

**C. HUNT-MATTHES & DR. A. BUSHNELL JOINT SUBMISSION  
TO UK HOUSE OF COMMONS  
INTERNATIONAL DEVELOPMENT COMMITTEE  
SEXUAL EXPLOITATION AND ABUSE ON THE SECTOR - NEXT STEPS**

*Further to Ms. Hunt-Matthes' written and oral evidence submitted to the IDC in 2018*

1. My name is Caroline Hunt-Matthes and I have 30 years experience in the field of SEA as an international independent investigations human rights practitioner and specialist in the field of sexual exploitation and abuse and harassment. I am also an Adjunct Professor at Webster University, Geneva, Switzerland, and at Grenoble Business School (GEM) in France. My research interest is whistleblowing. I have served as an Expert to the Canadian Standards Authority in the development of an international guideline on Whistleblowing Systems. I am a former UN staffer of 15 years and am a UN whistleblower. I am coauthor of the upcoming book "The UN Whistleblowers" - Bristol University Press on the UN whistleblowers' survivor centered narratives, to be published in October 2021.

My name is Alexis Bushnell and I am a Senior International Fellow at the Government Accountability Project. I have a PhD in International Human Rights Law and an LL.M. in U.N. Peace Support Operations and Humanitarian Law. My research focuses on intersections of whistleblowing, refugee law, human rights law and humanitarian law, including issues of humanitarian governance.

I was the Research Fellow on a UK Economic Social Research Council (ESRC) funded project at Queens University, Belfast, regarding the cost of whistleblowing and post-disclosure survival of whistleblowers. I am currently working with UN whistleblowers and finishing the upcoming book "The UN Whistleblowers" referred to above, together with Caroline Hunt-Matthes and other UN whistleblowers, to be published in 2021.

The scope of this statement is confined to the underlying reasons and practical challenges confronting justice for survivors and victims of SEA, based on personal experience and interviewing hundreds of survivors and witnesses to SEA in humanitarian space and deep field locations.

**2. Since 2018, there has been an overall improvement in SEA awareness at head quarters locations** in the field in Africa and the Middle East. This improvement may have been catalyzed by the work of the 2018 UK International Safeguarding Summit and the dedicated follow up work conducted by DIFID and its partners especially NGO's.

**3. Undetected SEA remains prevalent in deep field locations, especially in Africa**, as verified by Ms. Hunt-Matthes and corroborated by the NH team of journalists in DRC. This is especially evident in impoverished communities and where international NGO's deliver food or provide employment. In the context of Ms. Hunt-Matthes' work as an independent investigator, she reported her findings to the agencies concerned where she identified SEA made known to her by survivors during her 2017-2019 investigation missions.

**4. Where and how to report SEA abuse are not understood in host communities, especially in the deep field.** The majority of communities in deep field locations in Africa, however, are unaware of the right to report SEA. Feed back mechanisms are in place for food, health services and SEA which has led to confusion in some communities.

## 5. Underlying reasons for failure to speak up

The committee has heard, *ad nauseam*, written and oral evidence about the challenge of unreported, undetected cases and the failure to report abuse and the efforts on the part of the UN system to dedicate more investigation resources to this issue. The prerequisite for reporting **is a safe environment to report**. Until these issues are addressed in good faith and in consultation with survivors, increased investigation capacity is shortsighted.

*a) The impact of over a decade of failure of UN whistleblower protection cannot be understated*

See the table, below, which indicates the low numbers of UN whistleblowers actually receiving protection in the UN system. The structural violence endured by UN and humanitarian NGO whistleblowers does not incentivize speaking up.

### Number of UN Whistleblowers Protected by the UN Ethics Office From Retaliation, 2006 to 2017

State of Review by the UN Ethics Office	8/06 - 7/07	8/07 - 7/08	8/08 - 7/09	8/09 - 7/10	8/10 - 7/11	8/11 - 7/12	8/12 - 7/13	8/13 - 7/14	8/14 - 7/15	8/15 - 7/16	1/17 - 12/17	1/18 - 12/18	1/19 - 12/19
Requests for Protection											58	71	62
Completed preliminary review, i.e. reports	12	16	22	14	13	14	15	16	14	17	22	39	36
Prima facie determination resulting in referral for investigation	2	1	1	2	1	2	3	3	0	6	10	6	12
Determination of retaliation after investigation	0	0	1	0	0	2	1	1	0	0	5	4	3
Old policy (ST/SGB/2005/2)	Old	New	New	New									
New policy (ST/SGB/2017/2/Rev. 1)										Plus 5 cases from prev. years	Plus 2 Cases from 2015		Plus cases from prev. years

*Extrapolated from the Ethics Office Report of the UNSG Jan 31 -Dec 2019, A 75 82, dated 30 April 2020*

*b) Delegation of the UN Ethics Office function to the agencies allegedly perpetrating retaliation has exacerbated the failure to report, further diluting independence and increasing fear of reporting*

In 2007, the 8th United Nations Secretary-General, Ban Ki Moon, diluted coherence, independence and impartiality of the ethics function by authorizing the UN Funds and Programs to set up their own Ethics Offices. Moving from a system in which one umbrella UN Ethics Office oversaw reports of retaliation across the UN system to one that allowed each Fund and Program of the UN to have its own Ethics Office put the day-to-day management of the whistleblower protection into the very hands of the management of those bodies alleged to have retaliated.

The claim that these offices are operationally independent is misguided and a grave disservice to potential whistleblowers. UNHCR, for example, has protected not one individual enduring retaliation and requesting protection since the inception of the UNHCR Ethics Office. The table below illustrates the issue. An urgent review of the lack of independence of this system is required.

Operational Agency	Retaliation complaints requesting protection	Number of protection requests granted between 2012 and 2016
UNDP	28	3
UNHCR	33	0
UNICEF	31	1
WFP	16	1

*Reported to the JIU Report Extrapolated from Annex 5*

*c) 2017 New Policy - no improvement*

The situation post implementation of the new policy isn't any better. According to the August 2017 *Report to the General Assembly: Activities of the Office of Internal Oversight Services for the Period 1 July 2016 - 30 June 2017*, the Ethics Office referred 5 cases for investigation under the new policy, of which one case of retaliation was substantiated.

*d) Lack of transparency as to how the Ethics Office takes its decisions is unacceptable*

This UN Inspectors said the following in a recent 2018 JIU Report on Whistleblowing:

*[...] there was a strongly held perception throughout the United Nations System of a pervasive culture of secrecy in the decision-making processes of the organizations and little, or no accountability. Against this background, there was little staff buy-in to the ethics function, which was viewed merely as a management device that did nothing to address the underlying problems. [...].*

*e) Lack of trust in the protection mechanisms*

A growing evidence base indicates that potential UN whistleblowers do not trust the protection mechanisms, despite it being incumbent upon them to report wrongdoing (internal UN staff surveys between 2012 and 2017 and the UN Joint Inspection Unit 2011).

The mechanics of trust inside an organisation are complex and the glue that holds together organisational commitment. The decision to rely on the Ethics Offices for protection is now controversial due to the lack of trust in the system and the low rate of protection, noting that less than 3% of all requests succeed.

*f) 100% of UN Ethics Office decisions refusals to protect against retaliation when reviewed by a judge were found to be flawed*

See The Whistleblower Protection Gap, 2017, Hunt-Matthes, and Gallo Implications for Governance, Human Rights and Risk Management, 2017.<sup>1</sup>

g) The greater the difference in the power differential of the complainant, the less likely it is to be reported or to receive protection

This means that employment status is another factor that can influence potential whistleblowers; according to the JIU, 40-45 % of U.N. workers comprise “non-staff” (consultants, contractors, interns and others) who were less likely to report than full-time staffers.

The UN and aid sector patriarchal culture has engaged in this issue but continues to have conversations with itself. The omission of victim and survivors from this dialogue causes the same mistakes to repeat and lost opportunities to learn.

**6) The tainted independence of UN investigation's functions has not inspired survivor confidence in thorough investigation.**

This may be rooted in the politics of organization culture and requires attention. See the report of OIOS USG about political interference in the investigations functions. See the statement by Inge Britt Alhnieus, USG OIOS 2010 report to the General Assembly.

**7) Protection options in remote locations is an issue for survivors' protection hubs and human resources innovation is needed**

Despite best intentions large INGOs have problems protecting complainants in deep field locations. The humanitarian community needs to work together to identify solutions on this issue.

**8) Control of the complaints system is a fundamental flaw in UN and humanitarian whistleblower patriarchal protection systems, that is, it is not survivor centered**

Professor Brian Martin, veteran whistleblower expert in his book *Official Channels* (2020) has criticised formal reporting mechanisms as giving an illusion of justice.

The consequence of which is protection is not extended, there is no transparency in the decision making, senior officials are not held accountable for retaliation and **attention is subverted from the issue reported to the whistleblower.** The misconduct reported often continues unabated.

**9) A reorientation towards SEA prevention, in conjunction with dialogues with host communities and survivors**

An initiative such as community dialogues prior to deployment of humanitarian resources in host communities is one such strategy.

**10) Whistleblowing is central to humanitarian and good governance; the UN should be held to account for its retaliation on whistleblowers**

Tasked with some of the most substantial policy and humanitarian goals worldwide, the lack of examination of whistleblowing within the UN is a significant gap in

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<sup>1</sup> Hunt-Matthes C. and Gallo P. *The UN Whistleblowing Protection Gap: Implications for Governance, Human Rights and Risk Management*

*Lewis, D. & Vandekerckhove, W. 2017. Selected Papers from the International Whistleblowing Research Network Conference, Oslo, June 2017. London: International Whistleblowing Research Network.*

academic research. Transparency and oversight must be central to the work of an organization which is crucial to conflict resolution and engagement with the world's most vulnerable populations. Our understanding of whistleblowing cannot be fully formed without situating the phenomena within spaces of global policy and governance structures. International organizations are central to global governance and, thus, the way these institutions react to disclosures provided by whistleblowers, and the whistleblowers themselves, dictate the manner in which corruption is dealt with in the broadest of contexts – as part of global policy.<sup>i</sup>

### **11) The precarity of whistleblowers should be understood**

Importantly, whistleblowers are some of the most precariously positioned individuals and, in the instance of UN employees and contract workers, are advocating for other precarious individuals, such as refugees and ethnic minorities. Further, with the prevalence of sexual assault and harassment in the UN and indeed, globally, such assaults and harassment should be considered valid whistleblower disclosures.<sup>ii</sup> While we know through various media outlets and tribunals that whistleblowers have disclosed issues ranging from rape of refugees by UN employees, to grave public misinformation regarding unfolding genocide, the whistleblowers who sought to help or were doing their due diligence have lost their careers, income, savings, health and substantial time taken out of their lives, affecting their families and relationships.<sup>iii</sup> It is the responsibility of member states to take corrective action.

Thank you for the opportunity to submit evidence.

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<sup>ii</sup> Bushnell, A. (2020). Reframing the Whistleblower in Research: Truth-Tellers as Whistleblowers in Changing Cultural Contexts. *Sociology Compass*

<sup>iii</sup> Kenny, K., Fotaki, M. & A. Bushnell. (2019). *Post-Disclosure Survival Strategies: Transforming Whistleblower Experiences*. Galway: National University of Ireland Galway. ISBN 9781908358660  
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