

SEXUAL ABUSE AT THE HANDS OF UN PEACEKEEPERS

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In November 2015, a 14-year-old girl in the Central African Republic (CAR) said that two peacekeepers attacked her in November as she was returning home near Bambari airport. Peacekeepers at the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA) base were stationed there to guard the airport and allegedly committed numerous such acts of sexual abuse and exploitation.

She told Human Rights Watch: “The men were dressed in their military uniforms and had their guns. I walked by and suddenly one of them grabbed me by my arms and the other one ripped off my clothes. They pulled me into the tall grass and one held my arms while the other one pinned down my legs and raped me. The soldier holding my arms tried to hold my mouth, but I was still able to scream. Because of that they had to run away before the second soldier could rape me.”

Earlier in 2015, a 29-year-old woman was forced to engage in sexual relations with MINUSCA peacekeepers in exchange for food and money. She said to the human rights organisation: “The conditions of life at the [displacement] camp were

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precarious. I did not know what to do so I started having sex with the international forces. For this they gave me fish, chicken, jam and bread. Sometimes they give me between 1,000 and 2,000 CFA (approximately \$1.60 to \$3.30 USD) Before [the conflict], things were not like this.... I had to make decisions because life was so difficult so I chose to enter into these relations for survival.”

Over the past decade, such allegations of sexual exploitation and abuse of civilians by peacekeepers have overshadowed UN operations on missions worldwide. Widespread rape and sex in exchange for money, food or relief goods, including acts of sexual violence against young children, have occurred—with the highest number of allegations in the CAR, Haiti, the Democratic Republic of Congo (DRC), and South Sudan, among others. Previous abuse was reported in Cambodia, Bosnia and Herzegovina, East Timor and Liberia, among others, in the 1990s. But as the number and scale of missions grew, so has disturbing allegations against UN peacekeepers in recent years.

Between 2004 and 2016, the UN received almost 2,000 allegations of sexual abuse and exploitation, including 300 involving minors, as was uncovered by an Associated Press investigation, by its peacekeepers from Bangladesh, Brazil, Jordan, Nigeria, Pakistan, Uruguay and Sri Lanka, among others.

Worryingly, few led to prosecutions in their home countries and when these did land in court, led to reduced sentences. Of 134 Sri Lankan peacekeepers accused of exploiting children in a sex ring in Haiti between 2004 and 2007, 114 were repatriated but none served jail time.

How is Bangladesh implicated?

The latest data available by UN peacekeeping's conduct and discipline unit reveals four cases of sexual exploitation and abuse by Bangladeshi peacekeepers, which have been reported by the UN to Bangladesh. Of these, two of the accused peacekeepers were police personnel part of the United Nations Stabilisation Mission in Haiti (MINUSTAH)—one accused of transactional sex (investigation of which is pending) and the other of the sexual assault of two children in June 2017. The latter allegation was substantiated following which the peacekeeper's payments were suspended but final action remains pending.

The other two allegations involved military personnel, both of which were substantiated. One was of an exploitative sexual relationship between November 2015 and January 2016 that led to the victim bearing a child of the peacekeeper of the United Nations Organisation Stabilisation Mission in the Democratic Republic

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will remain disorganised and shabby. In the midst of all this I even forget to ask if there is a day care center for children of working mothers. Perhaps they have one 'for show', as the workers often say.”

The next day a graver scenario emerged when we talked to some more people outside the factory. Of course, there were some who were unwilling to talk to us, especially in public spaces, with many saying that they feared losing their jobs. One of those who were happy to share their experiences was Zamila, who had worked in the garments sector in various capacities for the past 17 years. Although she started out as an operator, after some years it became too arduous for her. She could not continue in the position because of constant back pain and eventually opted for a less prestigious role as a cleaner

While gutting fish in her one-room house in Mirpur, which she shares with her husband and son, Zamila talked to us about her experiences. The family was from



PHOTO: COURTESY

of the Congo (MONUSCO). A paternity claim was filed with the UN, and subsequently established. An investigation was conducted by the Bangladeshi military and payments withheld in the interim. A final sentence is pending.

The other involved the rape of a minor in CAR by two Bangladeshi peacekeepers part of MINUSCA in November 2015. The perpetrators were dismissed from the mission by the Bangladesh military and later sentenced to one year in jail each.

In a statement in January 2016 following revelations by the UN that perpetrators included Bangladeshi peacekeepers, then director of the public relations wing of the Armed Forces, Shahinul Islam, said a probe was underway and that “Bangladesh will follow a zero-tolerance policy if anyone [is] found guilty.”

Naming and shaming

After years of inaction and misreporting of the extent of sexual abuse by its peacekeepers, the UN has finally begun disclosing the country of the alleged perpetrator, 2015 onwards, in a strategy of naming and shaming. A total of 865 perpetrators have been identified between 2010 and 2018. The largest number of alleged perpetrators are from South Africa, 26, and the DRC, 26, while Bangladesh falls on the lower end of the spectrum alongside Pakistan, 4, and Nepal, 3.

Researchers and human rights workers say sexual exploitation and abuse by UN peacekeepers is likely under reported; an independent investigation into the situation in Haiti estimated 564 victims where the UN counted only 75 allegations of abuse, between 2008 and 2015.

As noted by Hillary Margolis, women right's researcher at Human Rights Watch, following the documentation of cases of sexual exploitation and abuse in CAR in early 2016, there is something particularly heinous about peacekeepers, sent to protect civilians from the violence of armed groups in the country, turning out to be predators

Peacekeepers are in war-torn and politically fragile spots of the world where the power dynamics are skewed in their favour. Even sexual relations between UN staff and locals in these countries were also prohibited, in a 2003 bulletin by then UN Secretary-General Kofi Annan, “since they are based on inherently unequal power dynamics, [and] undermine the credibility and integrity of the work of the United Nations.”

What can the UN do?

The UN has no jurisdiction over peacekeepers; neither the UN nor the host country can prosecute crimes committed while on missions. What it can do is send accused peacekeepers back to their home countries and bar them from any further peacekeeping missions. The UN reports allegations to the country of the

Barguna but was living in Dhaka for 17 years and did not know when they would return or if they would return at all. When asked about maternity benefits, she was very clear that maternity benefit is not given to 'bwas'. For the operators and others in the factory where she works, the benefit is given for two months and after the child's birth, the workers join the factory and work even when they have to breast feed their babies.

Pregnant women face immense difficulty in factory work during pregnancy. They are susceptible to various health issues and this makes them vulnerable in their workplace. As one activist in Dhaka who has substantial experience of working with working women put it, once they are pregnant, they tend to be afflicted by the fear of losing their job.

We met a worker in Narayanganj who was advised to leave the job and return after childbirth by the factory's compliance officer. Instead of receiving benefits, the worker was advised to resign for the sake of the newborn as she was facing difficulty during her pregnancy period. She was recruited again after childbirth as a new worker with the same basic salary.

Of course, we also met people who would tell us that

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peacekeepers involved and investigation and prosecution of criminal cases, and if necessary, punishment, is left up to them.

Accountability for the victims in faraway countries is rare as the names of alleged perpetrators are kept confidential and few cases end up being prosecuted. They received little medical or financial assistance let alone any updates on case proceedings. Only recently, in March 2016, has a trust fund been set up for the victims by the UN Secretary-General but it has found few donors among member states. Now, payments withheld from peacekeepers against whom allegations of sexual exploitation and abuse have been substantiated are also transferred to the trust fund.

Transparency and non-cooperation are also problems. Troop-contributing countries often fail to update the UN on the outcome of investigations and disciplinary proceedings (if these are happening). Recently, the UN also announced six months as a deadline in which to conclude investigations or move on with prosecutions. Commanders are rarely held responsible for their troops' acts. The sentence is often grossly disproportionate to the severity of their crimes.

Only if the host country agrees, can the UN join the investigation. Otherwise, what the UN can do is bar a commander or a country from getting other peacekeeping contracts (much coveted in countries such as Bangladesh), if it is found its handling of sexual abuse allegations lacking. Even this is difficult as the case of CAR illustrates, where the UN was unable to repatriate a battalion accused of committing widespread sexual abuse because it simply does not have the peacekeepers to replace them in what it said was a delicate time for the country.

The UN has a zero-tolerance policy on sexual exploitation and abuse, introduced in 2005. Previous Secretary-General Ban Ki Moon called sexual exploitation and abuse “a cancer in our system”. Fresh cases continue to appear and allegations persist in ongoing missions. For the blue helmets, whose mission it is to protect vulnerable civilians in conflict zones in the transition to peace, these allegations against them tarnish the reputation of the UN as a whole.

“Without accountability, people will continue to get away with this. These soldiers are put in a position where it's easy to perpetuate these crimes, and if they are not held responsible, and if their commanders are not held responsible, these crimes will continue,” said Margolis to TIME in February 2016.

Bangladesh's investigations of its UN peacekeepers should follow through in a timely, transparent and accountable manner in order to avoid tainting its reputation in peacekeeping. Bangladesh's participation in UN missions is a great source of pride for the armed forces, a much-needed source of financial gain for underpaid troops and a boon to the country's image globally. It should not be overshadowed by the darker side of UN peacekeeping that has been exposed over the years.

compliant factories were different, where there exist better practices. For example, there is a separate dress code for pregnant workers in some factories. Often, pregnant women are also exempt from heavy work, and weight-lifting, etc. But generally, workers told us that a lot of these factories were very strict about allowing sick leave, and that the management were keen on deducting salary for any casual/unreported leave.

A 16-week maternity benefit is now stipulated in the labour law of Bangladesh. For government departments, this has been extended to six months. The workers whose narratives I picked up are people whom I met randomly. Perhaps a door was open and we decided to talk. Perhaps someone looked a bit inviting, so we stopped to discuss. The factory too was picked at random. This accidental methodology also paints a picture and a reality which perhaps is not very unfamiliar to those who live in Bangladesh. I hope the government's regulatory bodies, buyers and other concerned bodies do the same and see what is there in practice and not just on paper.

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One morning I read an article, published in one of the most widely read newspapers of Dhaka, suggesting that all the negative news on Bangladesh's garments sector damages not only the owners but workers too. That afternoon, I decided to visit a garments factory in Mirpur—a small factory with 400 workers. My intention was to inquire about the status of maternity benefits and what exists in practice.

Before the meeting I, along with a research partner, visited some of the workers who lived in the factory's vicinity. We simply asked if women working in the factories enjoyed any maternity benefit as postulated in the labour law. The answer was no. In fact, the answers

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were more complicated than a simple no. Someone said: “It is difficult to get a leave for sickness, let alone maternity benefits.” Instead of answering my questions, some complained about the unfriendly work hours that last till 8:00pm. It is not that the workers we met did not know about the maternity benefit provisions but they claimed that the benefits were simply not provided. We met female workers who are now working in other sectors but had been employed in the garments sector in the past. After much cajoling, they told us that they have not seen anyone availing maternity benefits themselves, but could name a few factories that did offer these benefits while also saying that they could name others that did not.

We then visited the factory, and in the five minutes it took for the compliance officer to greet us, I took in the area around the entrance. They had a doctor's room full of cartons and packets, a reception room with a misspelled sign and stacked with boxes and assorted items. The passage through which workers were exiting was also clogged with boxes. The security guard's ever-wary eye did not allow us to snap pictures and I was also slightly unsure if the visit would be a fruitful one as I did not know anyone in the factory.

A young man in his late twenties took us to his office, where his office-mate was busy ticking off the attendance (*hajira*) bonus cards. It was almost 6:00pm and the factory seemed to be operating full swing. We noted some bananas stored for the workers' tiffin break. The young man with two large computer monitors on his table claiming to be the compliance officer turned

out to be a Titumir College accounting studies graduate. He had joined the factory very recently. I began by asking if the workers get maternity benefits as stipulated by the law. To my surprise, he said that the workers do not demand any such provision. Usually, when they are pregnant, they resign and leave the factory “on their own”.

His statement that workers resign on their own sounded odd. He said he had not seen anyone taking leave, and that there was no record of such leave on the register.

But then what is the policy of your factory? Do you have a maternity benefit policy? He answered in the

affirmative, but when I asked what it was, he seemed unaware. When asked if he could show us the policy, he brightened up and showed us a shiny new, hardly used file in which the maternity policy was spelled out. He was somewhat quick to point out the relevant policy page of the file, but when I asked if he could tell me what the policy was, he seemed at a loss. Then again, if no one had asked for maternity leave, perhaps his unpreparedness was justified!

I took a picture of the brand new maternity leave policy and left the building somewhat distraught. My research collaborator, who was mostly silent during the meeting, quipped: “Everything here exists on paper. All the right signposts are there and whatever disorganisation there is will be papered over on the day of the buyer's visit. But for the rest of the year, things

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