

HUMAN TRAFFICKING AND UNITED NATIONS PEACEKEEPING

DPKO Policy Paper (March 2004)

Executive Summary

Introduction

This paper examines human trafficking and peacekeeping, and presents a DPKO strategy.

i. This draft policy paper examines human trafficking as it relates to UN peacekeeping. It aims to define the problem in the context of UN peacekeeping and proposes a strategy for the Department of Peacekeeping Operations (DPKO) to address human trafficking, based on lessons from previous missions and consultations with partner organizations in anti-trafficking.

Issue

Trafficking is a complex and serious form of exploitation and abuse.

ii. Human trafficking is a form of serious exploitation and abuse that is increasingly present in the UN peacekeeping environments. Trafficking exploits human beings for revenue through sex, forced labour and human organs. For peacekeeping (UN and other) there is a crisis of perception in relation to trafficking and the linked issue of sexual exploitation and abuse, which sees peacekeepers branded as more part of the problem than the solution, along with criticisms that the issue is not taken seriously by peacekeeping institutions. Allegations and incidences of peacekeeper involvement with trafficking run counter to UN principles. Such incidents can be extremely damaging to missions by undermining implementation of police reform and rule of law mandates, perpetuating linkages to organized crime and providing material for anti-UN elements, obstructionists and negative media campaigns.

For peacekeeping, a crisis of perception stems from real and alleged incidences of peacekeeper involvement.

Approach

Although, peacekeeping is not a well-suited instrument to combat trafficking...

iii. Although peace operations are generally not well-suited, nor directly mandated, to deal with the challenges of combating human trafficking, DPKO is committed to playing a substantive support role in confronting human trafficking in mission areas. As the problem continues to grow, traffickers are likely to continue to target future missions as a source of demand, as clients for services. As such, the issue must be managed strategically by mission managers from the outset. The problem of human trafficking is a highly complex one, and the use of standardised anti-

...it must be addressed strategically by missions.

trafficking enforcement templates within UN peacekeeping missions is not recommended.

There are important roles to be played by DPKO and UN peacekeepers to support anti-trafficking.

iv. DPKO's approach to human trafficking will provide missions with the effective policy guidance and operational tools to enable them to better understand the phenomenon and to act locally in response to trafficking by supporting the expertise of others, in particular host governments. As a priority, DPKO and mission must break down widely-held perceptions of peacekeeping being part of the problem by demonstrating a serious understanding of, and engagement with, the issue to prevent, minimise and punish peacekeeper involvement in sexual exploitation and abuse.

DPKO Framework to deal with Human Trafficking

DPKO will use a 3-pronged framework

...

... to ensure a comprehensive approach.

v. DPKO will pursue a three-pronged framework to enable the Department and missions to better engage with human trafficking. This approach avoids applying formulaic responses to an issue that cannot be addressed effectively through a template solution. The approach is designed to be more flexible and can be scaled to ensure that the Department has a range of options to pursue human trafficking issues as they arise, which can be better tailored to the mission mandate and context.

UN peacekeepers will support the efforts of others ...

vi. This framework is an integrated approach to human trafficking to equip missions with the tools to assess and deal with trafficking and traffickers as a potential threat to the mission, as a serious crime, as a breach of human rights and as an affront to the rule of law. DPKO recognizes that although peacekeeping is not intrinsically well-suited to dealing with the complexities of human trafficking, there are support roles for UN peacekeepers that can complement the strengths and strategies of others in the anti-trafficking community. UN peacekeepers will play a minor but well-informed and supportive role in anti-trafficking efforts, while adopting a do no harm approach in their own relations with the host community. DPKO's approach to dealing with human trafficking in the context of UN peacekeeping operations is based on the following framework:

... and 'Do No Harm'

One Goal

The DPKO approach is based on one goal...

To ensure 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 that can undermine core UN and peacekeeping objectives.

Two Objectives

two key objectives...

1. To establish a system to monitor, prevent, minimize, investigate and punish involvement of peacekeeping personnel in activities that support human trafficking and other sexual exploitation and abuse, in support of the Secretary-General's zero tolerance stance; and

2. Where mandated, have available the tools to establish and support national efforts to prevent and counter human trafficking in post-conflict environments, in particular through rule of law activities.

Three Programmes of Activity

*... and three
programmes of activity.*

1. Awareness and Training
2. Discipline, Accountability and Community Relations
3. Support to Anti-trafficking activities

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Introduction

DPKO has sought to define the problem of human trafficking as it relates to peacekeeping and to develop a strategy.

1. This paper examines the issue of human trafficking as it relates to UN peacekeeping. It aims to define the problem for UN peacekeeping and proposes a DPKO strategy to engage with the issue. The paper builds on lessons learned document from anti-trafficking experiences of UNMIK, UNMIBH and UNMISSET, and a broader assessment of the problem, drawing on discussions with national and international organizations and non-government organizations that deal with human trafficking.

Definition

There is now an agreed definition for trafficking.

2. An agreed definition of human trafficking now exists under Article 3 of the 'Palermo Protocol' on trafficking in persons¹, which has come into force on 25 December 2003. This internationally agreed definition focuses on exploitation of human beings – be it for sexual exploitation, other forms of forced labour, slavery, servitude, or for the removal of human organs. Trafficking takes place by criminal means through the threat or use of force, coercion, abduction, fraud, deception, abuse of positions of power or abuse of positions of vulnerability. It relates to all stages of the trafficking process: recruitment, transportation, transfer, harbouring or receipt of persons. Trafficking is not just a transnational crime across international borders - the definition applies to internal domestic trafficking of human beings.

It is comprehensive and relates to all stages of trafficking and to both international and internal trafficking.

Issue

Human trafficking exists in many peacekeeping environments.

3. Human trafficking is a destructive phenomenon afflicting many post-conflict environments and, which can seriously impede UN peacekeeping and other United Nations objectives in host countries. The trafficking of human beings is a serious crime and a severe form of exploitation and abuse which perpetuates insecurity, vulnerability and grave human rights abuses suffered by post-conflict societies. This is particularly so in situations where serious human rights violations and exploitation - such as sex slavery, forced labour (including child soldiers), forced pregnancy, forced pregnancy terminations and systematic rape campaigns - have been perpetrated during conflict, often as an organised feature of the conflict. The main victims of human trafficking are women and, very frequently, children.

It can impede UN objectives to restore peace and security...

... and perpetuates insecurity for the highly vulnerable.

Trafficking is a gross violation of human rights and an affront to the rule of law in post-conflict environments.

4. In the peacekeeping context, human trafficking is simultaneously a gross violation of individual human rights and an assault on the rule of law. Human trafficking in post-conflict environments feeds social vulnerability and, in many instances, it is a major organized crime activity, which undermines the rule of law and supports the corruption of power structures,

¹ Protocol to Prevent, suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime (2000).

Trafficking is often linked to organised crime and the transformation of conflict economies.

It exploits vulnerability and insecurity for revenue....

...and uses corruption as a tool.

Concentrations of international staff are a source of demand.

They will be targeted....

... as will governance and rule of law structures.

Peacekeepers have been involved in the exploitation of trafficking victims.

This not only compounds the problem, it also exposes the UN and undermines the mission's credibility.

Peacekeeping's perception crisis must be addressed.

thus impacting on efforts to build a sustainable peace. Human trafficking is a low risk, high revenue primer for organized crime activities. Often the same figures that were in a position to exploit war-time economies are in a position to move quickly into high revenue, illicit goods and service economies in post-conflict environments.

5. Trafficking is a process which seeks out vulnerable individuals, and then exacerbates their vulnerability (through violence, forced movement, slavery, servitude, coercion, threat and / or deceit) and then subjects them to severe exploitation - often forced prostitution or forced labour - to generate revenue for a third party, often organised crime networks. As it is a fast, low cost, low risk and high revenue activity, organised crime groups may use human trafficking as an early method to test routes and to identify corruptible officials. Once routes are established, commodities such as drugs and weapons are often used along the same routes. If rule of law and political structures are corrupted, then organised crime is very difficult to weaken making good governance and rule of law reform even more difficult to pursue.

6. Any influx of peacekeeping troops and other personnel, contractors, local combatants and reconstruction money will create a source of demand and locally accessible revenue in otherwise poor economies. In such circumstances, UN peacekeepers should *expect* to find trafficking and exploitation emerging in its areas of operations, even as the first personnel arrive. Senior managers of missions should *assume* that traffickers will target UN personnel for revenue, and can *anticipate* that criminal power structures behind trafficking will be actively seeking to capture and corrupt local law enforcement, judicial, bureaucratic and political targets as soon as possible. This can significantly undermine efforts by UN peacekeeping personnel or other partners to implement governance and rule of law mandates.

Peacekeeper involvement and the perception crisis

7. The use of trafficking victims by peacekeepers for sexual and other services has been a source of major embarrassment and political damage to UN PKOs. Despite the fact that involvement is usually not widespread, the political and moral stigma attached to this behaviour can taint entire missions. This can leave missions exposed and vulnerable to attacks on their credibility with the community and key players in the peace process. Opponents of peace missions are increasingly aware that the issue can be effectively exploited to undermine the moral authority and political leverage of UN operations, especially in missions with governance and rule of law mandates.

8. There is a serious crisis in perception for peacekeeping. Peacekeepers have come to be seen as part of the problem in trafficking, rather than part of the solution. These perceptions and any substance behind them need to be addressed directly by DPKO. Although there is very little data available on the issue, and few cases have been fully investigated and proven, there is strong anecdotal evidence of peacekeeping personnel having

Evidence about the full extent of peacekeeper involvement is unclear...

... which is in itself a concern.

Equally disturbing is the allegation that the problem is not taken seriously enough.

Policies and procedures must be put in place to ensure effective discipline...

...and concerted efforts are needed to overcome the impunity issue.

The potential for embarrassment from UN involvement is high.

Both negative perceptions and any incidences of involvement must be addressed through genuine action...

... because legitimacy and moral authority is essential to peacekeeping, and the protection of human rights a fundamental UN value.

been involved in the use (knowingly or unknowingly) of sexual services of trafficking victims. The lack of data in itself is a worrying indication of our weak systems to track and detect involvement in criminal acts and other breaches of discipline. The perception of peacekeeper involvement in the use of services by trafficked victims (and thus exploitation of their vulnerable position) is now widespread. Allegations have been made regarding the involvement of peacekeepers in facilitating and/or condoning trafficking. Again, there is little corroborating evidence available to prove or disprove such allegations.

9. This perception of a large-scale use of the services of victims by peacekeepers is exacerbated by an equally strong perception that peacekeeping institutions do not take the issue seriously. This latter perception is extremely damaging for peacekeeping and has been compounded by ‘boys will be boys’ attitudes of the past. It is essential that DPKO takes this issue seriously as it can undermine implementation of rule of law and institutional reform mandates, provide material for anti-UN elements, obstructionists and negative media campaigns, and impede the achievement of mission objectives and damage UN credibility.

10. While it is understood that DPKO is not able to exert full control over large concentrations of personnel and that discipline breaches do occur, there are forceful criticisms that peacekeeping institutions (both UN and other) do not see the issue as a serious one, and consequently do not have in place the policies, disciplinary controls, detection and investigation capacities or the political willingness required to address the situation in a serious manner. Critics also point to the perceived and actual impunity of some peacekeepers that have committed serious crimes, and the lack of adequate investigation and follow up by the UN and by Member States. The impunity issue continues to damage the reputation of UN missions, and careful consideration of the issue is warranted to examine ways to strengthen procedures.

11. Media, advocacy and watchdog organizations now regularly track the phenomenon of UN and peacekeeping involvement in such abuses and will continue to target incidences of UN peacekeeping involvement. This is rightly a source of extreme political embarrassment for the UN. All efforts must be taken to prevent it. The problem can also severely compromise a mission’s relations with host governments, civil society and communities. The perceived or real abuse of the position of power as an international peacekeeping presence can irrevocably undermine mission relations with the host community and political partners. These negative perceptions, if not addressed through demonstrable action, may cause problems in mission relations with international organizations and NGO partners in the field, with host governments and communities, and the media. If peacekeeping is to be an effective tool for change in post-conflict environments, missions need to be able to build, and then use, leverage created by their moral authority and legitimacy as a responsible international force. Good community relations are essential and the abuse of human rights by peacekeepers should not be tolerated by DPKO, Member States and the host community. UN

peacekeeping personnel should uphold and protect human rights in all aspects of their mandated duties.

Human trafficking and prostitution

It is difficult to distinguish between prostitutes and trafficking victims in these contexts...

... because exploitation is a common feature.

The Secretary General's recent guidance for UN personnel underscores Zero Tolerance as core UN guidance, including for prostitution.

12. In many mission areas it may be extremely difficult to differentiate between trafficking victims and local prostitution. Prostitution may be present owing to local poverty conditions and the need for access to income for poor families. These scenarios may or may not involve trafficking, but are likely to be highly exploitative nonetheless. It thus becomes very difficult to differentiate between trafficking victims, particularly victims of domestic trafficking, and vulnerable individuals in local populations that have had to resort to prostitution for income. The use of prostitutes by UN personnel in these environments is an exploitative activity.

13. This issue is addressed in the Secretary-General's Bulletin (SGB) on Sexual Exploitation and Abuse, which explicitly recognizes that the procurement of sexual services from nationals in a vulnerable context by a UN staff member (in a position of disproportionate power) constitutes an act of sexual exploitation, even where prostitution is not a crime. The firm position provided by the SGB, is a strong benchmark for the UN system, and DPKO should be clear that this extends to UN peacekeepers by logical extension. Linking a peacekeeping approach to broader efforts in the UN to counter sexual exploitation and abuse is an important step in ensuring that the problem is addressed systematically and in step with other UN System partners. Member States will be engaged proactively.

DPKO Framework for dealing with Human Trafficking

DPKO must find a way to address trafficking both at Headquarters and in missions

This will be achieved through a framework approach focusing on three fronts.

14. Human trafficking is a serious problem for modern peacekeeping. It is a damaging dynamic in post-conflict communities and an issue that has tainted peacekeeping in the past. Where peacekeepers become entangled in the issue through the use of trafficked victims for sex or other forms of forced labour, the problem compounds itself. International interest in this issue will be sustained, and criticism of UN involvement will continue to be severe. UN peacekeeping must find a way to engage seriously and constructively the issue both in DPKO and in field missions. Experience has shown that there is no easy solution for dealing with the issue of human trafficking. DPKO will deal with the issue within three broader frames of reference – human trafficking as, first, a grave and exploitative human rights abuse; second, as an issue of discipline and accountability for peacekeepers; and, third, as a serious crime and violation of international norms (often involving organised crime and corruption). To address the issue appropriately, a framework of interventions is required to lift DPKO's capacity in each of these three areas.

Commitment from UN senior managers and senior personnel from Member States is essential.

15. DPKO will adopt a framework approach to UN peacekeeping and human trafficking to pull together separate but linked activities across three programmes of work, each of which have broader impacts than just human trafficking. This approach requires strong commitment from DPKO senior management to ensure that personnel in missions, from senior managers

down, are aware of the issue and that it must be addressed seriously both in the mission area and for the mission itself. It also requires commitment from Member States and the senior personnel they contribute to serve in UN Missions.

DPKO's trafficking framework is based on:

16. The framework is designed to equip missions with the tools to assess and deal with human trafficking in its various manifestations - as a potential threat to the mission, as a serious crime, as a breach of human rights and as an affront to the rule of law. The goal of the DPKO framework is:

One goal...

To ensure 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 the host country.

17. In pursuing this goal, the Department has two primary objectives:

Two key objectives...

- (i) To establish a system to prevent, monitor, minimize, investigate and punish the involvement of UN peacekeeping personnel in activities that support human trafficking and other sexual exploitation and abuse in support of the Secretary-General's 'zero tolerance' stance;
- (ii) Where mandated and requested, to have available the tools to establish or to support national efforts (with international partners) to prevent and counter human trafficking in post conflict environments, particularly in support of the rule of law.

18. These objectives are to be pursued through a framework of activity that builds on and supports existing efforts in three programmes:

... and three programmes of activity.

- Awareness and Training
- Discipline, Accountability and Community Relations
- Support to Anti-trafficking Activities

Work plans have been established for each of these programmes, which will then need to be mainstreamed into the work of the Department and missions.

Programme One: Awareness and Training

Programme One targets awareness of UN personnel...

19. This programme targets the overall lack of awareness in DPKO and of peacekeeping personnel in missions about human trafficking and sexual exploitation and abuse. It will attempt to develop information and awareness material that articulates the problem in a manner that is understood by peacekeeping personnel. This will include an awareness package and guidelines for missions to develop awareness materials locally. Awareness of trafficking will be embedded in a programme for broader awareness on exploitation and abuse, and the conduct of UN personnel. Training material will be developed for a peacekeeping audience, focusing on the roles and responsibilities of all peacekeepers as well as specific responsibilities for key individuals (SRSGs and senior managers, police, contingent commanders, etc) from the outset of the mission. Training for

... and training on roles and responsibilities in relation to exploitation and abuse and human trafficking....

... with mission managers targeted as a priority.

Training and awareness materials will need to be produced, with external assistance...

.... and guidance material for implementation of awareness and training programmes developed.

Programme Two targets the good conduct and accountability of personnel in the field.

DPKO requires additional capacity to more effectively administer its disciplinary systems within missions and with Member States.

A systems analysis of operational and management tools is a first step...

commanders and managers on how to build an appropriate organisational culture on this issue is a priority. Systems and procedures will not be effective unless there is clear support from the leadership

20. The programme will draw heavily on material from other organizations and it will focus on support to the Department's responsibilities to implement the SGB on Sexual Exploitation and Abuse and disciplinary issues. There is very little available in pre-existing material for training of peacekeeping personnel on these issues. Programme One will need to include an externally financed Peacekeeper Awareness and Training Project to develop training material for standard DPKO training modules (for managers, contingents, police and civilians), the development of awareness campaign material for ongoing DPKO use and adaptable templates or guidelines for missions on promoting awareness in mission areas. This should focus on the roles and responsibilities of peacekeepers.

21. Once developed, these training materials will require guidance to missions, headquarters personnel and to Member States on how to roll-out materials to missions and contingents. In DPKO, this will be done through the Headquarters training units, primarily through the standard generic training module (SGTM) approach. The awareness and training project should scope out requirements for ongoing technical support for DPKO and missions for awareness and training activities, including the development of further peacekeeper targeted materials on human trafficking, sexual abuse and exploitation and gender-based violence.

Programme Two: Discipline, Accountability and Community Relations

20. The current resourcing of disciplinary matters in the Department is presently not sufficient for an effective multi-mission disciplinary system to address serious breaches of discipline across all missions and all categories of personnel (civilians, police and military). DPKO and missions require additional capacity to administer a more effective conduct, discipline and accountability system to help prevent and penalise breaches of disciplinary codes and the commission of crimes. For each category of PKO personnel, there needs to be a clear and effective procedural pathway and mechanisms for effective monitoring of behaviour, complaints reporting, mission to DPKO reporting, investigations, follow up and reporting on results of investigations and cases (pursued on both administrative and criminal grounds, in both the United Nations and national jurisdictions). Perceptions of impunity must be addressed squarely.

21. Efforts will build on the work being undertaken by the Disciplinary Working Group and will require additional resources to support and build on the proposals recommended by this Group and to identify future policy options. The Working Group has identified a range of weaknesses and solutions in the current discipline system. To improve the situation further, DPKO is seeking to improve the operationalisation of its enhanced disciplinary procedures in field missions. This requires further problem analysis and resourcing in the short term. Through this analysis, the Department will identify options to put in place a more robust system with

... leading to concrete recommendations for operational tools to improve disciplinary systems...

... and to develop better monitoring, reporting, investigation and follow up of cases.

Engagement with, and support from, Member States will be important.

A strong focus on fostering a culture of accountability to, and better relations with, host communities is an essential component to building accountability.

Programme Three will develop a package of guidance to assist those missions that have been mandated to support anti-trafficking.

clearer individual responsibility and accountability for monitoring and maintaining discipline; as well as stronger capacities for investigation of breaches of discipline in DPKO and in missions. Systems are currently inconsistent across missions and overall quite weak. Operational and administrative tools could be enhanced in missions such as greater use by mission management of military police, safety and security personnel, personnel conduct officers and administrative instructions such as off-limits lists. Recommendations will be developed following the systems analysis.

22. Work under this programme will also focus on identifying operational tools to implement the requirements of the SGB on Sexual Exploitation and Abuse in DPKO and missions. The Department and missions have not yet operationalised the requirements of this SGB in terms of reporting frameworks and effective monitoring, investigation and follow up. This work programme will examine the systems for detection of discipline problems in missions and the reporting, analysis and investigation (including criminal investigation capacities) for disciplinary matters, as well as the conduct of disciplinary proceedings and follow up in missions, at Headquarters and with Member States. It will include engagement with the Special Committee and Troop Contributing Countries (TCCs) on improving discipline and accountability (e.g. through TCC guidelines, guidance to contingent commanders, guidelines for police and experts on mission, contracts with private providers etc) for all personnel.

23. Finally, this programme will seek to establish a greater culture of transparency and accountability in peacekeeping towards host communities and to establish within missions a better capacity to analyse the impact of the mission on host communities and establish systems to better receive and send messages to the community and civil society. Research will be undertaken into structures established in previous missions, for example, the analysis and community relations units that were set up in UNTAC to identify possible best practice in managing community relations and addressing problems in mission – community relations. The practices of other organisations in building community relations in similar operating environments should also be examined

Programme Three: Support to anti-trafficking activities

24. This programme will produce guidance on activities to support host government national capacities to prevent and combat human trafficking where missions are mandated, and requested, to be involved in such activities. In missions where the mission has mandated responsibilities for executive governance, or major rule of law responsibilities, the options for engagement are greater. In traditional peacekeeping operations and missions without clearly mandated rule of law responsibilities, UN missions are unlikely to play a role in combating trafficking through enforcement activity, however, personnel need to be aware of the issue and report incidences to the competent authorities and to track the problem as it relates to the UN mission. Where anti-trafficking operations are mandated by the Security Council, DPKO should be able to provide mission with appropriate guidance on how to provide proactive support to the host government and partner

The focus must be on building sustainable national capacity.

A guidance package will be developed...

... with a compilation of relevant materials developed by other organisations

... and new materials, designed for peacekeepers, that will need to be generated for DPKO specifically.

Additional resources need to be assigned to the development of materials...

...and ongoing responsibility for maintaining the framework is essential to success.

organizations in addressing the problem. The overall approach must be to help develop and support sustainable national anti-trafficking structures.

26. Key activities under this Programme should include a draft guidance package for SRSGs on approaches to combating trafficking and for proactive strategies to assist host governments, where mandated and requested, as well as the collation of support tools for missions to assist in anti-trafficking efforts, including

- Basic guidance for the detection and identification of trafficking activities in mission areas to be used by assessment missions and by mission personnel;
- Operational materials on the approaches taken in executive and advisory missions (e.g. UNMIK / UNMISSET);
- Guidelines on reporting procedures for personnel in missions
- Training materials on trafficking for local police forces and judiciary (e.g. from the Stability Pact and UNODC);
- Materials to help map key partner agencies in the field and their roles in relation to combating trafficking;
- Model legislation and institutional arrangements for national plans of action to combat trafficking (e.g. OSCE / Stability Pact); and
- A resource mobilisation concept to obtain specialist criminal investigation expertise from Member States (e.g. through secondment of criminal investigation experts) if law enforcement activity is required.

Resourcing and responsibilities

27. Under this three pronged approach, DPKO will develop a substantial set of tools for dealing with the problem of human trafficking. The Department will need to commit additional resources to the systems and materials development phase of the policy. There is not sufficient expertise in-house and this will need to be obtained to build a critical mass of guidance material. DPKO will need to seek external resources for specialized activities such as the development of training materials and the contents of a guidance package to missions. In missions, where trafficking emerges as a major problem, it is likely that specialist personnel should be obtained to help tailor the mission's approach to dealing with it.

28. Materials developed under Programme One will be fed into the standardized generic training modules, and maintained through the central training systems of DPKO. Responsibility for implementation of Programme Two activities and follow up on discipline and accountability will need to be assigned (and resourced) following the systems analysis. Once materials have been developed under programme three, the Peacekeeping Best Practices Unit will maintain this guidance package.