

United States Senate

COMMITTEES:
BANKING, HOUSING,
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BUDGET

FOREIGN RELATIONS
SPECIAL COMMITTEE ON AGING

October 21, 2015

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Kerry:

I am writing with regard to the disturbing reports of sexual exploitation and abuse by United Nations peacekeepers. As the largest contributor to the United Nations and as a permanent member on the UN Security Council, the United States has a responsibility to ensure that the United Nations upholds the highest standards of professionalism in peacekeeping operations. The failure by the United Nations to hold peacekeepers and troop contributing countries (TCCs) accountable for verifiable allegations of abuse is unacceptable.

The Secretary General's 2003 bulletin declared the United Nations has a "zero-tolerance" policy regarding sexual abuse, yet in the past year several UN reports, including the Secretary's High-Level Independent Panel on Peacekeeping, have documented numerous allegations of noncompliance. An expert mission report commissioned by the Secretary General that was made public documents a culture of impunity by UN military, police and civilian personnel. Not only do individual peacekeeping operations not enforce measures to stop sexual abuse but TCCs often fail to report back, as required by the United Nations, on the action taken regarding repatriated peacekeepers. The failure by the United Nations to not enforce its policies and hold peacekeeping personnel accountable for their crimes has resulted in peacekeepers harming those they are meant to protect.

While the United Nations argues that the rate of sexual exploitation cases has reduced in recent years, the expert mission report found "the official numbers mask what appears to be significant amounts of under reporting." An Office of Internal Oversight Services report released in June reiterates many of the same recommendations that were uncovered in 2003. While member states and the United Nations regularly discuss and issue reports on the need to improve enforcement and strengthen accountability of peacekeeping missions, necessary and effective changes have yet to be implemented.

I would like for you to consider the following measures to address sexual exploitation and abuse at the United Nations:

1. When criminal allegations against peacekeepers are made, encourage TCCs to establish onsite courts-martial consistent with and where appropriate, under the Status of Forces Agreement, to try accused personnel. The UN Stabilisation Mission in Haiti, in 2012,

established precedent for such an action when Pakistani peacekeepers were tried by a Pakistani military court in Haiti and sentenced to prison for sexual abuse. Not only is this in accordance with current UN policy that requires peacekeepers to be tried by their national government, but it also ensures that military justice authorities have access to witnesses and evidence.

2. To improve direct UN Security Council oversight, the Security Council should consider establishing its own ombudsman that conducts oversight of peacekeeping and reports directly to the Security Council when mission mandates are renewed.
3. The UN Security Council should work with the Secretary General to develop appropriate form provisions and appropriate guidance for the purpose of instituting a standing claims commission at each peacekeeping operation to address host country's civilian population grievances in cases of alleged peacekeeper abuse. To improve deterrence and encourage the implementation of best practices, these claims commissions should make the TCC pay any damages for harm caused by the officers and soldiers who serve under its flag. While the Convention on the Privileges and Immunities of the United Nations requires a dispute resolution process, reports indicate that since 1990, the United Nations has not once created a standing claims commission despite 32 Status of Forces Agreements providing for the creation of one in the event of damages. If true, this raises troubling questions.
4. The United Nations should develop policy that establishes benchmarks on sexual exploitation and abuse offenses and consider withholding benefits for bilateral peacekeeping training and assistance to TCCs with the highest rate of offenders or suspension of participation in peacekeeping operations entirely until those countries have demonstrated political will and have taken appropriate action to hold their personnel accountable.

The United Nations and its membership have analyzed and reported on this issue but, meaningful action to date has been insufficient. The United States must take the lead in matching words with action. I appreciate you taking the time to consider this request and address my concerns.

Sincerely,



Bob Corker
Chairman

Senate Foreign Relations Committee