

# **“Strengthening the United Nations’ victim-centred response to sexual exploitation and abuse through partnerships with national human rights institutions – challenges and opportunities”**

*Co-hosted by OVRA and GANHRI and co-sponsored by OHCHR and the Permanent Missions of Australia, Costa Rica, and Germany.*

28 October 2021 (09:00-11:00am, EST)

## **Summary and Action Points**

### **Overview**

1. The online event brought together stakeholders from across United Nations entities, Member States, and national human rights institutions (NHRIs) from all regions to discuss potential areas of collaboration where NHRIs can support victims of sexual exploitation and abuse by United Nations staff and related personnel. In her opening remarks, Victims’ Rights Advocate Jane Connors (VRA) underscored the value that the Office of the Victims’ Rights Advocate (OVRA) places in partnerships with NHRIs. When the VRA visits countries with United Nations footprints to assess progress in the implementation of the victims’ rights approach and meet victims, she also seeks to meet with the NHRI to bridge gaps in the realization of the rights to victims’ support and assistance. The VRA stressed the complementary role that NHRIs can play in upholding the rights of victims and highlighted the importance of engaging with existing national actors to support OVRA’s work instead of creating new mechanisms.
2. On behalf of the Special Coordinator on the improving the United Nations response to sexual exploitation and abuse, Lynne Goldberg recalled the importance of the third pillar of the Secretary-General’s 2017 ‘new approach’ to addressing sexual exploitation and abuse through engagement with civil society and external partners. The Geneva representative of GANHRI, Katharina Rose, noted that human rights institutions, as independent institutions of the State with a broad mandate to promote and protect human rights, could make use of the [Guide for National Human Rights Institutions](#) produced by OVRA and GANHRI to support the mandate of the Victims’ Rights Advocate.
3. H. E. Fiona Webster, Deputy Permanent Representative of Australia noted that the risk of sexual exploitation and abuse exists in all United Nations settings, including peacekeeping, humanitarian, and development contexts. H.E. Rodrigo A. Carazo, Permanent Representative of Costa Rica encouraged strengthened collaboration between the United Nations and NHRIs capable of serving as a trusted interlocutor to build trust with victims. H. E. Antje Leendertse, Permanent Representative of Germany, underlined her Government’s support for strong national human rights institutions. She noted that Germany is leading the preparation of draft resolution on NHRIs (A/C.3/76/L.54) for the consideration of the General Assembly, which would build on the 2019 resolution (GA 74/156) by calling on Member States to investigate and respond to reports of cases of reprisal or intimidation against national human rights institutions, their members and their staff. Vladlen Stefanov, Chief of the National Institutions and Regional Mechanisms Section in OHCHR, urged NHRIs to interpret their mandates as broadly as possible and engage with other national stakeholders, including the judiciary and civil society, and the United Nations system to prevent and respond to sexual exploitation and abuse.

## **Perspectives of field advocates**

4. The Senior Victims' Rights Officer in Haiti, Ritu Gambhir, and the Field Victims' Rights Advocate in the Democratic Republic of the Congo, Christine Besong, provided an overview of their roles and responsibilities as the main point of contact for victims on the ground, emphasizing their primary function to ensure the rights of all victims are always respected. The advocates in the field underscored that victims should be provided with support as soon as an allegation is received. The types of support available could include access to medical, psychosocial, education and livelihood assistance in line with the United Nations Comprehensive Strategy and the Victims' Assistance Protocol.<sup>1</sup> Field advocates communicate with victims in order to ensure victims understand where, how, and what to report; manage expectations and ensure that victims know what to expect from the process and keep victims updated with the status of their cases.
5. The VRA noted that it can be difficult for victims to seek support, especially as victims often do not differentiate among United Nations agencies nor understand where to direct their allegations. Complaint pathways can be context-specific, with different reporting pathways co-existing. In the Democratic Republic of the Congo, MONUSCO has nine Community-Based Complaint Mechanisms (CBCMs) which, inter alia, receive allegations of sexual exploitation and abuse and transmit them to the appropriate bodies. These CBCMs enlist over 1,000 volunteers annually who are trained on how to refer allegations confidentially and safely.
6. In Haiti, CBCMs are not as well developed and Ritu Gambhir indicated that the main mechanism for receiving complaints is through the Office of the Ombudsperson (*Office de la Protection du Citoyen, OPC*), a national human rights institution. Telephone and video hotlines are also available, but victims tend to prefer speaking to someone who they trust in person. Victims could also be referred for support by the United Nations Integrated Office in Haiti (BINUH) or United Nations Agencies, Funds and Programmes (AFPs), especially the PSEA specialists attached to AFPs.
7. The field advocates explained that their roles may also involve being embedded in United Nations investigations – not as investigators, but to support victims and ensure their rights and dignity are respected. The provision of legal aid to victims was identified as one of the most challenging aspects of their work, which required liaison with Member States and *pro bono* lawyers to pursue paternity claims for child support from alleged fathers, often involving multiple jurisdictions.
8. Christine Besong recounted that in 2017 in the DRC an implementing partner of UNICEF initiated four cases of paternity and child support in courts, but that after a short time, all the victims withdrew their cases, explaining this as resulting from the length of time and the seeming futility of seeking a court ruling. Besong noted the lack of understanding of legal processes in the DRC, the perception of the process as costly and time-consuming,

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<sup>1</sup> The [United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse](#), endorsed by the High-level Steering Group in 2019, builds on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel ([A/RES/62/214, annex](#)). The Victims' Assistance Protocol sets out the standards, in line with existing frameworks, applicable to strengthening a coordinated, system-wide approach to the provision of assistance and support which prioritize the rights and dignity of victims, regardless of the affiliation of the perpetrators.

and the fear of backlash and retaliation that continues to dissuade victims from coming forward and engaging in legal processes. To empower victims to self-sustain and live independently, projects financed by the [Trust Fund in Support of Victims of Sexual Exploitation and Abuse](#) and implemented in cooperation with local partners on the ground provides livelihood support to victims, including payment of tuition fees for children born of sexual exploitation and abuse.

9. The field advocates noted that resources to support victims of sexual exploitation and abuse are not always available. United Nations entities may not have specific funds dedicated to preventing and responding to sexual exploitation and abuse. At times, the peacekeeping or special political mission or implementing partners have assisted in facilitating this support. NHRIs have also been able to bridge gaps in the provision of urgent support to victims. The field advocate in the Central African Republic, Maria Fernanda Perez Solla, recalled how safe housing for survivors of sexual exploitation and abuse was made available by state authorities in collaboration with local human rights actors.

### **Perspectives of national human rights institutions (NHRIs)**

10. Kate Jenkins, the Australian Sex Discrimination Commissioner, noted that NHRIs are uniquely positioned in the international and national human rights architecture to bridge gaps in the provision of support for victims. In the context of discussions on the possible areas of support, the Commissioner stated that NHRIs can effectively document experiences of victims in national enquiries and independent reviews.
11. As noted by Cyrus Maweu, Deputy Director of the Kenyan National Commission for Human Rights, NHRIs can advocate for the full implementation of relevant legal frameworks where they exist, but can also advocate for improvements on legal frameworks which are weak or not fully enforced, and without effective protection mechanisms. Mr. Maweu recalled that, in 2007, the Commission had called on the state to recognize its duty to work to prevent sexual abuse in the context of election processes, and the court reviewing a relevant case concurred to find the state liable for inadequate security operations.
12. Renan Hédouville, the Ombudsperson in Haiti, explained that the OPC is present in all departments in Haiti to allow victims to make complaints directly to the institution, and that this system will be strengthened further. Mr Hédouville also called for advocacy on behalf of victims to have their cases progressed and reviewed in a timely manner, noting that the slow pace of the judicial system in some countries, including Haiti, meant that victims did not receive rulings on their cases for many years or at all.
13. Two participants provided information on the work of their NHRIs in advocating for changes to the law in their national contexts. Gloria Bayoh, the Gender and Children's Focal Point in the Human Rights Commission of Sierra Leone, stated that the Commission had been involved in strengthening the 2012 Sexual Offences Act, which was amended in 2019. Susmita Paik, the Deputy Director of the Human Rights Commission in Bangladesh, stated that the Commission had drafted a law for the prevention for sexual harassment in the workplace, and was also drafting a law to incorporate public places.

## **Potential roles for NHRIs and areas of collaboration**

14. Speakers at the event identified numerous of areas where NHRIs could contribute to the efforts of the United Nations to address sexual exploitation and abuse by its staff and related personnel, and encouraged exchanging best practices and lessons learned among NHRIs in the following areas:

### Prevention and response

- Awareness-raising through joint webinars and training programmes with OVRA.
- Identifying and addressing root causes and risk factors for sexual exploitation and abuse, such as entrenched discrimination, unequal gender relations and vulnerable situations.
- Collaborating with OVRA to provide trainings on a victims' rights approach to addressing sexual exploitation and abuse for local gender-based violence service providers.

### Receiving complaints

- Establishing mechanisms to transmit complaints of sexual exploitation and abuse perpetrated by United Nations staff and related personnel through OVRA.
- Encouraging victims to report sexual exploitation and abuse and supporting them to do so.
- Supporting the establishment and sustainability of local community-based complaint networks in a trauma-informed and gender-sensitive manner.
- Pursuing timely reporting of cases to Member States.

### Supporting victims

- Establishing dedicated units to assist victims and provide legal support.
- Delivering specialized training for lawyers to understand the specificity of sexual exploitation and abuse by United Nations staff and related personnel.
- Supporting victims in court, especially where the victims have conditions, such as a disability, which makes it harder for them to communicate in court.
- Connecting with peer organizations through GANHRI and using these partnerships to support the resolution of paternity claims of an extra-territorial and multijurisdictional nature.

### Advocacy

- Spearheading public information campaigns amongst communities in countries with a United Nations presence to raise awareness of the conduct that is expected from United Nations personnel.
- Playing a role in pushing governments and the United Nations to promptly investigate the actions and take remedial action.
- Advocating on behalf of victims and encouraging Member States to support the resolution of longstanding cases of sexual exploitation and abuse.
- Advising on and advocating for the full implementation of relevant legal frameworks where they exist, but also advocating for improvements on legal frameworks which are weak or not fully enforced, and without effective protection mechanisms.
- Advocating for legislation providing extra-territorial jurisdiction for sexual exploitation and abuse.
- Lobbying for policies and programmes in support of victims, such as the inclusion of victims of sexual exploitation and abuse by United Nations staff and related personnel in national programmes for victims of gender-based violence.
- Compiling, analysing, and tracking data on the United Nations' performance in preventing and responding to sexual exploitation and abuse.

For more information on the event and resource materials:

<https://www.un.org/preventing-sexual-exploitation-and-abuse/content/events>