

# CONSULTATION SUBMISSION: IRELAND'S THIRD NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY

## COVER PAGE

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# **SUBMISSION: ADDRESSING SEXUAL EXPLOITATION AND ABUSE BY AID WORKERS IN THE THIRD NATIONAL ACTION PLAN**

This submission from the UCD Centre for Humanitarian Action (“UCD CHA”) seeks to inform and enhance Ireland’s Third National Action Plan on Women, Peace and Security (“Third NAP”) with regard to the need to address sexual exploitation and abuse by aid workers<sup>1</sup>. It submits that addressing sexual exploitation and abuse by aid workers should be a priority for Ireland’s Third NAP.

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### **I. What is sexual exploitation and abuse?**

“Sexual exploitation and abuse” (“SEA”) is a term used by the United Nations (“UN”) and other humanitarian actors to denote a wide spectrum of behaviour.<sup>i</sup> SEA covers acts which may be legal in certain countries, for example the solicitation of adult prostitutes, and acts that would be criminalised in any country, such as rape and paedophilia.<sup>ii</sup> There is growing consensus that SEA by aid workers in humanitarian contexts is “real and widespread.”<sup>iii</sup> SEA by peacekeepers and other international actors, including aid workers, is not a new problem and has been reported in many countries from Bosnia and Herzegovina to Somalia.<sup>iv</sup> The recent allegations of sexual misconduct by Oxfam staff in Haiti and Chad have brought this issue to public attention again.<sup>v</sup> The #MeToo movement has extended to the humanitarian sector and increased awareness, both within and outside the sector, of this persistent problem.<sup>vi</sup>

### **II. Need for a comprehensive proactive response to addressing SEA by aid workers**

There is a need for a comprehensive proactive Irish response to addressing SEA by aid workers to maintain Ireland’s position as a leader on ensuring gender equality, addressing gender-based violence (GBV), and implementing the Women, Peace and Security (WPS) agenda.

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<sup>1</sup> This submission adopts the Inter-Agency Standing Committee’s (“IASC”) definition of aid

Ireland’s second National Action Plan on WPS, running from 2015-2018, committed to protection from SEA, as set out below.

<b>Pillar</b>	Pillar 1: Prevention of conflict, including gender-based violence and sexual exploitation and abuse	Pillar 3: Protection from GBV and SEA and other violations of women’s human rights and international humanitarian law and relief, recovery and rehabilitation
<b>Overview</b>	“The prevention of conflict, including conflict-related gender-based violence and sexual exploitation and abuse is extremely complex. Ireland’s initial work under this pillar of the Women, Peace and Security agenda focused successfully on the provision of comprehensive training to personnel deployed overseas, and capacity building of partners and civil society organisations in conflict-affected countries and contexts. The Government of Ireland will continue to strengthen these efforts.”	“The protection of women and girls from GBV and SEA in crisis and conflict situations was identified as a major strength of Ireland’s first National Action Plan on Women, Peace and Security... Significant achievements have been made, including the incorporation of a range of policies and mechanisms in respect of gender and sexual exploitation into the Defence Forces, An Garda Síochana and Rapid Response Corps.”
<b>Commitment</b>	The Government of Ireland commits to continue the implementation of effective training policies on the prevention of sexual exploitation and abuse, human rights, gender equality and international humanitarian law for all relevant Irish staff deployed overseas.	The Government of Ireland commits to work to protect women and girls in humanitarian crises, including those crises as a result of conflict

The mid-term review provides some information on measures taken to address SEA:<sup>vii</sup>

- “All troops are trained in awareness of sexual exploitation and abuse.”<sup>viii</sup>
- An Garda Síochana “endeavours to raise awareness amongst officers of the police’s role in dealing with issues such as.... sexual exploitation”<sup>ix</sup>

It further notes that “the NAP provides the opportunity to enhance Ireland’s advocacy mandate; for example, applying the WPS lens to address sexual exploitation and abuse beyond a single military response to protect women into engaging women’s participation in security planning.”<sup>x</sup>

The Third NAP could be an opportunity to address sexual exploitation and abuse beyond a military and police response to addressing the problem in the humanitarian and international development sectors.

For Ireland to maintain its international commitments on gender equality and status as a leader in this area, it is essential that those affiliated with the Irish government, including, staff of organisations in receipt of Irish government funding abroad observe the highest possible standards of conduct and are held to account for any breaches of such. This is particularly apt for humanitarian/international development workers who engage with the most vulnerable populations in global society.

### **III. Building on lessons learned on addressing SEA from the Good Practice Exchange Workshop on Safeguarding Practices, organised by the Department of Foreign Affairs and Trade**

A Good Practice Exchange Workshop on Safeguarding Practice, held on 10<sup>th</sup> April 2018, organised by the Department of Foreign Affairs and Trade, brought Irish humanitarian and development partners together to encourage cross learning on safeguarding practices.<sup>2</sup> Many problems and challenges emerged in the discussions, including: organisations' desires to protect their reputations; considerable disparities among organisations relating to data protection issues; lack of capacity and resources to realise the desired prevention and mitigation systems; the risk that safeguarding systems and standards will not be mirrored by local partners; and a lack of interagency cooperation and consistency on definitions and policies. While this once off workshop did not allow for a comprehensive analysis of these disparate issues and challenge, a recurring problem became evident, namely; *the differing capacity of organisations to address SEA due to differing sizes and structures, and the need for a database or coordinated approach compiling resources and providing access to resources to all organisations.*

This experience can inform and be reflected in the Third NAP. Further opportunities for cross learning on SEA could be facilitated and supported.

### **IV. Learning from comparative approaches to addressing SEA by aid workers**

Both the UK House of Commons and the Australian Council for International Development commissioned reviews on the problem of SEA by aid workers, which were published in July and August 2018 respectively.<sup>xi</sup> Both reviews acknowledge that SEA by aid workers is a problem and they proceed to propose

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<sup>2</sup> Safeguarding can be defined as the responsibility of organisations to ensure their staff, operations, and programmes do no harm to children and vulnerable adults, or expose them to abuse or exploitation. See Bond, *Safeguarding guidance and resources*, available at <<https://www.bond.org.uk/ngo-support/safeguarding-guidance-and-resources>>.

recommendations to address the problem for their respective constituencies. Further, the UK Department for International Development (DfID) has convened working groups, held a Safeguarding Summit and developed enhanced due diligence standards to address sexual exploitation and abuse by aid workers. This shows how seriously other countries are taking the problem and how much they are willing to invest in addressing it. While Ireland can learn from these studies, there is a sound rationale for an Irish study to identify an appropriate strategy for Ireland to address sexual exploitation and abuse by aid workers.

## **V. Conclusion**

In conclusion, it is submitted that the Third NAP should address, and include commitments addressing, sexual exploitation and abuse by aid workers. These commitments could be based on the Inter-Agency Standing Committee, Minimum Operating Standards on Protection from Sexual Exploitation and Abuse.<sup>xii</sup> They include four elements: management and coordination, engagement with and support of local community population, prevention, and response and eight standards:

- Effective policy development and implementation;
- Cooperative arrangements;
- A dedicated department/focal point is committed to PSEA;
- Effective and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA;
- Effective community-based complaints mechanisms, including victim assistance;
- Effective recruitment and performance management;
- Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst personnel;
- Internal complaints and investigation procedures in place.

Another important resource for developing commitments could be the Core Humanitarian Standard Alliance, PSEA Implementation Quick Reference Guide.<sup>xiii</sup>

## References

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- <sup>i</sup> United Nations General Assembly, *Letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly: A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*, A/59/710 (24 March 2005), available at <<https://www.globalpolicy.org/images/pdfs/zeidrep.pdf>> para. 3.
- <sup>ii</sup> United Nations General Assembly, *Letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly: A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*, A/59/710 (24 March 2005), available at <<https://www.globalpolicy.org/images/pdfs/zeidrep.pdf>> para. 3. See Ray Murphy, *An assessment of UN efforts to address sexual misconduct by peacekeeping personnel* 13(4) *International Peacekeeping* (2006) 531 (“wide range of behavior ranging from the solicitation of prostitutes to rape of under-aged girls, to paedophilia. In some countries, payment for sex between adults may be tolerated or even legal”).
- <sup>iii</sup> Stephani Matti, *Governing sexual behaviour through humanitarian codes of conduct* 39(4) *Disasters* (2015) 626, 626.
- <sup>iv</sup> Other countries include: Eritrea, Ethiopia, Angola, Cambodia, the Democratic Republic of Congo, Haiti, Liberia, East Timor, Kosovo, Guinea, Mozambique, Sierra Leone.
- <sup>v</sup> <https://reliefweb.int/report/haiti/oxfam-s-reaction-recent-news-sexual-misconduct-haiti-and-chad>
- <sup>vi</sup> <https://www.irinnews.org/2018/03/23/humanitarian-metoo-moment-where-do-we-go-here>
- <sup>vii</sup> Bronagh Hinds and Debbie Donnelly, *Midterm Review of Ireland’s second National Action Plan on Women, Peace and Security*, available at <<https://www.dfa.ie/media/dfa/alldfawebsitesmedia/ourrolesandpolicies/int-priorities/womenpeaceandsecurity/NAP-report-v2.pdf>> p.18.
- <sup>viii</sup> *Ibid.* p.18.
- <sup>ix</sup> *Ibid.* p.20.
- <sup>x</sup> *Ibid.* p.28.
- <sup>xi</sup> House of Commons, International Development Committee, Eighth Report of Session 2017-19, *Sexual exploitation and abuse in the aid sector* HC 840 (31 July 2018); Moller et al., *Independent Review to Improve Practice and Response of ACFID Members in the Prevention of Sexual Misconduct*, Victorian Institute of Forensic Medicine (9 August 2018),
- <sup>xii</sup> Inter-Agency Standing Committee, *Minimum Operating Standards on Protection from Sexual Exploitation and Abuse*, available at <[https://interagencystandingcommittee.org/system/files/3\\_minimum\\_operating\\_standards\\_mos-psea.pdf](https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf)>.
- <sup>xiii</sup> Core Humanitarian Standard Alliance, *PSEA Implementation Quick Reference Guide* available at <<https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>>.