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A victims’ rights approach to the prevention of, and response to, sexual exploitation and abuse by United Nations personnel

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ABSTRACT
Since its foundation in 1945, the United Nations’ role in situations of conflict, humanitarian crisis and development has expanded and diversified. As it has done so, victims of sexual exploitation and abuse by United Nations personnel have come forward, reporting their experiences to United Nations and civil society staff, the media and others. Over the past 20 years, the United Nations has developed and implemented increasingly comprehensive system-wide policies to prevent and respond to these harmful behaviours. In 2017, the United Nations Secretary-General introduced a “new approach” to these endeavours, which places the rights and dignity of victims at the forefront, including by creating the position of Victims’ Rights Advocate (VRA). I was appointed the first VRA and began work in mid-September 2017. Since that time, I have sought to implement the Secretary-General’s policy by elevating the rights of victims. In doing so, I contribute to the United Nations’ quest to protect people in communities around the world from sexual exploitation and abuse by its uniformed and civilian staff and those who implement its programmes on the ground.

KEYWORDS
sexual exploitation and abuse; United Nations; victims’ rights; victim-centred approach; accountability

Introduction
Since its foundation, the United Nations has been called upon to act on pressing global and local issues. Now made up of 35 separate entities, the United Nations employs more than 100,000 staff members (Chief Executives Board for Coordination 2018) and has as many non-staff personnel. Over 100,000 uniformed military and police personnel are deployed in 14 United Nations peacekeeping operations in Africa, the Middle East, Europe and the Americas, and 21 political missions and good offices engagements. United Nations agencies, funds and programmes also maintain country offices in many field locations, staffed by international and national personnel. The various offices and missions often contract or entrust the delivery of their programmes on the ground to local or international organisations. They, in turn, may subcontract this work.

Most of the women and men who work in, or are affiliated with, United Nations humanitarian, development and peacekeeping efforts perform their tasks with integrity and in line with the standards of the United Nations Charter, in often difficult and sometimes dangerous circumstances. Indeed, during 2018, 34 United Nations and associated personnel
were killed in malicious attacks, while others were injured or kidnapped (United Nations 2019a). However, over the years, United Nations activities, especially in the field, have been undermined by the alleged sexual exploitation and abuse of women, men and children in extremely vulnerable situations by the very people supposed to protect them—peacekeeping and humanitarian personnel—as well as non-United Nations forces serving under a Security Council mandate. In 2018, similar allegations against people working in charities and other organisations delivering humanitarian and development aid gained international attention. As a result, donors called for the enhancement of standards and the crafting of practical tools, protocols and processes, to ensure that beneficiaries are protected and that perpetrators are held to account. The pressure to do so continues. The conduct that leads to these types of allegations harms its victims and creates distrust among local populations, frequently compromising the implementation of activities designed to support and assist individuals in need. It also inflicts profound reputational damage on the United Nations and other implicated organisations.

A policy of zero tolerance

Over the last 20 years, United Nations entities have responded firmly to allegations of sexual exploitation and abuse. Successive Secretaries-General have underscored the Organisation’s zero tolerance for such wrongs, by introducing structural and operational prevention and response measures. In 2002, for example, the Office of the United Nations High Commissioner for Refugees (UNHCR) requested the United Nations Office of Internal Oversight Services (OIOS) to investigate longstanding and serious reports of such misdeeds, alleged to have been perpetrated by United Nations peacekeepers and civilian staff, as well as personnel of non-governmental organisations, in refugee camps in West Africa. These allegations had already been the subject of an internal consultants’ report (UNHCR and Save the Children UK 2002). The OIOS encountered difficulties in its investigation, which it underlined in its report, but was ultimately able to confirm the occurrence of sexual exploitation and abuse in several specific cases (United Nations Secretary-General 2002). In response, the Inter-Agency Standing Committee (IASC) (the primary mechanism for interagency coordination of humanitarian assistance, which brings together United Nations and non-United Nations partners) established a Task Force to develop a Plan of Action. The Plan, as subsequently developed, included six core principles, consistent with the United Nations Code of Conduct, aimed at creating an environment free of sexual exploitation and abuse in humanitarian crises (Annex).

The following year, also in response to the OIOS investigation, then Secretary-General Kofi Annan issued a Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (United Nations Secretariat 2003), directed towards ensuring that all individuals serving under the United Nations flag were fully aware of the standards of conduct expected of them and the consequences of any breach. These standards of conduct, with which the IASC’s six core principles are also consistent, are reflected in the staff rules of all United Nations system entities (see, for example, Staff Regulations and Rules of the United Nations, Rule 1.2 (e): United Nations Secretary-General (2018)). They are also incorporated into the revised model Memorandum of Understanding for military contingents and formed police units concluded with contributing countries (United Nations General Assembly
Accordingly, they are applicable to all categories of United Nations personnel (United Nations General Assembly 2007).

The Bulletin defines “sexual exploitation” as ‘any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another’ and “sexual abuse” as ‘the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions’ (United Nations Secretariat 2003, s. 1). Any sexual activity with a child—defined as a person under the age of 18—is prohibited, irrespective of the local age of majority, consent or the mistaken belief of the perpetrator (s. 3.2(b)). The exchange of money, employment, goods or services for sex is prohibited—this includes any exchange of assistance that is due to beneficiaries of assistance (s. 3.2(c)). Sexual relationships between United Nations staff and beneficiaries of assistance are described as being ‘based on inherently unequal power dynamics’ and are said to ‘undermine the credibility and integrity of the work of the United Nations’; consequently, they are ‘strongly discouraged’ (s. 3.2(d)), although the Head of Department, Office or Mission may apply discretion in the application of this standard, in light of the circumstances of the case, provided that the beneficiary is over 18 (s. 4.5). In line with the Staff Rules, the standard relating to sexual activity with a child shall not be applied ‘where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship’ (s. 4.4).

Sexual exploitation and sexual abuse are classified as violations of universally recognised international norms and standards; they constitute ‘unacceptable behaviour and prohibited conduct’ for United Nations staff (United Nations Secretariat 2003, s. 3.1), as delineated by the United Nations Staff Rules and Regulations. Thus, the Bulletin proclaims them to amount to ‘serious misconduct’ constituting grounds for administrative and disciplinary measures (ss 3.2(a), 3.3). The Bulletin imposes a duty to report concerns or suspicions regarding sexual exploitation or sexual abuse in respect of any colleague within or outside the United Nations system (s. 3.2(e)), and staff are required to ‘create and maintain’ a preventive environment, with managers being responsible for supporting and developing systems directed to that goal (s. 3.2(f)). United Nations leaders are also responsible for the creation and maintenance of such an environment (s. 4.1). This includes taking action in line with United Nations rules and procedures on staff misconduct where there is reason to believe that the standards set out in the Bulletin have been breached (s. 4.2) and disseminating the contents of the Bulletin, in particular by ascertaining that each staff member receives a copy (s. 4.1). Non-United Nations entities or individuals are to be informed by relevant officials of these standards when they enter into a cooperative arrangement with the United Nations and undertake in writing that they accept them (s. 6.1). Failure by such entities or individuals to take preventive measures in relation to sexual exploitation and abuse, investigate allegations, or take corrective action ‘constitute grounds for termination of any cooperative arrangement’ (s. 6.2).

The Bulletin was, and continues to be, widely disseminated in multiple languages and formats—for example, since 2017, all United Nations personnel working in field settings have been issued with and required to carry No Excuse, a pocket card containing a concise statement of the rules relating to sexual exploitation and abuse and contact details for reporting allegations (United Nations General Assembly 2017, para. 59 (iv)). Since 2004, the Secretary-General has reported to the General Assembly annually on special measures for protection from sexual exploitation and abuse. These reports have showcased a number of
policy and programmatic prevention and response actions, which have been and continue to be robustly implemented across the United Nations system.

Nonetheless, allegations have continued to surface. In 2005, OIOS was again required to investigate widespread media reports of abuse of women and girls—some as young as 13—involving the exchange of small amounts of money or food for sex, allegedly perpetrated by United Nations uniformed and civilian personnel in the United Nations Organisation Mission in the Democratic Republic of the Congo in 2004 (United Nations General Assembly 2005a). To assist him to develop a strategy to prevent and respond to this distressing and seemingly intractable conduct, Secretary-General Kofi Annan invited Prince Zeid Ra’ad Zeid al-Hussein, a former civilian peacekeeper and the then Permanent Representative of Jordan to the United Nations,¹ to prepare a report on this conduct in the context of United Nations peacekeeping missions.

Prince Zeid’s report, released in 2005, put forward a comprehensive strategy, which included disseminating United Nations standards of conduct; reforming investigative processes; strengthening organisational, managerial and command responsibility; and instituting individual disciplinary, financial and criminal accountability (United Nations General Assembly 2005b). Many of Prince Zeid’s recommendations were implemented, and other measures directed at entrenching the Secretary-General’s zero-tolerance policy were stepped up. For a time, the number of reports of allegations decreased (Stern 2015).

But disturbingly, in 2014, harrowing allegations emerged of the sexual abuse of children in the Central African Republic: predominantly non-United Nations forces authorised by the Security Council were alleged to have exchanged food and money for sex. Regrettably, the United Nations’ response was neither decisive nor swift. Its entities on the ground failed to take responsibility for implementing measures to prevent the abuse, address the rights and needs of identified victims, and protect others who might fall prey to similar wrongs, in particular measures to secure the accountability of the alleged perpetrators.

Deeply affected by the allegations and the systemic deficiencies in response, which had attracted censure from the media and civil society worldwide, in June 2015, then Secretary-General Ban Ki-moon convened an external independent panel to review these failures. The panel, which reported in December 2015, was unrelenting in its identification of the United Nations’ shortcomings, including those of several of its senior staff, and put forward 12 policy and practical recommendations (United Nations General Assembly 2016a), most of which were fully or partially accepted by the Secretary-General (United Nations General Assembly 2016b, Annex). Vigorous efforts were made to enhance the implementation of existing measures, and new initiatives were established to respond to the panel’s recommendations—the Secretary-General considered these to be applicable to all United Nations personnel, not just peacekeeping personnel (United Nations General Assembly 2016b, 2016c). The Secretary-General established a high-level steering group, comprising the heads of all United Nations entities and led by the Chef de Cabinet, to prevent and respond to sexual abuse and gender-based violence. He also appointed a highly experienced Special Coordinator, Ms Jane Holl Lute, to support him in creating a harmonised and aligned approach to implementing these measures across all United Nations entities (United Nations General Assembly 2016b, 23–24).
The new approach

In mid-December 2016, António Guterres, a former United Nations High Commissioner for Refugees with extensive experience in government and managing humanitarian crises, became the ninth Secretary-General of the United Nations. On taking his oath of office, Mr Guterres pledged to make preventing and responding to the ‘appalling crimes of exploitation and abuse committed under the United Nations flag against those we are supposed to protect’ one of his priorities. He undertook to work closely with Member States on structural, legal and operational measures to make the zero-tolerance policy a reality, ensuring transparency, accountability, protection and effective remedies for victims (Guterres 2016). Mr Guterres commenced his work as the new Secretary-General on 1 January 2017. True to his word, just days later, on 6 January, he announced that he had asked Ms Holl Lute to convene a high-level task force to develop on an urgent basis a ‘clear game-changing strategy to achieve visible and measurable improvement in the United Nations’ approach to these grave concerns’ (United Nations Secretary General 2017).

On 28 February 2017, in his report to the General Assembly on special measures for protection from sexual exploitation—subtitled “a new approach”—the Secretary-General released his strategy, informed by the task force’s work (United Nations General Assembly 2017). Described by one commentator as ‘a “real manifesto” on the fight against sexual exploitation and abuse by peacekeepers and beyond’ (Nesi 2017), the strategy recognises the steps taken by all United Nations entities, system wide, to raise awareness, build capacity and provide avenues for reporting and rapid assistance to victims. It also recognises the best practices of Member States in these areas. The report identifies the structural reasons for the continuation of sexual exploitation and abuse: entrenched discrimination, unequal gender relations, deficits in gender balance, profound vulnerability of populations, ignorance or lack of acceptance of United Nations values, little or no screening, and, above all, a sense of impunity.

Recognising that ‘no magic wand exists to end the problem of sexual exploitation and abuse’, the strategy for the United Nations focuses on four areas:

1. elevating ‘the voice of victims themselves’, and putting ‘their rights and dignity’ first;
2. ending impunity, including through the creation of ‘greater transparency’ in reporting and investigations, improved ‘administrative and judicial processes and outcomes’, and a ‘culture of prevention’, and through the reconnection of all United Nations personnel to the Organisation’s core values;
3. building a ‘multi-stakeholder network’ of civil society and other ‘external experts and organisations’, including leaders and others from local communities, to support prevention and response efforts; and

The report elaborated each of these prongs and the actions required of the United Nations, as a system, and Member States for implementation. To kickstart this new approach, the
Secretary-General pledged to ‘put his own house in order’ by directing the implementation of measures across the system in all areas under his personal authority (United Nations General Assembly 2017, para. 14).

**The rights and dignity of victims first**

The novel centrepiece of the “new approach”, which cuts across its other elements, is its focus on victims’ rights and dignity. This constitutes a profound shift in emphasis from earlier approaches, which predominantly focused on the conduct and discipline of personnel, the risk to the mission and enterprise, and the Organisation’s reputation. At the core of this new focus is the Secretary-General’s desire to restore the United Nations’ personal connections with and empathy towards victims, and to provide victims with a voice that the world cannot ignore. The Secretary-General pledged to meet with victims personally, both to hear from them directly and to assure them that protecting and supporting them is a United Nations’ priority.

To operationalise the victims’ rights approach, the Secretary-General created a role entirely new to the United Nations—the Victims’ Rights Advocate (VRA). The VRA’s brief would be to work across the United Nations’ complex system, both at Headquarters and in the field, to identify ways to prevent sexual exploitation and abuse and, if these wrongs were to occur, to promote and protect victims’ rights to report and receive comprehensive, rapid, sensitive and multifaceted support; to ensure that victims’ cases are properly managed; and to ensure that perpetrators are held accountable. They would work with all United Nations entities so that every victim would receive appropriate personal care, follow-up attention, information on the progress of their case, and respect for their rights as investigations and accountability processes move forward. In carrying out these tasks, the VRA would join forces with States, local authorities, and civil society, including legal and human rights organisations, especially on the ground, so that victims would benefit from the full effect of local laws and remedies.

To anchor this global advocacy, so that it would benefit victims practically, the Secretary-General also instructed his special representatives in the four peacekeeping operations from which the greatest number of allegations had been reported—those in the Central African Republic, the Democratic Republic of the Congo, Haiti and South Sudan—to designate Field Victims’ Rights Advocates (FVRAs). Initially, these FVRAs, who report jointly to the Secretary-General’s relevant special representative and the VRA, performed the FVRA role along with their pre-existing role. Now posts for dedicated FVRAs, known as Senior Victims’ Rights Officers, are included in the budgets of these missions. These Officers should all be functional by early 2020. As in the case of the VRA, their role is system wide. They are the main contact for victims on the ground, accompanying them as they seek assistance and accountability, and providing them with regular feedback on their cases. The Secretary-General also called for the designation of further FVRAs in humanitarian and development contexts where reported cases of sexual exploitation and abuse suggested this was required.

By the end of August 2017, I had been appointed as the VRA and the FVRAs had been designated. Then, our work began.
I was honoured and humbled to be appointed as the Victims’ Rights Advocate. As the first incumbent of the role, I face the challenge of carving out its contours. This is not straightforward in our complex family of organisations, especially where the role must be operationalised immediately and the available resources are few (Office of the Victims’ Rights Advocate 2018). At the outset, I focused on advocacy, engagement and consultations with stakeholders—Member States; the United Nations, and its agencies, funds and programmes; intergovernmental and regional organisations; civil society; the media; and academia—to raise awareness of the role and gain an insight into their understanding of victims’ rights and a victims’ rights approach. I called for institutionalisation of a victim-centred approach in all United Nations’ activities to prevent and respond to sexual exploitation and abuse, especially during my visits to countries with United Nations peacekeeping and/or humanitarian operations or development operations. I sought to play a catalytic role in bringing United Nations and civil society actors together, to improve their collaboration and cooperation in realising victims’ rights, particularly in terms of providing material assistance and support and facilitating access to legal redress. I was pleased to see the FVRAs establish themselves as the main contact for victims on the ground.

Giving visibility and a voice to victims quickly emerged as the priority for me. I endeavoured to do this by underlining the fact that at the centre of the issues of sexual exploitation and abuse is a human being who is hurt, fearful, and subject to reprisals, abandonment and exclusion. An important part of my work is meeting with victims at their request, confidentially and individually, especially during my field visits. These interactions provide me with insights into their priorities and concerns, including about what justice and accountability means to them. They complain of complex, inaccessible or unclear complaint pathways; a lack of protection and safety; inadequate immediate, medium- and long-term assistance with health, livelihoods and finances; disquiet concerning the situation of their children; distressing investigative processes, marked by repeated interviews and unempathetic investigators; and very limited support in relation to legal and other redress, especially paternity and child maintenance claims. A recurrent grievance is that information on the progress and/or results of their cases is lacking or patchy, especially on whether their abuser has been held accountable in some way.

Based on this feedback, which the FVRAs have also received, I have identified initial priority workstreams. Prime among them is general advocacy—across the United Nations system, Member States, civil society and other stakeholders—particularly on the ground. I have initiated specific projects with the support of the FVRAs and United Nations system colleagues. These include the resolution of outstanding child support/paternity claims and the mapping, through a pilot, of the support available to victims in 13 countries with differing United Nations presences—peacekeeping, humanitarian or development—to identify gaps and ways these might be addressed.

Starting in 2018, I convened discussions with colleagues across the United Nations to tease out the core elements of a victim-centred approach to preventing and responding to sexual exploitation and abuse. These elements would be reflected in a policy document—a Victims’ Statement or Code—setting out victims’ standards and expectations relating to United Nations action, as well as that of concerned Member States. In May 2019, I brought together a group of experts who work directly with victims of sexual exploitation and abuse.
by United Nations personnel and implementing partners and with victims of other forms of violence, such as domestic violence, sexual and gender-based violence, and national and international crimes, including trafficking. They agreed on some broad principles, including:

- **“Do no harm”**. Interventions should not stigmatise victims, compromise their safety, re-victimise them, or create unreachable expectations.
- **Non-discrimination**. Victims must be treated equally, regardless of their situation and that of the perpetrator. Discrimination is usually intersectional. As such, each victim is different, and each case requires a tailored response. Depending on the circumstances, women, children, boys, men, persons with disabilities, LGBTIQ persons, those living with HIV, and/or older persons could be especially vulnerable.
- **Realisation of the rights to information, privacy, confidentiality and informed consent**. Victims must be informed of their rights and the mechanisms available to respond to allegations. Respect for privacy and confidentiality should protect them from harassment, intimidation and retaliation and ensure their identifying information is not disclosed without their consent.
- **Realisation of the right to receive comprehensive, accessible, adequate and timely assistance**. The duration and type of assistance should be clear, particularly the times at which the responsibility to provide assistance commences and ceases. The right to refuse support should be recognised.
- **Realisation of the right to timely, well-prepared, professional and time-bound investigations**. Victims must be treated with empathy and not only as an element required to build a convincing case.
- **Realisation of the rights to participate and be heard**. Victims should be empowered to participate in decision-making, have control over their cases, choose the type and extent of the support they receive, and remain in control of actions impacting on their lives, such as investigations and accountability processes.
- **Realisation of the rights to justice, accountability and remedies, encompassing the full range of available measures**. A first step is understanding what “justice” means for victims—it may not necessarily mean legal proceedings, such as prosecutions. Related to this is transparency. Victims must be informed of any proceedings and outcomes in a timely and appropriate manner.

We are working hard to finalise the draft statement in an inclusive and collaborative way.

**Insights and challenges**

I have been privileged to work as the VRA for just over two years, alongside the FVRAs. That our roles relate to the entire United Nations system and wrongs perpetrated by all categories of personnel is becoming better understood within the Organisation. As a testimony to this, the IASC, the primary mechanism for coordinating humanitarian action by United Nations and non-United Nations bodies, now implements a “championship” strategy for addressing sexual exploitation, abuse and harassment, which, inter alia, focuses on strengthening safe and accessible reporting; improving the quality of assistance for victims; and enhancing accountability, including through prompt and safe investigations in countries.
with humanitarian and refugee response plans (IASC 2018). Similarly, the new development coordination system integrates preventing and responding to sexual exploitation and abuse into the responsibilities of Resident Coordinators.

The FVRAs and I have been pleased to see that there has been progress in elevating victims’ rights and mainstreaming a victims’ rights approach across the United Nations and beyond. For example, multiple reporting pathways are now available, through community-based complaints mechanisms and networks, in many peace operations and humanitarian settings. These are aimed at facilitating secure and contextually appropriate reporting by victims and witnesses. A Victims’ Assistance Protocol, which the United Nations Children’s Fund (UNICEF) and the Conduct and Discipline Service of the United Nations Department of Management Strategy, Policy and Compliance developed together, with input from my Office, was recently adopted. Its aim is to provide consistent direction for the system on the provision of support and assistance to victims. A centralised tool, known as the Victims’ Assistance Tracking System, has been rolled out. It currently allows victims’ assistance in all peace missions to be tracked and could be adapted in future for use in other settings. Importantly, the FVRAs and I are also closely involved with the Trust Fund in Support of Victims of Sexual Exploitation and Abuse, which was established in 2016 to fund and support victims’ assistance services and projects. It is currently resourced through voluntary contributions from 19 Member States and payments withheld from civilian, military and police personnel against whom substantiated sexual exploitation and abuse allegations have been made. Projects financed by the Fund, developed in collaboration with the FVRAs in the countries where they operate and my Office, provide a framework for the provision of specialised services for victims. They include the enhancement of community-based complaint reception mechanisms in the Democratic Republic of the Congo; the delivery of medical, psychosocial and legal services in the Central African Republic; and educational and vocational projects in Liberia. Projects in Haiti and South Sudan are in the pipeline (United Nations 2019b).

On the ground, the FVRAs are working with United Nations and other partners to strengthen referral pathways for victims to service providers, outreach to communities, community-based complaint mechanisms, and practical support for victims. For example, following my visit to Haiti in April 2018, during which victims there outlined their needs, the FVRA identified funds to provide school fees, lunches and uniforms to children born of sexual exploitation and abuse. This not only allowed the children to attend school but also went some way towards rebuilding the victims’ trust.

In South Sudan, the FVRA has sharpened the United Nations’ focus on victims by ensuring that medical, psychosocial, legal and other basic support is made available in a timely manner. Outreach materials have been crafted and translated into five of the many local languages in South Sudan. The FVRA, together with other colleagues, also supported the convening of a mobile court outside the capital, which heard criminal cases against perpetrators of sexual exploitation and abuse, including United Nations personnel, leading to some convictions.

But there remains much to do.

A victims’ rights approach must be mainstreamed across all United Nations activities: this requires greater coordination across the peacekeeping, humanitarian and development sectors and joined-up efforts at policy and operational levels. Here, clarity in roles and responsibilities for realising victims’ rights is critical.
Stable funding for victims’ assistance, especially emergency interventions, is also necessary. In late 2007, the United Nations General Assembly adopted a Comprehensive Strategy on Assistance and Support for Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel. This strategy requires the provision of basic assistance and support to those who complain of sexual exploitation and abuse by United Nations staff and related personnel, plus additional assistance in accordance with victims’ individual needs. This support, which does not diminish or replace the individual responsibility of perpetrators, should consist of medical and psychosocial care, legal services, and immediate material care, such as food, clothing, and emergency and safe shelter (United Nations General Assembly 2007, Annex). Unfortunately, this strategy was adopted without an allocation of resources. While there have been instructions to United Nations entities to fund such programmes, this has not necessarily occurred. As a result, individual staff sometimes cover these costs. In 2018, I embarked on a survey to determine what degree of assistance is available to victims on the ground in 13 countries. The results of this, as well as my visits to the field, show that adequate and quality services for victims—especially in remote areas—are lacking, and there are gaps in victims’ knowledge of how those services that do exist can be accessed.

Throughout our work, the FVRAs and I have found that not all victims wish to report or be involved in legal proceedings, often because they are aware that the outcome may not be positive or relevant to their situation. They are sometimes concerned that legal processes would be complex, arduous, re-victimising, or stigmatising, especially given the many legal regimes that may be involved. They sometimes wish to prioritise other issues over legal accountability, such as child support payments, paternal recognition, medical services, psychosocial support, and livelihood support, particularly as capacity to generate income may reduce stigma and guard against recurrence of sexual exploitation.

Realising the accountability of perpetrators is particularly challenging. The United Nations can impose administrative or disciplinary sanctions where allegations of sexual exploitation and/or abuse are substantiated. Where criminal accountability is concerned, different legal regimes apply to different categories of United Nations personnel. Where sexual exploitation and abuse is attributed to uniformed personnel, the contributing countries have jurisdiction, and accountability processes are mostly carried out in those countries. Where a United Nations investigation reveals allegations against United Nations officials or experts on mission to be credible, these are referred to relevant national authorities for appropriate action. The criminal accountability of non-United Nations forces depends on the arrangements in place in each instance, such as bilateral agreements between the contributing and host States, but, in most cases, the contributing State retains exclusive jurisdiction. Satisfaction of paternity/child support claims is similarly complex. In addition, most victims lack knowledge of ways to access legal services, which in many of the United Nations’ settings may not exist or are inadequate. The United Nations’ role is to cooperate with and support the relevant State in these processes.

The United Nations is engaged in high-level advocacy on accountability, as it shares a responsibility for realising accountability with Member States. This is a high priority for the Secretary-General, as reflected in his 2017 proposal of a Voluntary Compact with States that support United Nations operations on the ground in the contexts of peacekeeping, humanitarian or development operations. At 24 September 2019, 103 Member States had signed the Compact, committing themselves to preventing sexual exploitation and abuse, realising accountability, and providing support to victims (United Nations General Assembly 2017). Also in 2017, the Secretary-General created the Circle of Leadership on the prevention of
and response to sexual exploitation and abuse in United Nations operations, which currently includes 87 current or former Heads of State and global leaders who have pledged to stand by him and support the implementation of his strategy (United Nations 2019c). He encourages States to strengthen their legal frameworks, including through the extension of extra-territorial jurisdiction over crimes that their nationals may commit when assigned to or acting under the authority of the United Nations.

Conclusion

It is very early days for the FVRAs and me in our mission to give a voice to victims and embed their rights and dignity as the first concern of the multifaceted United Nations system in its quest to prevent and respond to sexual exploitation and abuse by its personnel. Ultimately, our roles are directed to ensuring that this action is victim-centred and that advocacy, practical support, assistance and services are provided to victims at all stages, from reporting to outcome. Inevitably, this approach has been criticised (Code Blue 2018), but, as one commentator has pointed out, my limitations and shortcomings, and those of the FVRAs, should be assessed against the objectives of our roles and the powers at our disposal (van Leeuwen 2019, 148). Although some positive results for victims have already been achieved through our work, we know that we have much to do to further develop and strengthen our work for the benefit of all victims of sexual exploitation and abuse.

Note


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Notes on contributor

Jane Connors is the United Nations Victims’ Rights Advocate on sexual exploitation and abuse. Previously, she served as the Director of International Advocacy for Amnesty International. From 1996 to 2015 she held various positions at the United Nations, including at the Office of the High Commissioner for Human Rights. Before joining the United Nations, she held academic posts in the United Kingdom and Australia, including for 14 years at the School of Oriental and African Studies, University of London. Ms Connors has published widely on United Nations human rights mechanisms, the human rights of women and children, and, in particular, gender-based violence.

References


