

Submission to the International Development Committee of the House of Commons on sexual exploitation and abuse in the aid industry.

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Summary

New DNA technology allows us to seek out and find past perpetrators of sexual abuse where pregnancy and child birth has resulted from that abuse. While recognising that this covers only a sub-set of victims (women and girls between the ages of puberty and menopause who have become pregnant and kept the child), we believe by holding past perpetrators to account we can not only gain justice for the victims and their children, we can also create a powerful disincentive to future perpetration by, for the first time, creating a real fear of detection.

Creating a fear of detection is a critical step in reducing future perpetration, as noted in the IDC's earlier report on Sexual Exploitation and abuse in the Aid sector.

Identifying perpetrators also gives protentional to:

1. Hold perpetrators to account in criminal courts in the country of event.
2. Hold perpetrators to account in criminal courts in the home country of the perpetrator where laws allow, such as the extra-territorial provisions of Section 72 of the Sexual Offences Act (UK) (overseas child sex offences),
3. Allow victims to gain child support orders,
4. Allow the children to have respected their nationality rights where, in the case of the UK, a child born of a UK national is also in many circumstances a British national. Children born to abusive British aid workers and sex tourists are often British without knowing it and are as of today totally abandoned by the UK.

Whilst some progress has been made since the last IDC report, there is still no meaningful change in critical elements:

1. The industry is still waiting for victims to come forward, rather than pro-actively looking for victims,
2. There have still been no prosecutions of aid workers either in country of offence or in the home country of the perpetrator where extra-territorial laws allow,
3. The scale of the problem remains unknown. Thee need to have academically defensible studies on the under-reported nature of sex abuse in the aid industry remains and is a critical next step in determining the true scale of the problem.

We will limit our submission to the components of our work relevant to the Terms of Reference and focussing on:

- a. Using DNA technology to identify and hold to account perpetrators in civil and criminal courts
- b. Pro-actively finding victims of abuse, and gaining their rights including in civil and criminal courts and as to nationality.
- c. Studying the under-reported nature of sexual abuse in the aid industry.

Introduction

We thank you for the opportunity to make this submission to the Committee and do so in follow up to the submissions made to earlier hearings. This submission is a combined submission of Kings College London, Hear their Cries, and Griffin Law.

We take as read the previous report into Sexual Exploitation and Abuse in the Aid sector and wholeheartedly congratulate and endorse the Committee's work in that report.

At Kings College we are partnering up with Hear Their Cries (www.heartheircries.org) and Griffin Law, to track sex abusing aid workers and sex tourists. Where an abusive sex tourist, aid worker or peacekeeper has abused a woman or child, made her pregnant and a child results, with the right ethical protections it is possible to take the DNA from the child and find the father using the same process as the Golden State Killer case in the US.

In summary the concept is to take the child's DNA and compare it to the combined data bases of the commercial providers, such as 23andme.com and Ancestry.com. By finding the extended family members who have done a DNA test we can triangulate the father even without the father's DNA.

To prove the concept we have partnered with an Australian based NGO that is supporting women who've been working in the sex industry in the Philippines, where many children are born to sex tourists. All lessons and precedents taken from the cases of abuses by sex tourists are equally applicable to abuses by aid workers and peacekeepers.

Hence, all comments on sex tourists equally apply to aid workers. Indeed, given the number of British sex tourists in countries like the Philippines, the IDC could look to undertake a specific analysis of the British response to British sex tourists generally.

The test cases that we have undertaken in the Philippines and more background on the individual victims is here:

<https://www.themonthly.com.au/issue/2015/july/1435672800/margaret-simons/fallen-angels> and here:

<https://www.theguardian.com/society/2019/mar/02/children-sex-tourists-leave-behind-fathers-visited-philippines>

So far we have done six test cases for most of the children mentioned in the Guardian article referenced above and so far yielded these results:

1. M & M: 19-year-old twins. British father, former World Bank contractor doing urban redesign in the Philippines at time of procreation. Found the father. Obtained a declaration of parentage through the UK courts. Father now getting his daughters UK passports.
2. S. Twelve-year-old boy. Matched the DNA of his grandmother on Ancestry.com. Grandmother had only one son and that son was therefore the father. Great news story. Father Californian. Father ecstatic to learn he has a son. The child will be fully supported.
3. M2: 10-year-old girl. DNA match with an uncle who had done an Ancestry.com test. The Father identified as the uncle's brother. Australian. He denies paternity. But the father's brother (with whom we got the DNA match) accepts the result as does the father's mother. We are giving the family an opportunity to convince the brother hoping we can avoid legal action. Reviewing best Australian legal partner now and partnering with Monash University in Melbourne on this case.
4. J: 19-Year-old boy. Obtained a DNA match with the grandmother. Grandmother has two sons. Father is one of the two sons (Australian) who are almost impossible to track. Aunt and half aunt and grandmother all identified. Half aunt originally sympathetic and helpful but now the whole family has cut us off. Looking at legal avenues now.
5. M3: We have only got within a couple of generations in DNA matching so this one might be tough.
6. B: DNA match with the grandparents who had done an Ancestry.com test. Father identified. Canadian. We have now briefed Canadian counsel to commence legal action but seeking a consent order first.

Each of the cases above was where the mother was over 18 to test the technology and legal processes. In five out of six cases the father was identified via extended relatives.

We have now identified a case where the mother was under 16 at the time of procreation and could potentially trigger criminal sanctions depending on the nationality of the perpetrator, when and if he is identified.

We have proved now that the technology works and now have the technical ability to hold fathers to account not just in the Philippines, but globally, and not just sex tourists but also peacekeepers and aid workers. This methodology can be used for all past perpetrators as well as future perpetrators. The question is how the program needs to expand and how it is funded.

I have written to both the UK government and the Australian government to fund an expansion of the program in the Philippines. I've also written to the UN to inform them the technology works. It is time to hold sex abusing aid workers to account.

You may also be aware of the 260 children identified in Haiti who are born of UN peacekeepers and since abandoned (see: <https://theconversation.com/they-put-a-few-coins-in-your-hands-to-drop-a-baby-in-you-265-stories-of-haitian-children-abandoned-by-un-fathers-114854>). We have written to the Government of Haiti offering to DNA test all the children but had no response yet.

We have also spoken with Jane Connors, the Victims' Rights Advocate in the UN Secretary General's office and the USG for Peacekeeping. The UN view is that no action can be taken to help the children unless they make a formal report.

Given that prostitution is unlawful in Haiti and given that most of the mothers had sex in return for reward, the UN is in effect saying that the children cannot be helped unless the children risk criminal sanction of their own mothers.

This is the dilemma many victims face. Reporting a crime in this context where the victims will be self-incriminating highlights the dilemma many victims face – even if they knew about reporting which many do not.

To selected of the specific Terms of Reference:

Support for victims and survivors

- What mechanisms are in place to enable victims and survivors to report instances of sexual exploitation and abuse at the hands of the UN, other multilateral aid organisations, development aid NGOs, charities and the private sector (aid actors)?

Problem: Even if reporting were effective, waiting for victims to come forward and report is an insufficient response by the industry. Fewer than one in seven incidents of sexual abuse are reported in the UK. While no one knows how few victims report in the developing world against the aid industry it is a safe assumption to make that far fewer, perhaps only one in 50 or one in 100 are brave enough, able and know how to report.

For example it may be possible that in every setting where there are large numbers of aid workers that ongoing surveying of the beneficiary population takes place.

Post action surveys have often been done such as Beber, Giligan etal's study that showed 59,000 victims in Monrovia. Could not these studies be done in real time?

Solution: Fund an academically defensible study into the under-reported nature of sexual abuse in the aid industry. Kings College London is willing to host such a study.

Solution: Change the dynamic from waiting for the victim to report, to proactively search for victims. Fund the setting up of a permanent and ongoing organisation to actively seek out victims, with the right ethical protections and within the constraint of not 're-victimising' the victims. Kings College London is examining the creation of such an independent organisation.

Problem: The phrase 'do not re-victimise the victim' is often used as an excuse for inaction. Whilst in some jurisdictions, particularly those where there is a strong legal or cultural prohibition on extra-marital sex (even in the cases of rape) there is a legitimate concern about re-victimizing victims. However, often inaction and inertia result as opposed to reviewing other options.

For example, in Haiti, could a waiver be negotiated from the prostitution laws so that past victims could come forward without fear of prosecution? Could a fully confidential process be set up in places like Sudan so victims are not punished? There are many options available that are better than inaction.

Solution: Require any decision to not act be independently reviewed by a judicial body to ensure other alternatives were not available.

- How do aid actors guarantee that when abuse is reported, it is dealt with sensitively and objectively, and appropriate action is taken against the perpetrator if the complaint is upheld?

Problem: the one word often missing from NGO and UN responses is 'prosecution'. In Haiti the use of prostitutes is unlawful, yet Oxfam did not report their staff. In many western countries overseas child sex offences are unlawful (in the UK section 72 of the Sexual Offences Act) yet prosecution is almost unheard of.

Most criminologists will tell you that size of penalty does not deter crime, fear of detection does. Right now in the aid industry there is zero fear of detection because there are few visible examples of prosecution.

Even in the cases where there are prosecutions they are downplayed. Take the case of Peter Dalglish, a former aid worker and child protection specialist now in prison in Nepal for child trafficking. Prosecution is rare, but have any of the agencies he worked for over the last 20 years gone back to where he worked and found victims that he probably has abused and sought to prosecute him for those crimes too?

Look to Australia to world leading legislation. In Australia now it is a criminal offence to fail to report an overseas child sex offence. The UK should have similar law to Australia.

Solution: Enforce Section 72 of the Sexual Offences Act against Aid Workers.

Solution: Replicate Australia's law to make the failure to report an overseas child sex offence also an offence.

Solution: Consider making 'failure to prevent' a criminal offence consistent with international law in armed conflict.

- How do victims and survivors access the psychological support and legal advice they need?

Problem: Few if any aid organisations are aware of the extra-territorial law around child sex offences. If they are unaware of the law how can they advise victims to pursue the law?

Few if any NGOs are aware that a child born of abuse may go to the courts to seek a child support order. How many NGOs support victims in such cases?

Few if any NGOs are aware that a child born to a British national is also a British national? How many NGOs, other than www.HearTheir.org are assisting children born of abuse to get child support orders and citizenship.

Solution: Mandatory training on citizenship, child support and extra territorial criminal law. Require NGOs show staff abused women or children to ensure that all individual rights to child support and/or citizenship and/or prosecution are enforced.

- What action should the new Foreign, Commonwealth and Development Office take to improve reporting mechanisms, strengthen independent investigations and oversight, support victims and survivors and provide access to justice?

Solution: fund an expansion of the DNA trial to find abusive fathers in the aid and sex tourist industries. Consider partnering with governments such as Australia, Canada and the Philippines to expand the program.

Solution: Fund an academically defensible study into the under-reported nature of sexual abuse in the aid industry. Kings College London is willing to host such a study.

Solution: Change the dynamic from waiting for the victim to report, to proactively search for victims. Fund the setting up of a permanent and ongoing organisation to actively seek out victims, with the right ethical protections and within the constraint of not 're-victimising' the victims. Kings College London is examining the creation of such an independent organisation.

Solution: Require any decision to not act for fear of 'revictimizing the victim' be independently reviewed by a judicial body to ensure other alternatives were not available.

Solution: Enforce Section 72 of the Sexual Offences Act against Aid Workers.

Solution: Mandatory training on citizenship, child support and extra territorial criminal law. Require NGOs show staff abused women or children to ensure that all individual rights to child support and/or citizenship and/or prosecution are enforced.

Solution: Replicate Australia's law to make the failure to report an overseas child sex offence also an offence.

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Speaking up

- What is your assessment of policies enabling reporting and speaking up across the sector? Are you confident that those wishing to report sexual exploitation and abuse are empowered to speak out?

I see little evidence of meaningful change on the ground. The vast majority of victims are still unknown to us, the scale of the problem is still unknown to us and there seems to be no pro-active desire to find victims, rather we still wait for victims to come forward.

- How well are reports of abuse acted on? Are they dealt with promptly, impartially and fairly through robust investigation and disciplinary processes?

At the end of the day there are still no prosecutions and no evidence of individual rights to victims being guaranteed. Other than www.heartheircries.org together with Griffin Law and Kings College London, no organisation is pursuing child support, prosecution or nationality rights for victims.

- What measures, legal and otherwise, have been taken since 2018 to actively support whistleblowers who disclose sexual exploitation and abuse?

None in evidence on the ground.

Standards

- Would you recommend any changes to the relevant standards and certification schemes in the sector, such as the Core Humanitarian Standard, Humanitarian Quality Assurance Initiative, UN Minimum Operating Standards and Keeping Children Safe, to ensure that organisations maintain adequate safeguarding procedures?

I repeat three of the recommendations made above:

Solution: Require any decision to not act for fear of 'revictimizing the victim' be independently reviewed by a judicial body to ensure other alternatives were not available.

Solution: Enforce Section 72 of the Sexual Offences Act against Aid Workers.

Solution: Mandatory training on citizenship, child support and extra territorial criminal law. Require NGOs show staff abused women or children to ensure that all individual rights to child support and/or citizenship and/or prosecution are enforced.

To these I would add a fourth:

Solution: Require all organisations whose staff have been found to abuse women and children to take responsibility for the victims child support and citizenship rights and ensure the prosecution of staff where a criminal offence is accused.

Accountability

- What are the repercussions for organisations that are in receipt of UK Official Development Assistance (ODA) and are found to have insufficient policies and practices in place to detect, prevent, and tackle abuse when it arises?

It is our strong view that organisations that do not meet the societal expectations of actual 'zero tolerance' should receive zero state financial support. The two most impactful ways of making real change are to take people's money (through funding restriction) or take their liberty (through lawful prosecution where a criminal offence has taken place). There will be no change to the situation of the victims until there is change to financial penalties and custodial penalties.

- What requirements does DFID currently have of implementing agencies with regards to safeguarding procedures and what actions should the new FCDO take to ensure that all the actors it is funding uphold the highest standards possible?

We repeat the comments above.

- What is your view of the employment-cycle initiatives for tackling sexual exploitation, abuse and harassment (SEAH); the Misconduct Disclosure Scheme, Project Soteria and the Aid Worker Identification Scheme? Do you think this is the most effective way of tackling SEAH?

We believe these actions are necessary but not sufficient. In theory the current 'reference' system should have dealt with this problem, but it didn't. Many 'miscreant' workers were given good references to leave quietly. The same is a risk in these new systems. People will be given a good 'passport stamp' if they leave quietly unless there is a meaningful sanction on false recording. Like the reference system the weak link here is the person filling in the forms.

- Is there scope for aid actors to consult the register of child abusers to ensure they are not recruiting known offenders?

Again, as above, this is a necessary but not sufficient step. A predator working in the aid industry for 20 years will not appear on the register until caught. There is a danger to think that 'all predators' will be on the list and therefore if a person is not on the list then they are not a predator. The list must be seen as the necessary first step but must never be allowed to become the 'silver bullet' that stops other efforts.

Recommendation summary:

Solution 1: fund an expansion of the DNA trial to find abusive fathers in the aid and sex tourist industries. Consider partnering with governments such as Australia, Canada and the Philippines to expand the program.

Solution 2: Fund an academically defensible study into the under-reported nature of sexual abuse in the aid industry. Kings College London is willing to host such a study.

Solution 3: Change the dynamic from waiting for the victim to report, to proactively search for victims. Fund the setting up of a permanent and ongoing organisation to actively seek out victims, with the right ethical protections and within the constraint of not 're-victimising' the victims. Kings College London is examining the creation of such an independent organisation.

Solution 4: Require any decision to not act for fear of 'revictimizing the victim' be independently reviewed by a quasi-judicial body to ensure other alternatives were not available. Griffin Law could undertake this work.

Solution 5: Enforce Section 72 of the Sexual Offences Act against Aid Workers.

Solution: Mandatory training on citizenship, child support and extra territorial criminal law. Require NGOs show staff abused women or children to ensure that all individual rights to child support and/or citizenship and/or prosecution are enforced.

HearTheirCries.org and Griffin Law could undertake this work.

Solution 6: Require all organisations whose staff have been found to abuse women and children to take responsibility for the victims child support and citizenship rights and ensure the prosecution of staff where a criminal offence is accused.

Solution 7: Replicate Australia's law to make the failure to report an overseas child sex offence also an offence.

Solution 8: Consider making 'failure to prevent' a criminal offence consistent with international law in armed conflict.