



HOUSE OF LORDS

Revised transcript of evidence taken before

The Select Committee on Sexual Violence in Conflict

Inquiry on

SEXUAL VIOLENCE IN CONFLICT

Evidence Session No. 9

Heard in Public

Questions 53 - 62

TUESDAY 3 NOVEMBER 2015

3.45 pm

Witnesses: Ms Carla Ferstman and Ms Paula Donovan

USE OF THE TRANSCRIPT

This is a corrected transcript of evidence taken in public and webcast on
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Members present

Baroness Nicholson of Winterbourne (Chairman)
 Bishop of Derby
 Baroness Hilton of Eggardon
 Baroness Hodgson of Abinger
 Baroness Kinnock of Holyhead
 Lord Sterling of Plaistow
 Baroness Warsi
 Lord Williams of Elvel
 Baroness Young of Hornsey

Examination of Witnesses

Ms Carla Ferstman, Director, REDRESS, and **Ms Paula Donovan**, Co-Director, AIDS-Free World (via videolink)

Q53 The Chairman: A very warm welcome to you this afternoon. Can you hear me, Ms Donovan?

Ms Paula Donovan: Yes.

The Chairman: Wonderful. A very warm welcome and thank you for appearing via videolink. We are very grateful. Welcome also to Ms Ferstman. Thank you very much for coming from Oxford.

Ms Carla Ferstman: Thank you.

The Chairman: Thank you both for joining us. I have a couple of housekeeping points to make. You have a list of all the interests that Members of the Committee have declared. This is a formal evidence-taking session. We take a full note and that goes on the public record in printed form and on our website. We send a copy of the transcript to you so that you can make any minor corrections. The meeting is on the record already and is being webcast, and it will be accessible on the parliamentary website. If we do not have enough time to cover everything that you want to tell us, you are very welcome, if you would be kind enough, to give written evidence. Anything additional that you want to say, we will very gratefully receive. Do not feel that you have to answer every question. If you have a more interesting point to make, please roll over the questions that we have asked.

First, would you like to make any introductory remarks, Ms Donovan?

Ms Paula Donovan: I would be happy to go directly to the questions, but I will introduce myself first. I am Paula Donovan, the co-director of AIDS-Free World, and my organisation has launched the Code Blue campaign to end impunity for sexual exploitation and abuse by peacekeeping personnel.

The Chairman: Thank you very much. Ms Ferstman, would you like to make any introductory comment before we go to our first question?

Ms Carla Ferstman: Thank you. To save time, I, too, would be pleased to go straight to the questions. Thank you for this opportunity.

Q54 The Chairman: Thank you both very much.

The United Nations has for some time recognised the problem of sexual abuse and exploitation by peacekeepers, and has made a number of attempts to address this. Do you think there have been any successes in those efforts, and if so, what?

Ms Carla Ferstman: Thank you. I think there have been important advances in greater awareness of the problem. In itself, this is quite important, but those advances in awareness have come largely as the result of failed investigations and prosecutions. We can also note from some of the figures that have been provided by the Secretary-General that, at least on the face of it, the number of allegations of sexual exploitation and abuse seems to be decreasing. It is important, however, to take those figures with the reflection that they require. First, there have been quite a number of debates about the accuracy of those figures. Secondly, there is a continual problem of underreporting.

The training efforts with respect to sexual exploitation and abuse have significantly increased. However, once again, expertise in this area shows that in some crucial areas there is a need for added training, both pre and post-deployment. There is also greater clarity with respect to the code of conduct. However, looking at these issues again more carefully, one can see that there is not sufficient distinction between what may constitute disciplinary offences and what may be a criminal offence. Also, the Memorandum of Understanding that contributing countries sign with the United Nations has undergone some significant revisions, which have led to important undertakings being made by troop contributing countries. However, the enforceability of those undertakings is still an issue leading to lack of accountability.

The Chairman: Why does the problem persist, in that case, if accountability and awareness are heightened? Why is this still continuing?

Ms Carla Ferstman: There are a range of reasons for this, but at the heart of the reasons for the continued problem is the lack of clear accountability for these crimes. The reasons for the lack of accountability are diverse, and we can go into that throughout the discussion.

The Chairman: Ms Donovan, on the question of the United Nations addressing the problem, do you perceive successes? If there are successes, why is the situation not improving?

Ms Paula Donovan: I concur entirely with Ms Ferstman that the numbers indicate that the instances of sexual exploitation and abuse are diminishing but that the numbers are entirely unreliable. As most people who deal with sexual violence are aware, the problem of underreporting relates directly to the feeling of victims that by reporting they will achieve justice of some sort. When people feel confident that justice will be served when they report, and that victims will be treated appropriately, the levels of reporting go up. That means that the decreasing numbers may reflect just the opposite of what the UN is contending. Decreasing numbers of allegations of sexual exploitation and abuse may actually reflect that the civilian population feels as though it is dangerous, futile and simply not in their best interests for safety and justice reasons to come forward and attempt to use a system that historically has not worked in their favour.

The Chairman: A quick comment, Ms Ferstman. How do the peacekeepers use the code of conduct?

Ms Carla Ferstman: The code of conduct frames the oversights in troop contributing countries. It forms the basis on which the troops are trained. In addition, key points are distributed in short form so that peacekeepers have the relevant information about its contents at all times. It is used mainly as a preventive tool and, when it comes to allegations, it can be the first way in which discipline can arise.

Q55 Baroness Hilton of Eggardon: Can we turn to attempt to prevent these things happening? How important do you see training, and can other measures be taken to prevent these offences happening in the first place?

Ms Carla Ferstman: I will start just because I am in the room. Training is extremely important, but it has to be intensive, ongoing and, of course, underscored by positive practice. One aspect of training, as anyone who has done training will tell you, is the use of examples. But in the case of sexual exploitation and abuse, investigations and prosecutions, we do not have those positive case examples to use because the follow-up has been so limited. So there is a difficulty with respect to that. Also, some of the comments by experts who have analysed the content of the training modules are that they do not get to the heart of the gender biases and stereotypes that underpin and cause the environment in which sexual exploitation and abuse can flourish. These gaps make the training efforts less effective.

With respect to other measures that can be used to complement training from a preventive angle, a key one would be to strengthen complaints processes. This is one of the recommendations which the Secretary-General has set out in his most recent report, simply to make it easier for victims to come forward. Another is to improve transparency. One of the biggest challenges has been that although the UN puts statistics on its website to indicate the number of allegations and what has happened to those, these are aggregated statistics, which means that it is very difficult to trace which country is causing the abuse and there is no public shaming, which would really help to prevent these incidents happening in the first place. Also, greater sanctions against troop contributing countries would sufficiently assist.

The Chairman: Is Mrs Donovan going to comment?

Ms Paula Donovan: Yes, thank you. On training, we feel that it is entirely unrealistic to have United Nations officials and staff members speak to members of troop contributing countries—to military officers and soldiers—over the course of a few weeks and tell them about the importance of respecting the civilian population, the egregious crimes that should not be committed against the civilian population and the reasons for that, and trying to raise their awareness of human rights principles. You cannot take people who have been alive and operating for 20, 40 or 60 years and expect that, over the course of a brief training period, you can suddenly change their psyches, their attitudes and so forth and ensure that they will not commit these offences. The training that has to happen at the United Nations is of the officials who are responsible for accountability, so that the training is focused on the troop-contributing countries' managers—the people who are actually responsible for overseeing the discipline and conduct of their troops—but also, very importantly, on the staff of the United Nations. I know that there are questions further along that deal with this division

between the civilian and the military peacekeeping personnel. It is quite clear that there is massive misunderstanding and confusion regarding what exactly happens and what processes should be put in place when a particular offence is alleged. There is great opacity in the procedures—the amount of time that is allocated, who has jurisdiction, who establishes the prima facie case that an offence has been committed and when that information is turned over to the person or the entity with the appropriate jurisdiction. All this is very unclear and happens on an ad hoc basis. My feeling is that the training for the soldiers should be just like the training for soldiers regarding any other conduct—

The Chairman: We have lost the link. Are you back? You went away briefly.

Ms Paula Donovan: Sorry, yes I am back. The soldiers and the staff who are staffing the peacekeeping operation simply need to know what the rules are and what exactly will happen if they break any of those rules or are accused of breaking the rules. That needs to be clear both to the people who are managing the process and to the people who are potentially going to flout the rules and regulations.

Baroness Hilton of Eggardon: So clarity is extremely important. Do you see any difference between the measures that need to be taken against sexual abuse as rape or sexual exploitation as trafficking, or other abuses that might occur? Do you see any distinction between different sorts of sexual abuse or not?

Ms Paula Donovan: I do. I think that the international community has delineated the offences that are crimes and the offences that may be against the rules and regulations of the United Nations. These should certainly be disaggregated. In cases of crimes, allegations of crimes must be treated entirely differently than allegations that a particular member of a peacekeeping operation broke a particular rule or regulation that could lead to administrative disciplinary measures. Crimes are an entirely different thing. The world at large has agreed that in cases of sexual violence and sexual abuse, these are crimes and they must be treated as crimes, regardless of who commits them.

Q56 Lord Sterling of Plaistow: The United States, we understand, is seeking to remodel United Nations peacekeeping and expand the ranges of countries providing troops. Indeed, the suggestion is to do so possibly in a more assertive fashion, but obviously that is something that you would know much more about than us. Do you think that what it is thinking of doing would contribute to the prevention efforts? It would be interesting to hear your views.

Ms Carla Ferstman: On the potential expansion of the number and scope of peacekeeping operations, we think in general that the need for peacekeeping operations continues to grow. I do not think that the failure to deal with these issues should in and of itself make one pull back from the notion of peacekeeping. It just draws into question and requires us to tackle more urgently the problem that is in front of us, which is the lack of accountability for sexual exploitation and abuse and the continued practice of it.

On the question of more peacekeeping operations, we know of many conflicts where those could certainly play a very useful role. It is also important to note that it is not only the United Nations that is involved in peacekeeping. The African Union is playing an increasingly important role in this respect, so any standards with respect to sexual exploitation and abuse should, in principle, be applicable to non-United Nations peacekeeping missions as well as to those under the UN umbrella.

Lord Sterling of Plaistow: So it is more of an expansion that they are talking about, rather than method.

Ms Carla Ferstman: Perhaps Ms Donovan might have a view on that.

Ms Paula Donovan: I feel as though the expansion of peacekeeping is absolutely essential, given what is going on in the world today. Peacekeeping itself is essential. What we have here is that a part of the peacekeeping operations—and the way in which they are handled—is broken. It does not make sense to try to expand something before you fix what is broken in its current size. The plea on the part of several Member States to ask other countries to contribute troops and so forth is absolutely valid, but we must fix this broken part of peacekeeping before we expand it further. We often hear that there is a threat looming over the United Nations. The myth is that if the international community appeals to additional countries to contribute more troops, they must not insist on rigour where sexual exploitation and abuse are concerned because the troop contributing countries, or the potential TCCs, will rear back and say, “We refuse to abide by these very strict regulations. If you want us to contribute troops, you’re going to have to allow us to discipline our own troops in the way we’ve been doing it so far”. I do not believe that the peoples of the international community would agree that sexual exploitation and abuse, and the lack of accountability for it, is the price that we need to pay in order to increase the levels of contributions by troop contributing countries or the peacekeeping operation overall in the world. It is simply not a trade-off that the world will accept.

The Chairman: I turn now to Lord Williams. A very warm welcome to you. Did you have a comment?

Q57 Lord Williams of Elvel: As you are aware, the Committee has been established to examine the United Kingdom policy and practice in all these matters. What is your perception of the UK policy on peacekeeping and how peacekeepers should behave? Do you think that that is working in any way in practice?

Ms Carla Ferstman: I think it is quite an important aspect to look at, given that the United Kingdom Government have announced their plans to send peacekeepers to South Sudan. Having reviewed in advance of this evidence session criminal accountability, I asked myself the question: what if a UK troop in South Sudan were to be accused of sexual exploitation and abuse? Under military law, it would be possible for them to be prosecuted. However, it will not just be members of the military who will be prosecuted or carry out these types of activities. There may be civilians involved, who would not be subject to military law and so would need to be prosecuted under domestic criminal law. UK criminal law allows for extraterritorial prosecutions only for a certain number of crimes. Sexual exploitation and abuse do not figure among them, so that individual could not be prosecuted under current law. Recent changes to include additional extraterritorial crimes have come into force in the United Kingdom, for example football hooliganism and sex tourism, for which you can be prosecuted. So there are ways in which the jurisdiction can be expanded for certain crimes, but sexual exploitation and abuse are certainly not covered. The crimes that are covered are murder and international crimes such as genocide, war crimes, and crimes against humanity or torture. Sexual exploitation and abuse will, 99% of the time, not fall within that in the context that we are discussing. There is certainly a gap.

A second gap, even if there was extraterritorial jurisdiction, is the need under most extraterritorial statutes for double criminality. So for a prosecution to take place in the United Kingdom of civilians attached to those troops, one would need to inquire into the legal system of South Sudan to determine whether sexual exploitation and abuse was also a crime in that country. One can obviously see the challenges and natural gaps, but also the route to fixing those.

With respect to other matters, there are two other ways in which the United Kingdom can play an extremely useful role. One is to take a leading role in discussions at the Sixth Committee of the UN General Assembly, which is looking at some of these issues, on the potential for an international treaty to deal with the definitional and jurisdictional issues, as well as issues such as mutual legal assistance. That would be an important role for the United Kingdom to play. In addition, the United Kingdom could, on its own, take up the many recommendations which the Secretary-General has put out in reports: for instance, sending with its troops an investigator from the start so that it would be ready and able to initiate investigations should abuse allegations arise and, of course, to provide training.

Q58 Baroness Young of Hornsey: Thank you very much. Both of you have mentioned accountability several times and, indeed, have suggested that there needs to be much more clarity about what will happen to whoever is accused of an offence. Can you say something more about the current disciplinary arrangements of troop contributing countries? Do you think this is sufficient and effective? How could improvements be made? Perhaps we could then go on to talk a little about how the chain of command might be used to make the disciplinary arrangements more effective.

Ms Carla Ferstman: A preliminary issue is the use of disciplinary sanctions in lieu of criminal accountability. There is that problem as well. When one goes into the detail of the disciplinary sanctions themselves, one sees that the main one used is repatriation. It does not necessarily translate into a long-term blot on their record, although the United Nations, as well as certain troop contributing countries, are getting better at vetting persons against whom credible allegations have been brought. Those individuals would not be able to participate in any subsequent troop contributing mission, which is quite important. The measures in place can be improved, but some of them could, and already do, serve as a disincentive when they are applied.

Baroness Young of Hornsey: Is that sort of vetting widespread? Could it be more rigorously pursued?

Ms Carla Ferstman: Under the current Memorandum of Understanding between the troop contributing countries and the United Nations, there is an obligation for troops to vet prior to sending. However, the extent to which that has been enforced has varied significantly from country to country. From the standpoint of the United Nations, it already has a tracking system in use for those cases that it is aware of and has called for the expansion of that system. However, it would naturally be difficult for the UN in New York to carry out a massive vetting of each and every troop.

The Chairman: Would Ms Donovan like to comment on Baroness Young's question?

Ms Paula Donovan: If I can, I will go back for a moment to the role of the United Kingdom, which is linked to the most recent question. I am not an expert on UK domestic policy and I dislike the notion of cultural relativism that seems to pervade the whole question of sexual

exploitation and abuse in peacekeeping operations. The UK is, of course, a permanent member of the Security Council and has a critical role to play. One thing that needs to be established very early on in any discussion of sexual abuse by peacekeeping personnel is that fact that we are talking about two different groups of people. There is the massive percentage of peacekeeping personnel who are military and who are provided by troop contributing countries, and then there is the relatively much smaller group of people who are part of a peacekeeping operation and who are employees of the United Nations, directly or indirectly. Those are staff members, experts on mission and certain police.

Although they are unreliable, we can look at the ratio in the figures that are presented by the Secretary-General each year. The figures show that this relatively small percentage of peacekeeping personnel—let us call them civilian, non-military personnel—makes up the bulk of the allegations each year of sexual exploitation and abuse. When the public are made aware of a new case of sexual abuse, the automatic response of the United Nations is consistently to say that the Secretary-General decries the abuse and that troop contributing countries have a role to play as the United Nations has no jurisdiction over the criminal accountability of troops. It then appears that the problem resides purely with the troop contributing countries. The reality, however, is quite different. At tiny percentage of peacekeeping personnel are non-military, yet they make up the majority of cases of sexual exploitation and abuse that are reported each year. The United Kingdom has a critical role to play in ensuring that, in peacekeeping operations, it deals with the criminal accountability of anyone who commits these crimes. That is especially true this month, when it has the presidency of the Security Council, and we are awaiting the imminent submission of a report by the Central African Republican review panel which, as you know, was commissioned by the Secretary-General to look into the mishandling of this very issue.

Baroness Young of Hornsey: May I just pick up on something that you said in your response about the cultural relativism of the UK Government? Could you give an instance of that, or expand on it a little? Do you think that is an issue around cultural relativism, or perhaps a reluctance to pursue a difficult issue, or perhaps a combination of both?

Ms Paula Donovan: I apologise. I misspoke if I led you to conclude that I was talking about the cultural relativism only of the United Kingdom. I meant to say that when we are dealing with international operations, the various cultures of the Member States really do not apply. The Secretary-General has declared zero tolerance for sexual exploitation and abuse by anyone operating under the UN banner, regardless of what sort of rules, regulations, laws and criminal codes are in place in the country from which that individual emanates. The Secretary-General has made it clear that anyone operating under the auspices of the United Nations has absolutely no leeway when it comes to sexual abuse.

Of course, the United Kingdom and all the other Member States are also party to the 1946 Convention on the Privileges and Immunities of the United Nations, which sets out clearly when immunities apply and when they do not, and immunity does not apply in the case of crime. Specifically, since the Secretary-General in 2003 singled out crimes of sexual abuse as those that most affect peacekeeping operations and United Nations operations overall and as something that needs particular attention—he declared and confirmed, or reaffirmed, that there is zero tolerance for this particular set of crimes—all Member States must abide by the zero tolerance policy and ensure that it can be fulfilled by every Member State in an equal and equitable fashion.

Baroness Young of Hornsey: You made a point about the disproportionate number of offences or alleged offences being committed by non-military personnel. Could you perhaps write to us and suggest any ideas about how that could be tackled?

Ms Paula Donovan: Yes, absolutely. That is what our Code Blue campaign is all about—just ensuring that the application of immunity, as defined under the Convention on the Privileges and Immunities, is never used in cases of criminal acts by people operating under the UN banner.

Lord Williams of Elvel: Chairman, could we have some figures on that?

The Chairman: Sorry, I have others in front of you, Lord Williams, but I will come back to you.

Q59 Bishop of Derby: You have both talked about disciplinary arrangements for peacekeepers and non-troop peacekeepers or civilians. Where do the rights and concerns of the victim fit into the disciplinary procedures for countries in the UN, given that the victims are local citizens under the local jurisdiction? Where do you think their rights ought to intersect or be represented, or where does that happen?

Ms Carla Ferstman: Sadly, victims' rights have not formed a major component of the procedures that have been put in place. The individuals are coming to complain, either directly or usually through someone, and then it is simply a question of whether or not that complaint can be substantiated with all due regard to the rights of the individual against whom they are complaining. Issues such as confidentiality are, of course, taken into serious consideration both for the victim and for the suspect, but, moving forward, the individuals do not receive much support.

Bishop of Derby: That is important for us to note.

Lord Williams of Elvel: Coming back to this question of whether it is civilian employees or military employees in peacekeeping forces who commit these offences, do we have any serious figures on that? I understand that there are some allegations, but do we have any serious UN figures on who has done what to whom, when and where? If there are figures, and if Redress supports those figures, could we have them?

Ms Carla Ferstman: The difficulty—to answer quickly—is that the UN has put out figures, but there are doubts as to the accuracy of those figures.

Lord Sterling of Plaistow: I was very interested in what Ms Donovan was saying just now and I could not agree with her more, but the idea that—excuse the language—a bunch of United Nations peacekeepers should start advising a major army, a few weeks before they go wherever they are going, as to how they should behave, would not work. Most of us around this table are more than aware that the ethos of any army of any kind starts when the soldiers are being trained, and the non-commissioned officers have an absolutely key role. Having said that, the commander of the Central African Republic peacekeeping mission recently resigned after there were multiple sex abuse allegations against peacekeeping troops. One of you made the comment just now that some countries are not prepared to take part if they are lectured to as to how they should behave and what laws they come under. However, nearly all the commanders of the peacekeeping forces are in command in other people's countries, so it is not as if what is happening in Salisbury might be happening in Africa. Basically, if you take it that the commander is the one who has the ultimate

authority—and, by the way, the civilians should in fact be embedded and be under the control of the commander of the armed services—is it not possible for the United Nations to make clear that the commanders who are appointed to a particular job undertake formally that they will adhere to what the United Nations has laid down, and otherwise they cannot be in command?

The Chairman: Do our witnesses have any comment at all? Otherwise, I am going to move on to Baroness Hodgson.

Ms Paula Donovan: I am perplexed, and my organisation is perplexed, by why the Secretary-General requested the resignation of his special representative but kept the force commander in place. Actually, the SRSB who resigned in the Central African Republic had previously been a force commander in the Democratic Republic of the Congo, which has notoriously been a country where instances of sexual exploitation and abuse are so severe and the level consistently so high that the Secretary-General himself commissioned an expert team to look at that country and three others with the consistently highest levels of abuse. He was then appointed SRSB in the Central African Republic and subsequently resigned. The force commander, however, was not asked to resign.

Briefly, on victims, the entire system is currently operating without any concern whatever for victims. So in the case, for example, of a person who comes forward and alleges that she was raped by, let us say, a non-military person in a peacekeeping operation, for reasons that we cannot understand because there is no legal basis, the United Nations itself puts itself between that victim and justice by taking as long as it needs to determine whether or not it believes that its colleague, its fellow employee of the United Nations, is guilty of any sort of any wrongdoing that would amount to a crime. We can find nothing in any sort of legal document that gives the United Nations the right to intervene when a case is a criminal matter, and when there is *prima facie* evidence that a crime has been committed there is no legal basis for immunity to apply, yet it does. This causes incredible delays, and the delays are of course death to a case of sexual abuse and certainly rape. The delays also amount to the obstruction of justice for the victims. The victims are also deprived of their remedy in their own country, but they have no idea and no way of finding out what, if anything, happened to the people who were accused of these crimes. The opacity of the entire system is a tremendous problem, and the UN simply asserts that it need not convey information in the way most governments would need it to be conveyed to their civilian populations through a freedom of information Act. There is no such thing where the UN is concerned, so victims essentially report a crime and then just have to wait and hope that some reporter will reveal what happened to the people who were accused of that crime.

The Chairman: Thank you very much. We have only another five minutes, and I have three Peers who wish to ask questions: Baroness Hodgson, Baroness Kinnock and Baroness Warsi. I wonder if I could have relatively brief answers, and perhaps you could supplement them by written answer. Apologies for the shortness of time.

Q60 Baroness Hodgson of Abinger: Thank you very much. You will be aware of the UK's Preventing Sexual Violence Initiative. What effect do you think it has had in highlighting these issues, and what impact, if any, has it had in this area?

The Chairman: Perhaps Mrs Donovan would like to answer that.

Ms Paula Donovan: In the run-up to the PSVI conference with William Hague and Angelina Jolie, there was increased attention, which is always a good thing. I personally have not yet seen any changes put into effect, and I think it will take a tremendous amount of follow-up and concerted attention. Again, this is an opportunity for the UK, when it has the presidency of the Security Council, to ensure that the questions—and more questions than answers were raised at that conference—are dealt with on a consistent level and possibly in a special session, if the UK were willing to conduct one of those under its presidency.

Ms Carla Ferstman: I concur with Mrs Donovan's comments. Thank you.

Q61 Baroness Kinnock of Holyhead: Thank you very much. Indeed, the whole issue that everyone keeps talking about is impunity and how we deal with the pressures in countries such as the Central African Republic, where nothing is being done to alleviate the suffering of the women there. It seems to me that the international community is only capable of getting really engaged in one or two places. It depends where the press are going to be, and so on, and if nobody is there to take any interest and if you are in the Central African Republic, then tough; nobody is going to do anything. Everything that you say is absolutely wonderful and very, very convincing, but until we get much more commitment from governments and countries outside the places where the tensions exist, we are going to continue to have these kinds of meetings where we repeat and repeat the fact that women are under attack in these circumstances. There is Darfur now and so many examples that we can see where backs have been turned on these women. I love what you say, but I really wish that some of us were much better at creating the political will to do something about what is happening. That is it.

The Chairman: Any comment?

Ms Carla Ferstman: I agree completely, and I look forward to reading your recommendations.

Q62 Baroness Warsi: This is a very short question and you might be able to answer it in writing. It is a follow-up to a question you were asked earlier about the number of accusations that were made against those who were directly employed by the UN. I would be interested in those figures—I think Lord Williams has already asked for those—but also the breakdown between how many of those who are accused are directly employed by the UN and posted from either New York or Geneva, and how many of them are directly employed by the UN but locally engaged. Is there a split between the two?

Ms Paula Donovan: Those figures are not available. The disaggregation is simply whether or not the allegation was made against a military or a non-military staff person. Allegations, I should mention, are aggregates, so a single allegation can involve one victim and one perpetrator, 10 victims and 10 perpetrators. It is a completely misleading and useless indicator. But all these questions point to the fact that this is shrouded in secrecy. The ability of the United Nations to withhold such information from its Member States is the crux of the problem. The way in which it deals with individual cases, and the names of the troop contributing countries in some cases, as well as the names of the individuals who have been accused of these crimes and the different UN agencies, the Secretariat or whoever, that deploy those personnel, are all shrouded in secrecy, as are the legal processes that are undertaken, the length of time of investigations and the conclusions of those investigations. None of this is open either to the Member States or to the general public, and as soon as

that shroud of secrecy is lifted and the Member States compel the United Nations—the Secretariat, of course, reports to the Member States—to give these details, we will be able to ascertain the size of the problem and how it plays out with regard to the various contributors, military and non-military, to peacekeeping operations.

Lord Williams of Elvel: It will not happen.

The Chairman: Thank you very much indeed. Mrs Ferstman, do you want to make a tiny final comment?

Ms Carla Ferstman: Just that there is a missing piece of the puzzle. If immunity is lifted, can the host State investigate and prosecute? If it cannot, how will the United Nations' troop contributing countries and others work to ensure that the gap in accountability is closed? There are a number of options on the table. Some are stronger than others, but I believe that it requires quite extensive reflection, which I hope the United Kingdom Government can contribute to. We should not shy away from the difficulty of the challenge, because it is rather problematic in many respects.

The Chairman: Thank you both very much indeed. You each have a tremendous background in this work. We are all extremely grateful to you. You can see how satisfied and grateful we all are for all the information and the knowledge that you have so freely shared with us. Any additional comments in writing would be warmly welcomed by the Committee. We look forward to another discussion somehow.