



FMR 15 included two articles on the need to protect children from sexual exploitation and abuse in humanitarian crises. Since then, the UN has carried out its own investigation into the matter. Asmita Naik – author of one of the articles in FMR 15 – responds here to the UN’s report.

Opinion

UN investigation into sexual exploitation by aid workers¹ – justice has not been done

“Widespread sexual exploitation of refugees has not been confirmed,” according to the UN investigation into allegations brought forth last year concerning the abuse of refugee children in West Africa. As one of the team that carried out the original study², I find this conclusion implausible and misleading.

The UN claims the allegations in the original report cannot be substantiated – even though only a minority of the core complaints appear to have been fully investigated. The UN was given 64 pages of supporting documentation: core information comprising current allegations against 67 named aid workers, the names of over 40 alleged child victims, other useful contextual observations; secondary material included additional allegations that were either dated or less specifically identified, numerous reported incidents involving unnamed peacekeepers, and more general claims against particular agencies. The UN says it investigated 12 cases and appears to report back on no more than a possible 4 of the 67 main allegations. Under the circumstances, it does not seem quite appropriate that the remainder are dismissed in their entirety.

The implication, moreover, is that nothing can be substantiated because the information provided was useless. The allegations had come up unexpectedly during the course of a broad qualitative sociological study on sexual violence and exploitation commenced with no intention of investigating aid workers. Complaints were received from over 80 separate sources comprised of groups and indi-

viduals from 3 different countries and several camps – hundreds of miles apart. It seems unlikely that all those to whom we spoke committed a spontaneous but orchestrated act of perjury. Surely it was right to confidentially note their concerns and submit them to the UN for investigation?

Right it may have been, but welcome – it seems not. We now find our report rejected on a variety of unfounded and spurious grounds. For example, we are accused of providing a “few vague and dated examples” only – hardly a fair description of the supporting documentation; relying on “third party” accounts – we talked to victims and even suspects; including a miscellany of irrelevancies e.g. “war-related incidents”, “adult prostitution”, “locals and IDPs”, “nicknames”, “initials” etc – such information, if included at all, was carefully demarcated; and concluding that exploitation is “widespread” – we took care not to make such a judgement (however well-founded) in the assessment report. A motley collection of examples and case-studies are fed back to indicate that nothing could be proven. The common denominator of all these instances seems to be that they are the ‘exceptions which disprove the rule’, i.e. extreme or marginal cases that were not the mainstay of the report. For example, the UN implies that under-aged girls in our report were in fact grown women (but does not state explicitly that at least 40 girls under 18 were named in the report nor does it specify how many of these were actually traced and proven to be adults – relatively few, I suspect).

Instead of reaching for the heart of the matter and the 67 current allegations about aid workers, the UN seems to skirt around the edges, reciting obscure cases involving unnamed peacekeepers or dated and inherently difficult to prove allegations,

searching it appears for any means to undermine the original assessment. Virtually every sentence made about the West Africa report can be rebutted (with evidence in support). To me, the most unsavoury part of all this is that it is a huge denial of the victims and communities whose voices resound throughout the original study. I find the continual use of the words “rumour”, “gossip” and “stories” a particularly insulting denigration of the heart-felt concerns raised by these people.

After a litany of what appear to be disparaging comments about the assessment report, the UN does at least supply one objective reason for its apparent failure to verify cases: it’s difficult to find people as the refugee population is highly mobile. Yes especially given the several months that seem to have elapsed by the time the investigation began work on the ground. Tension was so great by then that few witnesses, no doubt, would have braved coming forward. Other reasons why the majority of allegations are side-stepped include (by deduction since it is never revealed) a very restricted terms of reference which can only have fully covered UN (and possibly even only UNHCR) staff, given the lack of authority to force an investigation into recalcitrant workers from other agencies. Internally displaced children are also excluded from the mandate which restricts itself to refugees; sex for money or other material exchange is left out (as if only sex for aid is a violation of the Convention of the Rights of the Child); and only two countries are properly covered (missing a much needed full enquiry in Liberia whose refugee camps, alongside those in Guinea, were said to harbour the most chronic and entrenched pattern of this type of abuse). Searching questions can also be asked about the investigation itself. Did it have the specialised methodology and skills to verify such cases? And was it independent enough of UNHCR to want to do so?

Despite these limitations, the UN itself appears to stumble across 43 new allegations – and then reduces these to 10 ‘provable’ cases. The UN



operating in a lawless environment certainly has greater success than the British police who estimate that only one in ten cases of rape are reported to them and of these, only one in seven ever results in a successful prosecution. Moreover, the UN notes that conditions are "ripe" for exploitation; its own cases prove graphic and startling reading; and it makes extensive recommendations – unjustified, one would think, for such a purportedly limited problem.

I have to conclude therefore that justice has not been done to the original report and the complaints raised therein. Its contents have been grossly misrepresented in my view and stand neither proven nor dis-proven for the most part. The array of information that emerged unexpectedly at the perimeter of our broad sociological study showed at the very least a significant and recurring pattern of behaviour which needed acknowledging and addressing – not playing down.

Moreover, the UN's own findings do not, to my mind, support a minimalist conclusion. If anything the total sum of the cases from both reports (67 + 43) signals a very worrying trend indeed. The new scandals in the refugee camps of Kenya, Zimbabwe and Nepal etc further fuel the supposition that this is a problem of global proportions. In short, I believe the UN report to be a whitewash and a travesty of justice for the victims.

So what recourse do the victims have? Little, it seems. The weakened legal systems in such war-torn countries mean de facto immunity, both for individuals from criminal prosecutions and for employers from negligence lawsuits. Furthermore, the UN and its staff apparently enjoy diplomatic immunity and more than ample protection from ever being made to answer for their actions.

Other forms of accountability, normal in any functioning democracy are also absent. Surely inter-governmental organisations, funded by the public to provide a public service and with political appointees at their helm,

should be subjected to the same scrutiny as national governments? The UN bureaucracy, existing in something of an international cocoon, is spared an inquisition from opposition politicians, disgruntled backbenchers, a dissatisfied electorate, vocal pressure groups, pundits, political satirists, public enquiries and a relentless tabloid press. The diplomatic and NGO community surrounding the UN, which had been moved at one stage to heated accusations behind closed doors, now appears virtually quelled into silence – just when it needs to speak up for the victims.

From the outset and to this day, this case highlights the desperate need for an independent mechanism of humanitarian accountability. The victims needed to have their concerns impartially investigated; they now deserve to have an independent review of the management weaknesses that seem to have led to this travesty. There would be much for such a body to review: a probe into the apparent misinformation which has circulated these past months and a fair hearing for all sides concerned would be good starting points.

The legitimate questions raised by the study about the responsibility of humanitarian agencies (the type of questions habitually asked about governments and corporations) are dismissed by the UN which instead rebukes us for having "unfairly tarnished the reputation and credibility" of UN and NGO workers. In my view, it is rather this attitude which taints the humanitarian world by implying that wounded egos are more important than the physical sanctity of a child. Surely this does a dis-service to those in the humanitarian sector who have tried to respond to this problem with integrity and makes their job on the ground even harder.

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The foregoing is the opinion of the author alone, and should not be imputed to the publisher or others.

1. See Report of the SG on the activities of the Office of Internal Oversight Services 'Investigation into sexual exploitation of refugees by aid workers in West Africa', UN document number A/57/465 available at <http://www.un.org/Depts/oios/>

reports/a57_465.htm

2. I participated in the original study as a UNHCR employee. The original study has never been published but an official UNHCR executive summary of initial findings and recommendations is online at www.unhcr.ch/cgi-bin/texis/vtx/home/open-doc.pdf?id=3c7cf89a4&tbl=PARTNERS. The full study is variously referred to in this article as the "original", "assessment" or "West Africa" report or study.

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