, the United Nations Secretary-General invited Prince Zeid Ra'ad Zeid Al-Hussein, the Permanent Representative of Jordan to the United Nations, to act as his adviser on the problem of sexual exploitation and abuse by United Nations peacekeeping personnel. The report Prince Zeid prepared on the issue, entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations" (A/59/710), was submitted to the General Assembly in March 2005.

The report provided a comprehensive and innovative package of reforms, which were debated in the General Assembly in April 2005. This led to the adoption of a two-year package of reforms for peacekeeping on sexual exploitation and abuse (see A/59/19/Rev.1, Part two and General Assembly resolution 59/300).

This reform package is currently under implementation through the Department of Peacekeeping Operations' comprehensive strategy on sexual exploitation and abuse.



"A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations" (A/59/710) and the package of reforms for peacekeeping on sexual exploitation and abuse contained in document A/59/19/Rev.1 and General Assembly resolution 59/300 are available at:

[www.un.org/Depts/dpko/CDT/reforms.html](http://www.un.org/Depts/dpko/CDT/reforms.html)

### ***Department of Peacekeeping Operations: Comprehensive strategy on sexual exploitation and abuse***

The Department of Peacekeeping Operations' comprehensive strategy to address sexual exploitation and abuse comprises:

- Measures aimed at prevention of misconduct
- Enforcement of United Nations standards of conduct
- Remedial action

#### *Measures aimed at prevention of misconduct*

- Since mid-2005, training on prevention of sexual exploitation and abuse is mandatory for all peacekeeping personnel on arrival at a mission
- Missions are also improving welfare and recreation facilities for all categories of peacekeeping personnel using existing resources, pending the development of a comprehensive strategy in this area, requested by the General Assembly.

#### *Enforcement of United Nations standards of conduct*

- Owing to the provision of additional guidelines and the establishment of conduct and discipline teams, allegations and investigations of misconduct are being handled more consistently and professionally

- Improvements have been made to record-keeping, data tracking and reporting on allegations and cases of misconduct
- In October 2006, the United Nations Secretary-General submitted to Member States a revised draft model memorandum of understanding relating to United Nations peacekeeping operations (A/61/494). The revisions covered a wide range of troop conduct issues. Groups of legal experts have been established to advise on a number of issues, including that of increasing the criminal accountability of United Nations staff

### *Remedial action*

- The draft United Nations policy statement and draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel (A/60/877, annex) have been submitted to Member States
- In the interim, missions have been authorized to refer complainants to basic emergency assistance.

In 2006, the Department of Peacekeeping Operations issued guidance to public information experts on sexual exploitation and abuse with the aim of improving the flow of information to communities on such issues as victim assistance and the outcome of investigations into misconduct.



Information about the Conduct and Disciplinary Unit of the Department of Peacekeeping Operations of the United Nations is available at:

[www.un.org/Depts/dpko/CDT/strategy.html](http://www.un.org/Depts/dpko/CDT/strategy.html)

## North Atlantic Treaty Organization

The North Atlantic Treaty Organization (NATO) is an alliance of 26 countries in North America and Europe committed to fulfilling the goals of the North Atlantic Treaty signed on 4 April 1949. NATO has a zero tolerance policy regarding trafficking in human beings by NATO forces and staff. This policy was adopted in June 2004 and endorsed by NATO Heads of State and Government at the Istanbul Summit. The NATO Policy on Combating Trafficking in Human Beings commits NATO and troop-contributing nations to reinforce efforts to prevent and combat trafficking. The appendices to the policy provide particular guidance on this issue:

- Appendix 1. NATO Guidelines on combating trafficking in human beings for military forces and civil personnel deployed in NATO-led operations
- Appendix 2. NATO Guidance for the development of training and education programmes to support the policy on combating the trafficking in human beings
- Appendix 3. Guidelines for NATO staff on preventing the promotion and facilitation of trafficking in human beings

Paragraph 3 of appendix 1 states that “forces conducting operations under NATO command and control are prohibited from engaging in trafficking in human beings or facilitating it. This prohibition also applies to any civilian element accompanying such forces, including contractors”.



The NATO Policy on Combating Trafficking in Human Beings is available at:

[www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm](http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm)

### Organization for Security and Cooperation in Europe: Code of Conduct for Mission Members (2000)

According to the OSCE Anti-Trafficking Guidelines, “All personnel should abide by local laws and adopt exemplary standards of personal behaviour. Field personnel should abide by the OSCE Code of Conduct for OSCE Mission Members [Vienna, 2000], which has been recently updated by the OSCE Secretariat to take trafficking into account”. Paragraph 6 of the Code of Conduct for Mission Members, concerning compliance with accepted human rights standards, reads:

Mission Members must refrain from any conduct which could be detrimental to the goals of the OSCE. This includes but is not limited to an affiliation with any person who is suspected of being involved in any activity that violates national or international law or accepted human rights standards, or an affiliation with any person who could reasonably be suspected of engaging in trafficking in human beings.

Mission Members shall be aware that the use of the services of a person suspected of being a victim of trafficking contributes both to the profit of traffickers and the harm to victims. Mission Members shall adopt an exemplary standard of personal behaviour to ensure the OSCE is contributing to combating trafficking in human beings, and is not exacerbating the problem.



The OSCE Anti-Trafficking Guidelines are available at:

[www.osce.org/documents/odihr/2001/06/1563\\_en.pdf](http://www.osce.org/documents/odihr/2001/06/1563_en.pdf)



The OSCE Code of Conduct for OSCE Mission Members is available at:

<http://legislationline.org/legislation.php?tid=178&lid=6766&less=false>

## Promising practice

### ***Ministry of Justice and the Police (Norway)***

On 17 October 2002, the Government of Norway resolved to introduce ethical guidelines for civil servants to prohibit the purchase and acceptance of sexual services.

The reason for this was the increasing problem posed by international prostitution and the trafficking of women and children for sexual purposes. Demand for sexual services forms part of the basis for such traffic. The ethical guidelines should be seen in the light of the work being carried out by the Ministry of Justice of Norway on the action plan to prevent trafficking in women and children.

By introducing ethical guidelines for civil servants, the Government seeks to serve as a good example. In this way, the authorities and the Government as employers seek to assume responsibility in principle for preventing people from being degraded as victims of human trafficking for sexual purposes.



*Source:* The website of the Ministry of Justice and the Police of Norway:  
<http://odin.dep.no/jd/engelsk/publ/veiledninger/012101-990367/dok-bn.html>

Further information on the ethical guidelines is available on this website.

### ***Department of Defense (United States)***

The United States Department of Defense has put in place a zero tolerance policy opposing prostitution as a contributing factor to sex trafficking. The United States Forces Korea developed a programme that focuses on increasing awareness, identifying victims, reducing demand and cooperating with local authorities.

Since late 2006, patronizing prostitution is a specific, chargeable offence for service members under article 134 of the Uniform Code of Military Justice, of the United States military's statutory criminal law.

In response to allegations of labour trafficking in Iraq committed by Department of Defense contractors or subcontractors employing third-country national workers, safeguards have been implemented, including the mandate that all contractors stop withholding employees' passports, that employees be provided with a signed copy of their work contract and that contractors and subcontractors be required to use certified recruiting firms. New regulations also require that contractors provide anti-trafficking training to all employees to ensure compliance with United States law and the law of host nations.

Anti-trafficking training is mandatory for all United States service personnel. Department of Defense civilians stationed in the United States or abroad and military police receive specialized training to help them recognize and identify possible trafficking scenarios.



*Source:* This and further information is available on the United States Department of State website:

[www.state.gov/g/tip/rls/fs/07/82340.htm](http://www.state.gov/g/tip/rls/fs/07/82340.htm)

### ***United Nations Interim Administration Mission in Kosovo***

UNMIK has declared a number of establishments in Kosovo to be “off limits”, in accordance with the UNMIK Police Directive for Off Limits Premises, which is distributed to all UNMIK staff members, who are required to make themselves aware of these establishments. Establishments are placed on the “off limits list” based on suspicion that they are involved in the sex industry (not necessarily with trafficked women). As a precautionary measure, UNMIK staff are barred from visiting such establishments. See the UNMIK strategy and commitment to combat trafficking in Kosovo in Tool 2.7.



For more information about UNMIK policies, visit:

[www.unmikonline.org/](http://www.unmikonline.org/)