

Anda Wang
August 24, 2017

IHRP Summer Fellowship: Code Blue Final Report

I. Overview

[Code Blue](#) is a campaign by [AIDS-Free World](#) aiming to end impunity for sexual exploitation and abuse by UN peacekeeping personnel. Specific organizational goals include removing barriers to victims, establishing a fair and transparent system of justice where victims' needs are incorporated and respected, and engaging campaigners and supporters from around the world.

As an IHRP Legal Fellow, I was responsible for providing legal and general research support to various Code Blue projects and initiatives. I worked closely with the policy and research student, the Code Blue Campaign Coordinator (my direct supervisor), the Code Blue Legal Fellow (my secondary supervisor), as well as other members of Code Blue staff based predominantly in Canada and the United States. Over the course of my fellowship, I participated on a wide range of activities; a few of my major projects are discussed in greater detail below.

Code Blue represented an opportunity for me to engage with international and human rights issues with both breadth and depth. My daily responsibilities were instrumental in increasing my awareness of current international developments, while also allowing me to develop a more nuanced perspective on the issue of sexual exploitation and abuse by UN peacekeeping personnel.

More specifically, Code Blue provided invaluable exposure to advocacy and international law in practice. As a Legal Fellow, I was well-positioned to observe how different elements of an advocacy organization – writers, researchers, policy analysts, lawyers, and others – work together to produce a wide range of deliverables. On a more substantive level, this fellowship was an opportunity for me to experience how international law and the law of international organizations attempt to address real problems in the international system, recognize some of the existing gaps between theory and practice, and participate in the overarching dialogue with individual and institutional experts that seek to remedy them.

II. Major Projects

1) Legal Background on the Central African Republic

In mid-2015, Code Blue exposed the first allegations of child sexual abuse by international peacekeepers in the Central African Republic (CAR). Over the next two years, the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) would continue to be implicated in numerous allegations of peacekeeper sexual abuse. In May 2017, members of Code Blue staff travelled to CAR to connect with local civil society organizations, UN officials, and other contacts, in part in preparation for its victim and community outreach projects.

Working with the policy and research student, I helped put together an in-depth resource on both historical and current developments in CAR. Although I worked to compile materials concerning local conditions and travel reports, my primary contribution was a report on the legal background of the country. This involved research into the overall structure and functionality of the judicial system, as

well as specific CAR legislation related to women and sexual violence (including the constitution, criminal law and procedure, and supplementary legislation on health and reproductive rights).

2) Legal Memorandum on Cross-Border Paternity and Child Support Laws

Although Code Blue is focused in its advocacy for a new, independent special court mechanism to deal with sexual abuse by UN peacekeeping personnel, it is also involved in more general outreach and advocacy. In this vein, I composed a legal brief on the subject of cross-border paternity and child support laws. This involved a review of legal instruments that ranged from international conventions to bilateral agreements. This memo was intended for distribution to inform internal staff and select outside partners.

3) Compilation of UN Data on Sexual Exploitation and Abuse

Effective advocacy requires a solid foundation in fact. Wherever possible, this necessitates having qualitative data to bolster observations and their accompanying recommendations. Since 2004, the UN has made allegations of sexual exploitation and abuse against its personnel publicly available in a variety of formats. Although it is useful to be able to cross-reference data across sources, record-keeping has generally been scattered and inconsistent, making it difficult to draw definitive conclusions on details of allegations or actions taken.

I was responsible for compiling and synthesizing UN data for several projects. These included compiling data on the process of UN referrals for criminal accountability, tracing the history of warnings against a specific country's personnel (supplemented using UN data on allegations and actions, including repatriation of troops and disciplinary actions against staff), and documenting paternity claims from specific missions. In addition, I also contributed to a resource describing some of the difficulties and ambiguities encountered in data collection and interpretation. This information was intended as a general overview for internal staff and future students who undertake similar research projects, as well as to inform future advocacy or communications with external parties.

4) Legal Memorandum on the United Nations Internal System of Justice (and Other Research Support)

Earlier this year, Code Blue hosted an expert workshop on legal accountability for UN non-military personnel at Chatham House, the Royal Institute of International Affairs, London. International legal experts gathered to discuss Code Blue's proposal for a special court mechanism for UN non-military personnel accused of crimes of sexual exploitation and abuse in peacekeeping missions.

Following this workshop, Code Blue worked to produce a number of key documents. I was responsible for several legal research and writing assignments, which included using precedent from international courts and tribunals to formulate accessible definitions for legal jargon (e.g. clarifying 'means of commission' and 'modes of liability' using an example from an ICTY appeal judgement). Additional tasks included researching the UN Internal System of Justice and assessing its relevance for victims of sexual exploitation and abuse, and researching ICTY and Rome Statute provisions and summarizing their relevance to the draft statute of Code Blue's proposed special court mechanism.

Research on the UN Internal System of Justice and its relevance to victims of sexual exploitation and abuse was later turned into a legal memorandum, intended for circulation to internal staff. I also

researched and wrote a brief history of UN sexual exploitation and abuse that was included in one of the post-workshop reports, intended for distribution to outside partners.

III. Final Remarks

As a Legal Fellow, being able to examine the impact of my work at Code Blue – both in terms of measurable action and responses from the UN and other constituents – has been extremely rewarding.

Although working on issues of gender-based violence and sexual exploitation and abuse often involved disheartening realities, the dedication and commitment of the team was always inspiring. I felt fortunate to have two supervisors who were equally comfortable and open to giving guidance and receiving questions. All staff members that I worked with were extremely knowledgeable, and detailed feedback on my work was the norm. In addition, the broader community at the Centre for Social Innovation proved to be a welcoming and inclusive work environment.

My gratitude goes to Code Blue and the International Human Rights Program for allowing me this very meaningful experience.