

Follow up to IDC from UNHCR on SEA questions Following Oral Evidence

20/11/2020

Background

Sexual exploitation and abuse (SEA) by any member of our workforce is unacceptable. The Inspector General's Office (IGO) of UNHCR, prioritizes SEA allegations when reported.

SEA cases are fast tracked with a target of four weeks for assessment and four months for the completion of investigations. UNHCR now has investigators in regions to accelerate the process.

Protecting victims is central to any investigation and the IGO have further refined the way they investigate to minimize risks to victims. However, **SEA allegations often remain the most challenging** to investigate in terms of evidence gathering.

Several factors can come into play, including: lack of physical and other independent evidence; some victims legitimately fear retaliation, security risks and stigmatization; and the often significant length of time between the event and witnesses coming forward.

Additional challenges include language barriers and our limited ability, as a UN agency, to protect victims and witnesses. Investigations also take time, often taking place in remote locations. We try to build trust with victims and ensure that investigations proceed in a manner that is victim-centred and does not expose them or key witnesses to risks.

It is also worth bearing in mind that for SEA allegations, the threshold applied at UNHCR for opening an investigation is low. As long as there is an identifiable/identified victim and notwithstanding the above-mentioned caveats, the IGO opens an investigation.

However, for some complaints, a formal investigation is not opened, or is closed during the assessment phase. This can be for a number of reasons: the subject is no longer a staff member; insufficient information to launch a formal investigation (i.e. subject unidentifiable); victims or witnesses decide not to participate in the process; protection/security risks for the victim are considered too high.

In recent years we have taken a number of additional measures to strengthen the investigation and disciplinary process, and these were highlighted both in our oral and written testimony.

Data

A total of 26 allegations of sexual exploitation and abuse were lodged against members of our personnel in 2019 (calendar year, but includes for complaints received in previous years), and 12 in 2020/Q1+Q2.

In 2019, one SEA investigation was substantiated and referred to UNHCR's legal affairs and human resource functions for disciplinary action. However, the contract of the UNHCR personnel expired before the disciplinary process could be completed. This case was registered in the UN Clear Check database to avoid this person being rehired by any UN entity. In addition, three members of our workforce separated from the organization before the allegations were received, and therefore an investigation was not possible.

In 2020/Q1+Q2, five SEA investigations were substantiated and referred to the legal affairs and human resource functions for disciplinary action. One staff member was dismissed on grounds of

sexual exploitation and abuse. This individual was registered in UN Clear Check to avoid being rehired by any UN entity; a disciplinary process is ongoing in the four other cases.

Since 2018 UNHCR referred 4 cases of SEA to national authorities; UNHCR has not received a reply to these referrals or confirmation that criminal prosecution has commenced and we urge Member States to take action and prosecute those who have committed these terrible abuses.

It is worth noting that, in both 2019 and 2020 (Q1+Q2), approximately 80 per cent of complaints implicated implementing partner personnel. The majority of those allegations were assessed and investigated by the investigative capacities of the concerned implementing partners.

Other investigations were not substantiated, for the following primary reasons: there was no corroborating evidence; the subject was credible while the victim was considered not; or the misconduct was determined not to be SEA but rather another category of misconduct.

Nevertheless, all SEA cases will continue to be prioritized by the IGO and processed in a victim-centered approach.