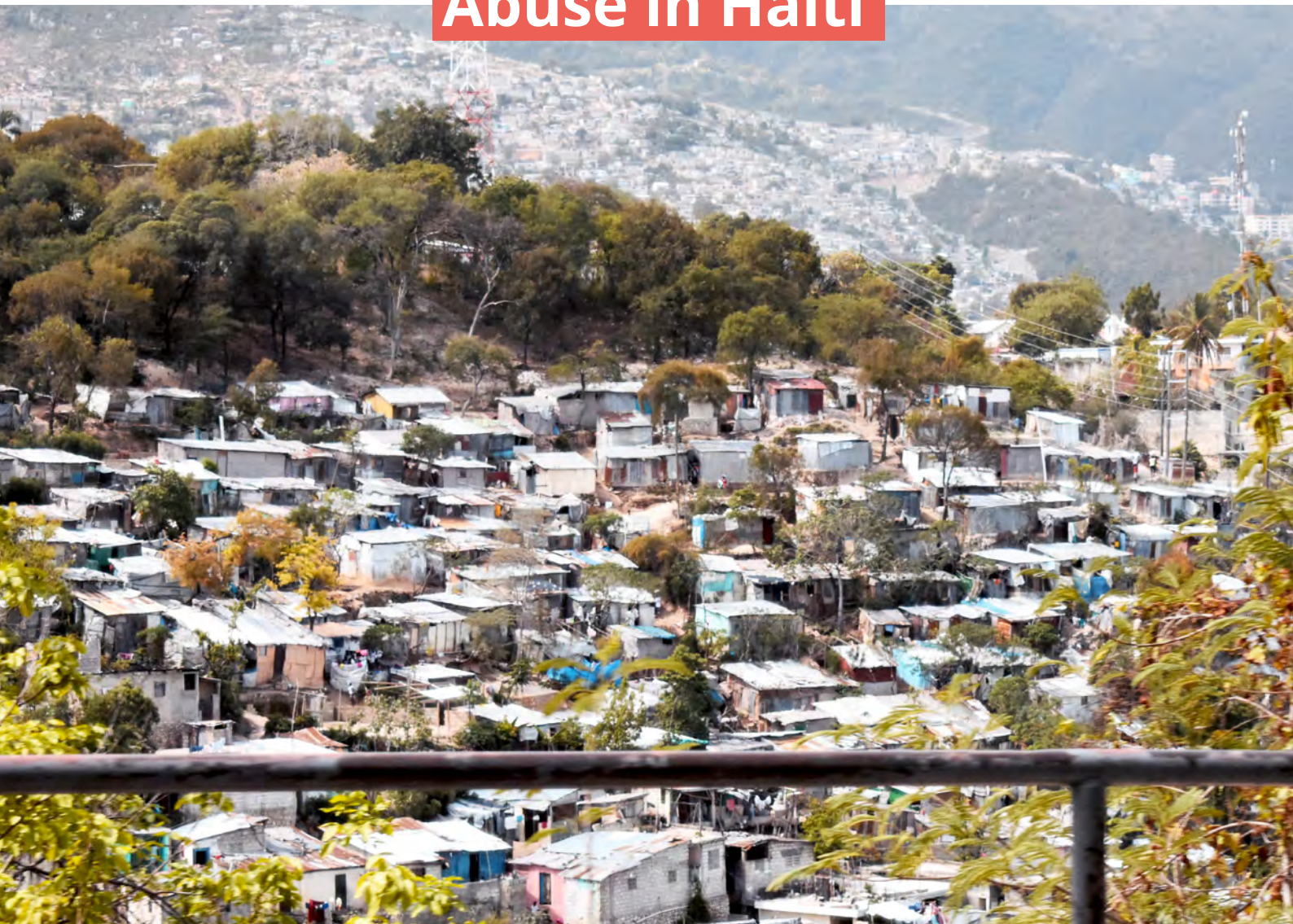


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Safeguarding Children from UN Peacekeeper Sexual Exploitation and Abuse in Haiti



This publication is the result of a partnership between Keeping Children Safe and the University of Reading, as part of a research project funded by the Arts and Humanities Research Council and the British Academy. The project focuses on how to safeguard children from sexual exploitation and abuse perpetrated by UN peacekeepers.

Note: There are different terminologies adopted when discussing children with vulnerabilities, different needs, and victims/survivors of abuse. In this report, we use terminology that reflects language found in human rights and other international documents.

**Safeguarding Children from UN
Peacekeeper Sexual Exploitation and
Abuse in Haiti**

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Introduction

The vast majority of the over 100,000 UN uniformed peacekeeping personnel and thousands of civilian peacekeepers perform their jobs with courage, dedication and professionalism. Yet those who commit sexual offences bring shame on the entire UN system and betray the trust of those that they have been sent to protect. There is a need for system-wide reform to ensure that such abuses cannot again occur with widespread impunity.

Despite recent measures announced by the new UN Secretary-General, attempts to reform the system have been piecemeal and have not addressed a complex problem that requires nuanced and targeted responses. While there is general agreement at the UN, in member states, and from civil society, about what needs to be done to address the issue of sexual exploitation and abuse by peacekeepers, very few practical solutions have been proposed let alone implemented. A key problem is that the current laws, policies and practices to tackle sexual exploitation and abuse operate across different scales, including at the international level, at the UN level, at the local level where the peacekeeping operation is being carried out, and within the countries that contribute troops to peacekeeping operations. As a result, very few effective solutions have been designed that can address the causes and consequences of peacekeeper sexual exploitation and abuse.

The project team has designed, and are now testing and implementing, an effective solution that can be adapted for use in all peacekeeping operations. Our research demonstrates that work across and involving all of those scales can produce effective practical

solutions to discrete aspects of this difficult problem. The research that we have conducted provides a robust methodology for implementing solutions to safeguard children in peacekeeping contexts. Our toolkit provides prevention, protection and safeguarding specifically in relation to children within peacekeeping.

The toolkit builds upon research funded by the Arts and Humanities Research Council and by the British Academy. The research provides the evidence-base for how to safeguard children from peacekeeper sexual exploitation and abuse. It is based on: desk research on law, human rights, and political science; qualitative data gathered from field research; and work with stakeholders. Using interdisciplinary research and through working with a comprehensive group of stakeholders, we have created an evidence-base for recommendations necessary to drive forward the research and policy agenda. The toolkit, versions of which have been implemented successfully in thousands of organisations in nearly every country in the world, is based on international standards for child safeguarding, and is implemented within an organisation through (i) a self-assessment of current policies and practices; (ii) a robust mapping of relevant local and international laws and practices on child safeguarding; (iii) developing context-specific policies, measures and procedures based on the organisation and the legal mapping; (iv) training, and (v) follow-up.

The toolkit is based on Keeping Children Safe International Child Safeguarding Standards. The Standards emphasise the key aspects of managing child safeguarding within an organisation. They describe the features, systems and processes that need to be in place to ensure that child safeguarding is fully and effectively embedded in organisations.

The Standards cover four areas:

Standard 1: Policy

The organisation develops a policy that describes how it is committed to preventing, and responding appropriately to, harm to children.

Standard 2: **People**

The organisation places clear responsibilities and expectations on its staff and associates and supports them to understand and act in line with these.

Standard 3: **Procedures**

The organisation creates a child-safe environment through implementing child safeguarding procedures that are applied across the organisation.

Standard 4: **Accountability**

The organisation monitors and reviews its safeguarding measures.

The advantages of implementing the Standards:

- Children are better protected. No standards can offer complete protection for children, but following these Standards minimises the risk to children of harm.
- Organisation staff and associates are protected. By implementing these Standards, all staff and associates will be clear about how they are expected to behave with children and what to do if there are concerns about the safety of a child.
- The organisation and its reputation is protected. By implementing these Standards organisations make clear their commitment to keeping children safe. The Standards will help them to move towards best practice in this area.

The project showcased in this report has a specific focus on the UN mission in Haiti. Using desk and field research, we have analysed child safeguarding policies and practices in the new mission, MINUJUSTH and in related UN agencies and implementing partners. That research has involved doctrinal research on the laws, policies and practices within the UN and Haiti, the relevant international standards on child safeguarding, and field research in country. Through a thorough exploration of current child safeguarding laws, policies and practices, ranging from training for

peacekeepers through to reporting mechanisms and access to justice, we have identified good practice as well as gaps and weaknesses, and have created specific recommendations that will systematically address those issues and provide streamlined child safeguarding based on international standards and that is relevant to the mission in Haiti.

Background

The United Nations (UN) Stabilization Mission in Haiti (MINUSTAH) was established in April 2004 to replace the Multinational Interim Force (MIF) that had been deployed to stabilize the country in February. That same month, President Aristide was once again forced to flee Haiti amid political turmoil and violence.

Subsequently, the United Nations, the United States, Canada and the European Union were instrumental in the formation of a government of technocrats, headed by Gérard Latortue, to lead the transition to the elections of 2006. MINUSTAH was deployed in June 2004 to facilitate this process and to re-establish stability. MINUSTAH and related UN agencies in-country significantly contributed to development, security and rule of law within Haiti, one of the least developed countries in the world. However, its presence in Haiti was marked by several internal and external shocks affecting the stabilisation agenda. The worldwide food price inflation of 2008 led to riots in most major centres in the country and to the resignation of Prime Minister Jacques-Édouard Alexis.

Political instability had also been exacerbated by natural disasters, including a series of tropical storms and hurricanes in 2008. The earthquake of 10 January 2010 brought an unprecedented degree

of devastation to Haiti. Estimates vary between 200,000 and 300,000 persons injured, 65,000 to 316,000 deaths. Most of the state apparatus was destroyed and infrastructural damage extended from Leogane to the cities of Port-au-Prince, Grand-Goâve, Petit-Goâve, Jacmel and Carefour. MINUSTAH's tenure was also marked by various alleged scandals involving peacekeeping personnel, including sexual misconduct and, most especially, the cholera epidemic.

MINUSTAH took over from a succession of UN missions deployed in Haiti to help the development of the Police Nationale d'Haiti (Haitian National Police) as well as to reinforce prison and judicial reform with the aim of creating conditions to allow the development of stable politics in the country. Each of these missions contributed to stabilising Haiti following the Duvalier era (1957-1986) as well as to the state-building process. MINUSTAH's mandate differed from preceding UN missions in Haiti in two ways. First, it had a greater emphasis on security exemplified by troop contributing countries' commitment in terms of troops and police through the mission's lifespan. Second, there was greater importance given to human rights, with Security Council resolutions placing these issues at the heart of the UN's presence in Haiti. MINUSTAH and related UN agencies on the ground significantly contributed to stability and development within Haiti. At the same time, MINUSTAH came to be criticised locally and internationally for focusing too much on security (through the securitisation of social issues) and its track record on human rights.

A series of reports of sexual crimes were exposed in relation to the military components of MINUSTAH. In 2007, 111 Sri Lankan soldiers were repatriated after allegations of sexual exploitation and abuse of minors. In January 2011, Pakistani troops were accused of the rape of a boy in Gonaïves and of having sexual relations with minors in the capital; three of them were later found guilty of sexual exploitation and abuse and were condemned to a one-year jail sentence. In July 2011, Uruguayan troops were accused of sexually assaulting a young man in the southern town of Port-Salut. Those reports combined with the cholera epidemic impacted MINUSTAH's legitimacy and credibility. A few months after the 2010 earthquake a cholera outbreak began in

Mirebalais, in the Artibonite region, killing more than 8,000 people and affecting over 670,000. It took 7 years for the UN to take responsibility for the epidemic and to begin the process of providing remedies to the victims. Perhaps as a result of those harms caused, the UN in Haiti has sought to improve accountability, justice and transparency and has taken a leadership role in that regard.

The transition from MINUSTAH to MINUJUSTH, a mission focused on rule of law and human rights provides a pivotal moment in relation to the UN presence in Haiti. As such, the purpose of our focus on Haiti was to assess and analyse child safeguarding in MINUJUSTH, key UN agencies, and main implementing partners in Haiti, and to propose recommendations for creating a gold standard of child safeguarding in the UN mission in that country. The project team have created a context-specific child safeguarding toolkit that may be adapted for all actors working in peacekeeping and stabilisation contexts. The decision to undertake this research in Haiti is based on two key factors: (i) the change in mission in Haiti provides a significant opportunity for implementing holistic and robust child safeguarding, and (ii) the UN in Haiti has demonstrated both transparency and willingness to address issues of sexual exploitation and abuse over recent years, and as a result is at the highest standards in terms of taking action and implementing measures to tackle these problems.

Our research took place at the end of MINUSTAH's (2017) and at the beginning of MINUJUSTH's development (2018). The field research included interviews with a broad range of actors, including UN entities, troop and police contributing countries, implementing partners, government actors, and local civil society. During the second mission the team presented the child safeguarding toolkit to a broad range of actors and entities, conducted a basic assessment of current child safeguarding, and explained how the toolkit can strengthen existing practices, remedy weaknesses, and provide a mechanism to fill gaps in child safeguarding. The robust and holistic approach can be implemented within all UN entities and implementing partners. The research also highlighted good practice that may be used as key examples for other UN entities and missions.



The field research in Haiti included observational research and interviews with senior UN personnel in MINUSTAH and MINUJUSTH, a range of UN entities, government entities and national mechanisms, and international and local NGOs working on sexual exploitation and abuse and on child protection.

The research findings focus on three key areas in terms of changes made and outstanding issues that need to be addressed in: (1) the national infrastructure and systems, and (2) the United Nations internal work and external work, (3) implementing partners. Clearly, the national picture has a significant impact upon preventing and remedying sexual exploitation and abuse, but the UN picture is crucial for tackling sexual exploitation and abuse by peacekeepers and personnel working for the UN or its implementing partners. We present our findings, including recommendations on outstanding issues to be addressed, before turning to what can be learned from this research, more broadly, in terms of UN peacekeeping operations.

National Infrastructure and Systems

Today Haiti is a very different place to when MINUSTAH was created in 2004. There remains severe economic deprivation, and the country continues to largely rely on informal economies. Political stability is increasing, allowing development of national infrastructure, systems, and mechanisms, particularly in the areas of governance, rule of law, and human rights. The political stability and stronger governance in Haiti also contributes to an environment in which safeguarding measures and initiatives may be developed and implemented. A key part of the UN's mandate in Haiti is to strengthen rule of law, and human rights. Although there have been many improvements to policies, laws, and mechanisms, there remain many gaps and weaknesses, and there is also significant difficulty in implementing laws and in facilitating individuals' access to justice. Interviewees emphasised the need for robust and accessible national mechanisms in order to ensure safeguarding, justice, and accountability.

It is important to understand that Haiti is a society where gender-based violence is widespread, partly owing to an historic absence of law and order, lack of support services, and increased vulnerability

during natural and manmade disasters. Gender-based violence has been used as a political weapon in times of instability, and sexual and domestic violence is common. The National Action Plans to End Violence Against Women (2006-2011, 2012-2016, 2017-2020) have taken significant steps forward, but there remains high rates of gender-based violence owing to few specific laws on the issue and poor enforcement of criminal laws in general. The current laws on sexual exploitation and abuse and laws on children are recent developments and that national mechanisms frequently do not have the resources to ensure their widespread implementation. Moreover, those laws operate within a context where there is historic mistrust of authorities and widespread failures to report crimes, and in a society where many people lack the access and resources needed to report crimes to the authorities. There are strong local civil society organisations working on these issues in Haiti, including organisations focused on gender-based violence, child protection, and on law and human rights. However, many of those organisations that work with communities and victims do not receive support from the government and some interviewees insisted that the government is complicit in the lack of justice for victims particularly where UN or other international actors are alleged to be perpetrators.

Rape was first recognised as a serious offence in Haiti in 2005, when lobbying from the Ministry of Women's Affairs prompted reform of the laws. Prior to 2005, men could rape women and then escape prosecution if they married the victim or paid money to the victim's family. Under the Penal Code 1826, article 279 sets imprisonment as the punishment for rape, and article 280 sets out that if the crime was committed against a child under 15, the offender will be punished by hard labour. If the offender is in a position of authority over the child, such as a teacher, minister of religion, or a public official, the punishment under article 281 is hard labour for life. However, problems with reporting, investigations, and the criminal justice system in general mean that there are few reported convictions.

There are specific laws focusing on child sexual exploitation and abuse, such as Article 2 of the Act on the Prohibition and Elimination of all Forms of Abuse, Violence, Abusive or Degrading Treatment against Children 2003, which prohibits child abuse of any kind, including sexual abuse and exploitation. Paragraph b of article 2 is especially relevant to sexual abuse of children, and provides that the 'offer of recruitment, transportation, transfer, harboring, or use of children for sexual exploitation, prostitution, or pornography' is prohibited. The Ministry of Social Affairs Institute of Social Welfare and Research is responsible for enforcing the 2003 laws, but its lack of resources have meant that enforcement is weak, resulting in many abusers continue to escape any criminal consequences. Anti-trafficking laws are also relevant to preventing the sexual exploitation of children. There are some laws that criminalise trafficking and the commercial sexual exploitation of children, with punishments involving imprisonment or hard labour. But as with all of these crimes, there is a gap between the laws and enforcement owing to lack of reporting, lack of accessibility, and lack of resources.

The role of Haiti's government was repeatedly highlighted as being of critical importance to ensuring child safeguarding. The research highlighted that child sexual exploitation and abuse remains widespread, with many victims among the estimated 400,000 children who work in domestic service owing to being abandoned, orphaned, unwanted or sent away by poverty-stricken parents or guardians. It was emphasised that there needs to be more and stronger laws and national protection systems to follow-up cases or allegations, and that the justice system needs to punish offenders where allegations are reported. The lack of institutional strength to tackle this environment in which abuses occur with impunity demonstrates the significant problems with achieving adequate implementation of national legislation. The Haiti Ministry of Women Affairs was frequently mentioned as demonstrating good practice and leadership on these and related issues.

In particular, the following areas were highlighted to tackle sexual exploitation and abuse of children:

- Governmental policy and national legislation on safeguarding children. One model would be a system that includes a database of child safeguarding issues, specialist police units, training staff to support children, and parental accountability mechanisms.
- Creating and enforcing stronger laws and practices on child domestic workers.
- Strengthening justice mechanisms and improving access to them for victims/survivors of sexual exploitation and abuse.
- Education and awareness-raising about what constitutes sexual exploitation and abuse, and what can be done to prevent or remedy those crimes.
- Greater efforts to address gender-based violence and prostitution within Haiti's society, including providing support for refugees and for civil society organisations working with victims and survivors.
- Laws and policies that address vulnerable children's specific needs and issues, including mechanisms for alternative care arrangements for vulnerable children and regulation and monitoring of the many international orphanages created after the 2010 earthquake.
- Governmental policies, national legislation and action on preventing and remedying child sexual exploitation and abuse by international actors such as the UN and NGOs.

United Nations

MINUSTAH, MINUJUSTH and UN entities have taken significant steps to addressing sexual exploitation and abuse, perhaps as a result of the reports during MINUSAH's lifespan. A key factor arising was the creation and development of internal UN policies and practices on sexual exploitation and abuse that began a year before MINUSTAH was deployed, starting with the Secretary-General's 'Zero Tolerance' Bulletin in 2003. Since then, the UN in Haiti and other peacekeeping missions has taken a number of steps towards safeguarding children, many of which are considered to be leading examples of good practice. That being said, and by the UN's own admission, there remain areas that require urgent and systematic attention. Central to the UN's work has been addressing its organisational culture, implementing UN policies and procedures, providing effective training, implementing reporting and accountability processes, and working with local populations through education and outreach activities.

Throughout the research, there were frequent references to disconnect between UN Headquarters (UNHQ) and the peacekeeping operation on the ground. It was highlighted that every peacekeeping operation is required by UNHQ to have a sexual exploitation and abuse task force, and there is UNHQ guidance on protection measures, but practices on the ground frequently do not reflect institutional promises. Interviewees explained that the UN in Haiti has to take UNHQ general guidance and translate that into mission-specific context, because – in a lot of ways – UNHQ 'says everything and nothing at the same time'. The other main challenge that was repeated throughout discussions was the need for specific child safeguarding measures that are separate from or go beyond the general measures combatting of sexual exploitation and abuse. One recommendation from a member of the police commissioner's team was that the training materials provided by UNHQ and those developed by the Police Commissioner in Haiti should have a specific child safeguarding component as opposed to being focused on general sexual exploitation and abuse issues, which, for the most part, concentrate on adult issues.

The UN in Haiti has taken a two-pronged approach to safeguarding children from sexual exploitation and abuse: (1) preventing misconduct and (2) enforcing rules. This occurs through creating and implementing rules and policies, training staff, creating reporting systems, raising awareness among local populations about what to do if rules are broken or crimes committed, and holding accountable perpetrators and providing assistance to victims/survivors. In our research we focused on what is occurring on prevention and enforcement, and the areas where gaps and weaknesses remain.

Prevention

Different parts of the UN in Haiti have different approaches to child safeguarding. MINUSTAH had a specific child protection officer, but that has not yet been replicated in MINUJUSTH, which means that many aspects of child safeguarding, including the child protection officer, have been handed over to UNICEF. The child protection policy and child safeguarding measures are informed and governed by the UN Department of Peacekeeping Operations (DPKO). MINUJUSTH and other UN agencies have also created and implemented their own range of measures, including: a code of conduct and terms of reference for its staff, anti-sexual exploitation and abuse measures, and anti-sexual exploitation and abuse focal points. Some UN entities have sought to foreground child safeguarding in parts of their work, and UNICEF provides a gold standard in this regard by having a specific child safeguarding policy implemented to the highest standards. Since the creation of the UN Victims' Rights Advocate, MINUJUSTH has also created a post of field Victims' Rights Advocate who works across UN entities in Haiti and works with the UN VRA. These all address children within their work, but there is no central focus on child safeguarding as a stand-alone topic.

Leadership is crucial for preventing child sexual exploitation and abuse. In MINUJUSTH the Special Representative of the Secretary-General (head of mission), the head of OHCHR, and CDT MINUJUSTH, and the Police Commissioner, alongside senior leaders within UN entities such as UNFPA, UN Women and UNICEF, have provided particularly strong leadership and emphasis on combatting sexual exploitation and abuse, and during our research demonstrated firm commitments to child safeguarding. Although this is a priority for the UN in Haiti, there remains a need for UNHQ to emphasise this issue as a key priority for all heads and deputy heads of mission. As it currently stands, child safeguarding within UN peacekeeping requires the right people in the right places.

Changes to the organisational culture in the UN in Haiti have focused on changing attitudes as well as implementing laws and policies. Changes to attitudes is central to the move away from a 'boys-will-be-boys' approach towards one that recognises every person's role in safeguarding children. CDT works with UN staff to understand why rules exist, rather than simply laying down those rules to staff who do not understand their purposes. To that end, it provides wallet-sized cards in many languages that set out the rules on sexual exploitation and abuse for all UN personnel. The Police Commissioner provides monthly training procedures for all their staff. The training is context-specific, and upholds and implements international and national laws and standards, using real scenarios to unpack and address complex issues.

Despite these measures and the improvements that they have brought, the following areas were highlighted by interviewees as needed to tackle sexual exploitation and abuse of children:

- While there have been strong efforts on sexual exploitation and abuse, very little, if any, of it is specific to children, and there needs to be specific initiatives on safeguarding children.
- There needs to be specific child safeguarding policies created and implemented for all UN entities, and for all implementing partners with which they work.

- There is no emphasis or focus on ‘children’ beyond training that it is not permissible to have sexual contact with children under the age of 18. Child safeguarding clauses are not included as a matter of routine in staff contracts.
- There is a need for greater emphasis on the fact that children cannot be used to procure sex.
- Uniformed personnel should be trained on children’s rights, ideally prior to deployment. They should commit to ongoing training and to upholding laws and rules on child safeguarding through a code of conduct or contract.
- Senior management should have regular training on child safeguarding, and those issues ought to form part of the daily briefings and marshalling of the contingents and be a constant agenda item in meetings.
- There is a need for clear definitions of ‘sex’ and ‘sexual activity’ that will be sufficiently broad to cover all activities concerned.
- There should be greater communication of these policies and rules to local populations, for example through radio stations, and through posters available and accessible for children including those who are not literate.

Enforcement

Awareness-raising measures are useful when accompanied by strong reporting and accountability processes. Alongside prevention activities, enforcement measures have been key to the UN in Haiti addressing child sexual exploitation and abuse. Enforcing laws, rules and policies requires work with local populations to raise awareness, creating accessible reporting mechanisms, and implementing accountability measures. The UN in Haiti has implemented a series of enforcement measures which, taken together, have made some improvements over recent years. However, problems persist, some of which relate to the UN in Haiti, but many of which are as a result of gaps in UN and national laws, rules, policies, measures, and mechanisms.

Raising awareness of what constitutes sexual exploitation and abuse, and what to do when it is perpetrated by UN personnel, is a main method for enforcing laws, rules, and policies. That awareness-raising could be improved by further work with local populations and particularly with the strong local civil society organisations in Haiti, as well as religious, cultural and community leaders, schools, and community organisations. Accountability is crucial also crucial to effective prevention. However, accountability is the weakest area of all activities aimed at combatting child sexual exploitation and abuse. On the one hand, when reports are made, there are stronger accountability mechanisms than in 2004. But those mechanisms are not yet sufficiently strong or streamlined across the system. A major issue identified is the relationship between the local communities and the UN, and that even when allegations are reported, however, it is unclear that the UN or national mechanisms provide support to the victims/survivors. Some interviewees insisted that many victims do not know where to go to report allegations to the UN, or that they are often unable to access the relevant UN entities or actors to file complaints. Conveying the message of where, how and to whom allegations should be made remains challenging. But where the victims or their lawyers or civil society representatives do present reports or allegations to CDTI, the process is different depending on whether the allegation was against a soldier, a police officer, or a civilian staff member. The assessment process of the allegations is identical irrespective of the category of personnel, but the channelling to the appropriate responsive entities is different based on the specific category of personnel involved in the alleged misconduct. The investigations are conducted by different

actors (TCC, PCC, or UNHQ) and have different time periods. Irrespective, if there are paternity claims these must go through the national courts, which can be costly and time-consuming.

Some interviewees' perception is that the UN has a vested interest in not receiving or following-up on reports, and that the government was also emphasised, with some interviewees stating that the government is complicit in that lack of action by remaining passive instead of pushing the UN to do more on these issues. Many of the weaknesses identified relate to MINUSTAH, and to historic allegations. However, there are clear examples of the UN taking significant action to enforce rules, hold accountable perpetrators and remedy victims. Those steps include follow-up with TCCs and PCCs about allegations and investigations, a system for DNA samples to be taken and paternity claims to be filed, strong implementation by the police commissioner, and changes to organisational practices as a result of the work of the UN and Field Victims' Rights Advocates. UN personnel identified weaknesses in terms of reporting and accountability processes, particularly where investigations are conducted national investigating officers from TCCs or PCCs.

The following areas were highlighted by interviewees as needed to tackle sexual exploitation and abuse of children:

- A key challenge is how to make institutional culture one of accountability, and how to streamline effectively that accountability culture across all UN activities.
- There is a need for greater work between all entities, so that there is effective link-up and streamlining between all monitoring and reporting activities.
- Greater transparency and effectiveness is required to prevent the current situation where many allegations and cases are covered up or quietly dropped by national authorities.
- The UN needs to follow up with courts and justice mechanisms, at the national level and with TCCs and PCCs, and to provide resources for victims/survivors to access justice.
- Creative lessons may be learned from other UN country operations, for example developing technology to enable reporting abuse through mobile phones or other devices.
- Sanctions and accountability must be increased, with swift and decisive action taken to remedy victims/survivors and to deter future potential perpetrators.
- Soldiers ought to have a double deterrent of the threat of being punished by the UN and by their home countries.
- Accountability ought to extend to senior leaders whom ought to be held responsible when personnel under their command perpetrate child sexual exploitation or abuse.

Implementing Partners

A key aspect of child safeguarding on the ground is working with implementing partners to ensure that child safeguarding measures are implemented to the highest standards. Implementing partners work on the ground, in communities, and frequently carry out projects with and on behalf of the UN. In Haiti many of the UN implementing partners are international NGOs and others are local civil society and community

organisations. Our research showed that some implementing partners, such as Plan International, SOS Children's Villages International and Save the Children appear to have the highest levels of implementation of child safeguarding standards and measures. Those organisations are founder members of Keeping Children Safe, which is a global network of organisations committed to child safeguarding. Its establishment in 2001 coincided with the exposure of widespread sexual exploitation and abuse carried out by over 40 humanitarian aid agencies of children in refugee camps in Guinea, Liberia and Sierra Leone. Specifically, a report published in February 2002 by UNHCR and Save the Children detailed numerous complaints indicating that UN peacekeeping personnel and humanitarian aid workers had demanded sex for food, shelter, education and medicine. In response, Keeping Children Safe in collaboration with experts developed a set of International Child Safeguarding Standards supported by a comprehensive toolkit for implementing the standards. The Standards emphasise the key aspects of managing child safeguarding within an organisation. They describe the features, systems and processes that need to be in place to ensure that child safeguarding is fully and effectively embedded in organisations. This is particularly important for organisations that work in humanitarian crises and conflict and post-conflict situations where many children are likely to be in situations of extreme physical and emotional vulnerability. The extreme imbalance of power between humanitarian aid workers and peacekeeping personnel, on the one hand, and the people who they have been sent to protect, on the other, makes it essential that robust systems are in place. Keeping Children Safe members have created and implemented policies and measures that foreground child safeguarding and uphold them in line with the International Child Safeguarding Standards. It is crucial all implementing partners are required to adhere to those same standards through implementing the child safeguarding toolkit.



Research Findings

The research findings are grouped within the seven standard areas that Keeping Children Safe uses when assessing an organisation's approach to child safeguarding:

1 Where, when and how do programmes, staff and operations impact upon children, and what risks may these present:

Organisations should carry out pre-deployment risk assessments, identify where, when and how their personnel and associates (civilian, military and external contractors) come into contact with children, identify the possible risks of harm such contact may pose, and develop strategies to mitigate the risks.

The only specific example of standardised risk assessments were found in UNICEF, although the research indicated that informal or non-standardised practices in relation to child safeguarding exist and are implemented in some UN entities such as UN Women for some projects. Formalisation and standardisation of those child safeguarding processes would benefit all UN entities in Haiti. Those assessments ought to be transparent and made publicly available in order that UN staff, other international actors, and local communities and their representatives may access those documents.

2 What policies and procedures are needed to prevent harm and how are concerns responded to appropriately:

Firstly, all organisations whose work affects children need to develop a clear child safeguarding policy that prevents harm to children and outlines what measures are in place to respond when safeguarding concerns arise. It should state explicitly that the organisation is committed to safeguarding all children, irrespective of ability, ethnicity, faith, gender, sexuality and culture. The policy should describe how an organisation will identify and manage risk and also recognise that types of risk may vary according to the child and that the means of addressing risks may also vary.

A child safeguarding policy provides an overarching commitment to preventing harm to children. The policy should refer to organisational policies and procedures in all areas of the organisation that support child safeguarding and include confidential reporting mechanisms for child safeguarding concerns. It needs to

be translated to ensure all staff and associates understand it and presented in a manner that is readily understood by all relevant communities, including children.

Reporting procedures must be transparent, efficient, confidential and clearly communicated to children using child-friendly resources, so that victims/survivors know how to lodge and track complaints, and for the subject of the complaint to know when and how their case will be definitively decided, as well as for those responsible for the investigation to keep track of the whole process.

In Haiti there have been significant efforts to communicate to UN personnel policies and procedures on sexual exploitation and abuse. However, there is insufficient outreach to children and communities. Such communications could occur through radio stations, community programmes, schools and education, and through initiatives such as the visible cards that UN staff wear explaining how to report sexual exploitation and abuse.

Greater levels of communication, standardisation of communication, and the ability to reach rural as well as urban areas, are key areas that need addressing. Context-specific standardisation of practices would ensure that communication reaches all children.

Secondly, procedures should be in place to hold all staff to account on their responsibilities, duties and obligations in respect of reporting, and for designated staff, tracking and investigating complaints. Where any staff member, including those in mission leaderships and command authorities, fails to take action, they should be subject to disciplinary procedures.

In Haiti the UN 'Zero Tolerance' policy and reporting procedures are made clear through robust training in some entities such as the Police Commissioner's team, posters and wallet-cards. There could be more extensive efforts to communicate them more widely, for example through badges, regular training for all personnel, staff briefings and newsletters.

The UN in Haiti would benefit from a specific UN child-safeguarding policy and procedures to be used alongside the 'Zero Tolerance' policy. That would address the specific needs and vulnerabilities of children, not just in relation to sexual exploitation and abuse but also other types of risks such as physical or emotional abuse.

3 How to recruit safely:

Recruiting safely requires an organisation to outline its commitment to child safeguarding at the earliest opportunities in recruitment adverts, interviews, and as part of employment contracts. Staff should be recruited with clear job descriptions that include a statement about the employee's responsibilities to meet the requirements of the organisation's child safeguarding policy. All interviews should include a discussion on child safeguarding, what this means for the candidate, and the organisation's commitment to safeguarding. Employment offers for positions that involve direct contact with children, or access to children's information, should be dependent on suitable references and criminal record checks.

A main challenge identified in Liberia is the difficulty of screening and vetting when recruiting or hiring personnel. There are significant difficulties at the national and international levels in terms of procuring background checks, despite the UN Human Rights Due Diligence Policy requiring UN entities to ensure that such checks have been done. Those problems are compounded by Haiti not having universal birth registration.

A second problem that exists in Haiti and in many other countries is that when where police background checks exist, they are only relevant up until the date they are done on, and usually they only show convictions rather than raising any other relevant flags or concerns.

A second problem that exists in Liberia and in many other countries is that when where police background checks exist, they are only relevant up until the date they are done on, and usually they only show convictions rather than raising any other relevant flags or concerns.

The following checklist provides good practice in safe recruitment, and may be adapted for the MINUJUSTH and other UN peacekeeping operations:

- ☐ When designing the job description, analyse the role and assess the potential child safeguarding risks.
- ☐ Develop clear job descriptions and terms of reference for all posts, including for short-term contracts and for consultants.
- ☐ Ensure sure that the selection-criteria outlines the relevant experience needed if the post involves direct work with children.
- ☐ Ensure that the commitment to keeping children safe is included in details of any post sent to prospective job candidates.
- ☐ Develop application forms that ask for consent to gain information on a person's past convictions/pending disciplinary proceedings.
- ☐ Require documentation to confirm identity and proof of relevant qualifications.
- ☐ Plan the interview process and ensure the interviewers have the relevant experience of and knowledge about child safeguarding and best practice.
- ☐ Include specific interview questions that draw out people's attitudes and values in relation to the protection of children.
- ☐ Require up to three references including from previous employees or others who have knowledge of the candidate's experience and suitability to work with children.
- ☐ Verify the identity of referees.
- ☐ Conduct as many background checks as possible.
- ☐ Consider the use of probationary periods of employment to ensure suitability once in post.

4 What safeguarding induction and training is needed to ensure staff know what the organisation expects of them and what should be done if they have a concern:

Safeguarding training and inductions ought to ensure that staff understand the problem of child abuse and their role in safeguarding children and are able to promote the safety and protection of children with which the organisation has contact. This includes identifying specific risks and issues within the organisation and mitigating them, supporting implementation of practical measures within their organisation designed to keep children safe and recognising and responding to actual or potential child safeguarding issues and incidents.

Training on preventing sexual exploitation and abuse, and on the UN 'Zero Tolerance' policy, is mandatory for all MINUJUSTH personnel. Although this training complies with UN standards, the child protection aspects are not formalised or standardised across all UN missions and entities.

An important step is to include specific training on child safeguarding in UN training on sexual exploitation and abuse. A related component is to ensure that all designated investigatory staff have undertaken training in investigating serious child-safeguarding allegations so that when a complaint is made all actions that are taken are done so in line with the best interests of the child. In particular, there should be specialist training on investigative interviewing of children, witnesses and suspects of complaints so as to avoid re-traumatising the child and to secure high-quality evidence.

5 Does the organisation have a clear code of conduct so that all staff understand their professional boundaries when working with children and what is and is not acceptable behaviour:

A code of conduct is a clear and concise guide of what is and is not acceptable behaviour or practice when employed or engaged by the organisation. All staff and associates should agree to the code of conduct when they are employed and/or start their job. It is an essential element of an organisation's child safeguarding policy and, when implemented properly, should reduce or limit the risk of child abuse occurring. It should also be made clear what action the organisation will take if the code is broken or not followed correctly.

Staff who work for organisations with a child safeguarding policy and code of conduct need to follow that code within and outside of the workplace. This means adopting appropriate behaviour themselves and reporting on concerns they have about a child whether in work or outside

The code of conduct is promoted in MINUJUSTH and UN entities. This includes many different channels of promotions and is reinforced for staff through a range of good practice measures, including wallet-cards, training, and accessible visual, written, and aural communications. There will soon be published a specific Code of Conduct for MINUJUSTH, and it will be important for the contents of that Code of Conduct to be communicated within the broader UN system and on the ground in Haiti.

One example of good practice that could be adopted by MINUJUSTH is for all staff members to be required to wear a 'Zero Tolerance of SEA' badge alongside their UN badge. That practice exists in UNMIL (Liberia) where the text on this badge reads: *Sexual Exploitation and Abuse is unacceptable behaviour. Failure of command and control regarding SEA is also subject to appropriate disciplinary measures. If you have concerns, or if you witness SEA you must report it.* The badge provides a number and email address for reporting and had been translated into a number of languages. There is a need for standardisation of such measures across UN missions, taking this type of good practice and ensuring that it is in place across the system.

6 Who is the appropriate designated person/people to act as the focal point in an organisation to receive and manage any safeguarding concerns and subsequent inquiry/investigation:

All organisations should have a designated person responsible for making sure that the child safeguarding measures are integrated throughout the organisation and who acts as a focal point in that regard. This role should reflect the nature and structure of the organisation, and the person should be sufficiently senior enough and have sufficient support and resources to carry out the role. At each appropriate level or setting there should be a named person or persons to whom individuals may talk about child safeguarding matters. Those persons and their availability need to be widely communicated to staff and communities. Child Safeguarding Focal Points will also need to be able to identify and liaise with sources of support for children and their families.

The Conduct and Discipline Team within MINUJUSTH is the designated entity for receiving and managing safeguarding concerns and subsequent investigations. Greater transparency on those processes would be beneficial for victims/survivors, for their representatives, and for communities.

7 Is there a context-specific and appropriate reporting and responding process for incidents and concerns?

Child safeguarding measures must be integrated in an organisation's systems and processes for different country and local contexts. The measures have to work for the local context and also adhere to global and regional standards. Definitions of 'child' and 'child abuse' may differ according to national and cultural understandings. However, organisations need to be clear that 'children' are defined as anyone under 18 years old, and that 'abuse' is the range of acts, intentional or otherwise, which harm children.

Organisational systems and processes for running organisational business may differ across offices, regions and countries. They must be risk assessed in each locality and strategies developed for integrating child safeguarding where relevant. The UN should also be prepared to take action locally where concerns arise, which will require information on local authorities and services to be widely circulated and understood.

Investigatory procedures should follow a well-defined operational strategy, be clear and communicated in child-friendly language, be simple to understand, and be transparent, confidential and timely. Investigations should be carried out by trained staff with relevant expertise in investigating serious child-safeguarding allegations and investigative interviewing of children who have experienced severe and marginalisation, as well as witnesses and subject of complaints.

In Haiti we did not find sufficient internal and external outreach activities to prevent sexual exploitation and abuse, and to facilitate reporting. Outreach could include working with schools and community leaders, developing a wide range of communications materials with prevention messages and a reporting hotline. Examples of good practice from other UN missions include t-shirts, posters, exercise books, wristbands, radio station hosting regular programmes addressing this issue, and anti-SEA jingles in a range of community languages. Although MINUSTAH undertook outreach activities, there was not strong evidence of their impact, particularly since the change of mission.

Internal UNMIL communications materials on prevention of sexual exploitation and abuse, and on where and how to report, should be highly visible throughout the Mission. Examples of good practice might include posters, badges, a regular newsletter, and a focus on capacity building and communications so that the rules are fully understood and integrated. At MINUJUSTH there have been steps in the right direction, including posters, a communications campaign, and a recent workshop with journalists.

The UN in Haiti has implemented a series of enforcement measures that have contributed to significant improvements in preventing and remedying sexual exploitation and abuse. Problems persist, however, some of which relate to the UN but many of which are as a result of gaps in national laws, rules, policies, measures, and mechanisms. One significant challenge is the time taken by Troop-Contributing Countries to respond to allegations. Another main challenge is the number of historic allegations and how to investigate those reports. This suggests that a positive way forward is that support and technical advice should be made available to Troop-Contributing Countries to progress criminal proceedings on SEA within their domestic jurisdictions. Efforts should be made to promote exchange of information on good practice on tackling SEA of children between TCCs. These measures should be accompanied by monitoring and accountability measures by UNHQ and at the Mission-level.

The following is a key checklist for engaging communities in appropriate reporting and responding processes::

- ☐ Ensuring that parents, children and relevant others know about child safeguarding commitments and measures. Communications between the organisation and parents/carers/community leaders should take account of language or communication differences.
- ☐ Devising a complaints procedure with children, families and communities. Make sure it is publicised and that everyone knows about it.
- ☐ Encouraging the involvement of parents/carers/community as much as possible through, for example, membership on committees or steering/planning groups as well as involvement in day-to-day activities.
- ☐ Ensuring records are kept on who has responsibility for the care of a child in any programme or project including their contact details.
- ☐ Ensuring that staff are easily identifiable when at work, for example by wearing a T-shirt or badge.
- ☐ Obtaining parental or primary caregiver consent for children's participation in activities whenever possible.
- ☐ Involving parents, as well as children, in developing codes of good behaviour for staff and for children. For instance if drawing up anti-bullying guidelines.
- ☐ Devising ways of obtaining feedback from parents/carers/ the community to find out what works, what is not working and to check what people know about the organisation and how it operates.
- ☐ Discussing with children what makes them feel safe and unsafe and agree on ways for children to complain if they have a concern about themselves or their friends.
- ☐ Devising processes for ensuring children are consulted and listened to, to ensure their voices are heard and that their views inform and influence the development of safeguarding.



Moving Forwards:

Key Recommendations for the UN

The research on safeguarding children in Haiti from UN peacekeeper exploitation and abuse demonstrates that where there are widespread problems there are many macro and micro changes that can be implemented effectively to safeguard children from future harm. However, without effective streamlining across the UN, those measures are reliant upon strong leadership from individuals within the peacekeeping operation. Moreover, the effectiveness of those measures frequently depends upon national and international infrastructure for them to be implemented.

Based upon this research, our main, specifically-implementable recommendations are as follows:

- There is a need to ensure that UNHQ policies and initiatives are taken-up by the senior leadership of all peacekeeping operations. We recommend that UNHQ ensure that anti-sexual exploitation and abuse measures and initiatives are directly emphasised and instructed to senior leadership in UN peacekeeping operations, and that they form part of all appraisals of those personnel.
- There is a need to formalise and standardise all safeguarding processes, including the good practices identified in Haiti alongside those found in other UN peacekeeping operations. This will ensure that all local communities receive the same protection, and that all UN personnel receive the same information and are subject to the same processes.
- There is a need for greater emphasis on and explanation of the needs of children within UN anti-sexual exploitation and abuse initiatives. We recommend that a part of all anti-sexual exploitation and abuse initiatives and measures for UN peacekeeping operations focus on the specific needs of safeguarding children.
- There is a need for a specific UN child-safeguarding policy that addresses the specific needs and vulnerabilities of children in relation to sexual exploitation and abuse, physical or emotional abuse, and other types of harms.

- There is a need to create child safeguarding measures that may be adapted to local contexts, are measureable, and can be implemented and followed-up by UNHQ. We recommend that international and national actors work together to ensure that child safeguarding measures are created and implemented effectively, with consequences for failures to do so.
- There is a need to ensure that UN peacekeeping operations are effectively equipped to vet personnel in relation to child safeguarding. We recommend that UNHQ provide specific measures and support for peacekeeping operations to ensure that international and local personnel have been appropriately vetted prior to employment.
- There is a need for good practices to be streamlined across all UN peacekeeping operations rather than remaining ad hoc within each context. We recommend that the good practices from UNMIL and other peacekeeping operations are foregrounded, showcased, and required within all UN peacekeeping operations. Standardisation is crucial, as all categories of personnel are likely to be redeployed in other missions, and staff are able to suggest that they are confused when practices are not aligned and standardised.

There are also specific recommendations for MINUJUSTH and UN entities in Haiti:

MINUJUSTH

Within MINUJUSTH there is no specific child safeguarding policy, and child safeguarding is not foregrounded within mechanisms or practices to tackle sexual exploitation and abuse. The change in mission provides a significant opportunity to create and implement child safeguarding policies and practices. Although there exists some elements of safeguarding, there is a need to understand child rights and the specific risks in relation to children. There are areas of good practice, such as the cards on what constitutes sexual exploitation and abuse, that can be adapted and used for child safeguarding in all UN missions.

Based on the answers to the assessment, MINUJUSTH scored an overall compliance level with minimum child safeguarding standards and criteria of 42%. A score of 70% would be a passing score. MINUJUSTH scored an especially low (0%) overall compliance level with the Standard on Accountability. MINUJUSTH achieved an overall risk rating of “High.”

Key recommendations:

- 1** Identify where and how MINUJUSTH personnel, including local staff and contract workers, come into contact with children and assess the risks of harm to children, the risks to personnel, and risks to the reputation of the mission. Develop strategies to mitigate the identified risks.
- 2** Develop a written child safeguarding policy to which all personnel, including local staff, contract workers, and partners must comply.
- 3** Publicise the child safeguarding policy widely in French and Creole, including child-friendly versions.
- 4** Develop and publicise a Code of Conduct that provides guidance on appropriate/expected behaviour of adults towards children.
- 5** Designate child safeguarding “focal points” at different locations where MINUJUSTH has a presence, with clearly defined responsibilities to champion, support, and communicate on child safeguarding and the effective implementation of the child safeguarding policy

- 6 Develop an implementation plan to ensure that child safeguarding is integrated throughout MINUJUSTH's functions, for example, planning, recruitment and job performance reviews, programme/project cycle management, communications, IT, and monitoring and evaluation.
- 7 Ensure that safe recruitment practices are in place so that personnel, consultants, and local hire are recruited in ways that ensure their suitability to work with children and understand their responsibilities to work within MINUJUSTH's child safeguarding policy.
- 8 Adapt existing good practice on what constitutes sexual exploitation and abuse to include child safeguarding concerns.
- 9 Adapt existing complaints mechanisms so that there is a step-by-step guidance on how to report safely and what action to take if the Code of Conduct is breached and there are concerns about a child's safety or well-being. The complaints mechanisms should be developed locally and in collaboration with children and communities to ensure they are relevant, confidential and child friendly.
- 10 Ensure that arrangements are in place to monitor compliance with and adherence to the child safeguarding policy and procedures through specific measures and/or integration into existing systems for quality assurance, risk management, audit, monitoring and review.
- 11 It is crucial for there to exist an information-flow between MINUJUSTH and UNHQ, and between MINUJUSTH and the local population. New policies and practices, such as the Code of Conduct and the Risk Management Exercise ought to be communicated effectively to all relevant stakeholders.

UN Police

The police commissioner has strong policies, practices and mechanisms on sexual exploitation and abuse. Particular areas of good practice include monthly training sessions, the use of real scenarios for training, and frequent visits and assessments of police working in the field or remote areas. While the police commissioner has not specifically focused on child safeguarding, there is a willingness to incorporate child safeguarding through specific policies and practices.

As part of MINUJUSTH, it is expected that the UN Police would adhere to MINUJUSTH's child safeguarding policy and procedures. However, because of UN Police's close contact with communities and, therefore, children, it is also recommended that:

- Child safeguarding risks are identified in collaboration with children and communities, and mitigating strategies are jointly developed.
- Children, parents/carers and wider communities are involved in monitoring the implementation of child safeguarding measures.

Key UN Agencies

Of the key UN agencies, UNICEF have the strongest and most robust policies and practices, and the entity is in a strong position to pass a certification process in terms of what currently exists and is being

implemented. Examples of good practice include requiring implementing partners to sign policies on child safeguarding and to create reporting mechanisms, as well as the monitoring and training provided to all staff. UN Women and UNFPA do not have specific policies on child safeguarding, although there are some examples of good practice from their work. The toolkit would provide a method for bringing together existing child safeguarding practices, creating a specific policy and mechanisms, and providing methods for implementation.

Based on the answers to the assessment, UN Women scored an overall compliance level with minimum child safeguarding standards and criteria of 39%. A score of 70% would be a passing score. Like MINUJUSTH, UN Women also scored an especially low (0%) overall compliance level with the Standard on Accountability. UN Women achieved an overall risk rating of “High.” Child safeguarding measures are starting to be put in place as UN Women’s operational profile also evolves, and good practice includes recruitment procedures incorporating specific questions assessing candidates knowledge of preventing sexual exploitation and abuse standards, as well as compulsory training courses for all staff. There is a need to ensure that these and other practices also focus on specific needs of children and comply with international child safeguarding standards.

UNFPA fared better with the self-assessment than MINUJUSTH and UN Women, although it is possible that some of the answers were based on a misunderstanding of the criteria. UNFPA scored an overall compliance level with minimum child safeguarding standards and criteria of 67% and risk rating of “Medium.” UNFPA scored especially well (100%) with the standard for Accountability. This marks a first for Keeping Children Safe. Of the approximately 5,000 organisations KCS has assessed, not one has achieved 100% compliance with the standard for Accountability.

With the exception of UNICEF, the same recommendations made for MINUJUSTH should be applied to the UN agencies in Haiti.

As the leading inter-governmental organisation in the field of migration, the Haitian offices of the International Organization of Migration (IOM) were also visited. Although the the IOM Code of Conduct is clear that sexual activity with children (persons under the age of 18) is prohibited, IOM in Haiti has no specific child safeguarding policy, no code of conduct specifically aimed at the behaviour of adults towards children, does not carry out child safeguarding risk assessments, and does not require its partners to have child safeguarding policies and procedures. In terms of good practice, IOM requires staff interviewing children to be specifically trained in the specific needs and rights of the child, and to work with the parent/guardian or social worker. One concern highlighted by IOM staff in terms of risk is that the reunification of families at times involves an adult escorting a child so that they may have to share a hotel room.

The recommendations for IOM are the same as for MINUJUSTH.

Implementing Partners

We found that some implementing partners already have robust systems in place, which is to be expected as some of those entities are founding members of Keeping Children Safe. In particular, Plan International, Save the Children and SOS Children’s Villages International have strong and robust child safeguarding practices based on policies and implementation in line with International Standards. There is a need for all implementing partners to be expected to adhere to those same high standards.

It is recommended that those implementing partners that are not a member of Keeping Children Safe carry out a comprehensive self-assessment, using the assessment tool, and based on a review of relevant documents and interviews with an external auditor, the implementing partners either develop or strengthen their child safeguarding policies and procedures in line with the recommendations made for MINUJUSTH.



www.keepingchildrensafe.org.uk

- <https://research.reading.ac.uk/peace-keeper-or-perpetrator/>
- <https://www.un.org/preventing-sexual-exploitation-and-abuse/>
- <https://www.keepingchildrensafe.org.uk/about-us/news/special-report-urges-international-action-end-abuse-children-context-un-peacekeeping>