

**Joint Meeting of Investigatory Bodies of CEB and IASC on
Preventing Sexual Exploitation, Abuse and Harassment in the Humanitarian Sector**

**Palais des Nations, Geneva
26 November 2018**

Session 2 on Survivor/Victim-Centred Approach to Investigations: Protection of Survivors/Victims and Witnesses, presented by Ms. Jane Connors, UN Victims' Rights Advocate.

Introduction

Welcome to Session 2 on “Survivor/Victim-Centred Approach to Investigations: Protection of Survivors/Victims and Witnesses.” The session is intended to come up with concrete and practical recommendations to be taken forward by the IASC and the CEB Task Force.

The central issues our discussion is to address are how we can translate principles relating to victims' rights into policy and operationalize them, so we entrench a survivor/victim-centred approach to investigations, which strengthens their position and those of witnesses at the outset of, during and in follow-up to investigative processes,

Participants should draw on their experience, and discuss this in relation to guidelines, policies and programmes in place, or which are under development. These could include the United Nations-representatives of Investigation Services (UN-RIS) uniform principles and guidelines for investigations of sexual exploitation and abuse concerning investigations of sexual exploitation and abuse, best practices and lessons-learned.

Identification of challenges and gaps is important. These may include barriers survivors/victims may face to reporting and in the investigation process, such as lack of information, including that their experience amounts to sexual abuse or exploitation, or where to report; fear for their safety or that they may be stigmatized, face reprisals and intimidation, discrimination, possible ostracism from families and communities, and a general anxiety that no action will be taken, especially where sexual crimes are a feature of society generally.

Close collaboration across the UN system and across humanitarian and development sectors is vital. Our action should be joined up at the policy and operational level. Accordingly, we need to consider the roles and responsibilities of UN and non-UN actors in providing protection for survivors/victims and their families seamlessly throughout the investigation process. It is crucial also to tease out and find solutions to tensions that may exist among competing objectives or mandates in this context.

Principal elements of a survivor/victim-centred approach to investigations

We are all aware that in 2017 the UN Secretary-General launched a system-wide strategy, which places the rights and dignity of victims at the centre of our efforts; focuses on combatting impunity; building a multi-stakeholder network of support; and reorienting our approach to strategic communication towards transparency and raising awareness of sexual exploitation and abuse worldwide.

The focus on victims is a radical departure from earlier approaches as it shifts our focus beyond the reputation of the Organization, risk to its mission and enterprise, and a ‘law and order’ approach, emphasizing conduct and discipline of UN personnel to the rights of the women, men and children whose dignity has been assaulted. To operationalize this commitment, the Secretary-General created the position of Victims’ Rights Advocate.

The Victims’ Rights Advocate was envisaged as a global advocate for victims across the entire UN system-wide who was to ‘ensure that reliable gender-sensitive pathways exist for every victim or witness to file complaints and that assistance is rapidly and sensitively delivered’ and ‘work with local authorities and civil society organizations to ensure that every victim’s rights are protected throughout appropriate and timely judicial advocacy.’ To support these objectives, the Secretary-General instructed his representatives in the four peacekeeping missions from which the highest number of allegations had been received – Central African Republic, Democratic Republic, Haiti and South Sudan – to designate Field Victims’ Rights Advocates, to act as the main contact for victims on the ground and assist the access support, judicial remedies, and provide regular feedback on the status of their cases. He also encouraged the nomination of Field Victims’ Rights Advocates in other settings.

In my role, I prioritize giving visibility to victims by making clear that at the core of sexual exploitation and abuse is a human being who experiences hurt, fear and is often subject to reprisals, abandonment, exclusion from their community and stigma. The Field Victims’ Rights Advocates have also taken this approach. Where it has been possible, and at their request, I meet victims confidentially and personally, including during my visits to the field. Victims are often disappointed in the UN, and voice frustration and distrust, showing that we have much to do. They complain of inaccessible, unclear or complex complaint pathways; lack of comprehensive immediate, medium- and long-term assistance in respect of health, education, livelihood and justice; lack of protection; distressing investigative processes, marked by repeated interviews (some of which may not be part of the investigative process at all); limited assistance with paternity/child support claims; lack of information on the progress and results of their cases, including whether their abuser has been held to account in some way.

Based on this feedback, which the FVRAs also receive, as well as commentary from external partners, I began work with colleagues across the UN system to identify the core elements which should underpin a victim-centred and rights-based approach in the UN’s response to sexual exploitation and abuse, and examine how far these have been translated into policy and operationalized in practice. In September, I convened a consultation with relevant UN stakeholders, the report of which has recently been circulated. Our discussions highlighted the fact that although there may be different understandings, or even lack of clarity as to the meaning of a victim-centred approach, and its application, there was broad acceptance of some central principles or concepts. I was privileged to discuss these principles at the 19th Conference of International Investigators in Songdo, Republic of Korea last month, and look forward to presenting them to the HLSG in December.

The principles are not new, in particular to domestic systems where much has been done to address the marginalization of victims in accountability processes:

The principle of ‘do no harm’ is paramount and requires, that our interventions do not stigmatize victims further, compromise their safety, nor revictimize them, including by creating unreachable expectations.

We must be guided by the principle of “non-discrimination;” this obliges us to treat victims equally, regardless of their situation and that of the perpetrator; at the same time we must recognize that each victim is different and their case will require a tailored response. Children, boys, men, persons with disabilities, LGBTIQ persons, older persons are in especially vulnerable situations.

We must comply with principles relating to the rights to information, privacy, confidentiality and informed consent, by which victims should be informed of their rights, and the mechanisms available to respond to allegations and support them.

Victims should enjoy transparency in relation to their cases: they must be informed of proceedings and outcomes, and in a timely and appropriate manner. Respect for privacy and confidentiality should result in protection of victims from harassment, intimidation and retaliation and that their information is not disclosed without informed consent.

Victims have the right to timely, serious, well-prepared, professional and time-bound investigations, in which they are treated with empathy and support, and not only as an element required to build a convincing case.

Victims have a right to a voice in investigations and accountability processes: their opinions must be heard.

Applying these principles may be challenging. The right balance among different rights must be struck; for example, among the rights to privacy, informed consent and information, can also be difficult and needs further discussion.

For example, in the context of investigations and our interactions with victims, it is vital we develop a common understanding of the principle of confidentiality. Without a shared understanding, information on victims may be erroneously or inadvertently disclosed, or taken too far (perhaps with good intentions). This is likely to hamper, or compromise investigations, in particular by raising questions about the reliability of victims’ statements.

It is crucial for us to work together develop a clear process and means for communicating with victims. Resources are required for this. We need to ensure that appropriate communication, language and interpretation capacities are available. Specialized training is required for personnel who engage with victims, particularly child victims. Clarity is needed on what type of information may be communicated to victims, including on the status and outcomes of investigations, and when this information can be received so that the integrity of such investigations is not jeopardized.

Clear reporting lines are important, particularly to prevent the disclosure of information that could hamper investigations or impugn the reliability of victims’ statements. Related to this is the imperative of moving away from reliance on victim testimony to other forms of corroborating information and evidence.

Consideration should also be given to some form of formal communication on the results of the investigation in order to facilitate follow-up and the provision of necessary assistance and support, as well as discourage potential perpetrators. While things have improved, it is still difficult to work out where investigations are, what has happened to the victims, and whether the perpetrator has been sanctioned in any way. We are not that good in managing

communications about victims. Media, academic and activist scrutiny of UN abuses is high, and frequently not victim-centred, nor that accurate. The results can be damaging, and we have a responsibility to develop solutions.

Conclusion

The IASC's commitment to step up the sector's approach to preventing sexual exploitation and abuse and sexual harassment and abuse against aid workers, including through measures to strengthen the investigative capacity of agencies; share good practices on how IASC agencies prevent, investigate and respond to allegations; and prevent perpetrators from moving through the sector is commendable. The IASC Championship role continues to be a critical strategy to push things forward and I am delighted to cooperate in this endeavour.

Strengthening of UN system investigative capacity has also been identified by the Chief Executives Board for Coordination (CEB) as a priority area for action, including through fast-track procedures to receive, process and address complaints and by recruiting specialized investigators, especially women. During my field visits I have become conscious that some of our entities may not have the person-power or expertise to conduct timely or effective investigations, and that pooling of capacities will be crucial.

We are fortunate to have three excellent panellists who will provide information on the measures that have been undertaken in their respective organizations, the best practices and lessons learned, and gaps and challenges.

We should be proud that much work has been done across our organizations and today's task will be to identify ways to build on what has gone before and areas for collaboration allowing for replication of good practices and solutions to common challenges

Panel

Ms. Francesca Marotta, Chief of the Methodology, Education and Training Section in the Research and Right to Development Division in the Office of the High Commissioner for Human Rights. She will present on practices to ensure survivor/victim and witness protection in the context of human rights investigations into allegations of sexual violence, drawing on specific initiatives and case examples.

Ms. Daniela Baro, Child Protection Specialist on Protection from Sexual Exploitation and Abuse and Transitional Justice in UNICEF's Western and Central Africa Regional Office. She will present on practices to strengthen the protection of children and to promote a child-sensitive, rights-based approach to sexual exploitation and abuse, with examples from West and Central Africa

Ms. Sarah Blakemore, the Chief Executive of Keeping Children Safe, a non-governmental organization (representing a network of humanitarian and development organizations) committed to protecting children from exploitation and abuse. She will present on the standards and practices in place in NGOs to address sexual exploitation and abuse, and

specifically the protection of survivors/victims and witnesses in investigative processes (with a focus on children).

Discussion points

- What approaches in place in IASC and CEB entities may need strengthening, in policy and practice, to ensure a survivor/victim-centred approach to investigations?
- What measures are needed to protect survivors/victims and witnesses against physical and psychological harm, such as reprisals, harassment, intimidation or stigmatization of survivors/victims and witnesses, throughout investigative processes?
- What measures are needed to ensure respect for the rights of survivors/victims and witnesses to information, privacy, confidentiality and informed consent throughout investigative processes?
- What special considerations must be borne in mind to ensure the protection of specific groups in vulnerable situations in the context of investigations?
- What factors must be taken into account to ensure that investigations are context and culturally appropriate and sensitive?
- How can we collectively enhance the protection of survivors/victims and witnesses throughout investigative processes, for instance by improving interagency coordination and modalities, better clarifying the roles and responsibilities of actors involved, pooling investigative and protection capacities, and better coordinating protection provided to survivors/victims and witnesses?
- What resources are needed for dedicated programmes or measures that would enhance the protection of survivors/victims and witnesses throughout investigative processes?

Wrap-up and close

I will summarize the main points of our discussion this afternoon, focusing on:

- **General recommendations on integrating a survivor/victim-centred approach to investigative processes of sexual exploitation, abuse and harassment in the humanitarian sector.**
- **Specific recommendations on strengthening survivor/victim and witness protection throughout investigative processes.**