

**DO NO HARM: ENDING SEXUAL ABUSE
IN UNITED NATIONS PEACEKEEPING**

HEARING

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
Corker, Hon. Bob, U.S. Senator from Tennessee	1
Cardin, Hon. Benjamin L., U.S. Senator from Maryland	2
Coleman, Amb. Isobel, U.S. Representative to the United Nations for U.N. Management and Reform, New York, NY	4
Prepared statement	6
Jacobson, Amb. Tracey, Principal Deputy Assistant Secretary of State for International Organization Affairs, Washington, DC	8
Prepared statement	9
Rothstein, Major General Michael, Deputy Assistant Secretary for Plans, Programs, and Operations, Bureau of Political-Military Affairs, U.S. De- partment of State, Washington, DC	11
Prepared statement	14
Miranda Brown, Former Chief of Africa I Section, Office of the High Commis- sioner for Human Rights, United Nations, Geneva, Switzerland	35
Prepared statement	37
Peter Yeo, President, Better World Campaign, and Vice President for Public Policy and Advocacy, United Nations Foundation, Washington, DC	43
Prepared statement	45

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Responses to Questions for the Record Submitted to Ambassador Coleman, Principal Deputy Assistant Secretary Jacobson, and Deputy Assistant Sec- retary Rothstein by Senator Corker and Senator Boxer	55
Responses to Questions for the Record Submitted to Peter Yeo, President, Better World Campaign, and Vice President for Public Policy and Advocacy, United Nations Foundation, by Senator Corker	57

DO NO HARM: ENDING SEXUAL ABUSE IN UNITED NATIONS PEACEKEEPING

Wednesday, APRIL 13, 2016

U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
Washington, D.C.

The committee met, pursuant to notice, at 2:16 p.m., in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Flake, Gardner, Isakson, Cardin, Shaheen, Coons, Murphy, Kaine, and Markey.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. The Foreign Relations Committee will come to order.

I want to thank both of our panels for being here and for your service. As a courtesy, and I guess as protocol, the way these hearings go is we have government witnesses typically first and then we have other outside witnesses second.

Today, not to show any disrespect in any way to those panelists who are going first, I wish the second panel was going first, so that you could hear the testimony, especially because of its nature.

My staff generally prepares comments for me to make on the front end, and I generally, with a couple of alterations, stick to them. Today, I want to be very brief and just say that, look, we understand the importance of U.N. peacekeeping missions. We thank you for being here to tell us a little bit about some of the progress that may be made.

But I think all of us understand the terrible, horrible things that U.N. peacekeepers are doing to the people they are supposed to be protecting. The sexual abuse, what they are rendering to the populations that are in this helpless situation, is beyond belief.

And I think all of us, on both sides of the aisle, get very frustrated with the process focus that takes place at the U.N., but the lack of results that occur.

And again, I understand you guys are working hard. You are working within an environment that I find less than satisfying on every level, whether it is at the Security Council and keeping agreements intact, or whether it is this kind of thing.

Let me just make a statement. Based on what I know, and maybe I do not know everything I should, if I knew right now that a U.N. peacekeeping mission was going to go into North Chattanooga today, which is where my wife is, I would be on the first

plane out of here to go home and protect her from the U.N. peacekeepers, especially if they came from certain countries.

I am just telling you, so here I am as chairman of the Foreign Relations Committee, and if I knew that the U.N. was sending peacekeepers into my neighborhood, I would leave here immediately. I would drop what I was doing. I would catch the next flight home. And I would go home and try to protect my family from the abuse that they put forth on the very people that they try to protect.

And that is in North Chattanooga. You think about it in some of these isolated places where people are held up in camps, where young girls are subjected—and young boys are subjected to this sexual violence by people that we are paying, the United States of America is paying. We are the largest contributor, and this is taking place.

So look, I know you are here today to share with us some of the progress that is being made. This is not you doing this. I got it. This is not directed at you.

But I can just tell you, I am disgusted—disgusted—by the reports, by the actions of U.N. peacekeepers that U.S. taxpayers are paying for.

And I hope that somehow, out of this hearing and other hearings and other actions, that somehow we will figure out a way to reel this in.

Again, if I knew it was happening, if I knew they were going to Chattanooga, I would leave here immediately to protect my family.

So with that being said, I look forward to this hearing. I want to thank our ranking member for his desire and cooperation in having this.

I thank you for your service to our country, but I hope, out of that service, we, as a Nation, will figure out some way of ensuring that the very people that are sent to protect people are not doing the dastardly, terrible things that they are doing to populations that are very vulnerable.

Again, thank you, and I will turn it over to our ranking member.

**STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, Mr. Chairman, thank you for your passion on this issue.

It is not the first time we have dealt with problems such as this. This committee has taken, I think, the right position on trafficking in persons, where the United States' leadership has been instrumental in changing attitude of so many places in the world, where young people were trafficked for sex or for labor abuses. And this committee came in very strong on oversight to make sure that the integrity of what we do in evaluating countries' progress on trafficking is not compromised by politics.

And when you look at the United Nations, we will not tolerate the United Nations, under the auspices of the United Nations, perpetrating these types of violence against young people, against anyone. So I agree with you completely.

I first want to underscore the importance of the U.N. peacekeeping missions—120,000 military and police personnel, an over-

whelming number performing their professional responsibilities in the appropriate way with commitment and honor, protecting vulnerable citizens from the South Sudan to the Golan Heights, 16 missions around the world, four continents.

Ambassador Power pointed out that the United States not only has a direct security interest in the U.N. peacekeeping missions, and we contribute, as the chairman pointed out, to these missions at a greater percentage than any other country in the world, but it is value for the United States. I think Ambassador Power pointed out it is like an eight-to-one savings to U.S. taxpayers to be able to use the international United Nations peacekeepers rather than the United States having to fulfill that function.

So, there is certainly a very important benefit to the U.N. peacekeeping missions and the overwhelming majority of those who are doing the work are doing it properly. But the sexual abuse perpetrated by U.N. peacekeepers must end—must end.

Those who are perpetrators need to be held accountable. There can be no exception to that. Zero tolerance.

And I must tell you, Mr. Chairman, you are right to be outraged, because we are talking about young children who are very vulnerable, who are poor, who have been subject to the most difficult lifestyles, being enticed by food or money to do horrible things under the United Nations.

That cannot continue. So there has to be accountability here.

The thing that gets Chairman Corker and me so concerned are the reports that, at least initially within the United Nations, the response was fragmented and bureaucratic, that it was not treated with the seriousness that it should have been treated. That is hard for us understand, the entity that is supposed to bring world peace and stability condoning, through their inactions, those types of activities.

So, the United Nations passed a U.N. Security Council resolution last March. I have read it. It looks like an appropriate response. Will it be enforced? Will we be prepared, in fact, to repatriate all of the uniformed personnel from countries that are not doing what they need to do in training their personnel before they are in theater to deal with sexual abuse issues, holding those who violate accountable, including prison time. If not, they should not be part of the U.N. peacekeeping mission.

Are we prepared to implement to that? And I say that because, Mr. Chairman, there are shortages of personnel. There are more countries that are now participating in U.N. peacekeeping missions, including those from developing countries, that may not have the same access to training. So, will the United Nations compromise the safety of young people in order to meet the numbers in the peacekeeping mission?

If they do, the chairman and I are going to do everything we can to make sure they do not have the resources to do that. We are not going to support that type of activity.

So there can be zero tolerance.

And I really do look forward to the discussion we are going to have with our two panels today. And I do know that the people that are in front of us are working every day to make sure that the United States leadership makes it clear that we will not allow,

or tolerate, that type of conduct, and we will demand that, particularly under the U.N. banner, that there be total accountability and no tolerance for this type of activity.

The CHAIRMAN. Thank you, Senator Cardin. I very much appreciate your service here, too, very much.

Our first witness is the Honorable Ambassador Isobel Coleman, U.S. Representative to the United States for U.N. Management and Reform. Our second witness today is the Honorable Tracey Ann Jacobson, Principal Deputy Assistant Secretary of State, Bureau of International Organization Affairs. Our third witness is Major General Michael D. Rothstein.

Did I pronounce that correctly?

General ROTHSTEIN. Yes, sir.

The CHAIRMAN. Deputy Assistant Secretary for State for Plans, Programs, and Operations, State Department, Bureau of Political-Military Affairs.

Again, we thank you all for your service to our country.

I think all of you know that, without objection, your written testimony will be entered into the record, if you could summarize in about 5 minutes.

And I would say that I know you all are very busy. To the extent you could hear the testimony of the second panel, it might be beneficial to you.

But we thank you for yours here now, and if you could just start in the order that I introduced you, I would appreciate it.

Again, thank you for taking the time to be with us today.

STATEMENT OF HON. ISOBEL COLEMAN, U.S. REPRESENTATIVE TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, U.S. MISSION TO THE UNITED NATIONS, NEW YORK, NEW YORK

Ambassador COLEMAN. Thank you, Mr. Chairman and Ranking Member Cardin and other distinguished members of the panel, for inviting me here to testify today on this urgent and shameful issue of sexual abuse and exploitation by U.N. peacekeepers.

Earlier this month, I had the opportunity to travel with Ambassador Power to the Central African Republic to witness the peaceful transfer of power to the newly elected President of that country. And in many ways, the trip underscored both the best and the very worst of U.N. peacekeeping.

The presence of U.N. peacekeepers has been critical to staunching the ethnic violence in that country, violence that has led to the deaths of thousands of people and displaced hundreds of thousands of people. But as we all know, some MINUSCA troops have also been implicated in allegations of horrific sexual abuse, preying on the very people that they were sent to protect.

During my time in CAR, Ambassador Power and I had the opportunity to travel to Bambari and meet with the families of victims. And their descriptions of the violence that their loved ones have suffered at the hands of U.N. peacekeepers were really powerful personal accounts that, for me, cut through the handwringing, frankly, the excuses for why this scourge has been allowed to persist for just too long.

Sexual exploitation and abuse by U.N. peacekeepers is not a new problem. It has plagued missions from Bosnia to Haiti to the Democratic Republic of Congo to the Central African Republic.

Let me read you just a short passage from an internal U.N. report documenting sexual abuse among peacekeepers. I am quoting, "Some girls talked of rape disguised as prostitution, in which they said they were raped and given money or food afterward to give the rape the appearance of a consensual transaction." These words, I am sorry to say, come from the Zeid report in 2005.

We know from the scope of current allegations now, more than a decade later, these very same offenses are still occurring. And despite years of U.N. leaders insisting on, quote, "zero tolerance," a culture of impunity has been allowed to fester.

When Ambassador Power asked me last year to lead our mission's efforts to establish a new paradigm for really tackling this scourge, it was clear that an unacceptable lack of transparency and accountability were at the heart of the issue.

Yes, the U.N. published an annual report, tallying the numbers and types of sexual abuses by mission, by peacekeepers. But under pressure from the troop-contributing countries themselves, it withheld the nationality of the alleged perpetrators. And that made it difficult for member states to take collective action on tracking the status of investigations and the outcome of disciplinary action to hold perpetrators to account.

In short, without transparency, real accountability was at best—at best—inconsistent.

And this, finally, is changing.

And, Senator, I share your outrage on this. To look back over so many years of words, of rhetoric, that has not resulted in true accountability is simply unacceptable.

Last year, USUN led negotiations in the General Assembly for what I view as a breakthrough, finally, on transparency. We gained consensus among member states to support the Secretary General in his intent to name countries in his annual report, those countries whose troops have allegations against them, a long overdue step.

As of early March this year, the U.N. is now reporting on its Web site. In real-time, it is posting credible allegations, along with the nationality of the alleged perpetrators. And with this information, we are pursuing a comprehensive approach to track individual cases and follow up with the appropriate authorities.

In March, USUN brought the issue of sexual abuse, as you know, to the Security Council with Resolution 2272, another significant step forward for accountability. The resolution endorses the Secretary General's decision to repatriate peacekeeping units that have demonstrated a pattern of abuse, which is a clear indication of insufficient command-and-control. And the Secretary General is empowered to repatriate all the troops from a mission from a particular troop- or police-contributing country, if it is not taking appropriate steps to investigate allegations against its personnel or has not held them accountable.

Our goal is to see Resolution 2272 implemented fully as a means of powerful prevention by ending once and for all the culture of impunity that has persisted for too long.

The other part of the strategy is to increase the overall supply of peacekeepers such that when military units or contingents are repatriated, there are others that are well-trained and vetted, able to deploy quickly to take their place.

The U.N. has come a long way in responding to this scourge of sexual abuse. With strong support from the United States, it has built up its investigative capabilities, increased training and vetting of troops, implemented greater community outreach to increase awareness about sexual abuse, instituted penalties for offenders, and is improving victims' assistance.

But clearly, given the shocking scale and gravity of the sexual abuse incidents being reported from the Central African Republic and other missions, these actions by themselves are not sufficient to address the crisis.

The U.N.'s recent commitments to greater transparency and accountability must, absolutely must, result in a long overdue sea change that ends impunity.

Our work is not done. We continue to make it our highest priority, both in New York and bilaterally, to see perpetrators held to account and sorely lacking integrity restored to peacekeeping.

Thank you.

[Ambassador Coleman's prepared statement follows:]

PREPARED STATEMENT OF AMBASSADOR ISOBEL COLEMAN, U.S. REPRESENTATIVE TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, NEW YORK, NY

Thank you Mr. Chairman, Ranking Member Cardin and distinguished members of the Committee for inviting me to testify today on the urgent, and shameful, issue of sexual exploitation and abuse by U.N. Peacekeepers.

Earlier this month, I had the opportunity to travel with Ambassador Power to the Central African Republic to witness the peaceful handover of power to the country's newly-elected leader, President Touadera. In many ways, the trip underscored both the best, and the very worst, of United Nations peacekeeping operations. The presence of U.N. peacekeepers has been crucial in stanching the ethnic violence that has wracked the Central African Republic, which has resulted in thousands of deaths and the displacement of hundreds of thousands of people. Today, the U.N.'s peacekeeping mission, MINUSCA, is not only keeping a fragile peace, but working with the new government to extend state authority, prepare for the demobilization and disarmament of militias, and build local capacity so that CAR can begin the long process of standing on its own feet.

Yet as we all know, some MINUSCA troops have also been implicated in allegations of horrific sexual abuses, preying on the very people they have been sent to protect. During my time in CAR, Ambassador Power and I traveled to Bambari and visited with the families of some of the victims of that abuse. Their descriptions of the violence their loved ones have experienced at the hands of peacekeepers were powerful personal accounts that, for me, cut through all the statistics, the handwringing and frankly, the excuses about why this scourge has continued to happen. On that very same day, a host of additional allegations from the 2013–2015 time period came to light of abuses in Kemo prefecture—allegations that can only be described as gut-wrenching and sickening.

Sexual exploitation and abuse by U.N. peacekeepers is not a new problem. It has plagued missions from Bosnia to Haiti, to the Democratic Republic of the Congo to the Central African Republic. Let me read to you just one passage from an internal U.N. report documenting sexual abuse among peacekeepers:

Sexual exploitation and abuse mostly involves the exchange of sex for money (on average \$1–\$3 per encounter), or for food (the report notes as little as two eggs from a soldier's rations) ... Some young girls ... talked of "rape disguised as prostitution," in which they said they were raped and given money or food afterwards to give the rape the appearance of a consensual transaction.

These words, I'm sorry to say, are from the Zeid Report, published by the U.N. in 2005. We know from the scope of current allegations that now, more than a decade later, these very same offenses are still occurring. Despite years of U.N. leaders insisting on "zero tolerance," a culture of impunity has been allowed to fester.

When Ambassador Power asked me last year to lead our mission's efforts in helping to establish a new paradigm for tackling this scourge, it was clear that an unacceptable lack of transparency and accountability were at the heart of the problem. Yes, the U.N. published an annual report tallying the numbers and types of SEA incidents by peacekeeping mission, but under pressure from the troop contributing countries themselves, it withheld the nationality of alleged perpetrators. That made it difficult for Member States to take collective action on tracking the status of investigations and the outcome of disciplinary action or other actions to hold perpetrators to account, and assessing the appropriateness of steps taken by the U.N. to address the issue. In short, without transparency, real accountability was at best, inconsistent. But that, finally, is changing.

Last year, USUN led negotiations in the General Assembly for a breakthrough on transparency, gaining consensus among Member States to support the Secretary General in his intent to name countries in his annual SEA report—a long-overdue step. As of March, the U.N. now posts credible allegations on its website, along with the nationality of the alleged perpetrators. With this information, we are pursuing a comprehensive approach as outlined earlier by PDAS Jacobson, to track individual cases and follow up with the appropriate authorities, including through engagement in capitals, to determine the status of investigations and encourage effective judicial proceedings where appropriate. This is part of our broader interagency effort to improve peacekeeping performance and accountability per the Presidential Policy Memorandum on U.S. Support to U.N. Peace Operations.

In March, in an effort to broaden responsibility within the U.N., USUN brought the issue of SEA to the Security Council, which adopted U.N. Security Council Resolution (UNSCR) 2272—another significant step forward for accountability. The resolution endorses the Secretary General's decision to repatriate peacekeeping units that have demonstrated a pattern of abuse—which is a clear indication of insufficient command and control. Going further, UNSCR 2272 empowers the Secretary General to repatriate all troops from a mission from a particular TCC or PCC whose personnel are the subject of an allegation if that TCC or PCC is not taking appropriate steps to investigate SEA allegations against its personnel or, when warranted, has not held the perpetrators accountable or has not informed the Secretary General of the progress of its investigations or of other actions taken. In such situations, it requests the Secretary-General to seek replacement of those troops or police with personnel from another contributing country.

Our goal is to see UNSCR 2272 implemented fully as a means of powerful prevention by ending once and for all the culture of impunity for SEA in peacekeeping that has persisted for too long. Already, we are seeing positive signs of change, with the U.N. having repatriated military units from MINUSCA for SEA. It has alerted the relevant contributing countries that the U.N. is conducting its review of these most recent additional allegations against U.N. peacekeepers in CAR to repatriate peacekeepers if there is a pattern of abuse.

The other part of this strategy, as also noted earlier, is to increase the overall supply of peacekeepers such that when military units or contingents are repatriated, others that are well trained and vetted are available to deploy quickly to take their place. President Obama's Peacekeeping Summit at the U.N. last September resulted in new pledges to peacekeeping of over 40,000 military and police personnel—an increase in supply that over time will allow the U.N. to more aggressively address a broad range of performance and peacekeeping issues, in addition to SEA.

The U.N. has come a long way in recent years in responding to the scourge of SEA, with strong support from the United States. It has built up its investigative capabilities, increased training and vetting of troops, implemented greater community outreach to increase awareness about SEA and reporting mechanisms, instituted penalties for offenders, and is improving victim's assistance. Clearly, given the shocking scale and gravity of the SEA incidents being reported from CAR and other missions, these actions are necessary but by themselves are not sufficient to address the crisis. The U.N.'s recent commitments to greater transparency and accountability must result in a long-overdue sea change that ends impunity. Our work is not done. We continue to make it our highest priority both in New York at the U.N. and bilaterally to see perpetrators held to account and sorely lacking integrity restored to peacekeeping.

The CHAIRMAN. Thank you.

**STATEMENT OF HON. TRACEY ANN JACOBSON, PRINCIPAL
DEPUTY ASSISTANT SECRETARY, BUREAU OF INTER-
NATIONAL ORGANIZATION AFFAIRS, U.S. DEPARTMENT OF
STATE, WASHINGTON, DC**

Ambassador JACOBSON. Mr. Chairman, members of the committee, I am honored to be here with you today to talk about this horrific issue that demands urgent, meaningful, and sustained effort.

Sexual exploitation and abuse by U.N. peacekeepers is a cancer that demands the most comprehensive treatment possible. And our well-justified collective outrage is only useful if it is paired with action.

I begin by noting that the United States has long been a vocal advocate for increased transparency and accountability as it relates to allegations of sexual exploitation and abuse by U.N. peacekeepers. We are pleased that this push for transparency is finally starting to find its first traction.

And while it is clear, as you note, that the actions taken so far by the U.N. and member states have fallen far short of the mark, certain recent actions taken by the Secretary General reflect a new seriousness and create important new avenues for member state engagement.

Some of these steps include improved reporting systems for victims and their communities, the creation of immediate response teams to collect and secure evidence for use in investigations, withholding of payments to troop- and police-contributing missions for their staff that have been sent home under allegations of misconduct, and the creation of task forces in all peacekeeping operations on sexual exploitation and abuse.

And I will also note that, in February, the Secretary General took the unprecedented step of sending home an entire contingent from the Democratic Republic of Congo who had been working in Central African Republic based on credible allegations of exploitation and abuse. This is the first time that the Secretary General has taken such a step. It sets an important precedent and we believe it sends an important signal to troop- and police-contributing countries.

We particularly welcome the Secretary General's action to identify the nationalities of those uniformed personnel who are accused of committing sexual exploitation and abuse, including this information online in near real-time.

Troop- and police-contributing countries have the ultimate responsibility for the discipline of their personnel. And by providing this information publicly, the U.N. can motivate these countries to do much better.

It also allows member states to track performance, to recognize serious patterns of abuse, and to use our diplomatic weight to urge the U.N. to repatriate units that have a systemic pattern of misconduct, and to ban countries from peacekeeping where appropriate.

This new level of information has also allowed us to direct our bilateral engagement where it is most needed. Last month, we launched an effort to reach out to every country on the U.N.'s list in the Secretary General's report at senior levels to accomplish

three goals: first, to make sure that they were aware of the report and the allegations concerning their troops; second, to demand credible action in terms of investigation and holding those responsible to account, including through prosecution when appropriate where crimes have been committed; and thirdly, to identify those areas where the United States might provide capacity-building assistance to help these countries better investigate and prosecute crimes involving sexual exploitation and abuse.

I would also note that the Secretary General's report included allegations of sexual exploitation and abuse against civilian personnel of the U.N. and different agencies. Based on that information, we are following up directly with those agencies to make sure that they take all necessary action.

Mr. Chairman, any instance of sexual exploitation and abuse does very real damage to the credibility of the institution of peacekeeping, a tool that has never been more important for global peace and security, and one on which the United States relies to stabilize conflict situations that could otherwise spiral out of control.

Last year, the President hosted the Leaders' Summit on Peacekeeping and issued a new presidential memorandum reaffirming our strong support for U.N. peace operations and directing new efforts to strengthen and modernize these operations. These efforts are well-timed to bolster our actions on sexual exploitation and abuse.

For example, new commitments in the President's summit last year included 40,000 troops and police, and this should send a message to troop- and police-contributing countries that peace operations are no longer a sellers' market.

This increased capability should allow the U.N. to prioritize better performing troops in its deployments and also give it the flexibility to replace units potentially withdrawn for misconduct.

Mr. Chairman, my colleagues with me today are well-placed to speak specifically to issues of the reforms we have pursued at the U.N. and the training that we provide and capacity that we provide to peacekeeping troops in the field.

I will conclude by saying that, by their very mandate, the vast majority of U.N. peacekeepers are serving under a mandate to protect civilians who are under threat of physical violence. Exploiting or abusing these same vulnerable people is appalling and an unconscionable breach of trust. And we greatly appreciate the attention this committee is bringing to the issue and share your outrage at what has been allowed to occur.

[Ambassador Jacobson's prepared statement follows:]

PREPARED STATEMENT OF AMBASSADOR TRACEY JACOBSON, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION AFFAIRS

Mr. Chairman, members of the committee, thank you for the opportunity to testify today on an issue that demands urgent, meaningful, and sustained action. Sexual exploitation and abuse by U.N. peacekeepers is a cancer that demands the most comprehensive treatment possible, and while our collective outrage is well justified, that outrage is only useful if it is paired with action.

As you know well, in early March U.N. Secretary-General Ban ki-Moon released his annual report on SEA detailing a shocking number of allegations of sexual exploitation and abuse by U.N. civilian and uniformed personnel in 2015 alone. While we welcome the Secretary-General's efforts to improve transparency on these matters, the report also illuminates an important truth—that the steps the U.N. and

its member states were taking to address this crisis were falling far short of the need.

However, we believe certain recent actions taken by the U.N. not only reflect a new seriousness, but also create important new avenues for member state engagement.

For example, we're watching closely the Secretary-General's efforts aimed at strengthening the U.N. system's capacity to respond. These include steps to leverage the international presence in any post-conflict environment, improve reporting systems for victims and communities, the creation of immediate response teams to gather and preserve evidence for use in investigations, suspending reimbursement to troop- and police- contributing countries for uniformed personnel who are sent home for alleged misconduct, and the establishment of sexual exploitation and abuse taskforces in U.N. peace operations.

I will also note that in February the Secretary-General took the groundbreaking action of repatriating an entire contingent of peacekeepers from the Democratic Republic of Congo from the U.N. peacekeeping mission in Central African Republic largely due to credible allegations of sexual exploitation and abuse. This contingent was replaced by troops from another country. Although this was the first time the Secretary-General had taken such a step, it sets an important precedent and we believe it sends a strong message to other troop and police contributing countries.

And we particularly welcome the Secretary-General's action to begin identifying the nationality of military and police personnel alleged to have committed sexual exploitation and abuse as well as judicial or administrative actions taken by their governments.

This is an important step. Troop and police contributing countries are responsible for the discipline of their personnel. Public identification can motivate countries unwilling to take appropriate steps to prevent and respond to SEA to change the way they do business.

Transparency can also help to identify which countries may require further capacity building, including training to prevent SEA, to investigate and prosecute criminal SEA in their national military and civilian justice systems, and general professionalization. As importantly, the identification of countries will also allow Member States to identify serious patterns of misconduct, so that we can use our diplomatic muscle to urge the U.N. to repatriate units and contingents and when necessary suspend these countries from contributing uniformed personnel until they can demonstrate they have taken adequate corrective actions.

According to the Secretary General's annual report released in March, there were 69 allegations of sexual exploitation and abuse in U.N. peacekeeping operations and special political missions from 21¹ countries in 2015. Since then, there have been additional reported instances in 2015 and 2016—we know this because in another welcome development, the U.N. has started posting allegations in near-real time on their website.

Although the State Department and our mission to the U.N. in New York have a long track record of using diplomatic engagement to jolt the U.N. and troop and police contributing countries into action on this issue, this new level of information has allowed the United States to focus our efforts where most needed. Last month we launched an effort to approach all the countries on the U.N.'s list at senior government levels to accomplish three goals:

First, to ensure their full awareness of the report and allegations. Second, to seek their firm commitment to investigate credibly and hold those found responsible to account, including through prosecution where appropriate when crimes have been committed. And third, to discuss potential areas of cooperation where the United States might support improved capacity to investigate and prosecute crimes involving SEA.

Our ongoing effort includes asking other countries to be similarly engaged with troop and police contributing countries.

I will also note that the Secretary-General's report detailed allegations of sexual exploitation and abuse by civilian personnel serving in other U.N. entities. Based on that reporting, we have approached relevant U.N. agencies to ensure they are taking needed action.

Mr. Chairman, any instance of sexual exploitation and abuse does very real damage to the credibility of the institution of peacekeeping—a tool that has never been more important to global peace and security, and upon which the U.S. relies to stabilize conflicts that might otherwise spiral out of control.

¹Burundi, Cameroon, Congo-Brazzaville, Democratic Republic of the Congo, Gabon, Morocco, Burkina Faso, Nigeria, Benin, South Africa, Tanzania, Slovakia, Niger, Moldova, Togo, Canada, Rwanda, Madagascar, Senegal, Ghana, and Germany.

It is our goal to bring these practices to a definitive end in order to ensure U.N. peacekeeping remains an available, effective tool—and one that operates to the highest standards of professionalism, capacity, and conduct.

It is exactly that goal that prompted the President to host the Leaders' Summit on Peacekeeping at last year's U.N. General Assembly and to issue a new Presidential Memorandum reaffirming our strong support for U.N. peace operations and directing new actions to strengthen and modernize these operations.

These efforts are well-timed to bolster action on sexual exploitation and abuse. For example, the Leaders' Summit resulted in commitments from more than fifty countries of nearly 150 new military and police contributions to U.N. peacekeeping, amounting to more than 40,000 troops and police.

We are pushing pledging countries to realize these new commitments, which will send a message to other troop and police contributing countries that this is no longer a seller's market. New capacities should allow the U.N. to prioritize better performing troops and police for deployment if a new mission is stood-up or if new gaps arise in existing missions, and they provide the U.N. with flexibility to replace contingents potentially withdrawn for misconduct.

The Presidential Policy Memorandum has changed the way the interagency works on peacekeeping. In the six months since it has been issued, the State Department and the Department of Defense have begun to work more closely and collaboratively on U.N. peacekeeping.

Although the U.S. Mission to the U.N. takes the lead on diplomacy and outreach in New York, the interagency contributes to their strategies and we send interagency delegations to New York to deliver clear messages about the actions that should be taken by the Secretariat and by the Permanent Missions to prevent and respond to SEA. Our colleagues in the bureaus for African Affairs, Political-Military Affairs, and International Narcotic and Law Enforcement work in partnership with the Department of Defense (DoD) to take the lead on strengthening U.S. peacekeeping capacity-building programs, but we all contribute to important aspects of their planning.

At State, we continue to do targeted outreach through posts and in multilateral dialogues, often with DoD standing alongside, to deliver tough messages and requests on performance and SEA. We are leveraging all of our tools, and by doing it jointly we have greater impact. The current nature and intensity of interagency collaboration on U.N. peacekeeping reform is unprecedented and we will continue to focus our efforts to improve peacekeeper performance, including ending the current scourge of SEA.

Mr. Chairman, my colleagues with me today from the U.S. Mission to the U.N. and from the Bureau of Political-Military Affairs are well-placed to flesh out their efforts to promote oversight and reform, training, capacity-building, etc.

I will conclude by noting that by their very mandates, the vast majority of U.N. peace operations are intended to protect civilians under threat of physical violence. Exploiting or abusing these same vulnerable people is appalling and an inexcusable breach of trust, and we greatly appreciate this Committee's attention to the issue.

The CHAIRMAN. Thank you.

Ambassador JACOBSON. Thank you.

The CHAIRMAN. General?

**STATEMENT OF MAJOR GENERAL MICHAEL D. ROTHSTEIN,
DEPUTY ASSISTANT SECRETARY FOR PLANS, PROGRAMS,
AND OPERATIONS, BUREAU OF POLITICAL-MILITARY AFFAIRS,
U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.**

General ROTHSTEIN. Good afternoon, Mr. Chairman, Ranking Member Cardin, members of the committee.

Thank you for letting me speak today. And I, too, like my colleagues, am very deeply troubled by what brings us here today and the things we have to discuss about these events and incidents.

Among my duties at the State Department, I am responsible for providing executive leadership for the Global Peace Operations Initiative. I will take just a moment to give you a little bit of background on that, and then I will discuss its intersection with preventing sexual exploitation and abuse.

GPOI, the Global Peace Operations Initiative, is our flagship security assistance program that focuses on building capacity for other countries to deploy peacekeepers to support United Nations or other regional missions. For the most part, it is a training and equipping kind of admission, although we also focus on building their self-sufficiency to do training for themselves. And importantly, of note, one of our key program objectives is to promote the role of women and to promote better gender integration into their operations.

GPOI has been very successful in helping other countries step up to their responsibilities for international security. It also allows us, and our own U.S. forces, to focus our military on other priorities besides peacekeeping.

To date, the program has facilitated the deployment of more than 200,000 personnel to 29 different operations around the world.

And today, GPOI partners, although they only comprise 40 percent of the troop-contributing countries, punch well above their weight class by providing more than 70 percent of the troops that are forming those missions.

Through GPOI and through our diplomatic engagement, as my colleague mentioned earlier, we are working to expand the base of the number of countries and the number of troops that are available to the U.N. to support these missions. And I would echo what my colleague said, that we think this will help by having more troops out there raise the standard not only for mission performance but also for conduct and discipline.

Now let me be clear for the record. I think I share the sentiment of everyone in here that each and every instance of sexual exploitation and abuse by any peacekeeper is absolutely unacceptable, not only for the harm it causes directly, but it also fundamentally undermines the mission and legitimacy of what it is trying to occur.

Now GPOI is very deliberately structured to try to proactively address sexual exploitation and abuse. In program execution, we direct that all appropriate individual and unit training has elements of academics and things that go against sexual exploitation and abuse built into their training.

We start in the classroom. We move on to scenario-based training. And then we move on in exercise-related training at both the individual unit and leader level.

We pay particular attention to training leaders, because we are keenly aware of the very important role that leadership plays and how significant a positive impact of effective leadership can have downrange once they are in mission.

And then GPOI also works to promote the role of women and to promote gender integration. We specifically seek out women as trainers, because we understand the positive impact that can have. And over the past 5 years, the 50 active countries that are GPOI partners, they have nearly doubled the number of women that they deploy in mission for U.N. peacekeeping. And to give you a point of contrast, the 71 countries that are not GPOI partners that participate in peacekeeping, they have actually had a decrease of 16 percent of the number of women that are being deployed.

So I am very comfortable that GPOI is having a positive impact in this area and through that influence.

Now while we are proud of GPOI's efforts to address this issue, and I do believe we are positively shaping behavior and outcome, no amount of training, no better gender integration, is a panacea.

As we know, there are far too many serious instances that still occur. And I, like my colleagues, am hopeful that recent U.N. policy changes to promote transparency will help. They have to continue to follow through.

And if a GPOI partner fails to follow up on those allegations, if they fail to take responsible action through their jurisprudence system, then we have to be ready as a Nation to consider suspending our security assistance. We have to take a very deliberate decision on how we do that.

In the end, well-trained, well-disciplined, well-equipped units, they are the very building blocks to effective peacekeeping. And while there are many GPOI success stories out there, we are also very well aware that the track record is not perfect by any means.

And so, whether it is directly or indirectly, through ongoing training, through expanding the role of women, we remain committed for improvement overseas with the U.N., with our partner countries, to rid us of this scourge of sexual exploitation and abuse.

Thank you for your time. I stand by for your questions.

[General Rothstein's prepared statement follows:]

PREPARED STATEMENT OF MAJOR GENERAL MICHAEL ROTHSTEIN, DEPUTY ASSISTANT SECRETARY FOR PLANS, PROGRAMS, AND OPERATIONS, BUREAU OF POLITICAL-MILITARY AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Good morning Mr. Chairman, Ranking Member Cardin and members of the committee. I am U.S. Air Force Major General Michael Rothstein, here before you in my capacity as Deputy Assistant Secretary for Plans, Programs, and Operations in the U.S. Department of State's Bureau of Political-Military Affairs.

Among my duties at the State Department, I am responsible for providing executive leadership and guidance for U.S. government global security assistance programs and policies, such as the Global Peace Operations Initiative (GPOI)—which I look forward to discussing with you today. As an active-duty member of the armed services on detail to the State Department, one might say I am "living proof" of State and DoD's commitment to coordination and collaboration.

GPOI AS A FLAGSHIP PROGRAM FOR BUILDING GLOBAL PEACE OPERATIONS CAPACITY

Peacekeeping missions are a critical tool for promoting peace and reconciliation in some of the world's most troubled countries. As Ambassador Power highlighted to this committee in December of last year: "Even when the United States has an interest in seeing conflict abate or civilians protected, that does not mean that U.S. forces should be doing all of the abating or the protecting."

While the U.S. cannot and should not send the U.S. military into all of the world's conflict zones, we have a compelling interest in curbing violent conflicts and preventing suffering around the world, and we need international peacekeeping to work. GPOI serves as our flagship program for building global peace operations capacity, and is one of the key ways the United States advances its vital interest in strengthening peacekeeping.

GPOI works to strengthen international capacity and capabilities to implement United Nations (U.N.) and regional peace operations. It builds the capacity of our partners and enhances their capabilities to meet the growing global demand for specially trained personnel required for peace operations. GPOI supports not only military peacekeeping activities, but also contributes to the development of formed police units (FPUs), complementing the efforts of our colleagues in the State Department's Bureau of International Narcotics and Law Enforcement Affairs.

In addition to being the world's leading financial supporter of U.N. peacekeeping, the United States is also the largest trainer and equipper of military and police con-

tingents deploying to peacekeeping operations in the world. Programs like GPOI have played a pivotal role in meeting the expanding need for well-trained, adequately equipped peacekeepers capable of responding to evolving mission requirements. To date, the program has facilitated the deployment of more than 200,000 personnel to 29 peace operations around the world. Moreover, assistance and engagement through GPOI have directly advanced the will and ability of partner countries to deploy key enabling capabilities essential to mission success, such as aviation, engineering, or medical units, as well as to deploy more basic units to higher risk missions. GPOI is further working to expand the base of troop and police contributors and help create a surplus of peacekeeping forces. Importantly, this will allow the international community to be more selective in choosing which forces will deploy for which missions and help both raise and enforce standards.

HOW GPOI WORKS DIRECTLY TO PREVENT SEXUAL EXPLOITATION AND ABUSE (SEA)

Let me be clear: each and every instance of sexual exploitation and abuse by members of any peacekeeping force undermines the force's mission and legitimacy. Given the strategic importance of multilateral peace operations to U.S. national security and foreign policy objectives, we strongly believe contributing countries must take steps to ensure that personnel assigned to peacekeeping missions are properly trained, vetted, scrupulously professional in their conduct, and held to account when their actions fall below those standards. GPOI and our broader security assistance and security cooperation programs play a key part in supporting the efforts of our partner countries to professionalize their security forces and enforce stringent conduct and discipline standards.

GPOI is consciously structured to proactively address these serious issues. GPOI training and support programs must adhere to the GPOI Strategy, which includes prevention of sexual exploitation and abuse in one of its seven program objectives. Additionally, all GPOI training must follow specific training requirements identified in program guidance to our implementers and trainers in the field—guidance that is emphasized and reemphasized throughout the year at regional and global roundtable consultations to address best practices in identifying and addressing this critical issue.

In 2015, GPOI funded 130 training events and courses around the world. These programs explain the U.N.'s zero tolerance policy against sexual exploitation and abuse and emphasize the critical role that individuals, units and leaders play in preventing sexual exploitation and abuse. Where appropriate, GPOI-funded training incorporates instruction on human rights, conduct, and discipline, including the preventions of sexual exploitation and abuse; protection of civilians, including the prevention of sexual and gender-based violence, and child protection.

At the individual level, such training includes examples, perceptions and definitions of sexual exploitation and abuse, in order for prospective peacekeepers to fully grasp its impact on individuals, the population, and the peacekeeping mission. These lessons outline peacekeeper standards of conduct including individual and leadership responsibilities for preventing, responding to and reporting sexual exploitation and abuse, as well as discussing the consequences of sexual misconduct. This training is further reinforced as part of unit level trainings.

While preventing sexual exploitation and abuse is the responsibility of every peacekeeper, GPOI training places particular emphasis on the critical role that unit leaders play in this task. For example, this topic is stressed as part of battalion-level pre-deployment training we provide through the GPOI-funded Africa Contingency Operations and Training Assistance, or ACOTA, program, as well as the Contingent Commander courses we sponsor in Africa, the Asia-Pacific regions, and elsewhere. This training places a focus on commanders' responsibilities to enforce conduct and discipline among their troops, including sexual exploitation and abuse and other forms of misconduct.

HOW GPOI HELPS PREVENT SEA BY PROMOTING THE ROLE OF WOMEN AND ENHANCED GENDER INTEGRATION INTO PEACEKEEPING OPERATIONS

Working to include women as equal partners in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity can also help reduce instances of sexual exploitation and abuse and gender-based violence. This is why, in addition to direct support for this specialized training, GPOI consciously works to prevent sexual exploitation and abuse by promoting the role of women and influencing partner countries to increase gender integration into U.N. and regional peacekeeping operations, including specifically seeking out women to serve as trainers for foreign military or police units.

Over the past five years, the 50 active GPOI partner countries have nearly doubled the number of female military peacekeepers deployed to 2,539 and more than doubled the number of female FPU officers to 513. Additionally, GPOI has provided more than \$3 million specifically for women, peace and security and related protection of civilian initiatives in support of the U.N. and partner countries across the globe. As a point of contrast during this same period, the 71 countries that are not GPOI partners actually decreased the number of deployed females from 604 to 508, a loss of 16%.

GPOI also provides funding assistance for gender-specific facilities refurbishment to enable gender integration and more systemic training of female peacekeepers, such as the establishment of female barracks, latrines and showers at peacekeeping training centers.

BROADER EFFORTS REQUIRED TO PREVENT AND RESPOND TO SEA

Training and gender integration initiatives, such as efforts the U.S. Government implements through GPOI and complementary security assistance and cooperation programs are foundational to sexual exploitation and abuse prevention efforts. We will continue to actively explore ways in which we can strengthen training and reinforce messaging on these critical issues.

However, it is important to note that training is only a small part of a broader, holistic effort required to more effectively prevent sexual exploitation and abuse in U.N. and regional peace operations. Many factors beyond training underlie sexual exploitation and abuse and other conduct and discipline issues. Individual morals, cultural values, unit professionalism, leadership, and education among other considerations, can contribute to conditions that foster peacekeeper conduct and discipline problems.

While we commit to objectively examining the effectiveness of our GPOI training activities, training is but one piece of the solution to this pervasive problem. We must also continue our work with the U.N., troop and police contributing countries, and other international stakeholders to examine and address issues underlying the prevalence of sexual exploitation and abuse in some peacekeeping missions and to work together to implement more effective prevention measures.

Moreover, greater efforts must be undertaken. We must continue to push the U.N. for greater transparency and accountability in allegations and investigations and for the U.N. to clarify roles and responsibilities for conducting sexual exploitation and abuse investigations. Additionally we must engage diplomatically and consider security assistance to troop or police contributing countries to strengthen both their political will and their actual capacity to respond effectively to allegations.

In some cases, troop or police contributors demonstrate the will to pursue allegations but lack the institutional capacity to conduct timely, effective investigations or, where appropriate, to prosecute cases through either a military or civilian justice system. In other cases, countries' leaders may view sexual exploitation and abuse allegations less seriously than warranted and be reluctant to take appropriate action. Accordingly, we must continue to work collaboratively within the interagency and with the U.N., U.N. member states, including troop and police contributors, and other international stakeholders to develop the investigative, prosecution, and other mechanisms to hold perpetrators accountable, as well as to pressure those countries reluctant to take appropriate action when necessary. If countries fail to respond appropriately, we are and must be willing to deliberately consider withholding further GPOI assistance.

THE PRESIDENTIAL POLICY MEMORANDUM ON U.S. SUPPORT TO U.N. PEACE OPERATIONS

Although GPOI has long been invested in efforts to prevent sexual exploitation and abuse, the issuance of the Presidential Policy Memorandum on U.S. Support to U.N. Peace Operations in September 2015 has broadened and strengthened our efforts. We are working closely with the International Organizations Bureau, INL and others at the State Department, the U.S. Mission to the U.N., and the Department of Defense to implement the policy. Together, we are taking steps to address a broad range of peacekeeping performance and accountability issues, with particular attention to sexual exploitation and abuse by coordinating and complementing how we use our programming and influence as the largest trainer and equipper of peacekeeping troops, our direct personnel contributions to U.N. peacekeeping missions, and our diplomatic influence at U.N. headquarters.

CONCLUSION

Ultimately, the building blocks of an effective peacekeeping force are well-trained, disciplined and properly equipped security forces. Through GPOI and other security

capacity building programs, the United States works to help our partners field peacekeeping forces of which the vast majority live up to high standards of professionalism, discipline and conduct. While there are many success stories, the track record is certainly not perfect. Whether it's directly or indirectly, through ongoing training or through expanding the role of women in peacekeeping and society, we are committed to helping prevent and combat sexual exploitation and abuse among peacekeeping forces.

I look forward to your questions. Thank you.

The CHAIRMAN. We thank you all for your testimony.

Look, my guess is that you all are as upset about this as we are. You work in an organization that, whether it is at State, certainly at the U.N., where trying to make something happen is almost impossible. And my sense is you probably do welcome a hearing like this to highlight the problems that exist.

My understanding is that the level of violence, sexual abuse, the kinds of things that are happening to vulnerable people that we are supposed to be protecting, is actually much higher than is reported, because the very people that are out there, quote, "protecting" populations are also protecting, in many cases, the human rights workers who may, in fact, be reporting this.

So would that assumption, Ambassador Coleman, be appropriate that, in fact, the reporting levels are far lower than they otherwise would be because people are out in the field. These peacekeeping folks are there to protect them, too, and there are concerns about when they are in the field making reports.

Ambassador COLEMAN. Thank you, Senator, for that question. I think that you are absolutely correct to make the assumption that levels of reporting are below what they actually are.

I think it is for variety of reasons. I think that what we are seeing in the Central African Republic with a lot of the allegations coming to light now in particular parts of the country are because the security situation is improving, and we are now able to send more people out to some of these remote areas where you have had a single-country contingent, which in and of itself is a risk factor, which the U.N. is now recognizing, that in remote areas we should not have single-country contingents.

So I think you are seeing an improvement in security, which is allowing people from the community to feel more safe and comfortable to come forward and report abuses. And what I can tell you, Mr. Chairman, is that I think, in the coming months, we are going to see more allegations coming to light. I do not think we have nearly seen the end of this problem.

As the U.N. shines a spotlight on this issue, we are going to see more allegations, not fewer.

The CHAIRMAN. Which countries are the ones that are the worst? Name them.

Ambassador COLEMAN. You know, I wish I could say that this was just a couple of countries, but what we are seeing is that it runs the full gamut of countries, from countries with seemingly very well-trained and equipped and disciplined troops. I mean, the French forces, the Sangaris forces have been named, two countries, Burundi, Gabon, the Tanzanians in the DRC, the DRC troops themselves, the Moroccans.

There are many, many countries that have these allegations. So I cannot point a finger at one being particularly bad. We do know

that in the Central African Republic, the contingents that have been repatriated were the troops from the Republic of Congo and the Democratic Republic of Congo and they were repatriated because there was——

The CHAIRMAN. I got it. I apologize. I have to get things in within a certain time.

Ambassador COLEMAN. Yes.

The CHAIRMAN. I have a whole list of countries here that it is beyond belief that some of them—Germany, other countries.

Let me ask you this. If I could ask a personal question, have you all had kids? You all have family?

If you knew a U.N. peacekeeping mission was going to your neighborhood right now, would you not have the same response I had, that you would rush home to protect your family from the peacekeepers? Would that be your response, honestly? Would you please tell me?

Ambassador COLEMAN. Mr. Chairman, I have five kids. And when I was preparing for this testimony today, last night, and I had to talk with my daughters about what I was doing and what I would be talking about, it was a very difficult conversation.

What I can also tell you is, having just recently returned from the Central African Republic, I am so thankful that my children are being raised in the United States and in an environment where rule of law is primary.

And in the Central African Republic, I met people who are the victims of sexual exploitation and abuse. Their families have suffered it directly. And I asked them that question, would you prefer that there were no peacekeepers here? And I actually did not know what the answer would be. Ambassador Power and I sat together with them. Would you prefer, given what you have experienced, that peacekeepers return home? And all of them said, “No, what we want is we want accountability. We want justice to be served.”

The CHAIRMAN. Let me ask you this. What is wrong with the Secretary General of the U.N.? This report, the one that you referred to, is 10 years old. What is wrong with him? What is wrong with him? I mean, is he just so inept—inept—that he cannot cause a body like this to keep this from happening over and over and over again? And we are just now beginning to put processes in place? What is wrong with him?

Ambassador COLEMAN. What I would say, Mr. Chairman, is that those processes have been put in place coming out of that report a decade ago, but they have never been acted upon in a way that they must be acted upon.

The CHAIRMAN. That is my point. How do we put up with such inept leadership at the United Nations? How do we do that?

Ambassador COLEMAN. I do not think it is ineptitude. I think it is a reluctance to take on the opposition of troop-contributing countries that do not want to deal with this issue in the transparent way that it must be dealt with, and with accountability.

The CHAIRMAN. Let me ask you that. We have a law here called the Leahy Act, which says when we know of things like this, we withhold money. Have we withheld money?

General ROTHSTEIN. So, Mr. Chairman, I cannot give you an example where we have withheld money for these things.

The good news is, up until recently, we did not have the kind of visibility that we needed to be able to pursue these things.

Now, certainly, with the Leahy law, when we have credible evidence of individuals or units, then we go forth not to do security assistance with them anymore, and that is out there. And all the units that we train already, we vet through that process. So any of the training that we have done has been vetted through that Leahy-vetted process.

What is good about what is happening now, and should have been happening sooner I think we would all agree, is that now we are starting to get more information coming in from the U.N. that we did not have access to before. And that is going to allow us to do this better than we have done it before.

The CHAIRMAN. We may go to a second round with you all, but I look at the list of countries that are violators. Most of them—many of them, let me put it this way—are countries that receive aid from the United States in other forms. I do not understand why we continue to send money to countries outside of the U.N. that allow this type of abuse to take place. So I do not think we are using the leverage that we have.

We, I think, should be withholding payments to the U.N. until this ends or doing some level of reductions, but it seems to me that this is not that important to the U.N., or they would have done much more about it over the last 10 years.

By the way, those people you talked to I would say were somewhat fearful to tell you they did not want them to be there, with U.N. officials being in your presence.

But I just do not think the United States is using the leverage that we have, not at your level, at other levels, to stop this. And I think the U.N. is, I think, in great jeopardy of building enough critical mass around here where severe penalties should be taken against them with withholding of funds from them, because of their ineptness, their lack of concern, their lack of care after 10 years to continue to allow this to occur.

So I hope actions and I plan to be a part of actions being taken against them, because it is obviously something that is not very important to them. Otherwise, this could have been stopped a long time ago—ineptness, lack of a moral compass, lack of concern for vulnerable people.

Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman.

First, thank you all, and I mean that. This is not easy work, and we appreciate your commitment and passion to get this right on behalf of vulnerable people globally. So, thank you for your commitment.

And, I do acknowledge the fact that we now have more information than we had a year or 2 ago. My staff has given me a copy of what is on the U.N. Web page, those who have had allegations of sexual abuse. It looks like approximately, since beginning of 2015, 100. I am rounding. It could be 90, but somewhere in that range, specific episodes involving about the same number of victims.

And of all those cases, I went through it quickly, only four have been penalized with any jail time.

And I also point out what the chairman said, that these are the reported cases. We know that in some countries the seriousness of this issue, even though it is globally acknowledged of being the worst types of conduct, but in some governments and some countries, it is not considered to be a serious issue. And that means that the reporting is going to be spotty in some of the missions, and then the pressure that is on the command structure that has always been there.

We saw that in the U.S. command structure when we were dealing with trafficking with military facilities located in other countries not participating. It took some while before we were able to change the culture. So we know that also is a problem.

But my specific question to you is, it is one thing to get the Secretary General to withdraw the mission, if they do not do certain things, and I am all for that. The two sections that I see in U.N. Security Council Resolution 2272, which was just passed last month—so the chairman is absolutely right. This has been going on for a long, long time, and we finally got a U.N. Security Council resolution passed last month.

Section 4 deals with gathering evidence, but most of that section deals with how you deal, rightly so, with victims and making sure the mission is well-trained, et cetera.

And then Section 9 says, “Urges all member states to take concrete steps aimed at preventing and combating impunity for sexual exploitation.”

What are we doing? What is the United States doing? What is our leadership doing to make sure that those who have perpetrated these horrible acts are going to end up in jail?

Ambassador JACOBSON. Thank you for your question, Senator. It is a very important topic, and I think you have hit on something that is key here.

We have talked a lot about what the U.N. is or is not doing, but the crux of the matter is what are the troop- and police-contributing countries doing to hold those who have perpetrated these horrendous crimes accountable.

Based on the new reporting that we have of nationalities, we finally have a tool that allows us to go to those countries to see what they are doing, to urge them to do better.

I think you have mentioned the four cases from last year that have gone through the whole process. There are at least another 20 where trials are occurring now, 20 trials in the Democratic Republic of Congo that that government is conducting against peacekeepers who have been accused of this. Also the Republic of South Africa has an onsite court-martial that is going on right now.

So we are starting to see the actions taken that these countries know now that we know what they are doing. We know where the troops are coming from and that we are going to continue to shine a spotlight on these issues.

We have sent in our missions to all of these countries just last month. This was a subject of high-level discussion with our Ambassadors who were all back here in Washington last month for the Chief of Mission conference.

And we have been very clear with countries that we have gone out to that this is not just one sort of discussion, that we are going

to be coming back regularly to determine what they are doing and holding their feet to the fire.

Senator CARDIN. So let me just underscore the point that the chairman made.

I support U.N. peacekeeping. A lot of taxpayer money goes into U.N. peacekeeping. U.S. taxpayer money goes into it. I have a right as a Senator to know that Section 9 of the U.N. Security Council resolution is being enforced. I do not believe that the countries that have people who have perpetrated this, some of the countries, will follow through with this requirement of combating impunity and making sure that the perpetrators are held accountable and are serving prison time.

So what are you going to do to provide me with information on how we are doing in every one of these countries that have perpetrators, as to how their system of justice is handling this acceptable to international standards?

Ambassador JACOBSON. Senator, it is very important that we continue to follow up with each of these countries in a repeated way. And we are doing that, and we are happy to provide you at any time with the results of our conversations with these countries.

Senator CARDIN. I want to be a little more proactive. I want to know what you plan to do, working with the Members of Congress, to keep us informed in a timely way as to how every country that sends peacekeepers to countries, the systems that they have employed to deal with those who have perpetrated these types of acts.

First of all, I do not think we have enough. I think we have to be more proactive, the United States, in making sure those who are victimized have an opportunity to come forward. I think we have to be more direct with the political structure in the United Nations to make sure that every country's perpetrators are identified, so that we have, by country what is happening, and that we follow every particular case, because, quite frankly, I do not have confidence in their system to provide justice—international justice, not U.S. justice. And I think the more transparency you can put into this, the more important it is.

So I want you to come back to me, this committee, and tell me what we are going to be receiving on a regular basis as to what is happening in every one of these countries in holding the perpetrators accountable, and how those trials are going forward, and whether, in fact, you can say with confidence that they have taken steps to prevent impunity for those who have committed these crimes.

Will you do that?

Ambassador JACOBSON. Yes, Senator. Thank you.

In fact, we have already started an exercise to do just this. There is a whole team of people behind me that are engaged in this every day.

Essentially, what we want to do is combine the new transparency that we are getting from the U.N. with our own information that we get from our Embassies in the field. And we are preparing what we call a data call, that is actually an effort to go out to all of our Ambassadors in every country that hosts a peacekeeping mission to answer a series of questions based on our own observations, our own engagement, our own analysis, so that we can bring that infor-

mation back to Washington and do exactly what you say to make a determination about whether the countries are doing the right thing or not.

Senator CARDIN. So Senator Corker and I, we need to talk a little more about this. But the Leahy rule, which is one that I support, indicates that we do not give aid to countries that do not adhere to basic international standards. And to me, holding those accountable for these atrocities—these types of activities would be contrary to international norm.

So you are going to have to help us draft the appropriate type of oversight that will make sure that countries understand that they must act to prevent impunity for the perpetrators of these crimes. Understood?

Ambassador JACOBSON. Yes, Senator. Understood.

Senator CARDIN. Otherwise, we will draft it, and you may not like the way we draft it, so I will just warn you.

Ambassador JACOBSON. Understood. For example, in the current year's appropriations language, which does require the kind of certification that you are describing, we are looking forward to working with you to put that information together.

Senator CARDIN. Thank you.

The CHAIRMAN. Senator Isakson?

Senator ISAKSON. Thank you, Mr. Chairman. I appreciate both you and the ranking member focusing on this.

And I appreciate your compliments to the U.N. about transparency and finally making some moves. But putting in a year-end report on how many violations of human rights there were, in terms of rape against women, is not much transparency. And putting it on the Web site is pretty good, but a lot of these people who are victims would not know a Web site if they saw it, because they are in very remote parts of the world.

I want to echo what Senator Cardin and Senator Corker have already said. I completely come from where they are coming from, in terms of us in the United States holding these people accountable in some way, if not at least by withholding funds or withholding funds until they comply with human rights.

But here is the question. When Senator Corker and I went to Darfur, and Senator Coons and I went to the Congo, one of the many things I learned is that rape is a military tactic in Africa. It is not a violation of law. They teach it.

The CHAIRMAN. That is right.

Senator ISAKSON. When we went to Darfur, you did not see a man older than 12 or younger than 72, because they all had fled. Every woman had a baby, and I am talking about women who were 45 or 50 or 60 years old, or at least had weathered and endured so much pain they looked like they were that old, because the armies that came in to invade the towns raped the women to break up the family unit. The men leave. They take the son with them, or the son is conscripted into the army. It is an ongoing process.

I mean, this is a big practice, and I am not just picking on Africa, but it is one place I know where it takes place so much.

And unless there was a significant consequence of United States funds—this may address your organization, General, that you work

on—we are just whistling in the wind, because these people are taught to do it.

That was not a question. That was kind of a statement of awareness, which brings me to the question.

General, is there any status of forces agreement that you know that is required or otherwise puts the burden of any country that supplies peacekeeping troops, any status of forces by which those peacekeeping troops will be held legally accountable in the event they commit a felony or a crime?

General ROTHSTEIN. Thanks for the question. I am going to have to defer a little bit.

I know there is a memorandum between the country and those countries that go to a certain mission and the country that they are working in, but I do not know the details of that, to be able to unwrap that further for you.

So I do not know if I could turn it over to you, Ambassador?

Ambassador COLEMAN. There is a memorandum of understanding, and there is a model memorandum of understanding that is negotiated every 3 years. That negotiation is coming up in 2017, and strengthening the provisions to be very explicit and incredibly direct on sexual exploitation and abuse is one of my goals for that upcoming negotiation.

Off of that model MOU, then there are specific MOUs that are negotiated between the troop-contributing country and U.N.

Senator, what I can tell you is that this is not a problem at its core of lack of words on paper. This is a problem of political will. And it is a problem that has persisted for too long, where words on paper have been ignored. Words on paper have been disregarded.

So even within the existing MOUs, the TCCs have not abided by that. And now, we will not tolerate that going forward.

Senator ISAKSON. It underscores the point I want to make. As long as these troops, many of whom are in an army that was trained to use sexual violence as a tool of war, are deployed as a peacekeeper, if they realize they are exempt from any accountability for legal enforcement of the law in the country that they are in or anywhere else, then there is nothing to thwart or hold them back.

However, if all of a sudden, because of initiatives the United States takes and other peace-loving countries take, we start holding people accountable, sentencing people, and people start serving punishment and time for rape or violence against women or whatever it might be, then the word will get out really fast.

I mean, governments are great, and U.N. is the best, in making agreements, putting words on paper, but not the very best at putting those words to work in life.

So my point is, if we can get to some sort of status of forces agreement between countries that supply U.N. troops and the U.N., or require an agreement between them and the country that they are deployed in, not a “you must in 90 days establish a pattern or practice,” a status of forces that says you will be liable and you will be punished for rape, for murder, or whatever capital felonies we want to include in there, and then do our best to aggressively make a couple people an example of it.

Until that sort of thing is happening, that and withholding money are the two things that will get these guys' attention. We do not have anybody's attention right now, none whatsoever. And it is a frightening, frightening thing.

And I think the GPOI, which is a division of the State Department, right?

General ROTHSTEIN. Yes, sir. That is a division under my leadership.

Senator ISAKSON. I would hope you would meet with Ambassador Froman, the Trade Representative for the United States, and start finding out whether or not there are some ways you could tie a country's compliance with fighting violence against women with the agreements we make with them in trade and commerce.

Senator Coons and I opened the markets in South Africa for U.S. poultry, which they were being blocked from, by just enforcing the terms of the African Growth and Opportunity Act, which is a trade preference program between the two countries.

People do not like rape and they do not like violence, but they sure do like to eat and they like to have commerce and they like to have trade. And if you predicate participating in those things with the United States with them being committed to ending violence against women, sexual violence as a practice, then we can start going a long way toward making something happen.

That is the kind of leverage that really makes a difference. I am not belittling the annual report. I am not belittling the Web site. But I am telling you it is one thing to tell them your name is on the Web site; it is another thing to tell them that you cannot trade anymore.

We have gotten countries in Africa to change their labor laws, in order to get into compliance with a goal. We had them start importing chickens from the United States in order to participate in trade through the AGOA agreement.

It would seem like to me the State Department ought to try to find ways they can leverage what you are trying to do in GPOI with some of the benefits we do on a daily basis with countries around the world who may provide peacekeepers, to see where you could tie the two together.

Then all of a sudden, you have a big stick. And until you have a big stick in some of these countries, you ain't got nothing, pardon my English.

So I would just suggest that would be one way to look at making an economic impact in return for better behavior by some of these host countries.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Before going to Senator Coons, you mentioned the political resistance. What kind of political resistance exists to keep soldiers from raping and abusing young girls and young boys? What kind of resistance do you face at this United Nations body?

Ambassador COLEMAN. The resistance, Mr. Chairman, is over giving up any control or jurisdiction with respect to how issues of conduct and discipline are handled by TCCs themselves, by the troop-contributing countries. They have resisted our efforts to in-

crease transparency on these issues out of fear that it would dishonor their troops, that it would dishonor peacekeeping.

But what I can tell you, and what I say to them, is the dishonor is in not being transparent. The dishonor is in not prosecuting credible allegations of sexual exploitation and abuse to restore integrity to peacekeeping.

And so I think what you are seeing in a positive way today is that there is no longer a monolithic resistance on these issues. I think there are troop-contributing countries that recognize that we face a crisis, and they recognize that simply circling the wagons and saying no to transparency and no to accountability is actually undermining peacekeeping, is undermining their own integrity.

And so we have seen some progress recently on that front.

The CHAIRMAN. I would just point out on the list, I know most members have seen the list, but a large number of the people that are violators are in the peacekeeping mission to make money. I will say this one more time. They are in the peacekeeping mission to make money.

So, I am sorry, I cannot imagine how political resistance could keep us from enforcing against these countries that make money off doing this in this particular situation.

Senator Coons?

Senator COONS. Thank you, Chairman Corker and Ranking Member Cardin, for both convening this hearing and for your persistence, your voice, your engagement, both of you, in fighting human trafficking, in fighting to end human slavery, and for the passionate engagement you bring to making sure that we do not just hold hearings on the deplorable conditions of the victims of sexual abuse and violence around the world but that we actually do something and get something done.

In this particular instance today, we are talking about U.N. peacekeeping, and I want thank all of our witnesses for your testimony today of both panels, but especially Ambassador Coleman, who I know is working hard to try and institute real reforms in the U.N. to make it a more effective institution.

I, just last week, went to U.N. headquarters in New York and met with the U.N. Under Secretary General for Peacekeeping Operations, Herve Ladsous, and was struck by the daunting challenges that peacekeepers face in the 21st century, by the number of countries where we have U.N. peacekeepers deployed, and by the possibilities of peacekeeping in terms of protecting fragile countries from falling into being failed states.

I have strongly supported U.N. peacekeeping efforts in terms of appropriations support, and I view it as a cost-effective and a positive way for us to not just keep peace but build peace.

But the allegations that have been made not just in CAR but, Ambassador Coleman, as you have outlined, across dozens of different U.N. missions, across decades now, are simply shocking and unacceptable.

And it is the United States that is footing most of the bill for most of the peacekeepers who are committing these atrocities against men and women and children. And if the very people who we are funding, training, equipping, supporting to be peacekeepers cannot be trusted to keep the peace and instead are committing

crimes, then our support for U.N. peacekeeping is at risk of doing more harm than good.

So I think we all agree we have to act, not just listen, not just take notes, but act to bring an end to sexual exploitation and abuse on a wide scale by U.N. peacekeepers.

But simply providing peacekeepers and police does not fulfill a member state's obligation for the U.N. community of nations. It is the responsibility of member states to select and train and oversee appropriate units.

And it is a struggle. As the chairman was just recognizing, many of the peacekeeping contributing countries are deploying peacekeepers, at least in the countries that I have traveled to with Senator Isakson, in part in order to get their troops paid. We are not attracting the best and most capable and most trained peacekeeping forces from around the world. We need to strengthen that.

But before we make progress in that, I think we first have to institute meaningful accountability for nations and their peacekeepers who commit these kinds of crimes.

So I look forward to exploring together ways this committee can help Ambassador Power and her team at the U.N. push for accountability that is meaningful and that can work together to end these crimes and to change peacekeepers from perpetrators of violence to protectors against violence.

So if I could, Ambassador, just tell me what peacekeeper training methods have proven most effective so far? In fact, I would like all members of the panel to answer this question, if you could.

What has been successful in terms of training to reduce what Senator Isakson I think correctly recognized is the training, whether intentional or by experience, of many of the troop-contributing countries that sexual violence is being used as a weapon of war? What is the training that is most effective at preventing that? And what can we do to strengthen that training in combination with accountability?

Ambassador COLEMAN. Thank you. Well, I will allow General Rothstein to answer the specific training question, but if you would allow me just to say I want to reiterate a point that General Rothstein made earlier, which is this is not fundamentally about a training issue. I mean, there is no training that is going to guarantee that this problem will not occur. And when you look at the troops that have committed these abuses, some of them are among the best-trained troops in the world. And we know that they have explicit components of sexual exploitation and abuse prevention in their training methods.

So ultimately, I come back to this as an accountability issue. There is no troop-contributing country that is immune from these types of abuses. It is how they deal with them and how they deal with it in a fulsome way that provides prevention going forward.

Senator COONS. Before we turn to the training question, since we have you, Ambassador Coleman, on this, how effective is naming and shaming, since a number of the countries involved and implicated are close allies of ours who have troops that are trained and perform at the highest level?

Then we will talk about training for those who lack operational excellence or efficiency.

You are right. I think accountability matters first before training. How effective is the naming and shaming that we are advocating and that we may work together to strengthen?

Ambassador COLEMAN. Well, thank you, Senator. And I like to avoid the phrase "naming and shaming," because I see no shame in being named. The shame is in not following through with accountability.

I think it really is a watershed for us to be able to identify the countries and then to be able to follow up directly with them, and not tolerate, not allow, the passivity that has existed, the sweeping under the carpet that has existed, frankly, the lack of accountability, to not allow it anymore.

And Senator Isakson earlier talked about having a big stick, and Mr. Chairman, you have talked about money. The money is a big stick.

And to be able say that you will not participate in peacekeeping any longer if you do not hold your troops accountable, if you do not report back to the Security Council, to the Secretary General, on what you are doing, if you do not prosecute these allegations in a full and sufficient way, that is ultimately the U.N.'s big stick, because the troop-contributing countries will retain jurisdiction over their troops. They can either choose to have a full, appropriate response or not. And if they do not, then, frankly, they should no longer be part of peacekeeping.

Senator COONS. I could not agree more. And as someone who has fought for the appropriations for peacekeeping, I am ashamed that we have been supporting peacekeepers who are doing horrible things. I want to make sure that, working together, we find a mechanism for accountability that is appropriate and that uses the fact that we are one of the principal contributors to peacekeeping support to ensure that this comes to an end.

General, what sorts of engagements accountability are most effective for troops, whether training or prosecution or other?

General ROTHSTEIN. So let me start by echoing what Ambassador Coleman said.

My perspective is that training is absolutely necessary, but, make no mistake, I do not think it is sufficient. This is a problem that is much broader than training, and I believe we have to train. Through the training we provide through our security assistance, we think it is pretty good.

And as far as best practices, what we work to do in our training, we start in the classroom. We move to scenarios. We move to including exercises. And we also focus very much on unit leadership. And we draw on the best of breed. We work very closely with the United Nations to find the best practices that work well. We make sure they understand their policy. But all that, no matter how well you do it, will not be sufficient.

And so I would echo what Ambassador Coleman said. We have to focus on accountability.

I also echo that we have to focus on how the country is following up. Just because you have a rotten individual or maybe even a rotten unit does not mean you necessarily want to disengage from the whole country, because as we remain focused on future outcomes, if that country is still going to deploy to U.N. peacekeeping, and

we want to affect it for the better, then we probably want to be involved in their training and help make it better and not walk away and let it deteriorate.

Those are the difficult decisions we have.

Senator COONS. I am past my time. I just want to say I am looking forward to the second panel where we are going to hear, frankly, about U.N. suppression of whistleblowers and the real likelihood that these abuses are far more widespread than has so far been reported.

Thank you for your testimony and your hard work on this topic.

The CHAIRMAN. I would just say that on this issue there ought to be some way for us to figure out a way to surgically deal with this in a bipartisan manner that gets at this issue and not bring in a whole host of other issues, but we ought to be able to figure out a way to do it.

Senator Flake is going to go ahead and ask Senator Shaheen to ask her questions.

Senator SHAHEEN. Thank you all very much for your testimony today and for the work that you are doing on a very difficult issue.

I want to follow up, Ambassador Coleman, with what you said about how important it is for the U.N. to actually hold countries accountable and to ask, has that ever been done? Do we have any examples where that has actually occurred and we have seen a change in behavior? And if that is the case, why have we not instituted a process whereby that is done on a regular basis?

Ambassador COLEMAN. Thank you, Senator Shaheen.

The U.N. has, I think, consistently followed up with the troop-contributing countries. When allegations have come to their attention, they have documented them. They have presented evidence that they have collected to the troop-contributing countries. They have followed up with the troop-contributing countries, and too often have been met with silence and, frankly, have acted with timidity in pushing back on the TCCs in demanding action.

Senator SHAHEEN. That is the question that I am really asking. Can you cite a time in the past when the U.N. has demanded action, if the troop-contributing countries have failed to act, where we have denied them funding or continuing to contribute to peacekeeping efforts?

Ambassador COLEMAN. I know of a number of examples, and some of them have happened, frankly, with U.S. urging.

I can tell you that the Uruguayans in Haiti had sexual exploitation and abuse allegations. We knew about them at the time. There was not a Web site. This was not published. But we did learn about it. We engaged bilaterally. We also engaged at the U.N. And the Uruguayans did take action. They, in fact, held quite a public trial in Montevideo. They flew victims from Haiti to the trial.

We know that the U.N. has engaged with a number of member states who have been responsive.

When I was in MONUSCO last year, in the Democratic Republic of Congo, I learned about the South Africans and how one of their force intervention brigade had had a number of allegations. The U.N. brought it to the highest levels of attention in the South African Army, and they dealt with it. They had court martials.

So it does happen. The issue is that it does not always happen. And too often, they simply get no response from a TCC. And when that happens, if we do not know about it or if another member state does not know about it, it falls through the cracks. It is totally unacceptable.

Senator SHAHEEN. One of the issues that has been raised is that there is no person or agency that is responsible just for this. And is it the assessment of the panel that if we had a person in charge of just making sure that when there are allegations that troop-contributing countries are taking action to hold people responsible, would that help solve the problem?

Ambassador COLEMAN. The independent CAR panel report, in excruciating detail, catalogued how information was diffused, fragmented, the bureaucratic response that so appalled us. In response, the U.N. has appointed Ms. Jane Holl Lute as a special envoy to deal with this issue of sexual exploitation and abuse.

We welcome that appointment. We think that will certainly help provide a focal point within the U.N., so that there can never again be an excuse that the diffusion of responsibility allowed critical information to fall through the cracks and inaction to occur.

So we absolutely welcome that.

Senator SHAHEEN. And has she taken any action yet?

Ambassador COLEMAN. She is just recently appointed. I know that she right now is traveling. She has been in the Central African Republic. She is in the Democratic Republic of Congo. And I think you will see action coming out of her office in short order.

Senator SHAHEEN. Senator Cardin and Senator Corker both mentioned the Leahy legislation that would have the United States deny assistance. Is this something that has been done in particular instances where there have been documented cases of sexual exploitation and abuse? Have we actually seen the United States deny aid to those countries who have failed to take action?

General ROTHSTEIN. Certainly, when we have credible evidence, those things have fallen under the Leahy laws. At the individual and unit level, when we have that information, that goes into our database that we work both through the mission at post in country when those individuals need it to potentially come up for security assistance with the United States, as well as the databases back here at State main.

So I do not have a specific example, but if there is someone who has those credible allegations against them, they would go in that database, then we would not work with that unit or individual. And that process is in place and has been in place.

Senator SHAHEEN. Well, I guess I am asking a broader question, and that is not just about the unit or individual but have we actually denied aid to countries that have contributed troops to peacekeeping missions who have failed to take action with those troops on allegations that have been shown to be true?

General ROTHSTEIN. At the overall country level, we have not suspended, to my knowledge, an overall country.

Senator SHAHEEN. Should we? Should we consider that kind of action, if we see repeated abuses and failure to take action?

I would like each of you to respond to that, if you would.

General ROTHSTEIN. Sure. I think we absolutely have to be ready to consider that. I think it is important we take that on a case-by-case basis.

And as I said earlier, from my perspective, it is not so much that an incident happens. It is what the country does about it. And if the country lacks the will to try to follow through on that, because like I said earlier, incidents are going to happen. We are not to stop that. And so if the country takes reasonable action to follow through, then we probably ought to continue working with them.

Senator SHAHEEN. Right. No. I am actually asking if they fail to take action.

General ROTHSTEIN. Right.

Senator SHAHEEN. Should we then look at suspending aid? Ms. Jacobson?

Ambassador JACOBSON. Thank you very much, Senator Shaheen. It is an important question, because we do have to think about the leverage that we have in our bilateral relations with countries, but I think we have to look at it in a holistic way.

For example, most of the assistance that we provide to countries in Africa is in the health area. We are not in the business, as you know, of giving out freebies, because we want to feel good. We are in the business of providing assistance that meets critical U.S. national security needs.

So you would have to weigh whether or not it makes sense to cut the assistance that we are providing to prevent the spread of pandemic disease in response to a country's inability to deal with sexual exploitation and abuse.

In other areas, we are providing assistance directly to support the rule of law system and the development of capacities to enforce law. I would not want to cut that. I might want to sort of redirect how that is used.

So it is a tool. It is not necessarily the tool of first resort. You have to look at what the assistance is directed to and then make the best determination. We are trying to do that now on a case-by-case basis through our engagement with the countries that have been named in the report, and that is an ongoing conversation that we will have in conjunction, of course, with all of you.

Senator SHAHEEN. Ambassador Coleman?

Ambassador COLEMAN. I would just say that if countries are not responding and not taking appropriate action, they should not be included in U.N. peacekeeping. And therefore, our contribution through our peacekeeping assessments should not be going to those countries.

So I completely agree that U.S. engagement to strengthen these countries and make them better—improved capacity-building, training, vetting, all of these things are great. But if there is a willful nonresponsiveness, they should not be part of peacekeeping, and our money should not be going to them.

Senator SHAHEEN. Thank you.

Thank you all very much.

The CHAIRMAN. Thank you. Thank you very much.

Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman, very much.

Can I ask you, General, how we deal with the countries from which these soldiers come?

On the one hand, we are talking about training of the soldiers. But does the country itself need training? Does their judicial system need training? Do we need to have a program that goes a step before these young men who are the soldiers and get to the adults who are in these countries, ensuring that they have the proper training so that they are taking the intervention steps necessary early on, or else those people are made accountable in their country? Those are the people who we have given the training to and have not acted.

What is that program that we may or may not have in place, in order to ensure that the proper training back in the home country is adequate?

General ROTHSTEIN. Senator, thank you for that. You raised, I think, what is both important and a very hard topic.

So as a general rule, I think in our security assistance, in my experience, doing tactical training, training units, pre-deployment training, is hard, but we are pretty good at it, as a country. Helping to build those institutions that backstop all of those tactical operational units is much more difficult. It is intellectually more difficult, I would tell you.

And I will remark, I just came out of a year in Afghanistan where my job was to build the Afghan Air Force. So I was living on an Afghan airbase, trying to build their institutions, so I have lived a little bit of this myself, and it is hard work. And we do have some programs out there where we are trying to get after that.

Within the State Department, we have a program called the Security Governance Initiative that is taking kind of a pilot level, looking at some of these countries, how we get after the institution-building that has to backstop this, the rule of law, some of those things.

The Defense Department, I do not want to speak too much for them, because I certainly do not know, but I know they are also working some of the defense institution-building programs.

So those are some of things we are trying to work, but it is difficult. It will take a long time, because change in our own bureaucracy, think how hard it is to make change happen, much less when you are trying to work through a foreign government through their cultural norms and values. So we are going to have to stay at this for little while.

Senator MARKEY. Right. But I do not think you can solve the problem until those leaders in the justice system in the home countries have the proper training and gumption to enforce the laws. These are just young men on the prowl in a foreign country, and that is a dangerous thing without proper supervision back home.

So let's just talk then to whatever, from your perspective, you would like to see put on the books. What programs would you like to see funded, short of defunding of programs, I guess, in those countries to teach them with a stick what we could potentially try to have them accept as a standard by the proper educational standards, the proper accountability standards, that are put in place without us having to punish the country?

Ambassador JACOBSON. Thank you very much, Senator, for that important question.

I just wanted to include the thought that when we started our effort last month to go out to every country on the U.N. list, this is part of what we were asking them. First, we wanted to make sure that they understood the gravity of the allegations against them. Second, we wanted to impart on them the critical importance of actually following up on these. And third was to open a dialogue about what that country needs in terms of assistance to build up its own ability to investigate and respond.

Now those conversations are at an early level. We only got the country-specific information last month. But we are going to build on that, and those conversations that our Ambassadors in the field are having now are going to feed back into our decisions about what kind of assistance we can provide, including in the rule of law area.

But I would like to echo what my colleague Ambassador Coleman said, that while we have an open door and a willingness to engage in this, we should do it. Hopefully, we will be funded to provide that kind of assistance. Where countries are not willing, as you say, where they do not have the gumption, those countries should be barred from peacekeeping altogether.

I believe that the resolution in the Security Council that our New York team fought so hard for last month, 2272, provides for that kind of banning from peacekeeping of those countries.

Senator MARKEY. Okay. So, great.

So let's talk, then, about the countries that you think are the worst. Give us the worst three countries, any one of you, so we can just get an idea of what we are talking about in prioritizing, not alphabetically but in terms of their complete and total lack of regard for these human rights violations.

How would you list those countries? Can you give us the three worst?

Ambassador JACOBSON. I will refer to my colleague, Ambassador Coleman, who previously said it is really hard to say who is the worst and who is not the worst, because we are only now in a world where we can identify what countries are doing. Before, we did not have that information.

Ambassador Coleman may disagree with me, but I—

Senator MARKEY. We have countries here—Congo, Morocco, South Africa, Cameroon, Tanzania, Benin, Burundi, Nigeria, Togo, Rwanda, Ghana, Madagascar, Senegal, Canada, Germany, Slovakia, and Moldova.

Do you want to pick three? And if you do not want to do put in Canada, you do not have to, or Slovakia, perhaps, of the shorter list that is left.

You might want to just give us an idea of where this problem is, and then it will focus our attention much more precisely, laser-like, on what we should start with. We should probably start with the worst, and then we can all know what we have to have as a project in order to teach that country how much they should care about the issue.

So would you like to try that, Ambassador?

Ambassador JACOBSON. What you are saying is very important. We need to identify where the problems are, and we are just starting to be able to do that.

We are looking at a case like Democratic Republic of Congo. Obviously, the allegations against that particular contingent in MONUSCO are absolutely horrific. We think the Secretary General did the right thing by sending them home. They are not in peacekeeping anywhere else, nor should they be.

But at the same time, as part of this new focus on these issues, we have seen now that the Democratic Republic of Congo has detained 20 of their peacekeepers and has started trials against them. So what we need to see before we can make a judgment is where do those trials go.

Several of the countries that you mentioned have started judicial processes or, in some cases, actually finished judicial processes against those peacekeepers who were accused.

So I would say it is too early to answer the question as to who is the worst because we haven't seen—

Senator MARKEY. Well, you are saying Congo is there as a country that has already received special attention.

Ambassador JACOBSON. Yes.

Senator MARKEY. Are there two other countries that you might want to tell us, if you are going to prioritize as a country, where we should be focusing that you think have been particularly bad in this area.

Ambassador COLEMAN. Senator, maybe I can just comment, adding to what Ambassador Jacobson has already said.

Congo, the DRC troops were repatriated because of a pattern of abuse. There were so many abuses that they were repatriated. In addition, the Republic of Congo, so not only the Democratic Republic of Congo but the Congo Brazzaville, the Republic of Congo, troops were also repatriated, again, because of a pattern of abuse.

There are two different things going. One is a pattern of abuse, which speaks to a lack of command-and-control, and the other is a pattern of nonresponsiveness.

On the pattern of abuse, I think as allegations become apparent, and we are tracking those allegations, it is easy to see when there has been a pattern or it is easier to see when there has been a pattern of abuse.

In terms of nonresponsiveness, we are only now understanding which countries, because they are only recently being named, have allegations that have been pending for a long time, where there has been inadequate follow-up, inadequate accountability.

And so in that process, we are also looking at which are those countries, and we do not have an answer for you, and we will get back to you with that answer.

Senator MARKEY. Okay. I think it is important for us to know. When you are looking at—there are 100 nuclear power plants, and these 10 are the least safe. Well, we are going to focus on those.

Ambassador COLEMAN. Yes.

Senator MARKEY. Of course, right? So you have to narrow it down for us, because, as Senator Cardin is saying over here, we have an ability to begin to think creatively about all of the other relationships that we have with that country that can help to get

the leaders who General Rothstein is saying may be reluctant right now to have their judicial system fully engaged to make sure that they are accountable, that these soldiers are accountable, that the military officers are accountable.

Ambassador COLEMAN. And we look at it very much in the same way. That is the analysis that we are doing.

Senator MARKEY. When will you have that list put together, as to who are the worst? Because that would be a great hearing to just have those worst offenders focused upon by the committee.

Ambassador COLEMAN. When you are asking worst offenders, are you talking about highest incidence or nonresponsiveness?

Senator MARKEY. Well, I suppose it is going to be a combination.

Ambassador COLEMAN. I think it is a combination.

Senator MARKEY. Because the ones who are least responsive are the ones that are just turning a blind eye to the atrocities being committed. So I am sure it is one and the same, for the most part.

Ambassador COLEMAN. Not necessarily, and that is exactly what we are trying to untangle.

I mean, there are some countries that have had pretty significant allegations against them. As Ambassador Jacobson said, you now see the Democratic Republic of Congo putting 20 people on trial, and so taking quite an aggressive action about that. It is very early stages of that. A lot of times it takes, in fact, quite a long time for these things to work their way through their judicial system.

But the point that I want to emphasize is that having a weak judicial system, having a judicial process that perhaps does not meet our standards, our rule of law, is no excuse for not taking action. There is not one TCC that has deployed to a U.N. peacekeeping mission that does not have the ability to impose discipline on their troops.

Senator MARKEY. No. And we are agreeing with you. And I think what Chairman Corker and Ranking Member Cardin are saying is we want to help you. There is no excuse, so just tell us who they are, what their excuses are, and then we will try to reinforce it, because there is the power of the purse, which the Congress does have, that I think can help to focus their attention on issues that we would like to see them work on.

Ambassador COLEMAN. Thank you.

Senator MARKEY. So we thank you very much.

Senator CARDIN. Mr. Chairman, if I could, just to clarify, and I think this has been a very helpful exchange.

If I understand Ambassador Coleman, the United Nations can discipline a country that does not take appropriate steps by denying them the right to be a TCC, and that has been done, and the U.N. resolution speaks directly to that.

The problem is if they are nonresponsive on impunity, there does not appear to be any direct remedy that the United Nations can take, other than the peer pressure or public information that is made available. And that is why I think we are looking for ways in which we can help in regards to getting action taken in regards to impunity.

I just really wanted to clarify that, because I think they are the two points that you had raised before.

The CHAIRMAN. I still say it is pretty unbelievable that we had a report in 2005 and you just now, not you, the entity we are trying to reform, the U.N., just now is publishing information.

I think it speaks to, I am sorry, terrible leadership, lack of concern, unwillingness to deal with tough issues. And I do not think it speaks very favorably of the leadership at the U.N.

Senator Kaine?

Senator KAINE. Just really one line of question. In the Security Council resolution from last month, and I applaud the U.S. and the other nations for taking it seriously in the council, were there provisions dealing with redrafts of the MOUs with the TCCs? So should there be a standard feature of the memorandums of understanding that talk about training, recognizing training is not sufficient, but then what the accountability provisions would be in the kind of complaint?

And if that is not part of the Security Council resolution, is that a profitable area that we should focus some time?

Ambassador COLEMAN. Thank you, Senator. It is not part of the Security Council resolution because those decisions are not taken up in the Security Council. They are taken up in the General Assembly.

And I mentioned earlier that the model MOU on which all the MOUs are based is renegotiated every several years. It will be up for review coming in 2017, and it is absolutely an area that is ripe for review, for making stronger and more explicit actions regarding sexual exploitation and abuse.

Senator KAINE. As we work on maybe a bipartisan and focused strategy, strong demand that that MOU when it is renegotiated includes very significant provisions around this is something that I think we would all probably agree with.

That is the only question I have. I appreciate it.

The CHAIRMAN. Thank you.

Do you want to follow up with this panel?

Listen, we are all very upset. I think you are, too. I know that, typically, the administration does not particularly appreciate input from folks who sit on this side of the dais. I think, in this case, maybe they would welcome that. And I do look forward to working with members on both sides of aisle to figure out a way to put additional pressure on.

I have to tell you, if I had to go to work every day and deal with the morass that exists at the United Nations, I think I would have to find other lines of work. So we thank you for attempting to deal with this morass that is so ineffective in so many things but particularly this.

But we thank you for your efforts. We appreciate your efforts in trying to make sure that training is done on a better level. I appreciate the work you are doing at the State Department.

We do want to assist you in penalizing countries that tolerate this and do not take the appropriate action. So we will be working with you very closely over the next several weeks.

With that, we hope you have an opportunity to hear what the witnesses say on the next panel.

We will hold the record open until the close of business Friday, if you could fairly promptly respond to questions that may come your way in writing.

But we thank you for your service to our country and for being here today. Thank you.

All right, so we are ready for the second panel. I know we have all been looking forward to your testimony. Most of us had a chance to read it last night or this morning.

But we thank you all for being here, and I would like to recognize the witnesses, Dr. Miranda Brown, who has very powerful testimony, and Mr. Yeo.

Did I pronounce that correctly? Yes. Thank you.

And if you could just begin, Dr. Brown. And then, Mr. Yeo, if you would move on. We thank you both for being here and for the strength of your testimony here today. Thank you.

**STATEMENT OF MIRANDA BROWN, FORMER CHIEF OF AFRICA
I SECTION, OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, UNITED NATIONS, GENEVA, SWITZERLAND**

Dr. BROWN. Good afternoon. My name is Miranda Brown, and I am a former Australian diplomat.

I joined the U.N. Office of the High Commissioner for Human Rights as the chief of the Eastern Southern Africa Section in December 2012 and occupied this position until December 2014.

I have firsthand experience of monitoring and reporting human rights violations, including sexual abuse in a peacekeeping environment. I am going to give you an insider's perspective.

From my experience in the field as the chief of the Eastern Southern Africa Section at OHCHR, I know that sexual abuse in peacekeeping missions is vastly underreported with bottlenecks for reporting at various stages. There are multiple barriers to reporting sexual abuse.

Victims, many of whom are minors, know that there is a high likelihood that perpetrators will go unpunished, and fear discrimination, stigmatization, and retaliation if they report abuses.

U.N. human rights officers in peacekeeping missions are usually the first responders and, hence, the internal reporters of the sexual abuse. They have their own fears, both about their physical safety, as well as their own job security. Overall, my view is that there are significant structural barriers to reporting sexual abuse by peacekeepers and U.N. personnel.

The current setup, which relies primarily on U.N. human rights officers assuming the role of reporters of these violations, is inadequate, poses risk to the victims and staff, and is inherently biased against reporting. Such barriers are exacerbated by the wholly inadequate U.N. internal justice provisions or protections to whistleblowers.

An example of these structural barriers is the case of Mr. Anders Kompass who disclosed sexual abuse by peacekeepers in the Central African Republic to the French authorities on the basis that the abuse was ongoing and the U.N. leadership in Bangui had not taken any steps to stop it over a period of many months or, if they had, these steps had been ineffective.

The abuse continued until July 2014 when Mr. Kompass disclosed it to the French authorities. In April 2015, Mr. Kompass was suspended and placed under investigation for his disclosure.

Shortly after, I blew the whistle to U.S. officials of the Permanent Mission to the United Nations in Geneva about the child sexual abuse in the Central African Republic and the apparent abuse of authority by the U.N. leadership in respect to the treatment of Mr. Kompass.

Despite the fact that his suspension was deemed unlawful and an external panel established by the Secretary General exonerated him, Mr. Kompass remained under investigation until January 2016.

These actions are having and will continue to have a chilling effect on the reporting of abuses in peacekeeping missions and have badly damaged the reputation and stature of the United Nations.

While the U.N. Secretary General has announced measures for tackling sexual abuse in peacekeeping, these do not address the structural barriers to reporting, nor provide protections for U.N. staff who report wrongdoing by the institution. These measures do not address the U.N. internal accountability for abuse of authority.

Ambassador Coleman has referred to the dishonor in not being transparent. This should apply to the U.N. leadership. Many of the measures that you have heard today should apply to the U.N. leadership, because 70 percent of the abuses appear to have been committed by U.N. or nonmilitary personnel.

I recommend the committee consider the following.

From the U.N. leadership, demand that all victims of sexual abuse by peacekeepers are offered immediate protection, which is not currently the case; recognize and address the barriers in reporting sexual abuse by peacekeepers and U.N. personnel; issue U.N. systemwide procedures and provide meaningful training to all U.N. staff working in peacekeeping missions on reporting sexual abuse by peacekeepers and other U.N. personnel; institute mandatory reporting of child sexual abuse to the appropriate authorities; recognize and address the inadequate whistleblower protections afforded to U.N. staff; institute zero tolerance for all U.N. officials whose conduct fails to meet the highest standards of ethics and integrity; and apologize to Mr. Kompass.

From the U.S. State Department, demand the above reforms from the U.N.; demand zero tolerance for and call for the removal of all senior U.N. officials whose conduct fails to meet the higher standards; recognize that U.N. staff are not adequately protected from retaliation for reporting sexual and other abuses by peacekeepers or U.N. personnel; seek amendments to the U.N. frameworks for the administration of justice and whistleblower protections as detailed in my written statement; implement the provisions of the U.S. Consolidated Appropriations Act 2016 Section 7048 on whistleblower protections; and ensure that the next Secretary General is committed to eradicating sexual abuse in peacekeeping and is committed to protecting whistleblowers from retaliation.

Finally, I would like to emphasize that my motive for testifying before you today and for blowing the whistle on the abuse of au-

thority and the sexual abuse is to protect the U.N. as an institution and to uphold the principles on which it was founded.

This has come at a considerable personal sacrifice. I lost my job at OHCHR, but I remain hopeful that the High Commissioner for Human Rights will reinstate me in my position. I hope that my testimony today will not impact on the High Commissioner's decision.

Thank you.

[Dr. Brown's prepared statement follows:]

PREPARED STATEMENT OF MIRANDA BROWN, FORMER CHIEF OF AFRICA I SECTION, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS, GENEVA, SWITZERLAND

Good afternoon Chairman Corker, Ranking Member Cardin, and members of the committee. Thank you for inviting me to address you today. My name is Miranda Brown. I am a dual Australian and British national, and a former Australian Government official. I joined the Australian Department of Foreign Affairs and Trade (DFAT) in 2001 and occupied a number of positions in the Department before being appointed as the Deputy Permanent Representative at the Australian Mission to the United Nations in Geneva, in January 2008. I hold a PhD in Science and a Masters of International Law.

I must inform the Committee at the outset, that as a former Australian Government official, I am bound by certain confidentiality obligations towards the Australian Government. I have informed the Australian Foreign Minister about my presence at the hearing today.

I have consistently maintained close relations with the U.S. Mission in Geneva, built on the foundations I formed during my time as the Deputy Permanent Representative of the Australian Mission to the U.N.. As you know, the U.S. and Australian Governments enjoy the closest of relations.

I joined the U.N.'s Office of the High Commissioner for Human Rights (OHCHR), as the Chief of the East and Southern Africa (Africa I) section in December 2012, on leave of absence (Leave without Pay) from the Australian Government. I occupied this position until December 2014. The East and Southern Africa section covers several countries with peacekeeping operations including in Sudan (UNAMID), South Sudan (UNMISS) and Somalia (AMISOM). I undertook regular missions to the field, including to Somalia and South Sudan, at the height of the crisis. I regularly acted as the Director (Chief) of the Africa Branch at OHCHR, which covers the entire continent. I have first-hand experience of monitoring and reporting human rights violations, including sexual abuse, in a peacekeeping environment.

My testimony will focus on:

- my experience working at OHCHR with sexual abuse in peacekeeping missions,
- the allegations of child sexual abuse in the Central African Republic and Anders Kompass' disclosure of same, and
- my experience as a U.N. whistleblower reporting abuse of authority by the U.N. leadership in response to the CAR allegations and my attempts to support U.N. staff who report the abuses.

From my experience in the field and as Chief of the Africa I section at OHCHR, I know that sexual abuse in peacekeeping missions (including U.N., hybrid and other missions) is vastly under-reported, with bottlenecks for reporting at various stages, inside and outside the U.N.. There are multiple barriers to reporting sexual abuse. Victims fear discrimination, stigmatization and retaliation if they report abuses by peacekeepers or civilian and military police (recent figures show a significant number of civilians are involved in the abuses). Victims also fear losing benefits (such as security for their families or humanitarian assistance) either through retaliation or removal of peacekeeping troops and they know that there is a high likelihood they will not receive justice and the perpetrators will go unpunished. The cost benefits do not add up in favour of reporting. Many of the victims are minors, who are unaccompanied, separated or orphaned through the conflict. U.N. human rights officers located in the human rights components of peacekeeping missions are usually the first responders, and hence the internal "reporters" of the sexual abuse. They have their own fears, both about their physical safety as well as their own job security.

I would like to describe a typical situation in a U.N. peacekeeping mission. Most peacekeeping missions include a "human rights component" with a mandate to mon-

itor and report on human rights violations in the country. The head of the human rights component, has a dual reporting responsibility, reporting to the head or deputy head of the peacekeeping mission, as well as to the High Commissioner for Human Rights.

The majority of the human rights officers working in missions are relatively junior (at the P3 level, out of seven professional and higher “non-political” grades). The human rights officers are often deployed to remote peacekeeping sub-offices or camps where there is little institutional support and the living conditions are extremely harsh. The camps often house significant numbers of internally displaced persons (IDPs) in overcrowded conditions. Security within and outside the camps is often maintained by the peacekeepers. In such cases, the human rights officers are therefore dependent on the peacekeepers for their physical protection. The security situation outside of the camps may be so dire that the human rights officers are either unable to leave the camps, or have to be accompanied by the peacekeepers, in order to interview victims of human rights violations. This creates an inherent conflict of interest for human rights officers in terms of reporting misconduct and human rights violations by the peacekeepers. In South Sudan, one junior human rights officer reported to me her experience of working in one of the remote camps which was frequently cut-off by the conflict. She spent significant periods as the only human rights officer in the remote camp. The camp was frequently cut-off from the UNMISS headquarters in Juba. This human rights officer described the terrible human rights violations inflicted on the civilian population, which included torture, mass killings, sexual and gender-based violence, forced marriage and abortion. She provided timely reports of these violations to her supervisors, who reported the figures to headquarters in Geneva and New York on a regular basis. When I visited her in the camp, she also told me about the abuses committed by peacekeepers. She said she had been too scared to report them. The victims were IDPs. She worried that the alleged perpetrators might find out about her monitoring and reporting the allegations and she feared the victims might be subject to reprisal by the peacekeepers. She also feared for her own physical safety due to possible retaliation, directly or indirectly by the peacekeepers.

Once U.N. human rights officers’ reports of sexual or other abuses by peacekeepers reach the Head of the Human Rights Division in the Mission, he or she should immediately report to the Mission leadership for it to inform the highest level of the troop contributing government involved—this with the aim to preserve the victims’ safety, as well as the human rights officers’, through the swift removal of alleged perpetrators from the site. Because the reporting by human rights officials to the Mission leadership has often led to friction, human rights staff may prefer to rely on the alternative reporting line to OHCHR headquarters to report the peacekeeper abuses to the relevant authorities. The Mission leadership has frequently ignored the human rights officers’ reports of sexual abuses by peacekeepers for political reasons—following-up on the reports can upset the troop contributing governments and lead to the withdrawal of troops that are needed by the mission. Thus human rights officers have often appeared as trouble-makers to the Mission leadership.

The U.N.’s Office of Internal Oversight Services (OIOS) expressed concern about the lack of assistance to victims of sexual abuse:

Lastly, remedial assistance to victims is very weak. Very few victims have been assisted due to lack of dedicated funding and the slow enforcement process. Mapping of remedial assistance services has not been undertaken in all missions and informal immediate assistance has been required to partially bridge the gap.

The situation is further complicated by the different types of peacekeeping missions and reporting lines. For example in Somalia, the peacekeeping mission AMISOM is run by the African Union and in Darfur, Sudan the UNAMID mission is a hybrid U.N. and African Union mission.

Newly recruited human rights officers in peacekeeping missions receive basic training on monitoring and reporting human rights violations, conducted by OHCHR. The duration of the training courses vary, but are typically of five days’ duration. The OHCHR guidelines on monitoring and reporting, which are available on the OHCHR website, include general guidance on monitoring and reporting sexual abuse, but the guidance provided for reporting sexual abuse by peacekeepers or U.N. personnel is scant. The guidelines are frequently not implemented at the Mission level. The guidance on reporting child sexual abuse does not include mandatory reporting. Nor does it adequately address the issue of “informed consent” when the victim is a child without parents or a guardian. The general training provided to human rights officers is focused primarily on monitoring and reporting for account-

ability purposes, and not on the U.N.'s protection mandate and the need for intervention to stop ongoing abuses.

Additionally, most junior U.N. human rights officers hold temporary or "fixed-term" contracts of one or two years' duration. Their contracts can be non-renewed or they can be deployed to another duty station (location) with little notice. The temporary and insecure nature of their employment situation creates further conflicts of interests for U.N. human rights officers and other U.N. staff, when determining whether to report wrongdoing by U.N. peacekeepers or U.N. personnel. A U.N. human rights officer who suffers adverse employment consequences and loses his or her job after exposing sexual abuse or other wrongdoing, by peacekeepers or U.N. personnel, is unlikely to be compensated or reinstated for two reasons. Firstly, the tribunals that rule on such appeals have long been reluctant to intrude upon the U.N. Secretary General's prerogatives in contract renewal. Secondly, the U.N. Tribunal statutes grant the Secretary General discretion on whether to reinstate the staff member or provide compensation even after the dispute tribunal has adjudicated the case and found the impugned adverse employment action irregular. In practice U.N. staff members are rarely reinstated and if not, only a small amount of compensation is paid.

Overall, my view is that there are significant structural barriers to reporting sexual abuse by peacekeepers and U.N. personnel. The current setup, which relies primarily on U.N. human rights officers assuming the role of reporters of these violations, is inadequate, poses risks to victims and staff and is inherently biased against reporting. Such barriers are exacerbated by the wholly inadequate U.N. internal justice system provision of protection to whistleblowers.

It is against this backdrop, that I would now like to describe to you the events that transpired after the disclosure by Mr. Anders Kompass (Director of the Field Operations and Technical Cooperation Division at OHCHR) to the French authorities, of the MINUSCA report Sexual Abuse on Children by International Armed Forces in the MPoko IDP camp in Bangui, Central African Republic. MINUSCA is a multidimensional U.N. peacekeeping operation in the CAR, established by the U.N. Security Council on 10 April 2014.

I was the Acting Director of the Africa Branch at OHCHR in early August 2014 during the period shortly after the MINUSCA report came to OHCHR's attention in Geneva. Mr. Kompass was my direct supervisor at the time. Emails document my involvement and I was the key contact between OHCHR and MINUSCA during the period immediately following the disclosure. I supported Mr. Kompass' decision to disclose the allegations of child sexual abuse to the French authorities. The abuse documented in the MINUSCA report was horrific, ongoing and no attempt had been made to stop it. Young boys were allegedly being subjected to rape and other forms of sexual abuse by peacekeepers from France, Equatorial Guinea and Chad, in exchange for food. The abuse appears to have continued until Mr. Kompass disclosed the MINUSCA report to the French authorities in July 2014. Mr. Kompass made his report discreetly yet openly, and the French Government expressed its thanks in writing through officially registered correspondence. French law enforcement received the disclosure immediately and a team of investigators was dispatched to Bangui.

Nine months later, I learned that [the new High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein had ordered that Mr. Kompass be suspended and the U.N. leadership had decided to place Mr. Kompass under investigation by OIOS, for his disclosure of the MINUSCA report to the French authorities. Mr. Kompass was escorted out of his office on 17 April 2015.

I was appalled by what appeared to be the deliberate targeting of a U.N. staff member, who had taken immediate action to stop child sexual abuse by peacekeepers, and was simply doing his job. Mr. Kompass was my supervisor and I had supported his decision to disclose the MINUSCA report to the French government, on the basis that the abuse was ongoing and the U.N. leadership in Bangui had not taken any steps to stop it over a period of many months, or if they had, these steps had been ineffective. I decided to blow the whistle to the U.S. Government about my concerns of the apparent abuse of authority by the U.N. leadership in respect of the treatment of Mr. Kompass. On 22 April 2015, I wrote to U.S. officials at the U.S. Permanent Mission to the United Nations in Geneva, outlining my concerns and providing relevant documents, including the MINUSCA report. I marked these documents as "strictly confidential".

In the absence of appropriate guidelines for situations of ongoing child sexual abuse, Mr. Kompass, whose terms of reference allow him reasonable flexibility in acting to address immediate abuses, followed the best practice established in many U.N. member states, including Australia, Canada, the U.S., most European Union member states, Brazil and South Africa, which have implemented specific manda-

tory disclosure and reporting requirements for child abuse. In these countries, there is a legal obligation placed on certain citizens, usually professionals working with children, or on issues relating to children, civil servants and other categories to report without delay child abuse, including child sexual abuse, to the authorities or law enforcement agencies. In some countries, these laws extend to all citizens and are not limited to professionals working with children or civil servants. The disclosure must include the full name of the child suspected of being abused, or at risk of abuse, and as much information as possible about the child and suspected abusers. In some countries, the professional may report the suspected abuse to the hierarchy in his or her institution, but in others there is a requirement for the professional to report directly to the relevant authorities (usually law enforcement agencies), thereby bypassing the hierarchy. This is to avoid a situation where the professional is placed under pressure by his or her hierarchy not to disclose the information or to redact it. The U.S. is a world leader on mandatory reporting of child sexual abuse, with laws enacted in all states.

Furthermore, although the OHCHR guidelines do not adequately cover child abuse, the U.N. overall has a clear position on reporting child abuse, as outlined in the guidance and model legislation issued by the U.N. Office of Drugs and Crime (UNODC), in conjunction with UNICEF, as well as the World Health Organization (WHO) reporting requirements. The U.N.'s own guidance establishes the duty to report child abuse and spells out that this duty overrides any obligations to keep reports confidential.

In early May 2015, the U.N. Dispute Tribunal ruled that his suspension was unlawful and Mr Kompass was reinstated in his position as Director of the Field Operations and Technical Cooperation Division. However, Mr. Kompass remained under investigation by OIOS.

A U.S.-based non-governmental organization (AIDS-Free World), obtained documents showing the improper collusion among U.N. oversight offices and top U.N. officials, and in response to public protest about child sexual abuse in the CAR and the treatment of Mr. Kompass, at the end of June 2015, the Secretary General was obliged to establish an external independent panel to review the situation.

In the fall of 2015, the panel began to inquire about the legality, rationale and best practice guidelines for reporting child abuse. Australian Professor Ben Matthews, a world expert on mandatory reporting, provided a submission to the External CAR Panel.

The External CAR Panel returned its report in December 2015. The panel found gross institutional failure and abuse of authority in relation to the reporting of sexual abuse of children and to the investigation of Kompass (who was exonerated). Still, the internal misconduct investigation of Mr. Kompass—by the same OIOS office whose chief had been found guilty by the CAR Panel of abusing her authority in investigating Mr. Kompass—continued.

Between October 2015 and January 2016, I wrote a series of letters and emails to the U.N. Secretary General and other senior U.N. officials calling for the U.N. leadership to desist from investigating Mr Kompass. Mr. Kompass remained under investigation until 8 January 2016, the date on which Mr. Kompass was concluded with his exoneration. The Kompass case highlights one of the key problems with the U.N.'s narrow definition of a U.N. whistleblower, which only covers staff who report misconduct by other staff members. The U.N. leadership has made a great issue of the fact that Mr. Kompass reported misconduct by national troops, not U.N. peacekeepers. He is therefore not protected by the U.N. anti-retaliation policy (SGB/2005/21).

The U.N. leadership, through the U.N. Spokesperson says the fact that OIOS investigation failed to substantiate allegations made against Mr. Kompass shows the U.N. system of justice works. However, were it not for the findings of the External CAR panel, convened only because information about the improper actions of the OIOS and U.N. senior officials leaked to the public, it is clear that the OIOS investigation might well have found otherwise. The leaked e-mails among U.N. oversight officials showed quite clearly that “the fix was in,” and rather than proceed with such a tainted exercise, the then Director of the Investigations division at OIOS recused himself.

There have been serious consequences as a result of the U.N.'s actions. Firstly, Mr. Kompass has received neither an apology, nor any sign of appreciation for what he did and what the U.N. subjected him to as a result. Secondly, I am convinced that the very public pillorying of Mr. Kompass is having and will continue to have a serious chilling effect on the reporting of abuses in peacekeeping missions. Thirdly, the reputation and stature of the United Nations, as an international organization that promotes integrity in governance, peacebuilding and human rights, are badly damaged.

While the U.N. Secretary General has announced an intention to implement the recommendations made by the External CAR Panel and has announced measures for tackling sexual abuse in peacekeeping, these do not address the structural barriers to reporting, nor provide protections for U.N. staff who report wrongdoing by the institution. These measures do not address the U.N. internal accountability for abuse of authority towards staff members.

Following a visit to the Central African Republic, recently appointed U.N. Special Coordinator on Sexual Exploitation and Abuse Ms Jane Holl Lute, stated that “we have to create an environment where the victims “can come forward when these behaviours have occurred,” “levy allegations without fear,” and see that “justice is done.”

Creating an environment where victims can come forward and report sexual abuse without fear is the first step. Where children or minors are involved, the U.N. must implement its protection mandate and take immediate steps to stop the abuse. Currently neither the victims nor the reporters are properly protected and there is little accountability for retaliation against either of them. This is a single point of failure, which could be fixed. Securing justice for the victims and holding the perpetrators to account is a more complex challenge as it necessarily involves changes to existing peacekeeping structures, the agreement of troop contributing countries and other Member States.

There is no Freedom of Information Access at the U.N. and as such the Member States must rely on the U.N. leadership to uphold the highest standards of conduct and management and on whistleblowers to report wrongdoing, including sexual abuse, and abuses of authority. The U.N. Special Rapporteur on Freedom of Expression, David Kaye (an American Professor of Law at the University of California, Irvine), stated in his report to the U.N. General Assembly in September 2015:

Basic structural gaps in international organizations leave whistle-blowers at risk in ways that those who report wrongdoing in national systems may avoid. In particular, nearly all international organizations are opaque to the public, which has limited access to information, and few have effective policies on access to information. As bureaucratically dominated organizations, they avoid the strict scrutinization by the press that is often found in national contexts, and they are naturally isolated from direct contact with members of the public or the press.

They are, moreover, subject to reputational demands in order to maintain financial and political support of Governments. Furthermore, persons who report wrongdoing have limited access to independent systems of justice. They generally lack access to national courts when complaining about retaliation, and the human rights bodies are unlikely to apply protection in the face of retaliation. The immunities enjoyed by international organizations in national and other external jurisdictions result in minimal legal pressure on the organizations to respond effectively to allegations of wrongdoing. The mechanisms themselves generally face substantial problems of independence because of those structural barriers.

The track record for whistle-blowers in the United Nations system reinforces the difficulties. Very few whistle-blower complaints are fully investigated. Between 2006 and 2014, only 15 cases of a total of 403 “inquiries” sent to the Ethics Office of the United Nations were found to meet prima facie standards for retaliation, while only 4 were established as retaliatory cases. The low numbers, in a system of more than 40,000 employees, are likely to send a message to employees that the reporting system will not provide effective protection or redress.” The Special Rapporteur concluded by saying:

Lastly, those who identify wrongdoing—especially evidence of serious legal violations and human rights abuses, such as sexual and gender-based violence—should be protected from retaliation when they make public disclosures to the media, civil society or Governments. To be sure, disclosures should respect the rights and reputations of others, but in the absence of effective internal systems, external disclosure provides a necessary safety valve to promote accountability and ensure that the public has information about serious wrongdoing.

The U.N.’s whistleblower protection policy is over ten years’ old (issued in 2005). On 8 April 2015, a coalition of U.N. whistleblowers expressed their concerns about the U.N.’s whistleblower protections in an open letter sent to the U.N. Secretary General and U.N. agency heads. There have been significant advances in whistleblower protection policy and legislation around the world over the past decade, notably in the U.S.. The U.N.’s policy must be updated to reflect these developments.

Finally, I would like to emphasize that my motive for testifying before you today and for blowing the whistle on the abuse of authority in relation to the Kompass case, and prior to this in another U.N. organization, is to protect the U.N. as an institution and uphold the principles on which it was founded. This has come at a considerable personal sacrifice. I lost my job at OHCHR. I remain hopeful that the High Commissioner for Human Rights Zeid Ra'ad Al Hussein will reinstate me in my position at OHCHR in Geneva. I hope that my testimony today, which has not held back on what I witnessed, will not impact on the High Commissioner's decision.

In terms of reforms and recommendations, I have limited these to issues on which I have first-hand knowledge as a senior U.N. human rights officer working with sexual abuse in a peacekeeping context and as a U.N. whistleblower. I respectfully request the Committee consider demanding the following:

From the U.N. leadership:

1. Emphasize the U.N.'s protection mandate and demand that all victims of sexual abuse by peacekeepers are afforded immediate protection. Secure a public commitment from the U.N. leadership that when child sexual abuse is encountered, the U.N. will take immediate action to stop it. Monitoring and reporting for accountability purposes is extremely important, but immediate protection must come first.
2. Recognize that there are significant and wide-ranging barriers in reporting sexual abuse by peacekeepers and U.N. personnel. These must be clearly identified and addressed. Peacekeepers are often responsible for the physical protection of their victims (many of whom are IDPs) and for the U.N. staff who report the abuses. An independent external review should be commissioned to provide recommendations on addressing the serious conflicts of interests inherent in the current reporting of sexual abuse by peacekeepers and U.N. personnel.
3. Issue U.N. system-wide procedures and provide meaningful training to all U.N. staff working in peacekeeping missions on reporting sexual abuse by peacekeepers and other U.N. personnel. Institute mandatory reporting of child sexual abuse to the appropriate authorities.
4. Recognise that protections afforded to U.N. staff who report externally sexual and other abuses by peacekeepers and other U.N. personnel, are presently inadequate and that changes to existing accountability structures are urgently needed. The Secretary General has referred to the peacekeeper abuses as a "scourge" and has recognized that the U.N. has failed to protect vulnerable people, including children, from sexual abuse. He should now recognize that the U.N. has also failed to protect its own staff members who reported and exposed these failures.
5. Institute zero tolerance for all senior U.N. officials whose conduct fails to meet the highest standards of ethics and integrity—conduct that amounts to actionable abuse of authority is set too high. The U.N. leadership must itself uphold the highest standards. Recent failures to hold U.N. senior officials to account have eroded trust in the U.N. leadership. This negatively affects the U.N.'s image, reputation and ability to deliver on its important mandate and through the impunity it creates, further contributes to a climate of fear among staff members that reduces reporting of abuses.
6. Apologize to Mr. Kompass.

From the U.S. State Department:

1. Public confidence in the U.N. and hence its ability to deliver on its mandate has been seriously eroded by the peacekeeper sexual abuses and by the Kompass case. Demand zero tolerance for all senior U.N. officials whose conduct fails to meet the highest standards, irrespective of their role, function or nationality. Where the State Department has reason to believe a U.N. official has not upheld the highest standards, or public confidence in that U.N. official has been eroded, call for the official's removal from office. This is to protect the U.N. as an institution.
2. Publicly recognize the serious flaws in the protections from retaliation afforded to U.N. staff who report sexual and other abuses by peacekeepers or U.N. personnel. As the Kompass and other cases show, existing internal accountability structures lack independence and afford little protection from retaliation. Until such time as U.N. whistleblower protections are improved, the State Department should exercise its good offices in selected high profile whistleblower cases, such as the Kompass case, to limit reputational damage to the U.N.
3. Seek amendments to the U.N. frameworks for the Administration of Justice (U.N. General Assembly resolutions) and whistleblower protections (Secretary General's Bulletin SGB/2005/21) to:

- ◆ Amend the narrow definition of a “protected activity” and hence the definition of a U.N. whistleblower to ensure that U.N. staff, such as Mr. Kompass who reported allegations of child sexual abuse by foreign peacekeepers are not excluded. Reporting of all violations of human rights must be included under the definition of protected activity, regardless of who commits them.
 - ◆ To expand the U.N. whistleblowers’ access to justice, ensure that they have access to independent external arbitration, consistent with the provisions of the U.S. Consolidated Appropriations Act 2016, Section 7048; such access does not currently exist.
 - ◆ Institute special protection measures for whistleblowers who report allegations of wrongdoing by the U.N. leadership. Whistleblowers may be vulnerable to retaliation across the U.N. system (not just in the organization where they blew the whistle) and for the duration of their career. Because of the political linkages at the top of the organizations, U.N. whistleblowers can be subject to retaliation, in other parts of the U.N. system, even many years later. Moreover the nature of immunity of international organizations can breed impunity at the highest levels.
 - ◆ Best practice in relation to burdens of proof. Currently, where there are adverse employment decisions taken against a U.N. whistleblower, the onus is on the whistleblower demonstrating retaliation, as opposed to the best practice of placing the onus on the employer to prove that no retaliation occurred.
4. Implement the provisions of the U.S. Consolidated Appropriations Act 2016, Section 7048, on whistleblower protections.
 5. Ensure that the next U.N. Secretary General is committed to eradicating sexual abuse in peacekeeping and is committed to protecting whistleblowers from retaliation. This is especially important given the lack of Freedom of Information Access at the U.N..

I thank this Committee for its ongoing engagement and look forward to working with the Committee and U.S. Government to see that meaningful and effective reforms are instituted.

STATEMENT OF PETER YEO, PRESIDENT, BETTER WORLD CAMPAIGN, AND VICE PRESIDENT, PUBLIC POLICY AND ADVOCACY, UNITED NATIONS FOUNDATION, WASHINGTON, D.C.

Mr. YEO. Thank you, Mr. Chairman and Ranking Member Cardin and the other members of the committee, for inviting me to appear before the committee today.

I serve as president of the Better World Campaign, which works to promote a stronger relationship between the U.S. and the United Nations.

As the previous witnesses have made clear, there is a cancer within the United Nations, and it must be cut out. The scourge of sexual exploitation and abuse by U.N. peacekeepers continues. The victims of this abuse are real, and the consequences are as well.

Just 2 weeks ago, a 16-year-old girl was allegedly raped by a peacekeeper from DR Congo in a hotel room. What a sickening violation not only of an innocent girl but the trust placed in that peacekeeper by the United Nations and the military that sent him to help the people of the Central African Republic.

Hearing the horrendous reports emanating from CAR, it would be natural to want to withdraw all U.N. peacekeepers before more damage can be done, but this basic instinct to protect needs to be balanced against the good the peacekeepers continue to do there.

The U.N. mission has played a critical role in the conduct of free, democratic elections, which have led to the swearing-in of a new legitimate president committed to rebuilding the war-torn country and to successful legislative elections, which just concluded a few weeks ago.

Since 2014, peacekeepers have trained nearly 200,000 children on avoidance of unexploded ordnance, a macabre gift left by the warring factions in CAR. As a result, Human Rights Watch issued a report, which indicated that the U.N. peacekeepers in CAR will be critical to disarming rebel factions and reestablishing security.

So the question is, how do we support the vital work being done by U.N. peacekeepers in CAR and elsewhere and, at the same time, implement meaningful steps to stop sexual exploitation and abuse by peacekeepers and ensure justice for victims?

If the U.N. is to root out bad actors, whether they hail from France or the developing world militaries that are the backbone of U.N. peacekeeping, it must show that new policies just announced by the U.N. and endorsed by the Security Council will be implemented with unshakable resolve.

The name-and-shame list issued by the Secretary General of countries charged with sexual exploitation and abuse is groundbreaking. For the first time in the history of U.N. peacekeeping, transparency is now, at long last, at the core of the U.N.'s response to SCA.

Secretary General Ban has suspended payments to troop-contributing countries whenever there are credible allegations against one of its troops. He has repatriated entire military contingents to their home countries where there was evidence of widespread and systematic abuse—again, a first. Though long overdue, these actions are the right course.

Even so, and even though they are endorsed by the Security Council, these measures will mean nothing unless they are actively and consistently enforced, a posture that will anger some troop-contributing countries. Sending home offending contingents is not only a black eye on the global stage but a loss in important compensation to that contributing nation.

And for those countries where there is evidence of widespread or systematic sexual exploitation and abuse, they should be blocked from joining new missions. The U.N. must say no on deployment until demonstrable progress is made.

The Secretary General has the power to do that, and he must wield it, and the Security Council must back him up.

There are certain to be consequences. One year from now, for example, the Security Council may choose to intervene in a country facing a crisis. With lives on the line, the international community will rightly look to the U.N. to quickly deploy peacekeepers. Only a few countries will offer troops. And of those, some will have a checkered human rights record.

While there will be justifiable demands to deploy a robust force, the U.N. must hold firm and reject any nation with a record of widespread or systematic abuse.

As it stands, there is a severe shortage of well-trained troops for a growing number of increasingly complex and dangerous missions. The U.N. is challenged to recruit the best trained and equipped troops.

If peacekeeping is ultimately to free itself from the stain of sexual abuse, the responsibility must not sit with the U.N. alone. Other member states need to answer the call.

Last year's peacekeeping summit resulted in pledges of 40,000 more peacekeepers from a diverse group of countries. Ensuring these pledges actually materialize and that troops deployed to hardship posts such as CAR and Mali will be instrumental in backing up the U.N.'s denial of certain countries over their records of sexual exploitation and abuse.

In conclusion, it is absolutely shameful that it took the high profile sexual exploitation and abuse cases in CAR and elsewhere to grab the world's attention to this crisis and to pull open the curtain to the culture of impunity which exists in U.N. peacekeeping.

The U.N. and members of the Security Council are now seized with developing and implementing solutions to this crisis. We have to make it right, because we have no other choice.

I would be happy to answer any questions you might have. Thank you.

[Mr. Yeo's prepared statement follows:]

PREPARED STATEMENT OF PETER YEO, PRESIDENT, BETTER WORLD CAMPAIGN, AND VICE PRESIDENT FOR PUBLIC POLICY AND ADVOCACY, UNITED NATIONS FOUNDATION, WASHINGTON, DC

Thank you, Mr. Chairman and Ranking Member Cardin for inviting me to appear before the committee today.

I serve as President of the Better World Campaign, which works to promote a stronger relationship between the U.S. and the U.N.

As the previous witnesses have made clear, there is a cancer within the United Nations—and it must be cut out. The scourge of sexual exploitation and abuse by UN Peacekeepers continues, despite Secretary General Ban's commitment to a zero-tolerance policy and repeated promises from U.N. Member States to take meaningful action.

The victims of this abuse are real. And the consequences are as well. Just two weeks ago, a 16-year old girl was allegedly raped by a peacekeeper from DR Congo in a hotel room.

What a sickening violation not only of an innocent girl, but the trust placed in that peacekeeper by the U.N. and the military that sent him to help the people of the Central African Republic.

Hearing the horrendous reports emanating from CAR, it would be natural to want to withdraw all U.N. peacekeepers before more damage can be done. But this basic instinct to protect needs to be balanced against the good that peacekeepers continue to do there.

The U.N. mission has played a critical role in the conduct of free, democratic elections, which has led to the swearing-in of a new legitimate President committed to rebuilding the war-torn country, and to successful legislative elections which just concluded a few weeks ago.

Since 2014, peacekeepers have trained nearly 200,000 children on avoidance of unexploded ordnance—a macabre gift left by warring factions in CAR.

As a result, Human Rights Watch issued a report which indicated that the more than 12,000 U.N. Peacekeepers in CAR will be critical to disarming rebel factions and re-establishing security.

So the question is: how do we support the vital work being done by U.N. peacekeepers in CAR and elsewhere, and at the same time, implement meaningful steps to stop sexual exploitation and abuse by peacekeepers and ensure justice for victims like the 16 year old girl in the hotel room?

If the U.N. is to root out the bad actors—whether they hail from France or the developing world militaries that are backbone of U.N. peacekeeping—it must show that the new policies just announced by the U.N. and endorsed by the Security Council will be implemented with unshakable resolve.

The "name and shame" list issued by the Secretary-General of countries charged with sexual exploitation and abuse is groundbreaking. For the first time in the history of U.N. peacekeeping, transparency is now, at last, at the core of the U.N.'s response to SEA. Secretary-General Ban has suspended payments to troop-contributing countries wherever there is a credible allegation against one of its troops. He has repatriated entire military contingents to their home countries where there was

evidence of widespread and systematic abuse—again, a first. Though long overdue, these actions are the right course.

Even so, and even though they are endorsed by the Security Council, these measures will mean nothing unless they are actively and consistently enforced—a posture which will anger some troop contributing countries. Sending home offending contingents is not only a black eye on the global stage, but a loss in important compensation to that contributing nation.

And for those countries where there is evidence of widespread or systemic sexual exploitation and abuse, they should be blocked from joining new missions. The U.N. must say NO on deployment until demonstrable progress is made. The Secretary-General has the power to do that—he must wield it, and the Security Council must back him.

There are certain to be consequences. One year from now, for example, the Security Council may choose to intervene in a country facing a crisis. With lives on the line, the international community will look to the U.N. to quickly deploy peacekeepers. Only a few countries will offer troops, and of those, some will have checkered human rights records. While there will be justifiable demands to deploy a robust force, the U.N. must hold firm and reject any nation with a record of widespread or systemic abuse.

At the same time, this does not mean that the international community should accept a weak response to conflict and mass atrocities. Rather, we must demand that more countries shoulder the load and do so in an ethical and principled way.

As it stands, there is a severe shortage of well-trained troops for a growing number of increasingly complex, dangerous missions. The dramatic increase in the size and scope of peacekeeping missions approved by the U.N. Security Council, together with the near-withdrawal from peacekeeping by European and American forces, has taxed the ability of the U.N. to recruit the best trained and equipped troops. If peacekeeping is to ultimately free itself from the stain of sexual abuse, the responsibility must not sit with U.N. alone; other member states need to answer the call.

To its credit, the United States took some decisive steps to improve this dynamic in chairing a United Nations peacekeeping summit last fall. The Summit resulted in pledges of 40,000 more peacekeepers from a diverse pool of countries. Ensuring those pledges materialize and that troops deploy to places like CAR and Mali will be instrumental in backing up the U.N.'s denial of certain countries over their records on sexual exploitation and abuse.

But more can and must be done on training, investigative support, and vetting. A few suggestions:

- The State Department's Global Peace Operations Initiative has trained over 200,000 peacekeeping troops since 2005. The U.S. should enhance the sexual abuse and command and control components of GPOI across all of its peacekeeping training centers.
- The U.S. and other countries should use both bilateral and multilateral diplomacy to push troop contributing countries to take disciplinary action against soldiers proven to engage in sexual exploitation and abuse. DR Congo is currently trying 3 of 21 of its peacekeepers, with more trials over the next several months. Sadly, that's the exception rather than the rule in terms of justice.
- To investigate allegations of sexual exploitation and abuse, the U.N. has established two different mechanisms in conjunction with troop contributing countries. The U.N. must ensure that these investigation teams are fully trained, better coordinated, and have the ability to not only interview victims, but refer them to medical and psycho-social help and access to legal counsel so they can seek justice.
- The U.N. currently has a rudimentary database for vetting personnel to make sure that those who have been kicked out of missions cannot return. As a country with a wealth of expertise in computing, the U.S. could help advance progress and improve the technology, possibly by harnessing the talent of the private sector.

In conclusion, it is shameful that it took the high-profile sexual exploitation and abuse cases in CAR to grab the world's attention to this crisis and to pull open the curtain to the culture of impunity which exists in U.N. peacekeeping. The U.N. and members of the Security Council are now seized with developing and implementing solutions to this crisis. But we need to be invested over the long-haul—in getting more peacekeeping troops into the system so the U.N. doesn't deploy the wrong troops to a crisis; in ensuring that allegations are fully investigated and justice is served by the countries who contributed the troops; and in providing victims and their families with the help they so desperately need.

We have to make it right because we have no other choice.
I would be happy to answer any questions you may have.

The CHAIRMAN. Thank you both for your testimony.

Dr. Brown, if you could briefly share with us why you are at present not employed?

Dr. BROWN. I believe that the reason my contract was not renewed was out of retaliation, because I am a whistleblower.

The CHAIRMAN. You said something that I think we may have missed an opportunity with the last panel to pursue as much as we should. You said that 70 percent of abuses actually take place by civilians that work directly for the United Nations. Is that correct?

Dr. BROWN. That is my understanding, and I think it would be useful to check with the U.N. on that statistic.

And if so, I would suggest that all of the measures that are being applied to the troop-contributing countries should also apply to the 70 percent, to the U.N. staff, as well.

The CHAIRMAN. Mr. Yeo, do you agree with the order of magnitude taking place at the civilian level with direct employees?

Mr. YEO. There are definitely cases where civilian employees are engaged in cases of sexual exploitation and abuse. The 70 percent figure strikes me as high, but I look forward to working with you to figure out how that number was determined.

But I also agree with Dr. Brown's recommendation, which is, any tools used to investigate charges of sexual exploitation and abuse involving the military personnel and police-contributing countries should also apply to civilian employees.

The CHAIRMAN. We spend a lot of time talking about the sovereignty, if you will, and the countries dealing with their own, but the fact is we should have spent more time—we are doing it now—just on the civilian side itself.

I am looking through a list, and I may not be catching every single one, but I think I could be. It appears to me that in every single case relative to civilians, that I have access to at present—here is one with suspension. But in almost every case, it is a pending issue.

Can you share with me why that would be the case and not yet adjudicated?

Dr. BROWN. I cannot comment on this figure, but, obviously, my perspective is that there is a lack of accountability inside the U.N., just as there has been for the troop-contributing countries. And that does need to be addressed.

The CHAIRMAN. Let me ask you this, I mean, you were out in the field. I know Mr. Yeo may have a different perspective. But what is it at the U.N. that would cause them with their own employees that work directly for the United Nations to tolerate this and to not be more forceful in ensuring that this is not happening?

Mr. YEO. I think that one thing to consider here is that the level attention that is now being paid to sexual exploitation and abuse, not only by police and military-contributing countries but also by the civilian, is unprecedented, in part because of the horrendous situation that is coming out from CAR.

So we, as a major 22 percent contributor to the regular budget of the U.N. and 28 percent to U.N. peacekeeping, need to insist that any employee of the U.N. be absolutely subject to the same

forms of discipline and dismissal and justice as we are insisting upon policing and the troop-contributing countries.

The CHAIRMAN. If I could, before Dr. Brown responds, why would that not just be the case? I mean, just naturally, why is it that the United States needs to apply pressure on the U.N. for the U.N. to want to prosecute people who work for them who are involved in sexual exploitation? I mean, I do not get it.

Mr. YEO. I think there are a couple of factors at work here, none of which justifies it. One factor is that so many of the appointments within the U.N. system are derivative of specific countries wanting to place particular employees, and so that creates this member-state politics within the U.N. system, the 193 member states, that sometimes makes it difficult for member states to want their employees to be punished.

That is not an excuse, but I think that dynamic is sometimes at work, and in a very unhelpful and wrong way.

The CHAIRMAN. And that is the same thing that occurs on the troop side, right? I mean, they have member states who do not want actions taken against their own military personnel.

Mr. YEO. For sure, in the case of our troop-contributing countries, it is a little bit more specific because they specifically will not contribute troops to U.N. peacekeeping missions if they do not have total control of the discipline of their troops. So if we insist that all discipline cases be adjudicated jointly, for instance, between the U.N. and the troop-contributing countries, then, in fact, many nations that are currently the backbone of peacekeeping may choose to withdraw.

That may be a price that we have to pay. And then the Security Council will have to figure out in a more systematic way how we get more countries into U.N. peacekeeping that actually can make sure their peacekeepers carry out their work in an ethical and principled way. To do otherwise is unacceptable.

The CHAIRMAN. Dr. Brown, your perspective? Why does this culture exist? And why would the U.N. be reticent to deal with it?

Dr. BROWN. I hate to say it, but it reminds me a little bit of the child sexual abuse in the Catholic Church. I think that there has only now been the realization of the problem at the senior levels in the U.N. There have been cover-ups.

I hope that this sudden exposure will result in changes, but there needs to be some structural changes, particularly in terms of reporting, because, at the moment, you have multiple conflicts of interest at multiple levels. Just collecting the information is problematic.

The Human Rights officers in the field often face pressures on them not to report. For example, in the case of U.N. staff, they are having to report on their colleagues. They may have to report on their supervisors. The structures are not in place to prevent them from receiving retaliation.

Most of them are junior staff on short-term contracts. Their contracts could be suddenly not renewed. They can be transferred out of the location. There is no incentive for them to report, in a way, for them to report on their colleagues. There is no protection.

And then following on from that, the internal structures, for example, the Office of Internal Oversight Services, lacks independence.

There are so many problems in relation to accountability within the U.N. Now, I think these problems can be addressed. I really do. I think they can be addressed, but there needs to be recognition first, and that is what I am calling for. There must be recognition by the U.N. leadership that there are internal problems that have to be fixed, including in relation to, obviously, these abuses that are being committed by U.N. staff, but also protection for the staff who report the abuses, be it by U.N. staff or peacekeepers.

The CHAIRMAN. My time is up, but are you telling me that with this report that came out in 2005, which apparently was somewhat earth-shattering at the time, are you telling me that the leadership at the United Nations has just become aware of this problem?

Dr. BROWN. No, they have not just become aware of this problem. But rather like the Catholic Church, it has taken them some time to actually act on it. I hope that they are going act on it, but they must do so.

Mr. YEO. I think the other challenge is for sure the highest levels of the U.N. have known about this even before 2005, so an issue of whether U.N. officials knew about sexual exploitation and abuse and were taking action. As Ambassador mentioned earlier in her testimony, there is ongoing dialogue for over a decade between the United Nations and troop-contributing countries about ongoing cases of sexual exploitation and abuse.

But I think it has taken this case to break it open and get this high-level commitment.

I think the other thing to consider here is the U.N. Security Council for over a decade, in both Republican and Democratic administrations, has been pushing for increased peacekeeping missions, increasingly complex, larger missions. And as a result, when the U.N. comes back and says there are not enough peacekeepers in the system, there is a real tension between do we approve larger, more complex missions when we do not really have enough well-trained soldiers with appropriate command-and-control to carry out those missions.

So it is not simply a case of one individual in the U.N. running the whole operation. The Security Council has been well-aware of this situation for over a decade and yet continues to approve larger and more complex missions, despite the fact that there are not enough troops in the system. It is complex.

The CHAIRMAN. Thank you both.

Senator Cardin?

Senator CARDIN. Well, let me thank both you.

Dr. Brown, I listened to your last comment and your prepared statement. I can assure you that we take the integrity of our hearings pretty seriously. So we very much appreciate you being here, and we will protect the integrity of our committee process, so thank you for your participation.

I looked at the information provided to us by the United Nations, at least from their public Web site. They show one civilian episode in 2016, and then in 2015, I did some quick math, and they showed 14, which would be about 20 percent.

Now, I do not necessarily believe these are accurate numbers, do not get me wrong. But when you reply to Chairman Corker that we should ask the United Nations, I am not sure we are going to get today the right numbers. I just do not know if that is available to us, but we will try.

I just had a conversation with my staff, and I agree with Senator Corker. We are going to be asking the first panel some additional questions for the record dealing with the United Nations' accountability for, particularly, the civilian issues.

But there are two parts to the United Nations' responsibility.

One is how they, in fact, supervise the activities of the participating countries, what they do with the TCCs to watch their conduct. It is not just a matter of sending them home. It is a matter of making sure they do not do wrong when they are in theater. That is a supervision responsibility, which falls with the United Nations. And yes, we want to take action against countries that are not responding correctly, but there should be accountability within the United Nations itself.

Secondly, there needs to be a certain responsibility of the United Nations to give clear direction to its civilian work force as to what is expected, to give them adequate training, but to have adequate supervision, again, so that the conduct is clearly understood, and zero tolerance is clearly understood, and, of course, if there are violations, that there is accountability, accountability not only in removing those individuals but holding them responsible for their actions. That may very well require the United Nations to have arrangements with the way it employs its personnel, to make sure that there is accountability for their activities.

So I will be asking those types of questions of our first panel in an effort to try to see how we can complete the circle here, because I think you do raise a very valid point. It is fine to say the TCCs are not doing what they are supposed to be doing, and they should be removed, and I agree with that. There are also primary responsibilities with the United Nations, and those responsible at the United Nations for how these missions are deployed and supervised, et cetera, and how the civilian personnel are expected to behave, and making sure that, in fact, they do carry that out or are held accountable.

So I guess my point is this, have either one of you seen actions taken to deal with what I just said? Is there clear direction given by the United Nations on civilian personnel? Is there clear supervision? Is there clear training? Are there clear ways of being able to get the information on those who are violating, so that they can be removed and held accountable? Is there a clear line of responsibility and accountability from the United Nations to the civilians that are in these countries in which we have the U.N. missions?

Mr. YEO. Two quick thoughts, which is, first of all, I think it is important to note that the Secretary General did remove the head of the U.N. mission in CAR when these allegations and charges first came to light, and I think that is exactly the type of accountability that was long overdue and necessary and will hopefully send a signal to future military and civilian commanders that when missions that are under their supervision—as you said, they are responsible for making sure that the troops of the various contin-

gents are actually performing their duties in an ethical and principled way. If they fail to do that, then they need to do be dismissed from their job. In the case of Central African Republic, that did occur.

Second of all, in terms of civilian employees, civilian employees that are deployed to all of these missions receive extensive training about sexual exploitation and abuse, human rights training. But as the previous panel indicated, training is not a substitute for appropriate supervision of work.

So in the case of civilian employees, we need to ensure that the people that are at the highest levels within each individual mission are fully responsible for the actions of their employees and, at the earliest possible moment that the allegations are raised of sexual exploitation, that they are reported to the right authorities within the U.N. system and action investigations are taken, in fact, the new immediate response teams that the U.N. has established to make sure that within 5 to 10 days that the actual evidence of crimes related to sexual exploitation and abuse are preserved, are deployed in the case of both civilian and military employees. So I could not agree more.

Senator CARDIN. We know that, historically, within military command, there has always been a challenge, in particularly colleagues reporting misconduct. We know the historic problems, and we try to take action to deal with that.

On the civilian side, Dr. Brown, is there the same type of inherent problems on reporting colleague's misconduct?

Dr. BROWN. I believe so, yes, and I think there are a number of other problems. For example, prosecution would require the lifting of immunity of the staff.

Also, the way the system is currently constructed, it would require the U.N.'s Office of Internal Oversight Services to investigate, and we are talking there about U.N. staff investigating other U.N. staff. There are inherent conflicts of interests within the system that will need to be addressed.

Senator CARDIN. So with the immunity, in other words, they are immune from criminal prosecution in the host country?

Dr. BROWN. In theory.

Mr. YEO. But I would also like to make it clear that the Secretary General, in writing, has made it quite clear that no U.N. employee who is the subject to sexual exploitation and abuse, if they have diplomatic immunity, it will be waived. Most civilian employees who are deployed as part of peacekeeping missions actually do not have diplomatic immunity. But in either case, the Secretary General and the U.N.'s team have made it quite clear that the diplomatic immunity will not—

Senator CARDIN. Knowing that the countries in which the peace missions are situated, the capacity there to deal with these types of issues are limited.

Dr. BROWN. That is correct.

Going back to the point of the investigation itself, we have an inherent problem because you have a U.N. investigative body investigating possibly quite a senior official in a country. You have an inherent conflict of interest there. You still have a conflict of interest with, in my view, with the U.N. Office of Internal Oversight

Services investigating a TCC, a case of a TCC, or the discipline and conduct unit investigating it, or even the human rights officer investigating it.

But when it comes to actually U.N. staff, that conflict of interest is exacerbated, and I think that will need to be addressed, along with, if I may, the problems inherent in the reporting lines themselves, because there are multiple barriers to this information moving up the chain.

Senator CARDIN. Well, the questions I think I would ask from the United Nations—we do not have the right people here—is what capacity do they build in countries where there are U.N. peacekeeping missions to be able to have the capacity to prosecute those who violate the laws in those countries on sexual exploitation and abuse.

That would be an interesting point, to see how the United Nations is helping a country to be able to hold accountable those who violate these laws.

Mr. YEO. Or these employees need to be repatriated to their home countries and subject to prosecution at home.

Senator CARDIN. Yes.

Mr. YEO. So there needs to be prosecution either in country, which is often a challenge, or back home.

Senator CARDIN. But for civilians, it may be even more complicated.

Dr. BROWN. Correct. I think so.

The CHAIRMAN. Just back to the pressure, Mr. Yeo, you were talking about earlier where you have these expanding peacekeeping needs that are complex. You have pressure for more of that to occur. I look at the types of populations generally speaking that are being, quote, “protected.” I mean, is there some institutional disrespect for the types of people that these peacekeeping missions are being sent out to protect? Is there something there that we need to understand?

Mr. YEO. I think the disrespect that occurs is between individual soldiers and the disrespect as a result of the individual actions they are taking, the crimes they are committing, as a peacekeeper.

But having visited many different U.N. peacekeeping missions around the world, I am honestly shocked by the willingness of these peacekeepers to serve away from their home for sometimes months or years on end, protecting people they do not even know.

And they are doing it at great personal risk. When you look at, for instance, the peacekeepers in Mali that are battling back terrorist elements in Mali, there has been dozens of peacekeepers killed there. Three French peacekeepers were just killed yesterday in Mali.

So it is a complex situation. I think most peacekeepers are absolutely committed to civilian protection.

We had a wonderful American who was deployed to South Sudan as part of a peacekeeping mission. And the military showed up at the gates. They demanded that he turn over all the young men in the camp, and he absolutely refused. He stood in the gates, and he said, “You may not come in.” And as a result, the people that day were saved. Of course, he, from my perspective, is a hero for saying that.

I recently was in South Sudan. There are 200,000 people today living in these camps that largely owe their lives to the fact that we have peacekeepers from around the world guarding these camps, trying to do their best to protect the people inside who would otherwise be killed by other elements within the country.

So it is very complex. I do not think there is a culture where they do not want to protect the people they are supposed to protect. I think this is a case of individual soldiers doing wrong, and they need to be punished for it.

The CHAIRMAN. Let me ask you this, based on what you just said, are we do you think today in this hearing getting an unbalanced view of this issue?

Mr. YEO. No, I do not think so at all. I think that what has happened in CAR, what has happened in Mali, and what has happened in terms of the sexual exploitation and abuse in these other countries, is absolutely horrific, and it gives the entire concept of U.N. peacekeeping a bad name.

This hearing is absolutely well-timed. It needed to occur. And most importantly, it needs to occur a year from now and 2 years from now. This is not going to be fixed overnight.

And we need to make sure that there is bilateral and multilateral pressure for years to come, so that 10 years from now, we are not looking back at this era and saying we worked on this 10 years ago. Ten years from now, U.N. peacekeeping needs to be the model for this.

I know this is something that Jane Holl Lute, who has been appointed by the Secretary General, and, as you know, is a former Deputy Secretary of the Department of Homeland Security, is looking at. What are the best practices for training and command-and-control? How can we borrow from militaries around the world, including the United States, to make sure that we can work with the countries that are the backbone of peacekeeping to improve their performance?

It is a long haul, and it is going to require a lot of bilateral and multilateral pressure.

And, no, this hearing is not unfair.

The CHAIRMAN. Let me just ask my question, again, because the disrespect that I was talking about is you have the hierarchy at the United Nations that has these complex missions, as you mentioned, and needs more in the way of peacekeepers, and yet are sending out countries that are known to have problems, I am sorry, where, as Senator Isakson mentioned, in many places, rape is certainly an act of war. It is part of war.

I was just in the Balkans. It is unbelievable to know what and see and understand and meet women who were dealt with there in that way. It was an act of war. It was a part of war.

So back to the disrespect I am referring to, I am talking about not the soldiers. I am talking about, at the U.N. level, is there a sense that there is just so much in the way of need that, in these populations, so what? Is there something there that I am missing?

Mr. YEO. I think there was acceptance of what was viewed at the time as a low-grade, ongoing problem, and that acceptance extended for years on end not just by the highest levels within the

U.N., but by the U.N. member states, including members of the Security Council.

I do not think that acceptance is there any longer. If you look at what is new, as a result of what has happened, we actually see, for the first time ever, military units being repatriated. And you have, for the first time ever, a policy endorsed by the Security Council saying no more units may be deployed if they have a track record of systematic abuse, or they refuse to get back to the U.N. as to what they have done in terms of discipline, or they refuse to investigate.

This is the first time they have done this. This is new. And we need to ensure that it is enforced, so that units from DR Congo are not deployed in future peacekeeping missions unless they fundamentally change the way they do business.

It has to change. And the U.N. is now committed to that. It has been endorsed by the Security Council. And I think acceptance of these practices, I think, is over.

The CHAIRMAN. Dr. Brown?

Dr. BROWN. If I may, I agree entirely with what Mr. Yeo has said. I would just add that the U.N. has failed, from what I can see, to accept that it itself has a problem, and that is what needs to happen. There needs to be a recognition that it needs to reform itself. It needs to recognize that it does not have the accountability structures internally, and most of the measures that apply to the TCCs must apply to the U.N.

Furthermore, the staff who take great risks in reporting the sexual abuse must be protected. We have had this terrible case with Mr. Kompass, which has just sent a chilling message through the system. And that must be rectified. Otherwise, we are going to find that staff will simply not report.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Well, I want to thank both of our witnesses. This has been very helpful to us.

But, it really starts with the recognition that sexual exploitation and abuse is not acceptable, and that message has to be communicated by the top leaders. So it starts with the top leadership of the United Nations.

And it has to be not just understood by everyone in the leadership of the United Nations. It has to be enforced by everyone in the hierarchy of United Nations, so that they understand that it is different than it has been in the past.

It does not mean that people in the past did not look at it as serious, but the institution did not look at it as serious. And that has to change.

But it requires a cultural change, and without that, you are not going to get the type of action that we want to see. And the action we want to see is that the member countries that are participating in the United Nations understand that that cannot be tolerated, so their leadership impresses upon their participants that this will not be allowed, and that if you are involved, it is going to be very severe, and that you are bringing disrespect to our country's participation and jeopardizing our standing, and we are not going to allow that to happen, and it is not allowed.

That is what you are going to have to have for there to be the type of change that we want to see occur.

So, yes, we have seen some encouraging signs. You have mentioned some of the encouraging signs, including the passage of the Security Council resolution. But we are far from declaring that that has been accomplished in the culture of the United Nations. That is something that is still a matter that many of us are concerned, whether that message is clearly being broadcast the way it should.

And that is something that we are going to continue to follow. In the meantime, I expect we are going to take some additional action in the Congress.

The CHAIRMAN. We want to thank you both. It has been a very powerful hearing, and I hope that your testimony is going to end up affecting people, in that, hopefully, thousands of people who otherwise would have been sexually abused, raped, whatever, will not have that experience because of people like you who have been willing to testify in this manner.

I want to build on what you just said. I mean, in essence, because the United Nations is providing peacekeepers that in some cases, not in every case, are sexually abusing people, our citizens here who work hard every day to raise their families and pay taxes, they are basically sending money, sending their hard-earned money, to an organization that has been unwilling to deal with a crisis within it, and that taints America. It taints the taxpayer money that we are sending.

And I hope that, somehow, very soon, the leadership of the United Nations will understand that the American people through their elected representatives are not going to stand for us sending money to an organization that is unwilling to deal with this moral depravity that is taking place there, but not being willing to own up to a problem and deal with it in an appropriate way.

So again, we thank you. We appreciate very much your time and your travel. The record will remain open through the close of business Friday. And if you could respond fairly promptly to questions, my sense is you will want to do that.

We thank you, again.

And with that, the meeting is adjourned.

[Whereupon, at 4:31 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO QUESTIONS FOR THE RECORD SUBMITTED TO AMBASSADOR COLEMAN, PRINCIPAL DEPUTY ASSISTANT SECRETARY JOCOBSON, AND DEPUTY ASSISTANT SECRETARY ROTHSTEIN BY SENATOR CORKER AND SENATOR BOXER

Question 1. In May 2015, Rwanda hosted a conference on the protection of civilians in peacekeeping operations. A set of principles on protection of civilians was created including Principle 15 which addresses the issue of peacekeeper abuse. What measures have troop- and police-contributing countries taken to integrate the Kigali principles into their operations? What are the consequences for TCCs and PCCs who fail to comply with the principles?

Answer. The “Kigali Principles on the Protection of Civilians” are a set of best practices that were developed by Rwanda, in consultation with the United Nations (U.N.) and peacekeeping experts, and released at the conclusion of the High-Level International Conference on the Protection of Civilians held in Rwanda on May 28

and 29, 2015. The Principles are framed around the active role U.N. peacekeepers should take to protect civilians, a core mandate for a majority of U.N. peace operations. For countries providing uniformed personnel to peacekeeping missions, there already is an expectation that they are trained to support protection of civilians. The implementation of the Kigali Principles, however, could address other areas of concern that can and often do undermine peacekeeping operations deployed to volatile situations. For example, the Principles were designed to address a range of issues, including having national contingents seek to identify early-warning signs of violence and take steps to mitigate them; ensuring that troops have the requisite authority to use force consistent with the mandate; and, as principle 15 addresses, getting countries to vigorously investigate and, where appropriate, prosecute any incidents of abuse.

Countries have been asked to endorse the Principles by submitting a diplomatic note to Rwanda expressing support for the Kigali Principles and the country's resolve to uphold the pledges contained therein. Endorsement demonstrates a political commitment to implement them, where applicable. Endorsement of the Kigali Principles, which is voluntary and non-binding, could become an important part of improving the implementation of protection of civilian mandates and emphasizing its importance in mission design, training and other means to support contingents in peacekeeping missions.

To date, eleven countries have endorsed the Principles: Bangladesh, Burkina Faso, Ethiopia, Italy, Malawi, the Netherlands, Rwanda, Senegal, Sri Lanka, Uganda, and Uruguay. These countries cumulatively have more than 40,000 uniformed personnel in U.N. and AU operations—approximately one in three uniformed personnel across these operations. On May 11, the Netherlands will hold a Ministerial event in New York to encourage additional Member State endorsements and to recognize those countries that have already done so.

The United States is actively encouraging troop- and police-contributing countries to endorse the Principles and to develop action plans to implement them. During his address at the September 2015 Leaders' Summit on Peacekeeping, President Obama highlighted the importance of the protection of civilians by U.N. peacekeepers and noted "that's why the principles and best practices for civilian protection laid out in Kigali are so important."

Question 2. U.N. Security Resolution 2272 empowers the Secretary-General to replace all military units and/or formed police units of the troop- or police-contributing country when that TCC and/or PCC has not taken appropriate action against its personnel subject of an allegation or allegations of sexual exploitation and abuse. What oversight measures will the United States take at the Security Council take to ensure that the Secretary General is complying with the UNSCR 2272?

Answer. The United States is tracking closely the steps the Secretary-General is taking with respect to U.N. Security Council resolution 2272. There will be ongoing opportunities for the United States and other Council members to review progress, in addition to frequent informal contacts with concerned U.N. offices. The Secretary-General reports regularly (quarterly in the case of most missions), and specifically in advance of mandate renewals, to the Security Council on the progress individual U.N. peacekeeping operations are making in carrying out their mandates. At U.S. urging, mandate resolutions now routinely include a specific request that these reports include information on the mission's progress in ensuring full compliance with the Secretary-General's policy of zero tolerance for sexual exploitation and abuse (SEA). The Secretary-General's reports are briefed to the Security Council, which has ample opportunity to ask questions of the U.N. Secretariat and the Special Representative of the Secretary-General heading the U.N. mission under discussion, including about SEA, and to take appropriate steps.

In addition, the General Assembly's Fifth Committee (Administrative and Budgetary) oversees conduct and discipline of U.N. peacekeeping mission members as a crosscutting, organization-wide issue, as well as approves individual mission budgets. The United States, as the single largest financial contributor to U.N. peace operations, continues to be a key player on issues related to conduct and discipline and performance in general.

Since the adoption of U.N. Security Council resolution 2272, the United States has and will continue to request detailed updates on all outstanding sexual exploitation and abuse allegations in individual missions, including actions taken by relevant troop- or police-contributing countries, and will hold the Secretary-General accountable for enforcing resolution 2272 if a contributing country has not fulfilled the resolution's conditions. During Security Council briefings, the United States will also continue to press the Special Representative of the Secretary-General for infor-

mation on any overarching measures he or she has taken to prevent sexual exploitation and abuse in the relevant mission.

Question 3. Has the United States withheld bilateral assistance for sexual exploitation and abuse violations in U.N. peacekeeping as a result of Leahy vetting?

Answer. The United States will not provide security assistance, including training, to foreign security force units or individuals for whom we have credible information of having committed gross violations of human rights, including those involving sexual exploitation and abuse (SEA). Individuals or units, against which credible evidence of such violations exists, have been excluded from participation in U.S.-funded training activities in numerous cases. However, the United States has not systematically withheld bilateral assistance as the result of SEA in U.N. peacekeeping due to the lack of available information necessary to sufficiently substantiate such allegations.

Prior to the release of the U.N. Secretary General's February 16, 2016 report on sexual exploitation and abuse in the U.N. system ("Special Measures for Protection from Sexual Exploitation and Sexual Abuse—Report of the Secretary-General," released on March 4, 2016), the U.N. declined to release the names or home countries of individuals accused of SEA. The February report represents a significant step in the right direction, naming the specific troop contributing countries against which there are SEA allegations.

But the United States must continue to rely on engagement with the host government and media reports to identify specific individuals involved in these situations. The State Department will continue to engage actively with the U.N. and TCCs to identify the names and units allegedly involved in SEA. This will be done to ensure the host government investigates and appropriately follows through on these allegations as well to prevent the provision of future assistance to individuals and units for which we have credible information of having committed gross violations of human rights, including those involving SEA.

Question 4. Is the unit that was part of the Democratic Republic of Congo contingent in the Central African Republic included in the International Vetting and Security Tracking System (INVEST)?

Answer. The International Vetting and Tracking (INVEST) system is the workflow management tool and official system of record for conducting Leahy vetting. Only cases subject to Leahy vetting are entered into INVEST. Because no U.S. Government funds were used to train Democratic Republic of Congo (DRC) security forces for the deployment to the Central African Republic (CAR), those forces were not subject to Leahy vetting.

Question 5. Given that military and some police are held accountable for allegations of sexual exploitation and abuse in U.N. peacekeeping missions by their national governments, what is the process by which U.N. civilian peacekeeping personnel held accountable for sexual exploitation and abuse?

Answer. When a U.N. civilian staff member in a peacekeeping operation is accused of any type of misconduct (including sexual exploitation and abuse), the investigation is either undertaken by the Office of Internal Oversight Services (OIOS) or the mission itself, depending on the details of the allegation. If an allegation of misconduct against a U.N. civilian staff member is substantiated, there is an array of administrative sanctions that the U.N. can impose appropriate to the misconduct, ranging from withholding benefits to dismissal.

The Secretary General is required by General Assembly resolution 62/63 to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the accused person's State of nationality. While civilian personnel enjoy functional immunity from legal processes in a host country for actions performed as part of their official duties, immunity should not apply in SEA cases because such behavior is outside official capacity.

Regardless, the Secretary General can also waive immunity for international staff in order to allow prosecution by local authorities in the host country. In cases where the U.N. refers a substantiated allegation of misconduct to the country of nationality, the U.N. follows up on the case regularly and can provide appropriate assistance requested by the country for investigation and/or prosecution.

RESPONSES TO QUESTIONS FOR THE RECORD SUBMITTED TO PETER YEO, PRESIDENT, BETTER WORLD CAMPAIGN, AND VICE PRESIDENT FOR PUBLIC POLICY AND ADVOCACY, UNITED NATIONS FOUNDATION, BY SENATOR CORKER

Question 1. In May 2015, Rwanda hosted a conference on the protection of civilians in peacekeeping operations. A set of principles on protection of civilians was created including Principle 15 which addresses the issue of peacekeeper abuse. What measures have troop- and police-contributing countries taken to integrate the Kigali principles into their operations? What are the consequences for TCCs and PCCs who fail to comply with the principles?

Answer. The Kigali Principles are a voluntary set of principles on the protection of civilians in peacekeeping initially agreed upon by the governments of Rwanda, Italy, Netherlands, Uruguay and Uganda following the High Level International Conference on Protection of Civilians in May 2015. Since then, Ethiopia, Senegal, Malawi, Burkina Faso, Bangladesh, Sri Lanka, and Poland have also endorsed.

With respect to the United Nations factoring in the Principles, all else being equal, the Secretariat is giving priority to deploying countries that have agreed to the Principles versus those that have not. That being said, the Kigali principles are voluntary commitments, and, in the U.N.'s pre-deployment assessment of troop contributing countries (TCCs), they do not hold Kigali signatories to a higher standard than other troop contributors. Thus, all peacekeepers are expected to implement the protection mandate, whether or not they have committed to the Principles, and the Secretary-General has made it clear that refusals to obey orders may result in repatriation of contributed units. The Principles are important, however, because they clearly lay out an approach to civilian protection to which TCCs explicitly and publicly agree: a willingness to use force and a commitment to train and prepare troops and invest them with the authority to act.

Question 2. Given that military and some police are held accountable for allegations of sexual exploitation and abuse in U.N. peacekeeping missions by their national governments, what is the process by which U.N. civilian peacekeeping personnel held accountable for sexual exploitation and abuse?

Answer. For civilians, when an allegation of Sexual Exploitation and Abuse is reported, the Office of Internal Oversight Services (OIOS)—the internal oversight body of the U.N.—makes a determination whether it will investigate or whether it will refer the case to the mission for investigation. For most serious cases, OIOS will generally take the lead, or if it grants the lead to the mission, it may request to review the outcome of the investigation to determine if it wishes to take any further investigative action. If an allegation is substantiated, depending on the severity, the individual could receive anything from written censure to payment suspension to demotion to dismissal.

In 2015, 30 allegations of sexual exploitation and abuse were made against United Nations staff members and related personnel other than those deployed in peacekeeping operations and special political missions. Of the 30, 12 of the cases were unsubstantiated or closed, 3 have been substantiated and in the 15 others cases, the investigation is continuing (as of the February 2016 Secretary-General report). Of the three substantiated cases, the perpetrators' contract was terminated for two of the individuals and one case is under review by management for disciplinary action. Information on investigations and disciplinary action is regularly updated on the U.N.'s Conduct and Discipline Unit (CDU) website.

In terms of immunity, U.N. officials have immunity only while carrying out their professional functions. In the case of Sexual Exploitation and Abuse, immunity does not apply. Member States have the authority to subject their nationals to criminal process. In several past instances, governments have requested waivers of immunity, and the U.N. has confirmed that no immunity applies.

United Nations officials and experts on mission also may be referred for criminal accountability when allegations of sexual abuse have been substantiated or a Host Country may decide to investigate such crimes. Prosecutions by the Host Country will likely involve the conduct of prior national investigations. Field missions may be called upon to cooperate with the Host Country in carrying out all necessary investigations, in accordance with the provisions of status of force agreements or status of mission agreements.