Investigative Overview

A preliminary independent investigation conducted in areas close to existing or abandoned bases for the United Nations Stabilization Mission in Haiti (MINUSTAH) brings to light the alarming magnitude of Sexual Exploitation and Abuse (SEA) at the hands of United Nations personnel in Haiti. The purpose of this investigation is to determine if the initial unreported cases brought to the attention of the author were isolated incidents or are instead a result of a systemic problem present in the UN's mission in Haiti. In consultation with Haitian civil society partners, the following report considers that a further, in-depth investigation into these abuses is vital and urgent.

The results of our investigation strongly suggest that the issue of SEA by United Nations personnel in Haiti is substantial and has been grossly underreported. Using the same methodology in all areas where MINUSTAH bases are or have been located, a thorough and in-depth investigation would be expected to identify close to 600 victims who would agree to in-person interviews. This number in itself indicates a victim count that requires immediate attention and significant modifications to current MINUSTAH peacekeeping operations, including with regard to the manner in which UN SEA cases are investigated and reported. These preliminary findings are based on the work of one investigator during 27 days of investigation. Through a network of community contacts in eight areas where there currently is, or where there has been a MINUSTAH base, the investigation identified 42 UN SEA victims who agreed to be interviewed. With a professional investigative team, comprised of individuals with specialized expertise and the resources to cover the entire country, the likely number of documented UN SEA allegations from victims would be expected to be significantly higher.

The UN Conduct and Discipline Unit (CDU), under the Department of Field Services (DFS) documented 75 total allegations of UN SEA countrywide in Haiti from 2008-2015. In comparison, 40 of the 42 victims interviewed within the limited scope of this independent investigation allegedly suffered sexual exploitation perpetrated by UN personnel during this same time period. Of the remaining two individuals: one stated she was first a victim in 2005, and the exploitation occurred repeatedly until 2015. The other was a victim of a single incident prior to 2008. Only four of the 42 said they had previously reported the SEA in some manner to the UN, suggesting that the magnitude of the problem may be dramatically underestimated by the CDU. The victims we spoke to were not made aware of whether their cases were included in the 75 total allegations documented by the CDU. All four victims stated they were not satisfied with the subsequent investigatory process or its results.

In comparison to the CDU's 75 total allegations, the estimated total possible victims of SEA - during the years 2008-2015 – based on an extrapolation of the results of our investigation – is 564. Again, this is an estimate derived from the findings of a single investigator and based only on allegations from those who agreed to meet and be interviewed.

The preliminary results of our investigation show that actions taken, such as the creation of the CDU and the extensive efforts with the three pillars of prevention of misconduct, enforcement of UN standards of conduct, and remedial action, do not appear to have been adequate in preventing further SEA perpetrated by MINUSTAH personnel. These efforts have failed to interrupt a persistent cycle of exploitation and abuse followed by UN statements of regret and reform, and then additional incidents of SEA.

The UN has stated in numerous publications that while there has been an approximately 50 percent increase in UN peacekeeping personnel in the world, the number of SEA accusations has been steadily decreasing. However, within the seemingly disconnected array of the UN's SEA reporting and response mechanisms, wide concern is expressed by UN personnel about the validity of the official numbers of UN SEA allegations. Many suspect that the numbers and their decline do not accurately reflect the occurrences of exploitation and abuse. The results of this investigation thus far have shown that in Haiti, as UN personnel suspected, this downward trend of accusations is not due to decreased levels of UN SEA, but instead is caused by a reduction in victims' reporting of these acts.

The reforms and initiatives that have been taken over the years since MINUSTAH's 2004 inception appear to be inadequate to prevent UN SEA and fail to encourage victims to come forward. For these reasons, we strongly suggest that a professional independent investigation, comprised of individuals with specialized expertise in sexual exploitation and abuse, be undertaken in Haiti at all locations that currently have or have had MINUSTAH bases so to determine the level of sexual exploitation and abuse by United Nations' personnel. In order for MINUSTAH to fulfill its mandate of assisting Haiti with the restoration and maintenance of the rule of law and support efforts to "promote and protect human rights, particularly of
women and children, in order to ensure individual accountability for human rights abuses and redress for victims\textsuperscript{vvi}, UN SEA victims must not remain hidden in the shadows. Instead, their existence must be officially recognized, and their voices must be a part of the discussion on the necessary reforms to the UN peacekeeping system.

**Introduction**

Sexual exploitation and abuse by UN personnel in Haiti has been extensively documented since MINUSTAH's founding in 2004.\textsuperscript{vii} Notably, two years after the UN openly recognized SEA by UN peacekeepers as a problem\textsuperscript{viii} and sanctioned the 2005 UN Zeid report focusing on UN SEA and describing specific actions to be taken to eliminate future abuse\textsuperscript{ix}, investigations in Haiti uncovered that the mission's peacekeepers from Sri Lanka were committing extensive sexual exploitation and abuse including rape and transactional sex. This led to a reported 114 soldier repatriations, a move presented as a model for other UN peacekeeping missions. Of those repatriated to Sri Lanka, none of the perpetrators were criminally prosecuted in their home country\textsuperscript{x}. In response to the scandal, the UN assured that they remained committed to both to the zero-tolerance policy on SEA and to best practices in peacekeeping.\textsuperscript{xi} Other highly visible cases, such as the repeated rape and subsequent kidnapping of a young special-needs boy by peacekeepers in Goniave, Haiti\textsuperscript{xii}, caused the mission to express outrage and the official response was that the mission would take their responsibility in dealing with abuses by UN personnel extremely seriously.\textsuperscript{xiii}

But in reality, immunity from Haitian prosecution for SEA crimes prevails and the United Nations has little more than administrative control over the military contingents and UN Police (UNPOL) that comprise their mission.\textsuperscript{xiv} For violations involving military personnel, investigations and criminal prosecutions are left to the troop-contributing countries (TCC). UNPOL and other civilian personnel are investigated by the Office of Internal Oversight Services (OIOS), but again this leaves the UN with administrative sanctions as their only recourse. Prosecution of crimes is left to the home countries of the officers or civilians.\textsuperscript{xv} This reality leaves victims with very few options to seek justice\textsuperscript{xvi}.

Sexual exploitation and abuse scandals have made their way to the public eye throughout the mission's tenure, but the true levels of UN SEA and the number of victims remain largely hidden from view. Perpetrators are often militarily armed individuals in significant positions of power in the middle of an extremely vulnerable population. They are from outside of the victims' known community and are untouchable by the Haitian system of justice or other traditional methods of recourse or of possible support. Fear of reprisal is an understandable concern for victims. Coupled with these barriers and the belief that reporting a case will bring social stigmatization more than real solutions, it is highly unlikely that victims will bring cases forward to officials. SEA victims remain largely in the shadows, which is reflected in UN documents and in "the preoccupation of all (the UN) systems put in place for SEA (which) is more focused on UN personnel than on victims" and their well being\textsuperscript{xvii}. The 2013 Secretary General's appointed team of SEA experts who visited Haiti in 2013, stated, "Overall, there was noted a culture of enforcement avoidance, with managers feeling powerless to enforce anti-SEA rules, a culture of silence around reporting and discussing cases, (...) and little accorded to the rights of the victim."\textsuperscript{xviii}

Instead of providing support, the current UN systems present additional obstacles for SEA victims, many of whom have been subjected to traumatic and extremely violent sexual crimes.

**Methodology**

Contact with victims and information gathered for this report was made possible by a network of contacts developed though in-country collaboration between the investigator and community members, civil society, and social movements in Haiti since 2008. Individuals known to have good standing within their communities were contacted in person or over the phone and told of the investigation. These people were asked to notify victims and trusted community members who may have contact with UN SEA victims of the investigation's intentions. Further, contact detail of the investigator was requested to be provided to any individuals who volunteered to participate. Victims were then asked to connect with the investigator or to supply the best means for them to be contacted. Those who agreed were contacted by phone and given a brief introduction to the investigator and description of the investigation. They were then asked if they would be willing to meet in person to discuss the matter further. During this initial conversation, the victims
were informed that they would not be asked in-depth details of the incident(s) of SEA. The investigation and interviews took place over 27 non-consecutive days during August and September 2016.

Following a discussion about confidentiality, informed consent, and security precautions, the location of each individual meeting was left to the victim to decide. The vast majority took place in the victims' houses or in a private section of their lakou, or at the homes of close friends of the victim. Interviewees were all told that friends or family members were welcome to accompany them for the interview. All interviews were conducted in Haitian Kreyol and care was taken to remain culturally appropriate.

Interviews were in a free-form conversation more so than in a rigid structure. Most began with a discussion of confidentiality. The investigator explained the use of a coded documentation system for recording information to protect the interviewees' identification. Victims were informed that under no circumstances would any of their contact details be shared with any other party without their specific consent for each request.

The dialogue of the interview was described as an open space where, though specific details of the SEA will not be sought by the investigator, the victims were free to discuss all that they felt they wanted to share. The interviewees were encouraged to ask any questions, professional or personal, of the investigator.

The investigator and author of this report described himself to victims as an independent human rights and solidarity activist who has spent the vast majority of time in Haiti since 2008. As an independent party, and in an attempt to remain as neutral as possible, the investigator does not receive or accept funding for his efforts. This has also largely allowed for the avoidance of the stigma attached to Non Governmental Organizations (NGOs) that is prevalent in Haiti or of the belief that the investigator is financially profiting by speaking with the victim, as was repeatedly referenced to be the case with UN or NGO personnel. Personal details regarding the investigator's past experiences, family, friends, and colleagues were briefly provided in the initial introduction in order to create a basis for a more balanced collaborative effort where the victim is an active participant in the process.

A network of human rights groups and individuals in Haiti and abroad assisted and directed the investigator in developing the methodology, confidentiality measures, and direction for obtaining UN documentation and protocol: all of this was explained to each interviewee.

Also described were the previous eight years when the investigator and local populations built a network of trusting relationships which extended into many areas where severely at-risk families and individuals are located. Many of these are, or had been, locations in proximity to MINUSTAH bases throughout the country. General details of other occurrences of UN SEA in Haiti were shared with the interviewees, as were references to the history UN SEA and the steps that have been taken to attempt to address the issue.

The victims and investigator reviewed, in detail, the plans of the investigation and subsequent advocacy goals. Basic questions of the victims' living conditions and discussion of their family and community followed. Interviewees were asked questions about the status and perceptions of the MINUSTAH base in the area where the abuse occurred and its associated troops, and each was asked how she would classify the SEA she suffered. In certain interviews, examples of previously reported cases were briefly described to give the victim references to the classification of SEA often used by the international human rights community. All victims were also asked the approximate date of their SEA and confirmation of which base they believed the perpetrator to be stationed.

In nearly all interviews, the victim elected to enter into an explanation of the occurrence of the SEA. Interviewees were reminded that they were not being asked to give such details, but that the interviewer was present to listen to all that they wanted to share. In an attempt to minimize the risk of retraumatization and to reduce the number of times the victim will repeat the oral recollection of the UN SEA they suffered, the specifics were not sought, outside of clarification of what the victim had stated.

Interviews concluded in the manner of a natural conversation. Many lasted multiple hours, the shortest concluding in just under one hour. All victims were given the option to continue to be informed as the investigation advanced and advocacy on the issue developed, of which all accepted; this continued contact has occurred with varying degrees of success.

With the privacy, security, and concerns about stigmatization of the victims in constant consideration, the investigator's presence was explained to inquiring community members as a solidarity/human rights activist attempting to gain a comprehension of their area. The investigator then used these moments to ask questions about the living conditions and demographic information about the community and inquire about perceptions of MINUSTAH. While walking between interviews in each area, the investigator made stops at
the various community "bas yo"xx or in the lakou of inviting community members to engage in light-hearted conversation centered around the same. In doing so, the investigator felt that the confidentiality of the SEA victims was being more protected, and the community at large was not being deceived. Prior to the conclusion of each interview, this planned technique was discussed with the victim and agreed upon. In areas remote from the capital, the investigator stayed in the home of colleagues or their extended family who lived in those same communities; this also assisted in normalizing his presence.

This method of investigation could, in theory, continue indefinitely. Though the investigation will continue, the preliminary results are sufficient to warrant a larger scale investigation conducted by a team with specialized SEA expertise in order to locate victims and gain an understanding of UN SEA in Haiti that is based on a full comprehension of the victims and specific acts of SEA. This basis is necessary in order to begin the process of determining needed reforms and analyzing why the existing structure has largely failed to prevent UN SEA or supply a functioning system of reporting which can be utilized by victims.

Investigative Details

The information below was documented during the 42 individual interviews conducted with the victims of UN SEA during 27 days of investigation in August and September 2016. Outside of general details of the victim and their living conditions, the following information was requested of the all interviewees regarding the incident of UN SEA:

1. The classification and approximate date of the SEA.
2. The perpetrators perceived assignment with MINUSTAH.
3. The MINUSTAH base the victims believed the perpetrator to be stationed.

All additional details were volunteered by the victim in the course of the interview. All victims reported, at the time of the SEA, that they lived or were visiting family or friends within approximately three miles of the MINUSTAH bases where the perpetrator of the SEA was believed to be stationed.

The most apparent common trait of UN SEA victims is that all 42 are at-risk and vulnerable Haitian women. During interviews, varying degrees of poverty, extreme poverty for mostxxi, were described and were witnessed. All of those interviewed stated they were female and above the age of 18, though nine reported the SEA occurred while still a minor. While no male victims were located, cases with male MINUSTAH SEA victims have been documented during the mission's tenure in Haiti. The increased social stigmatization faced by male victims is believed to even further prevent these cases from being reported.

Nearly all victims reported to have not shared their SEA with family, national police or NGO entities. Four of the victims said they had reported the incident to the UN, though none stated they were satisfied with the results or could point to acceptable responses. Many have told only their closest friends. A common word used by victims was "humiliation" and many spoke of fears regarding social stigmatization and ostracism from their communities.

Of the eight investigated areas proximal to existing or abandoned MINUSTAH bases, three urban areas with 14 total victims interviewed, 5 were semi-urban or rural areas with 28 victims.

Twenty four victims stated they were raped by UN peacekeeping soldiers or police (UNPOL). These 24 incidences included, but were not limited to rape of a child, rape after being lured to a location with the promise of resource distribution, rape in UN vehicles at mobile MINUSTAH points, rape by multiple perpetrators, rape while other UN personnel stood as lookouts, rape at gunpoint, rape on the MINUSTAH base, rape after being offered transportation on a remote road, rape during a home invasion by multiple peacekeepers, and multiple victims in the same general location and time frame being raped possibly by the same perpetrator with a unique physical description and manner of luring in the victim.

Of these 24 victims, 15 resulted in child birth. Given that the majority of victims of rape who came forward had become pregnant as a result of the abuse and had given birth, one can ascertain that there exists a larger number of rape victims who have not come forward without a "bebe minista"xxii as physical evidence that is difficult to keep hidden.

Eight women who agreed to be interviewed stated they had engaged in transactional/survival sex with MINUSTAH personnel on at least one occasion and all eight of these women became pregnant and gave birth to a child as a result of the exploitation, most of whom stated that they had received food in exchange for intercourse with a member of UN mission. All were in semi-urban or rural locations, and again, all live in impoverished conditions leaving them extremely vulnerable to such abuse. Numerous victims reported this manner of exploitation to be "normal" to "receive things from the UN"xxiii. As was the
case with the fifteen rape victims who became pregnant, the eight transactional/survival sex victims who gave birth as a result are the cases with outward proof of the SEA and are not believed to be representative of the majority of the rape or transactional cases that have occurred. Though not requested or volunteered by the victims during the interviews, the time line of material exchange and consent of sexual act would be pertinent information on how these cases would be classified.

Seven women stated they were or are sex workers who engaged in sexual acts with UN personnel for money or other forms of material payment. Most of these women were part of or were associated with the same group that was directed by a MINUSTAH soldier who connected them to other UN personnel for payment. This member of the UN mission was said to then pay the women monthly in amounts depending on how much money they earned for him. One victim described how she and other victims faced occurrences that included being smuggled onto and/or living on the MINUSTAH base, violence and degrading acts against the women, forced abortions, and soldiers going as far as to drug their superiors in order to bring other UN personnel and sex workers on the base without being detected.

Three women reported to have been in consensual sexual relationships with UN personnel that resulted in a child who was subsequently abandoned by the father. These were described as what would most likely be deemed transactional/survivalist sex, though the victims did not designate this SEA as such. All three of the women live in rural or semi-urban areas.

Each of the eight locations proximal to the MINUSTAH bases were visited at least a single time to conduct interviews with SEA victims. For two locations that were visited a second time by the investigator the number of victims who agreed to be interviewed increased from two to 12 at the semi-urban location and at the rural location from two to eight. These additional victims reported becoming aware of the investigation through word of mouth of other victims or close friends. We can assume that multiple visits to each location would yield similar results.

An additional 16 victims are in contact with the investigator after the initial phase of this investigation, but have not been interviewed in person and are therefore not included in the results of this investigation. Four stated they did not wish to be interviewed. Of these, two have altered their stance on their own accord and now request to meet with the investigator. Fifty-two additional potential leads are now being followed up upon by the investigation.

**Conclusions**

As shown by the initial results of this investigation, sexual exploitation and abuse by UN personnel in Haiti remains largely unaccounted for by official UN channels. Without a comprehensive understanding of the incidences of UN SEA and its victims, the prevention of these or similar predatory offences is unlikely. In order to gain this comprehension, a resourced independent investigation by specialized experts should be created.

Of the many contributing factors present that will continue to allow, if not encourage, UN SEA, is the devaluation of Haitian victims based on gender, race, and impoverishment, as well as the male entitlement and the social value orientation of the peacekeepers. The referenced devaluation of Haitians lead the 2013 SEA expert investigation team in Haiti appointed by the UN Secretary General to observe what "appeared to be more suspicion or disparagement of the local population among mission personnel in MINUSTAH, including a tendency to discount accusations of SEA as false when they are made." These aspects, though cited in the past, have remained constant since the mission's commencement and will take considerable effort to counter.

Considering these significant causal factors of UN SEA; a vulnerable population, poverty, gender, race, and attitudes of male entitlement and the social value orientation of those that comprise the mission; we can see a parallel, as numerous SEA interviewees pointed out to the author, to the causal factors being associated with the UN's six years of denial of the cholera epidemic brought by the mission's soldiers in October 2010. At the center of these two man-made disasters, we must consider an institutional failure to accept responsibility.

Immunity from accountability remains one of the most influential factors of the failure to hold the United Nations answerable for SEA cases and the cholera epidemic, both of which can begin to be addressed by technocratic means. In its current form within the peacekeeping mandate, immunity cannot and will not lead to justice.

In response to this, AIDS Free World's Code Blue Campaign has developed a "A Practical Plan to
End Impunity for Peacekeeper Sexual Abuse, advocating for a new, independent system of Special Courts to deal with sexual abuse by UN peacekeeping personnel. This offers the most pratical first steps into progressing toward an actual preventative solution.

Filing five thousand claims with the UN in November 2011, The Office of International Lawyers (BAI) and the Institute for Justice and Democracy in Haiti (IJDH) are representing Haitian victims of the UN cholera epidemic in their quest for justice from the UN seeking:

- The installation of a national water and sanitation system that will control the epidemic,
- Compensation for individual victims of cholera for their losses,
- A public apology from the United Nations for its wrongful acts.

Six years of UN denial of responsibility and stonewalling of media followed the introduction of the epidemic. The UN rejected claims of victims as "not receivable" and proceeded to remain silent on the issue, only to finally publicly accept responsibility for bringing cholera to Haiti in August 2016. The very next day, on August 18, 2016, the New York Second Circuit Court of Appeals upheld the UN’s immunity from claims.

The United Nations' inability to determine and enact lasting solutions to prevent UN SEA has eroded its credibility, much in the same manner that the denial and lack of meaningful response to cholera has undermined the institution in Haiti. Sexual exploitation and abuse perpetrated by UN personnel and the UN cholera epidemic continue to prevent MINUSTAH from promoting rule of law, ensuring a secure and stable environment and protecting human rights in order to ensure individual accountability for abusers and redress for victims. These intentions, stated in the MINUSTAH mandate, would better be applied to the institution itself, without which, the UN assisting Haiti is not a viable possibility and the cycles of abuse and denial of justice for the victims will continue.

*The cover art for this report is a painting that was purchased by the author from an unknown Haitian artist, S.P.P., who was living in a Port au Prince displacement camp after the 2010 earthquake, and shortly after the beginning of the Cholera epidemic began in Haiti. The title of the work is Kolera. Photo credit: Cheryl DeLisle.

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1. The list of all MINUSTAH bases that exists or have existed in Haiti during the years 2005 to 2015 was provided to the author by the MINUSTAH Public Information and Communications Office.


3. UN Department of Peacekeeping Operations, UN Peacekeeping Operations Fact Sheet (New York: United Nations, 2014)


5. Final Report: Expert Mission to Evaluate Risks to SEA Prevention Efforts in MINUSTAH, UNMIL, MONUSCO, and UMISS.


9. This mission did not speak with any victims during their investigation.


20. The UN perpetrators of the repeated rape and orchestration of the kidnapping of the special needs boy were found guilty by a military tribunal held by the TCC on Haitian soil. Though this was considered a step in the right direction for UN SEA prosecution, Haitian civil society noted that the sentence of one year imprisonment for the perpetrators was extremely light given the severity of the sexual crimes committed against a minor.

21. Ibid. page 15.

22. Ibid. Page 3

23. Traditional gathering area outside of Haitian homes.
Urban community meeting areas mostly frequented by young males.

Though many definitions of "extreme poverty" can be used, the author bases this assessment on the victim response to questions regarding household food security. In a delicate manner during interview discussions, the author inquired how often a members of the household passed a day without a meal. Those who expressed that this occured to at least one person in the household, twice a week or more, were classified in "extreme poverty".

Haitian Kreyol for "MINUSTAH baby" or what is also known elsewhere as a blue helmet child.

Worth noting is the observation of the author that very often in discussions with members of the Haitian population "MINUSTAH" and "the UN" are interchangable. MINUSTAH operations and the various divisions of UN humanitarian operations are largely considered indistinguishable. While this may have positive effects for MINUSTAH, the divisions of OCHA, UNICEF, etc are referenced in association with the sexual exploitation and abuse of the peacekeeping mission.

Confidential United Nations Interoffice Memorandums of OIOS UN SEA investigation in Haiti supplied to the author showed one investigation that revealed 3 of the 7 female victims became pregnant resulting the UN SEA.

This yielded an average of 5.25 victims interviewed per area visited. The total number of MINUSTAH bases in Haiti between 2005 to 2015 supplied to the author by the Public Information and Communications Office was 110.

http://www.ijdh.org/cholera/
http://www.ijdh.org/cholera/cholera-litigation/