

IJDH Statement: Internal Evaluation of the UN's response to peacekeeper sexual exploitation and abuse

In April, the UN's Office of Internal Oversight Services (OIOS) issued its latest evaluation of sexual exploitation and abuse (SEA) by UN peacekeepers and the UN's internal efforts to prevent and respond to SEA and provide accountability for people affected, mostly women and children. The Institute for Justice and Democracy in Haiti (IJDH) was one of the stakeholders consulted for the report, in its work together with the Haiti-based law firm Bureau des Avocats Internationaux (BAI) on civil cases pursued on behalf of women and child victims of UN peacekeeper exploitation and abuse in Haiti. The OIOS report reveals continuing gaps in accountability and failures to fully respect and safeguard the rights of victims of SEA. According to the report, even as reported allegations of SEA rose 247% system-wide between 2017 and 2019, criminal accountability for UN personnel remained "largely unachieved," and the former Secretary-General's proposal to strengthen the UN's response to victims' paternity and child support claims was not implemented. The full report is available [here](#).

The report rightly acknowledges the UN's failures to ensure a standardized process to facilitate claims of paternity and child support, noting "there is no consistent process or practice uniformly taken by Member States to meet their obligations." In supporting victims of SEA, BAI and IJDH have witnessed the UN's failures to address and facilitate claims, which have resulted from acts perpetrated by personnel under its watch. Even as the UN claims to be fully committed to the secretary-general's "[zero tolerance policy](#)", allegations against UN peacekeepers in Haiti continue to be [reported](#), as recently as June. In [2017](#), BAI filed child support claims on behalf of Haitian women who were impregnated by UN peacekeepers. The defendant peacekeepers have since returned to their countries, and left the women to care for the children without support.

These women's quest for justice and paternal support for their children has been frustrated from the beginning by the UN. The UN not only did not live up to the standards of affirmatively supporting these women but it failed to meet [its concrete legal obligations](#) to cooperate in these cases. Notably, the Status of Forces Agreement between the UN and the Government of Haiti outlines in Art 52 that the Organization is required to certify directly to Haitian courts that our clients' cases were not covered by the immunity from these courts' jurisdiction otherwise granted to peacekeepers. This obligation remains unfulfilled to date, while a Haitian court order to provide all necessary and otherwise useful information pertaining to one case has gone ignored, and only after years of advocacy were DNA results, crucial evidence in paternity and child support cases, shared with our clients. These actions have resulted in significant barriers to obtain the "effective remedies" for victims of UN SEA that UN Secretary-General Guterres [promised](#). The victims themselves are shouldering the challenges of the UN's complex procedures and immunity provisions in seeking justice for exploitation and abuse by UN peacekeepers and parental contributions that are rightfully due. The UN's current response to UN peacekeeper SEA has not only placed the burden on victims and their representatives to gain judgments in domestic courts, but it has also effectively hindered the process.

The UN's response to SEA, as revealed by this latest report and put forward as a concern by IJDH as a civil society participant at the [May 2021 General Assembly Informal Meeting, 75th session](#), appears at odds with UN Secretary-General Guterres' [pledge](#) at the beginning of his tenure in

January 2017 to prioritize combating SEA across the UN system and to ensure accountability and effective remedies to victims. It is also at odds with the UN's prohibition of SEA two decades ago, in 2003, when it adopted its "zero tolerance policy". As Secretary-General Guterres takes up his second term, it is time to deliver on his stated commitment to address SEA within the UN and ensure accountability.

Meaningful reform requires both criminal and civil accountability for UN SEA. As human rights organizations and litigators representing victims of UN SEA in civil cases, our experience has shown that the current system is not sufficient and fails to hold perpetrators of SEA accountable and provide victims with effective remedies. We call on the UN to take up the report's recommendation to enact structural reform, namely to "work with Member States to establish an enhanced framework of action, rather than a set of procedures, for the just resolution of claims of paternity, the goals being legal recognition of paternity and enforceable orders of child support."

As a starting point, the UN should uphold its legal obligations to facilitate paternity and child support claims by recognizing that these cases involve legal rights, processes, and obligations, and that charitable pursuits are not a substitute for the remedies that victims are entitled to by law. By treating claims as legal processes, this may demonstrate that the UN considers acts of SEA as serious violations and that those who perpetrate such acts will be held accountable. In addition, a meaningful system will require that the UN provide an accessible claims mechanism for SEA victims and take responsibility for ensuring that [child support obligations are met](#). The latter includes a clear process that enables enforcement of child support orders, and the withholding of payments from repatriated peacekeepers so the UN can direct them toward child support, as is in line with existing UN policies and practices regarding UN staff members to honor family support court orders. Ultimately, such a system would relieve the burden on victims to navigate complex, transnational legal processes and help the UN meet its obligations to protect victims' rights.