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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by Human Rights Advocates, Inc. (HRA),  
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 February 2007]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Improving Human Rights Compliance by Improving Peacekeeping**

1. Human Rights Advocates, Inc. (HRA) submits the following statement on the violation of human rights implicating peacekeepers.

#### **Peacekeeper Abuses**

2. Reports by NGOs, policy institutes, news media and the United Nations make clear that poorly trained and improperly selected peacekeepers lead to human rights abuses. Most recently, the reports of sexual abuse and exploitation on the part of peacekeepers in Haiti, Sierra Leone and the Congo demonstrate the truth of this conclusion. These actions by peacekeepers directly violate human rights guarantees of both the ICCPR and ICESR. Rights infringed under the ICCPR include Article 3, the equal enjoyment of political rights by men and women; Article 8, prohibition on slavery; Article 9, guarantee of security of the person; Article 23, protection of the family; and Article 24, protection of the child. Likewise rights infringed under the ICESR include Article 3, the guarantee of equal enjoyment of economic, social and cultural rights among sexes; Article 10, protection of the family with particular respect to women and children and Article 12, right of physical and mental health. Furthermore, the problem is twofold. Selecting the wrong personnel or deploying poorly trained personnel results not only in immediate human rights violations, but additionally results in a delay in the imposition of the rule of law. Without a return to the rule of law a cycle of human rights violations become inevitable.

#### *Specific Human Rights Violations due to Lack of Preparedness*

3. In 2004, His Royal Highness Prince Ra'ad Zeid Al-Hussein visited the Democratic Republic of the Congo (DRC) to conduct investigations for a U.N. report on Sexual Exploitation and Abuse. He found low level of awareness of U.N. standards of conduct and a perception that whistle blowers would not be protected among United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) personnel.<sup>1</sup> Among its prominent recommendations the Zeid Report urged that peacekeeping organizations "must require its managers to lead by example, ensure that training programmes for all categories of personnel are instituted prior to deployment and during mission assignment and the creation of a database of offenders to prevent rehire."<sup>2</sup>
4. At the time of Prince Zeid's visit, human rights groups indicated that peacekeepers in the DRC gave women and children food in exchange for sex.<sup>3</sup> Since the 2005 Zeid Report incidents of sexual exploitation and abuse continue. The U.N. recently announced that from January 2004 to November 2006 it had investigated 319

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<sup>1</sup> Special Adviser to the Secretary General, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*, ¶ 13, U.N. Doc. A/59/710 (Mar. 24, 2005).

<sup>2</sup> Id at ¶ 62.

<sup>3</sup> REFUGEES INTERNATIONAL, *MUST BOYS BE BOYS? ENDING SEXUAL EXPLOITATION & ABUSE IN UN PEACEKEEPING MISSIONS* 4 (2005).

personnel for allegations of sexual exploitation and abuse.<sup>4</sup> Most recently allegations of peacekeeping personnel committing child rape have arisen in Sudan.<sup>5</sup>

5. Although some of the goals of the Zeid Report have been achieved many remain unrealized. The former Secretary General conceded that U.N.'s message of zero tolerance has failed to reach all who need to hear it, including managers and commanders of peacekeeping missions.<sup>6</sup> Managers and commanders have identified the need for training in acceptable behavior, international norms and gender sensitization to ensure moral responsibility and accountability.<sup>7</sup>
6. Moreover, when training does occur the quality may vary depending upon the country contributing troops. In 2005 Africa reportedly provided 89% of U.N. peacekeeping personnel, but one African peacekeeping official noted that although capabilities had increased, peacekeeping forces had to contend with training infrastructure that did not meet current requirements.<sup>8</sup> Although African states contribute a large portion of peacekeepers violators come from all contributing states. In the Eritrea peacekeepers from Italy, Denmark and Slovenia were implicated in sexual abuse cases.<sup>9</sup> In the Congo alleged abusers came from Nepal, Morocco, Tunisia, Uruguay, South Africa, Pakistan and France.<sup>10</sup>
7. The lack of significant numbers of women serving in peacekeeping missions contributes to a masculine culture that may either promote or cover up abuse.<sup>11</sup> The Zeid Report indicates that the presence of more female peacekeeping personnel would assist in "meaningful contact" with vulnerable groups and promote an environment that discourages sexual abuse.<sup>12</sup> Moreover, the report also called for establishing investigative and gender advisor capabilities within each mission.<sup>13</sup>
8. Care must be taken not to select the wrong personnel. The militaries of many countries regularly violate human rights norms. Reports indicate that elements of the Bangladesh military, which in 2005 contributed 10,000 peacekeepers, regularly commit human rights abuses.<sup>14</sup> The Rapid Action Battalion ("RAB") reportedly has

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<sup>4</sup> Press Release, Press Conference by Assistant Secretary-General for Peacekeeping Operations (Jan. 5, 2007).

<sup>5</sup> Kate Holt & Sarah Hughes, *UN Staff Accused of Raping Children in Sudan*, THE DAILY TELEGRAPH, Jan. 4, 2007, available at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/01/03/wsudan03.xml>.

<sup>6</sup> Kofi Annan, UN Secretary-General, Remarks to the High-Level Conference on Eliminating Sexual Exploitation and Abuse by United Nations and Non-Governmental Organization Personnel (Dec. 4, 2006), <http://www.un.org/News/Press/docs/2006/sgsm10776.doc.htm>.

<sup>7</sup> INTERNATIONAL ASSOCIATION OF PEACEKEEPING TRAINING CENTRES, CONFERENCE REPORT – 2005, TRAINING FOR PEACE: COOPERATION AND COORDINATION 5, 19 (2005).

<sup>8</sup> Id. at 12.

<sup>9</sup> REFUGEES INTERNATIONAL, *supra* note 3, at 5.

<sup>10</sup> Nile Gardiner & Steven Groves, *US Must Act to End Abuses by UN Peacekeepers*, SPERO NEWS, Jan. 19, 2007, <http://www.speroforum.com/site/article.asp?idarticle=7559>

<sup>11</sup> REFUGEES INTERNATIONAL, *supra* note 3, at 5-8.

<sup>12</sup> Special Adviser to the Secretary General, *supra* note 1, at ¶ 43.

<sup>13</sup> Id. at ¶ 42.

<sup>14</sup> Open letter from Basil Fernando, Executive Director, Asian human Rights Commission, to Jean-Marie Guehenno, Under Secretary General for Peacekeeping Operations, United Nations (Aug. 17, 2006), <http://www.ahrchk.net/statements/mainfile.php/2006statements/693/>

conducted 367 extrajudicial killings as of December 2006<sup>15</sup> apparently with the knowledge of many government officials.<sup>16</sup> Many of the key leaders of the RAB are former UN peacekeepers.<sup>17</sup> The elite status of RAB makes it a likely source of personnel for coveted UN missions<sup>18</sup> that often pay more than the personnel would earn in their home country.<sup>19</sup>

9. Recreation and support that facilitates contact with peacekeeper's home country should be made available. The Zeid Report noted that "[s]ervice in a high stress area" contributed to unacceptable behavior. Specifically, the report recommends establishing "fixed recreational sites" in or near mission areas with sports facilities and internet and telephone service to maintain contact with family and friends that personnel could visit under supervision.<sup>20</sup> These activities would provide an alternative means of passing unoccupied time.
10. Despite other measures, the actions taken and environment established by senior management and commanders are critical. A recent U.N. report determined that zero-tolerance guidelines of the Secretary General may be applied to military peacekeeping personnel through orders.<sup>21</sup> However, orders alone are not enough. A vital factor in preventing abuse is "[e]ffective leadership that conveys a serious commitment to a 'zero tolerance' policy [and] influences the culture of the organization."<sup>22</sup>

#### *Return to Rule of Law Impaired Resulting in Additional Violations*

11. Inadequately trained peacekeepers allow human rights violations or violate human rights themselves. The usual peacekeeping mission enters a "broken society to help it." However, once the mission loses impartiality it may well be impeded in implementing its mandate.<sup>23</sup> Protecting civilians comprises a common theme in recent mandates in missions in Haiti, Liberia, Sierra Leone, Darfur and the Congo.<sup>24</sup> Reports suggest that untrained peacekeepers are unable to achieve these mandates and that a cycle of human rights violations continue.
12. A weakness that has crippled United Nation's performance is "uneven [training] of military components." UNAMSIL in Sierra Leone was unable to prevent the Revolutionary United Front (RUF) from blocking humanitarian relief and one

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<sup>15</sup> HUMAN RIGHTS WATCH, JUDGE JURY AND EXECUTIONER: TORTURE AND EXTRAJUDICIAL EXECUTIONS BY BANGLADESH'S ELITE SECURITY FORCE 8-9 (2006).

<sup>16</sup> *Id.* at 4.

<sup>17</sup> *Id.* at 22-23.

<sup>18</sup> Basil Fernando, *supra* note 14.

<sup>19</sup> REFUGEES INTERNATIONAL, *supra* note 3, at 15.

<sup>20</sup> Special Adviser to the Secretary General, *supra* note 1, at ¶¶ 51-52.

<sup>21</sup> Group of Legal Experts, *Making the Standards Contained in the Secretary-General's Bulletin (ST/SGB/2003/13) Binding on Contingent Members and Standardizing the Norms of Conduct so that they are Applicable to all Categories of Peacekeeping Personnel*, ¶ 34, delivered to the General Assembly, U.N. Doc. A/61/645 (Dec. 18, 2006).

<sup>22</sup> REFUGEES INTERNATIONAL, *supra* note 3, at ii.

<sup>23</sup> Special Adviser to the Secretary General, *supra* note 1, 8-9.

<sup>24</sup> The Challenges Project, *Meeting the Challenges of Peace Operations: Cooperation and Coordination*, Elanders Gotab, Stockholm, 2005.

peacekeeping official noted that many of the personnel from contributing states had little or no equipment and were not properly briefed on the mission.<sup>25</sup>

13. Reports have questioned the ability of peacekeepers in the Congo to protect civilians. In 2004 the village of Buramba was attacked and MONUC peacekeepers less than 40 kilometers away did not respond until five days later. Although the village was still occupied the peacekeepers found the situation calm and did not extensively interview displaced people.<sup>26</sup>
14. In Sudan, the local population has allegedly lost faith in the ability of African Union peacekeepers to protect them.<sup>27</sup> In October of 2006 militias attacked villages in the Jebel Moon region of Darfur and peacekeepers did not arrive until the day after the attacks ended.<sup>28</sup>
15. Some studies indicate that peacekeeping operations foster the growth of organized crime due to the background condition in which the operations exist and that usually the international presence is the only source of wealth.<sup>29</sup> The High Representative to the Security Council has noted the serious problem of organized crime in Bosnia. These fragile environments demand only the best prepared. If not prepared peacekeepers are likely to accept that “common norms no longer apply” and act with impunity.<sup>30</sup>

### *Conclusion and Recommendations*

16. The disturbing aspect of peacekeeper abuse is that local populace places trust in peacekeepers to enter broken state and assist them not to betray them by committing human rights abuses or allowing others to do so. The Zeid Report noted that the “ill discipline” reflected by sexual exploitation calls into question the ability of a peacekeeping mission to accomplish its mandate.<sup>31</sup> Likewise this conclusion may be drawn from lack of discipline reflected in other human rights abuses. A study by legal experts for the Secretary General concluded that in theory to adhere to human rights standards with respect to military contingents, commanders merely need issue orders that are binding on all personnel.<sup>32</sup> However, the record of abuses suggests that more action is required.

<sup>25</sup> RAND CORP. *The UN’S ROLE IN NATION-BUILDING FROM THE CONGO TO IRAQ*, 139, 142 (2005).

<sup>26</sup> HUMAN RIGHTS WATCH, *DEMOCRATIC REPUBLIC OF CONGO CIVILIANS ATTACKED IN NORTH KIVU* 31 (VOL. 17, NO. 9(A) 2005).

<sup>27</sup> Public Statement, Amnesty International, Sudan: Urgent Need for Effective Peacekeeping to Protect Civilians (Nov. 17, 2006), <http://web.amnesty.org/library/print/ENGAFR540772006>.

<sup>28</sup> Urgent Action, Amnesty International, Fear for Safety/Fear of Unlawful Killings (Nov. 3, 2006), <http://web.amnesty.org/library/index/engaf540732006>.

<sup>29</sup> Irv Marucelj, *Mature Peacekeeping Operations as Facilitators of Organized Crime* 3, 8, (Institute for Research on Public Policy, Working Paper No. 2005-01, 2005) available at <http://www.irpp.org/wp/archive/wp2005-01.pdf>.

<sup>30</sup> Daneila Forte, *From Words to Deeds: Addressing Peacekeepers’ Violations of Human Rights*, 3 Conflict Trends 46 (2006).

<sup>31</sup> Special Adviser to the Secretary General, *supra* note 1, at ¶ 10.

<sup>32</sup> Group of Legal Experts, *making Standards Contained in the Secretary-General’s Bulletin Binding on all Contingent Members and Standardizing the Norms of conduct so that they are Applicable to all Categories of Peacekeeping Personnel*, ¶ 34, delivered to the General Assembly, U.N. Doc. A/61/645 (Dec. 18, 2006).

17. HRA calls on the Council to affirm Findings of Zeid Report and urge the Security Council to request that the Department of Peacekeeping Operations to contact relevant human rights experts and make regular reports on best practices. HRA further urges member states to support and conduct necessary training, accept the zero-tolerance policy, maintain training records and hold leadership accountable for accomplishing these actions. Member states should also support allocations in peacekeeping budgets funding recreation, family contact, counseling and welfare resources. Finally, member states must recruit women peacekeepers in larger numbers and incorporate gender advisors into peacekeeping missions.

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