

TO COMPLAIN OR NOT TO COMPLAIN: STILL THE QUESTION

Consultations with humanitarian aid beneficiaries on their perceptions of efforts to prevent and respond to sexual exploitation and abuse



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Executive summary

It has been more than four years since discoveries of pervasive misconduct and the subsequent release of the UN Secretary-General's Bulletin catalysed humanitarian organisations to re-evaluate their capacities for preventing and responding to sexual exploitation and abuse. In order to envision global prevention and response strategies, there was a close examination of current practices which exposed weak or nonexistent codes of conduct, poor awareness of rights and duties, nonexistent or confusing complaints mechanisms and few (if any) on-staff investigators. Now, the consultations that are the subject of this report underscore that our global expectations of how long meaningful change would take, how much it would cost and what would be involved were unrealistic.

Many similar patterns were clear in all three countries despite the diversity of cultures and circumstances. These patterns help illuminate widespread challenges and perhaps solutions. Between August and November in 2007, 295 humanitarian aid beneficiaries in Kenya, Namibia and Thailand participated in consultations about their perceptions of prevention and response to sexual exploitation and abuse. Although beneficiaries know sexual abuse and exploitation is going on around them and perceive the risks, the vast majority of the 295 beneficiaries consulted said they would *not* complain about misconduct. Consequently, complaints are rare and investigations even rarer.

“To complain or not to complain” is still a conundrum for most of the beneficiaries with whom we spoke. Beneficiaries felt they had few channels through which to complain. Options of complaints mechanisms are limited to dropping a note in a complaints box or reporting to an individual or chain of people, each of whom will have to choose to take the complaint seriously and pass it “up” for action. Beneficiaries worry particularly about the lack both of confidentiality and of security assurances should they complain. Many do not want to make problems for fellow refugees and actually see the complainant as the trouble-maker who risks creating conflict within their community by complaining. Others stated they feared losing aid if they complained about humanitarian agencies' actions. Humanitarian staff (volunteer, incentive and salaried) expressed reluctance to report on fellow aid workers. Fear of retaliation is pervasive and prohibits most would-be complainants. Some, although very few, participants were willing and ready to report alleged sexual exploitation and abuse related misconduct by humanitarian workers (local, national or international).

On a more positive note, in both Kenya and Namibia, a third or more of consultation participants were informed about standards of conduct for humanitarian aid workers prohibiting sexual exploitation and abuse. Firing¹ of humanitarian staff for misconduct/breaching their employer's code of conduct has caught aid beneficiaries' attention in all three countries. However, the consultations revealed complicated underlying challenges that humanitarian agencies will need to address as they take steps forward in responding to sexual exploitation and abuse; more challenges are likely to be uncovered as investigations into misconduct become the “norm.”

This report provides the background, purpose and methodology of the consultation. Then follows a detailed report for each of the three countries where consultations were held, including country-specific recommendations. The report concludes with an assessment of challenges facing humanitarian agencies in their efforts to prevent and respond to sexual exploitation and abuse, and a set of recommendations for next steps.

¹ Across the three countries we heard about a handful of cases where humanitarian staff had been fired for alleged misconduct over the last two to three years.

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Acronyms table

AHA	African Humanitarian Action
BBC	beneficiary based consultation
BSO	Building Safer Organisations
CBO	community based organisation
CCSDPT	Committee for Coordination of Services to Displaced Persons in Thailand
HAP	Humanitarian Accountability Partnership
INGO	international non-governmental organisation
IRC	International Rescue Committee
JRS	Jesuit Refugee Service
KNU	Karen National Unity
KRC	Karen Refugee Committee
KWO	Karen Women's Organisation
NGO	non-governmental organisation
PSEA	prevention of sexual exploitation and abuse
SEA	sexual exploitation and abuse
SGBV	sexual and gender based violence
TBBC	Thai Burma Border Consortium
UNHCR	United Nations High Commission for Refugees

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Recommendations to address issues highlighted through consultations with humanitarian aid beneficiaries

1. **Situate prevention and response to exploitation and abuse in the overall accountability framework of organisations.**
 - Hold humanitarian agencies accountable for their commitments to prevent and respond to sexual exploitation and abuse. Humanitarian agencies are signatories to various commitments and regulations to prevent and respond to exploitation and abuse². All stakeholders (donors, beneficiaries, staff of NGOs) must demand that humanitarian agencies are held accountable for these commitments through independent verification that they are adhering to their declared commitments to protect beneficiaries from harm, by humanitarian staff.
 - Donors should provide sufficient funding to ensure that sexual exploitation and response prevention and response activities are adequately resourced. Moreover the donors should require funded agencies to report on their activities to prevent and respond to exploitation and abuse.³
 - Oversight of agency exploitation and abuse systems must be systematic. Agencies must develop monitoring systems in partnership with the beneficiary community and train community members to participate in the monitoring process.

2. **Create an environment of trust and partnership that solicits complaints and feedback**
 - Together with the beneficiary community, build a feedback and reporting system of several entry points in order to build confidence to report on suspicions about and abuses perpetrated by all categories of NGO personnel.⁴
 - Ensure that proper mechanisms to maintain the confidentiality of complainants and witnesses in order to protect them from retribution are developed in partnership with beneficiaries; this includes a contingency/ witness protection plan when security is compromised. Work with in-country security coordinators to outline a sexual exploitation and abuse protection strategy for complainants and witnesses.
 - Work with beneficiaries to find effective ways to assure complainant and victim safety and security. Enhanced safety is an essential component to building trust between humanitarian agencies and victims of sexual exploitation and abuse perpetrated by humanitarian agency staff.
 - Include community leaders in the development of a clear framework to measure the impact of responses to sexual exploitation and abuse misconduct. Where community leaders are part of the agreed response framework, ensure that their actions are consistent with this framework.
 - Have equal numbers of female and male peer educators to explain the complaints handling procedure from start to finish and be trained and available to receive complaints.

² The October 2003 Secretary General's Bulletin, the December 2006 Statement of Commitments, individual agency codes of conduct, etc.

³ Agencies must set aside sufficient resources to meet their commitments to prevent and respond to exploitation and abuse.

⁴ Meaning volunteers, incentive, and salaried staff or visiting contractors regardless of whether the staff is refugee, national or international.

3. Raise awareness among beneficiaries on sexual exploitation and abuse

- Provide the beneficiary community with information on all aspects of the humanitarian package:
 - Inform the community of the role of the organisation, the content of the assistance package, selection procedures and entitlement to alleviate potential fears that assistance is contingent on their silence.
 - Raise awareness with all elements of the community on women's and children's rights related specifically to preventing sexual exploitation and abuse.
 - As part of an overall information campaign, make public on monthly reports about any investigations that have been conducted, and their outcome, using the most general terms so that confidentiality is maintained.
 - Make female staff/volunteer persons available to conduct peer education about sexual exploitation and abuse and about the complaints mechanism process.
 - Educate beneficiaries on how complaints mechanisms work, what the investigation process entails, and how confidentiality and security will be maintained. This can be done through peer educators as well as through more authoritative figures.
- Conduct meaningful training with NGO staff in order to:
 - Explain the code of conduct and what it implies;
 - Build an understanding of what sexual exploitation and abuse is and why it is important to prevent;
 - Build a sense of ownership on sexual exploitation and abuse prevention and response through culturally relevant engagement on the controversial issues surrounding sexual exploitation and abuse related policies.
- Raise awareness with all stakeholders (staff and beneficiaries) on the difference between administrative and legal sexual exploitation and abuse investigations and punishments.

4. Create an environment that reduces sexual exploitation and abuse

- Make codes of conduct, distribution procedures, and information on rights to services public knowledge by placing them on posters in public places.
- NGOs experienced in working on sexual exploitation and abuse (or BSO trained persons/staff) should mentor NGOs building their capacity on preventing and responding to sexual exploitation and abuse.
- Identify differences and potential links with SGBV, Protection and Accountability initiatives so that they work together with programmes to prevent and respond to exploitation and abuse while respecting their distinctly different reporting and responses.
- Use existing in-country coordination mechanisms (or create a new one) to coordinate sexual exploitation and abuse response and prevention work between UN, NGOs and other relevant entities.
- Ensure that food rations and basic needs are met in communities living in crisis to mitigate risk factors for sexual exploitation and abuse.
- Increase the ratio of senior women managers running humanitarian programs to moderate behaviour that heightens the risk for sexual exploitation and abuse.

- Encourage joint codes of conduct, complaints mechanisms and investigation procedures among organizations working in the same regions.
- Encourage humanitarian aid beneficiaries to critically discuss broader social norms that are also obstacles to would-be complainants, through community run mechanisms.⁵

Background

It is more than four years since the *Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse, 15/10/2003*, was issued in the wake of pervasive misconduct uncovered in West Africa (2001) and Nepal (2003), and spurred humanitarian organisations to re-evaluate their capacities for preventing and responding to sexual exploitation and abuse. They discovered many common failings: weak or nonexistent codes of conduct, poor awareness of rights and duties, nonexistent or confusing complaints mechanisms and few (if any) on-staff investigators. Moreover, given the number of programmes implemented by United Nations partners, the limited resources that non-governmental organisations (NGOs) can devote to the issue represented a significant challenge for the global prevention and response strategy to sexual exploitation and abuse.

Accordingly, UNHCR and its NGO partners undertook to create standard resources for training NGO workers in establishing effective complaints mechanisms and seeing through safe, professional and confidential investigations. Collaborating under the banner of "Building Safer Organisations" (BSO), the NGOs developed training packages for staff responsible for conducting or managing internal investigations into cases of sexual exploitation and abuse. Since 2005 BSO has invited more than 200 organisations to participate in BSO capacity-building workshops designed to improve prevention of and responses to allegations of sexual exploitation and abuse. More than 430 humanitarian staff have participated in thirty-two workshops.⁶

Even with the efforts to increase capacity for prevention and response, disaster survivors, specifically women and children, have stated that it is unthinkable to complain about the most egregious forms of exploitation and abuse when it is already so difficult to complain even about basic day-to-day concerns. Addressing sexual exploitation and abuse cannot be sustainable unless addressed as part of broader accountability and quality management. Given this, in April 2007 BSO merged with the Humanitarian Accountability Partnership (HAP) to broaden capacity-building efforts within a more comprehensive complaints and quality assurance framework.⁷ So, it was under HAP's roof and in collaboration with many HAP members and non-members, that Humanitarian Accountability Partnership/ Building Safer Organisations invited beneficiaries to share their views on levels of sexual exploitation and abuse and perceptions about effectiveness of current prevention and response mechanisms.

⁵ For example, one leader in Kakuma refugee camp, Kenya, described refugee exploitation of young women refugees within her community as more prevalent and pressing than sexual exploitation and abuse perpetrated by international/national staff. As another example, discussions in the Namibian refugee camp suggested that styles of clothing may invite sexual exploitation and abuse. Consultation findings indicate that there is a long way to go in terms of women being blamed for inciting behaviour.

⁶ BSO Learning Programme participation started in 2005 as of April 2008, BSO has conducted 16 Investigation workshops; seven Investigations Follow-up workshops; seven Management workshops as well as four Training of Trainers workshops and 1 Complaints Mechanisms workshop. 522 humanitarian agency staff has participated in the BSO Learning Programme workshops.

⁷ The Building Safer Organisations project has recently evolved into the Complaints Handling Unit of HAP

Purpose and intent of the beneficiary based consultation (BBC)

BBC objectives were to ascertain beneficiaries' perceptions of:

1. The extent to which mechanisms that prevent and/or respond to sexual exploitation and abuse are in place and effective;
2. The extent to which NGOs include and consult with beneficiaries when developing mechanisms to prevent and respond to sexual exploitation and abuse.

Ultimately, we hoped to get a sense of whether humanitarian beneficiaries feel safer as a result of the many efforts to prevent sexual exploitation and abuse. The intent behind the BBC was not to collect information on specific cases of abuse. Nor was it about "naming or shaming" specific organisations. Rather, the intent was to gather information that will better define next courses of action.

Beneficiary—what do we mean?

The term *beneficiary based consultation* is a simple and perhaps less than eloquent way of specifying that consultations were directly with humanitarian aid recipients, or 'beneficiaries'. The choice of language is not intended to diminish the dignity or resilience of consultation participants. 'Beneficiaries' may connote a passive role which falls short in capturing what was very active participation. We are profoundly grateful to the nearly three hundred beneficiaries who participated in these consultations. Beneficiary insights and reflections from these consultations will significantly influence HAP activities for years to come.

Why conduct consultations with beneficiaries?

Even where principles and commitments to prevent and respond to sexual exploitation and abuse have been put into practice, there is little information about their efficacy to reduce the incidence or improve responses to reported cases, other than NGO self-reporting on sexual exploitation and abuse efforts and exposés capturing the magnitude of misconduct related to sexual exploitation and abuse. By initiating this beneficiary based consultation in Kenya, Namibia and Thailand, we sought to directly engage humanitarian beneficiaries about the magnitude of sexual exploitation and abuse and solicit their suggestions for improving prevention and response to sexual exploitation and abuse. Beneficiaries' reflections and responses provide both a baseline and benchmark as to how they perceive effectiveness of efforts and mechanisms currently in place.

Principles and commitments guiding prevention and response to sexual exploitation and abuse

1. The *Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, 15/10/2003* (SG's Bulletin), which defines sexual exploitation and sexual abuse as follows:
 - a. **sexual exploitation:** *any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.*
 - b. **sexual abuse:** *actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.*

2. The March 2004 Interagency Standing Committee (IASC) Draft Protocol outlining core principles to be incorporated into codes of conduct, staff rules and regulations (principles below).
3. The December 2006 Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN personnel (below).⁸

Six (6) core principles to be incorporated into codes of conduct and staff rules and regulations (IASC Draft Protocol March 2004)	Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel (December 2006)
<ol style="list-style-type: none"> 1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment. 2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence. 3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries. 4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work. 5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms. 6. Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment. 	<ol style="list-style-type: none"> 1. Develop organisation-specific strategies to prevent and respond to sexual exploitation and abuse. 2. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel. 3. Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed. 4. Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties. 5. Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel. 6. Investigate allegations of sexual exploitation and abuse in a timely and professional manner. 7. Take swift and appropriate action against personnel who commit sexual exploitation and abuse. 8. Provide basic emergency assistance to complainants of sexual exploitation and abuse. 9. Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. 10. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.

⁸ The entire Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN personnel can be found through this link: <http://www.huwu.org/Depts/dpko/CDT/statement.pdf>

Beneficiary based consultation methodology

Using qualitative and participatory methods, Humanitarian Accountability Partnership/ Building Safer Organisations invited beneficiaries to share their views on levels of sexual exploitation and abuse and their perceptions about effectiveness of current prevention and response mechanisms. Given that this consultation was experimental and beneficiaries were largely excluded from the planning phase due to logistic challenges and time constraints, it would be more accurate to describe the process as **consultative** rather than participatory. The beneficiary based consultation was conducted in three locations, Kenya, Thailand and Namibia,⁹ to allow for cross-regional comparison and generalisation. The discussion guide draws directly from commitments and principles laid out by members of the humanitarian community, as referenced above.

Between August and November in 2007, 295 beneficiaries participated in sixty-five consultations. With the exception of Namibia where consultations were held in one central venue, consultations were held in homes, churches, meeting halls, schools, CBO offices, chiefs' offices and outside under shade trees. Durations varied from fifteen minutes to two hours. Most discussions lasted just under an hour. Individuals and groups were consulted and all participant names are confidential. Key points were summarised to allow participants to comment on their accuracy and consultation notes were reviewed by research assistants and translators for accuracy.

Consultations were led by an international consultant with assistance from local research assistants and translators. The discussion guide was translated into fourteen languages prior to consultations, and discussions were conducted in the languages most comfortable for participants. In the introduction explaining the consultation purpose, examples of sexual exploitation and abuse helped illustrate the range of misconduct to participants. Translators were consulted for their feedback on current issues in each site and specifically for their thoughts on current vulnerability contributing to the risk for sexual exploitation and abuse. Each country chapter was reviewed by the research assistant and selected reviewers, most of whom were themselves refugees within the communities consulted.

Each country consultation varied slightly based on country-specific opportunities and constraints.¹⁰ One of the constraints and challenges of the BBC is that no internally displaced persons were consulted. Another constraint is limited understanding by participants, research assistant and translators of sexual exploitation and abuse related misconduct and inadequate language with which to express a broad range of exploitation and abuse. A final notable constraint is that there has been significant out-migration from all three refugee camps we visited. Thus, we lost the opportunity to speak with those who have moved, repatriated, been resettled or left for other reasons. The intent of the BBC was to solicit beneficiary perceptions of progress; therefore, while the expertise and experience of humanitarian agency managers (who are not beneficiaries) provided background context to the consultation, their perceptions of progress are not captured in the report's findings.

⁹ Consultations in Pakistan planned for November 2007 were cancelled due to civil unrest and increasing violence.

¹⁰ When protection issues or allegations of related misconduct came to light during consultations, they were referred to existing on-the-ground mechanisms, services and organisations for follow-up. In the absence of available mechanisms, HAP was the referral point.

Please see the BBC Methodology section in the annex for study design details. For country-specific methodological variations and information on country and site selection please see each country chapter. Kindly direct unanswered questions to kirstilattu@gmail.com and cheemskerk@hapinternational.org.

BBC discussion guide

1. We talked about... (sexual exploitation and abuse examples shared in the BBC introduction). Do similar problems happen here? Is sexual exploitation and abuse a concern for you? If so, how could/do aid workers sexually abuse beneficiaries?
2. In what ways do aid agencies stop sexual exploitation and abuse by their staff and volunteers? Do you think their prevention efforts work? Why or why not?
3. Have aid organisations asked you and your community how sexual exploitation and abuse by aid workers or volunteers should be prevented? When? How have aid organisations acted on your suggestions?
4. If you were concerned about sexual exploitation or abuse by an aid worker, would you report it? How and to whom would you report the problem?
5. Do you know of anyone who has complained about sexual exploitation or abuse by an aid worker? What happened? Was the person who had the problem given emergency assistance such as, medical care, counselling or moving them for their own protection?
6. Have you ever heard about any investigations into sexual exploitation and abuse related misconduct by an aid worker?
7. What were the results of the investigation? What did you think of the results? How were they shared with your community?
8. Has the risk/potential for sexual exploitation or abuse changed in any way since you have been receiving assistance? How?
9. Do you feel safer as a result of NGO efforts to prevent and respond to sexual exploitation and abuse? How? What has changed?
10. How should sexual exploitation and abuse prevention and response by aid agency staff of beneficiaries be improved?
11. Is there anything else you would like to add on this topic that I have not already asked you about?

Country Chapters

Below are country specific findings, conclusions and recommendations. Reporting of findings follows the order outlined within the BBC discussion guide above.

1. NAMIBIA: Osire refugee camp

I. INTRODUCTION

Namibia was selected as a country in which to conduct the BBC for two reasons. First, as a secure, long-standing refugee camp in one of Africa's more developed host nations, consultations in Osire provide a valuable contrast. By comparison with Kenya and Thailand, resources for humanitarian services, rations and basic security are adequate and the Namibian reception of the refugee population, although not welcoming, is not hostile. Second, UNHCR expressed interest in hosting the BBC with close collaboration and with support from both African Humanitarian Action (AHA) and Jesuit Refugee Services (JRS).

Consultations with humanitarian service agencies took place between 28 October and 5 November, 2007. Sixty-six refugees participated over the course of fifteen separate discussions. In addition to consultations with beneficiaries, the BBC researcher met with UNHCR, JRS and AHA to introduce the BBC methodology and to discuss sexual exploitation and abuse prevention efforts and current issues contributing to related vulnerability of this refugee population. Courtesy visits were also paid to the Namibian civil service camp manager and a police focal point who serves on the Sexual and Gender Based Violence (SGBV) committee. Translators and one of the social workers were also consulted for their opinions on sexual exploitation and abuse in Osire camp.

II. NAMIBIA HUMANITARIAN CONTEXT

Osire refugee camp, which is the only refugee camp in Namibia, has existed since 1992. In early 2007, a Government of Namibia and UNHCR registration and verification exercise determined that there are 6,000 refugees in Osire. In previous years the camp swelled to 25,000 refugees. The majority of this refugee population was from and has returned to Angola. Another 1,000 refugees are resident in Namibia outside the camp. According to UNHCR Osire population statistics from October 2007, some 75% of refugees are Angolan. Nationalities with more than 1% of the camp population include Burundi (2.9%), the Democratic Republic of Congo (19%) and Rwanda (1.7%). Refugees from fourteen other African countries also live in Osire but of these, no single nationality represented consists of more than a handful of households.

Currently, registered refugees in Osire receive a full food basket ration plus paraffin for cooking and sanitary materials for women which is a more complete food basket than is available in many other refugee or displaced contexts. Youth club members receive soap, deodorant and sanitary materials. The Osire camp school runs through Grade 10 and student results are reported to be nationally competitive. By comparison with other BBC country studies, basic necessities are more readily available. Additionally, UNHCR has strongly advocated for gender parity in refugee held leadership positions.

In order to move refugees towards integration into the local population, Osire is experiencing a "rationalisation" process, meaning it is downsizing external support as efforts are made to create an intermediary step between camp existence and Namibian work permit or residence status. At the time of this visit, JRS was preparing to end their programmes by December

Namibia Atlas Map

As of June 2005

PGDS in DOS

Position and Geographical Data Section
Division of Operational Support



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Source: UNHCR, Global Insight digital mapping. © 1999 Esri/Map Information Ltd.

2007, leaving AHA and UNHCR as the two remaining international humanitarian service providers in the camp.

Osire seems to be at the beginning of the end, after more than fifteen years, of existence as a refugee camp. A gradual handover to the Namibian government is underway, primarily through the Ministry of Home Affairs and Immigration and line ministries including education and social affairs. Currently, Osire camp management is administered in partnership between UNHCR and Namibian authorities. Presently, most services are still provided by international humanitarian actors, primarily through refugee staff.

III. EFFORTS TO PREVENT AND RESPOND TO SEXUAL EXPLOITATION AND ABUSE IN NAMIBIA

Recent intensive efforts to reinvigorate SGBV prevention, response and support for those affected have captured the attention of a number of the Osire camp's population through awareness raising and mobilisation. There is an SGBV committee that meets regularly and is comprised of refugee leaders, the police, AHA, UNHCR and a representative from the Ministry of Home Affairs and Immigration. Since sexual exploitation and abuse is a very specific component of SGBV, participants who had been involved in recent SGBV initiatives were more aware of sexual exploitation and abuse than those who had not participated in SGBV activities.

Both humanitarian NGOs reported renewing their efforts to train all staff on their roles and obligations under the Code of Conduct. Both also have conducted sexual exploitation and abuse related investigations and reported breaches of the Code of Conduct to UNHCR. Conducting investigations in response to complaints of misconduct although rare seems fairly systematic in Osire.

No one identified distribution of deodorant, sanitary materials and soap to teenagers through the Osire youth clubs as a sexual exploitation and abuse prevention effort. However, many BBC participants consider youth vulnerable to exploitation because they lack their own resources to purchase these commodities. Youth perceive these commodities as "essential" at a time in their lives when they are very concerned about personal appearance and hygiene. In this context, distributions of soap, deodorant and sanitary materials might therefore be viewed as an effort to help prevent sexual exploitation or abuse of camp youth.

IV. METHODOLOGY

We conducted consultations with beneficiaries over four days in Osire camp. Sixty-six refugees were consulted about their impressions of sexual exploitation and abuse prevention and response over the course of fifteen different discussions; twenty-nine of these were with women and thirteen were with youth. Most consultation groups included four to six beneficiaries. Prior to consultations, translators participated in a half-day orientation to the BBC purpose and methodology. Translators were recruited from an existing list. They received discussion guides in French, English and Portuguese and signed a pledge of confidentiality before beginning translations for the BBC.

Our international aid agency hosts scheduled meetings¹¹ with individuals for the BBC researcher prior to arrival. Individuals were pre-selected and represented a very diverse slice of the Osire refugee population. Although this was a more prescriptive approach than was used in other country consultations, one benefit it offered was that Osire consultations

¹¹ This approach to setting up consultations in Namibia, where the refugee population is quite small, was notably different from Thailand and Kenya where refugee groups and CBOs made some appointments with with small groups of their members for us.

included a wider range of difficult-to-reach beneficiaries, some of whom were highly vulnerable to sexual exploitation and abuse. Invitations deliberately included unaccompanied minors, single mothers (some of whom had been pregnant teenagers), widows and widowers, people with disabilities, and a cross section of refugee professionals working for NGOs in Osire—to name some but not all of the groups included.

Thanks to UNHCR and AHA's advance preparations, Namibia was the only country where BBC participants included youth under age sixteen. All youth received invitation letters, meaning that their parents were informed of and had consented to their participation in discussions about sexual exploitation and abuse prevention/response in Osire. Consultations with youth under sixteen were conducted with either their (adult) youth club mentor and/or the Osire school vice principal present.

Prior to consultations, participants received in-person reminders of their consultation date. This facilitated participation by sixty-six out of seventy-four of those invited. A language-appropriate introduction to the BBC was conducted with each participant. Discussions were translated into Portuguese, French and English.

All consultations were held in a comfortable new annex attached to the hospital. The space was designed for future HIV/AIDS voluntary testing and counseling and provided an excellent drop-in location but also the privacy of a door with which to close out foot traffic into and out of the hospital outside. Site-based discussions were combined with direct observation in the camp and around the hospital, police barracks and women's centre.

V. CONSTRAINTS

Consultations in Namibia were more formalised in terms of venue, scheduling and deliberate grouping. For some participants this may have decreased their level of comfort when discussing sensitive issues with peers who were neither friends nor acquaintances, resulting in less frank responses.¹² One constraint of all consultations being held in the hospital meeting room is that discussions were conducted behind tables, with participants seated in chairs. This seating arrangement created more of an "us and them" division between researcher and participants as opposed to other country consultations conducted in more informal spaces. Most scheduled discussions ran on time with only one group seriously overlapping into another. Refugees who were unable to join during their scheduled times showed up in unscheduled periods (such as the end of the day) keen to participate. Because the BBC team did not want to disappoint the few latecomers or uninvited individuals who wanted to participate in the consultations, it stole time that would otherwise have been spent asking about sexual exploitation and abuse in the marketplace or through random home visits. Other than sharing lunch in the women's centre, very limited time was spent out and about in the Osire community.

With the exception of students or professionals who spoke English quite well, most other discussions required translation back and forth from English, Portuguese and French. Thus, conversations were cumbersome and sometimes slow moving. Although the translators were reasonably capable, with one outstandingly good exception, they were apathetic about sexual exploitation and abuse and performed their duties to a minimum performance standard. This also reflected their disgruntlement with what they felt was inadequate incentive payment for their services.

Simultaneous to the consultations, an SGBV mission and training captured a lot of refugee time and attention. Many of the SGBV committee members were in an off-site training and were

¹² Conversely, some participants may have been more comfortable discussing sexual exploitation and abuse related perceptions given that they were not in groups with neighbors and friends.

not available to consult for this BBC. The upside of this is that the SGBV mission stimulated real enthusiasm among the few beneficiaries who had participated in SGBV community assessments prior to participating in the BBC consultation. As a result, SGBV was fresh in some beneficiaries' minds as we started discussions about sexual exploitation and abuse.

The sudden death of a well-loved youth group/community leader on the next-to-last day of the BBC was sad and upsetting for refugees, NGO and UN staff. Several of the translators were involved in planning a memorial service and, understandably, had divided attention on the last day of the BBC.



Brendon Bannon

VI. CONSULTATION FINDINGS

Is sexual exploitation and abuse by humanitarian workers perceived as a risk or problem?

Most BBC participants in Osire perceive that sexual exploitation and abuse exists, but opinions about its magnitude varied widely. A few felt that it was fairly rare, while others stated that it happened but below the radar of humanitarian agency managers. Many identified poverty as a root cause underneath the general lack of awareness. There was a sense that for some, especially those who are less aware,¹³ sexual exploitation and abuse is seen as “normal.” Many Osire BBC participants could not differentiate between sexual exploitation and abuse and SGBV. A number of participants seemed to view SGBV and sexual exploitation and

¹³ By “less aware” we mean those Osire residents who had less education, less opportunity to attend meetings, trainings or workshops where they might learn about sexual exploitation and abuse and who might be too mired in day-to-day survival to think much about sexual exploitation and abuse around them.

abuse, sometimes with sex for exchange/ commercial sex work also thrown in, as all lumped together. Many others either did not understand sexual exploitation and abuse or were not aware of it.

“Living in Osire is like life in a “closed box.” From within this closed box of a life, a man who offers money, owns a car or wears the status of being NGO staff (e.g. teachers or drivers) becomes very attractive to a young girl.¹⁴

Most participants categorised youth as particularly vulnerable. One woman summed up the vulnerability of youth, especially girls, as their being willing to trade sex for material things, attention or status because it was all they had to trade. Another woman shared what she stated was a hypothetical example of being asked for sex when applying for a job. Several youth expressed that sexual exploitation and abuse was fairly common and not reported because it seems “normal.” More men but also some women participants placed blame on women, especially young women, for tempting or inciting male humanitarian workers, teachers in particular. Police and teachers were identified as the most common or most likely perpetrators of sexual exploitation and abuse. These perpetrators are refugee or Namibian. There was no mention of any recent sexual exploitation and abuse involving international staff.

In what ways do humanitarian organisations prevent sexual exploitation and abuse?

Refugees suggested exploitation and abuse could be prevented by publicising that services are free and no beneficiaries are expected to give anything in return for services received. Having humanitarian staff sign codes of conduct was cited as another prevention measure. However, several participants felt the effectiveness of this measure was undermined by some employees who they perceived had signed the Code of Conduct, but “then it was over and forgotten.” A number of participants acknowledged that firing of staff involved in misconduct might deter potential perpetrators.

If you were concerned about sexual exploitation and abuse, would you report it and where would you complain?

BBC participants cited that they would report misconduct to the police; social workers; the women’s centre; the head of the organisation involved; to UNHCR; to a church leader or a refugee block leader. Youth participants responded that they would tell the principal, head of an academic department; their parents; a pastor/member of their church/elders or call the Namibian child help line.¹⁵ One woman stated that she would speak to the perpetrator first before taking other action. Adult men seemed more inclined to report potential sexual exploitation and abuse directly to the police, whereas women preferred reporting to the women’s centre or social workers. One group said they would take sexual exploitation and abuse to a second party. For example, if the police were perpetrators, they would take the issue to UNHCR, JRS or AHA. If an AHA, JRS or UNHCR staff member was the perpetrator, they would take the allegation to the police. A significant number of BBC participants did not know where they would go or what they would do if sexual exploitation and abuse were an issue for them.

Perhaps a third of BBC participants in Osire said they would report sexual exploitation and abuse, while the majority said they would *not* report. Some had suspicions about fellow refugee colleagues (referring to refugee community incentive workers) but felt that they did not have proof so opted to keep quiet rather than attracting attention to themselves or the situation. Having tangible proof seemed key to backing up any accusation of misconduct;

¹⁴ One woman participant stated that she would accept trading sex if someone would pay school fees for her to continue her education.

¹⁵ UNICEF supports the child help line. It wasn’t clear how many youth could borrow cell phones to call or whether they could afford to pay for cell phone units, either. Practically, it was not clear whether this is a realistic option.

for many, not having proof was perceived as an insurmountable barrier that discouraged reporting. Related to this, many were concerned that if they brought a complaint, they would be accused of making false accusations and of trying to “work the system” in order to obtain resettlement. A few felt that false sexual exploitation and abuse complaints happen and are one way of getting even for past insults.

Many participants felt there are not confidential channels available for them to report sexual exploitation and abuse. Many only knew about the possibility of reporting to the police and were not aware of other reporting options. A majority of BBC participants feared retaliation by the friends or family of an alleged perpetrator. Others were concerned that, if they did report suspicions, they would be blacklisted as a “troublemaker,” thus ruining their future employment opportunities.

A number of BBC participants felt that reporting sexual exploitation and abuse related misconduct creates conflict. Types of conflict that might be incited within communities as fallout post reporting ranged from divisive rumours to the potential for either verbal or physical feuding between families and friends directly or indirectly involved through the complainant, victim or alleged perpetrator. Many participants feared being excluded from their communities if they became a complainant, whether for themselves or on someone else’s behalf. Although the one group of professionals who participated in the BBC were aware of their obligation to report sexual exploitation and abuse in their workplaces, most seemed doubtful about playing a whistle-blowing role for the reasons above.

Some said they would report but quickly qualified that their coming forward would depend on the situation and type of exploitation or abuse perpetrated. At least five participants wanted to discuss distinctions around whether intimate relationships between aid worker staff (incentive, international or national) and beneficiaries should be considered sexual exploitation and abuse or just plain old romance. Others indicated that private arrangements involving compensation by the offender to the abused or exploited individual were another alternative to reporting through official channels.

Do you know of anyone who has complained? What happened?

Several members of one group knew of a woman who had complained against a health worker who was subsequently investigated and fired. Others who might have known a complainant weren’t forthcoming. All were concerned about the safety and well-being of complainants once they complained regardless of which channel they complained through.

Knowledge of investigations into sexual exploitation and abuse misconduct?

A small number of Osire participants cited cases of at least three humanitarian workers who had been accused of sexual exploitation and abuse misconduct over the last several years. Of these, at least two allegations resulted in investigations. Only a few of the BBC participants were aware that investigations had been conducted, whereas far more were aware of the outcome (firing of staff). A number of participants felt that firing of staff accused of misconduct was too harsh. In particular, those consulted felt that firing of one teacher for having impregnated a student was overly punitive for what one beneficiary described as “slight misconduct.” This view of excessive punishment for sexual exploitation and abuse is a barrier to beneficiaries complaining.

Medical, psychosocial or other special assistance provided to victims of sexual exploitation and abuse?

No one seemed to know any of the sexual exploitation and abuse victims directly, so whether or not victims received special assistance was a dead-end question in the Osire camp consultations.

Have aid organisations asked you or your community how sexual exploitation and abuse by aid workers should be prevented?

Most persons we spoke with did not feel that they had been consulted. One youth said that in a recent SGBV workshop, participants were asked about ways to prevent sexual exploitation and abuse. Others, including youth, responded that they had received some training or information on sexual exploitation and abuse. In general, BBC participants in Osire did not feel they had been consulted on ways to prevent and respond to sexual exploitation and abuse. Some of their ideas on this are reflected below.

How could sexual exploitation and abuse prevention and response be improved?

Below are BBC participant suggestions to improve prevention and response to sexual exploitation and abuse:

- To alleviate poverty-related risks for sexual exploitation and abuse, several participants suggested improving the humanitarian assistance package to better cover essentials such as soap and deodorant for youth who are not participating in youth clubs¹⁶ and increasing the amount of cooking fuel and food rations received by families.¹⁷
- Humanitarian agencies must keep informing staff of, and holding them accountable to, their obligations not to exploit or abuse aid recipients. Related to this, signing the Code of Conduct must not be seen only as a formality of accepting employment.
- Improve options/support to legally prosecute cases.
- Strengthen awareness raising efforts to combat perceptions that “sexual exploitation and abuse is normal.”
- Increase the capacity of social services by adding more staff to support women who report sexual exploitation and abuse.
- Engage refugee block leaders in being vigilant in preventing sexual exploitation and abuse in their areas.¹⁸
- Strengthen the role of the police by training them to understand and recognise sexual exploitation and abuse; monitor their on- and off-the-job behaviour.
- Raise refugees’ awareness of Namibian laws regarding age of majority for sex and their rights with regards to sexual exploitation and abuse.
- Namibian authorities should lengthen jail terms for convicted sexual exploitation and abuse and SGBV perpetrators within Namibian jails and start a moratorium on early release of perpetrators. (Catching and then releasing perpetrators was perceived as a sign that sexual exploitation and abuse is not taken seriously by Namibian authorities.)
- Strengthen the role of Osire camp leaders by bringing them “out of their offices” and into the camp to teach about sexual exploitation and abuse related issues.
- Train camp leaders on sexual exploitation and abuse and how to teach camp residents about it.
- Increase the educational or other opportunities for out-of-school young girls so that they are busy, learning useful skills and not left with nothing to do and no where to go.
- Have social workers hand-hold a victim of sexual exploitation and abuse through the reporting process.

¹⁶ Soap and deodorant have been distributed to youth club participants but not to all Osire youth.

¹⁷ UNHCR in Namibia ensures one of the most complete food baskets available to refugees in a developing host country.

¹⁸ Related to this, current numbers of block leaders are insufficient to effectively assume additional responsibilities and some of the current block leaders are less proactive in carrying out their responsibilities.

“NGOs must keep informing and reminding staff of their obligations not to commit sexual exploitation and abuse.”

How has the risk for sexual exploitation and abuse changed since you have been receiving assistance? Do you feel safer as a result of humanitarian agency efforts to prevent and respond to sexual exploitation and abuse?

Quite a few BBC participants categorised youth as particularly at risk. Some felt sexual exploitation and abuse was reducing and others felt it had stayed the same. In several groups it was hard to gauge whether opinions were shared by the larger group or only represented strong individuals. Ultimately it was impossible to quantify or qualify whether sexual exploitation and abuse is increasing or decreasing. Quite a few participants felt that some important change is reflected by the firing of perpetrators in response to alleged sexual exploitation and abuse misconduct. However, others felt that this punishment was too harsh.

Specific comments included:

- Some felt that participation in the SGBV workshops gave parents more information which they could share with their children to help them prevent sexual exploitation. Examples include helping children recognise sexual exploitation as wrong and advising them to tell someone if they experienced sexual exploitation and abuse themselves.
- Several teachers felt that levels of sexual exploitation and abuse had not changed; rather, refugee humanitarian workers are more afraid of being fired for allegations of misconduct and this is driving perpetrators into hiding.
- One refugee leader cited that as a result of teachers being fired recently, the community is more aware that sexual exploitation and abuse is punishable misconduct and may be punished by humanitarian agency employers. He did not comment on whether the risk for sexual exploitation and abuse is decreasing, only that it might be more clearly identified as a problem by the refugee community.

VII. CONCLUSIONS

Osire is a very small community both in terms of the actual size of the refugee community and the few humanitarian agencies present. There were only three international staff present in Osire at the time of the BBC and all three are women. While both men and women are abusers, men are more common perpetrators. Given the gender and few international staff present, sexual exploitation and abuse by international staff is likely a very rare event in Osire. Increasing the ratio of senior international women managers may mitigate against incidence of sexual exploitation and abuse by moderating behaviour.

Participants felt that sexual exploitation and abuse exists and that it is perceived as “normal,” especially by adolescent girls and those unaware that it is a breach of the UN Secretary-General’s Bulletin and humanitarian agency codes of conduct. People know sexual exploitation and abuse is going on around them but do not want to make problems for fellow refugees for fear of retaliation. Many felt that they had few channels through which to complain. Beneficiaries worry particularly about lack of confidentiality or assurances of security. Namibian police are seen both as a front line for sexual exploitation and abuse complaints but also as likely perpetrators. Several people, including one refugee leader, identified the police as offenders while in the next breath excusing them because they may not be aware they are “offending.”

Firing of staff for sexual exploitation and abuse allegations has caught Osire refugees’ attention. That very few BBC participants were aware of details surrounding investigations that have been conducted implies that there is a level of confidentiality around investigation

details and victims' identities. In two out of three sexual exploitation and abuse cases shared by participants in which staff were fired for their misconduct, the punishments were perceived as too harsh. This indicates that refugee community members do not appreciate the seriousness of sexual exploitation and abuse. There is a disturbing tendency to blame the victim. Both men and women perceived that style of dress (e.g. "provocative") elicits (deserved) abuse. This especially includes underage girls. These attitudes may also indicate that many in the refugee community do not think it is wrong to abuse women, especially young women who exchange sex with adults or aid workers for money or material things. There was a perception that some young women invite their own exploitation.

In Osire, humanitarian agencies faced with alleged sexual exploitation or abuse by a staff member conduct investigations. Although rare events, it appeared that conducting investigations is routine.¹⁹ However, because investigation details are confidential, beneficiaries with the exception of those who are directly involved, are not even aware that an investigation has been conducted. Clearly, humanitarian agencies in Namibia are conducting investigations and take their responsibility quite seriously, in doing so, new challenges and problems are emerging. For example, Osire refugees see the outcome (firing the alleged perpetrators) but are not privy to the systematic process leading to a decision to fire the staff. Beneficiaries' perceptions are that staff accused of sexual exploitation and abuse are, or may be, or may have been fired without an investigation.

Punitive actions against sexual exploitation and abuse perpetrators was perceived by some to 1) motivate perpetrators to be more covert in their abuse and exploitation rather than actually decrease the risk for sexual exploitation and abuse, and 2) increase incidents of perpetrators "buying off" the victim or victim's family for their silence or complicity.

With a few notable exceptions, a number of the discussions were a little flat. "Flat" consultations may indicate that Osire refugees consulted perceive sexual exploitation and abuse as normal; that it is not a problem for them; that perhaps they just do not understand sexual exploitation and abuse; or that participants were disinterested although doing their best not to be unwelcoming to the visiting foreigner. Clearly some Osire residents are very aware of sexual exploitation and abuse and a very small subset of these seems determined to take action when and where they see a problem.

On a positive note, raising SGBV awareness is increasing sexual exploitation and abuse awareness. One refugee leader summarised what a number of participants seemed to feel when he explained that change is happening as camp-wide awareness of SGBV is being reinvigorated, but that "sexual exploitation and abuse is still 'young' and lesser known and understood by Osire residents."

Recommendations²⁰ for humanitarian organisations providing services for refugees in Namibia:

- Place poster versions of codes of conduct to make them publicly visible for all Osire residents.
- Work with Namibian authorities to adopt codes of conduct which are explicit about zero tolerance for sexual exploitation and abuse and assist them in training civil servants who work with refugees to understand their roles and responsibility.
- Train social workers to recognise sexual exploitation and abuse and differentiate it from SGBV. As part of support and follow-up they provide to clients who have experienced sexual exploitation and abuse, provide advice channels for reporting.

¹⁹ Several of the NGO staff who have investigated alleged sexual exploitation and abuse in Osire are BSO Learning Programme graduates. This fact that we learned from NGO staff gives one indicator of the impact of how NGO's are applying BSO Learning Programme training to build their investigation capacity.

²⁰ Please also see the general recommendations at the conclusion of this report.

They should also be aware of their own reporting responsibilities to prevent further harm by a suspected perpetrator.

2. KENYA: Kakuma refugee camp and urban refugee groups

I. INTRODUCTION

Kenya was selected for consultations because it is perceived as a model of prevention of sexual exploitation and abuse collaboration. The foundation underpinning this model is the Code of Conduct for Humanitarian Workers in the Kenya Refugee Programme, which is more commonly called the “Kenya Code.” Fifteen organisations²¹ providing humanitarian assistance signed,²² thus agreeing to a shared set of standards for aid worker conduct and provision of service which represented a collective leap forward in preventing sexual exploitation and abuse in Kenya refugee programmes. This was followed by intensive efforts by Consortium (IRC, CARE, FilmAid International and UNHCR) members to increase awareness of and capacity to respond to sexual exploitation and abuse among beneficiaries in the Kenya refugee programme. FilmAid International (FAI) was an active and involved host for the beneficiary based consultations in Kakuma.

Between 13 and 24 September 2007, twenty-six beneficiary consultations involving 182 beneficiaries were conducted in Kakuma camp and Kakuma town. We also consulted with twenty-five members representing two urban refugee groups in Nairobi on 26 September. In addition to consultations with beneficiaries, BBC researchers met with country office staff of UNHCR, IRC, CARE and FAI. In Kakuma, BBC researchers met with the Kenyan government camp manager, UNHCR sub office staff and staff representing nine of the eleven operational NGOs working in Kakuma. Because Kakuma town was included within Consortium efforts to prevent sexual exploitation and abuse, we also met with one of the local Turkana chiefs, a women’s group from the host population and leaders from the Turkana Youth Association to inform them about the BBC and to consult with them regarding their perceptions.

II. KENYA HUMANITARIAN CONTEXT

Kakuma refugee camp, which was established in 1992, is located in Kenya’s Turkana district, 95 km south of the Sudanese border. UNHCR records show that in June 2007, 61,708 registered refugees lived in Kakuma. Of the ten nationalities represented, 45,137 were Sudanese.²³ The next largest groups are Somalis and Ethiopians. Other nationalities include Rwandans, Burundians, Congolese from the Republic of Congo and the Democratic Republic of Congo, Ugandans and Eritreans. Namibians and Tanzanians comprise less than 2% of the camp population. Within nationalities represented there are a number of sub-communities which are defined by language, ethnicity or tribe. For example, within the Sudanese population these include Dinka, Didinga, Nuer and Equatorians. For Ethiopians these include ethnic groups from Amhara, Tigray and Oromo. Recent arrivals have included Ethiopians, Somalis and Darfurians (Sudanese). The majority of refugees have been Kakuma residents for more than five years, many far more than five years.

²¹ Signatories include: African Refugee Training and Employment Service (ARTES); CARE International in Kenya; FilmAid International; Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ); Handicap International; HIAS Refugee Trust of Kenya; International Rescue Committee (IRC); Jesuit Refugee Services (JRS); Lutheran World Federation (LWF); National Council of Churches of Kenya (NCCCK); Refugee Consortium of Kenya (RCK); UNHCR; UNICEF; Windle Trust and the International Organization for Migration (IOM).

²² The Kenya Code was drafted in 2003 and signed in 2006. By the time the fifteen organizations formally signed the Kenya Code it was already in operational practice.

²³ UNHCR’s population statistics from March 2007 show 52,955 registered Sudanese refugees. This drop to 45,137 gives one indication of early 2007 active repatriation to Sudan. In talking to refugees, it was clear some are going back and forth between Kenya and Sudan while waiting to see if the political climate will stay stable.

Kakuma is a sprawling camp with refugees living in four different sites. As a camp, Kakuma is in the “care and maintenance phase” of its existence. Global resources were requested and budgeted based on projected Sudanese repatriations in 2007. Due to fewer than anticipated Sudan returns, the reality of needs is not reflected in the resources pledged for running Kakuma. At the time of the BBC, the food basket provided for registered refugees was slightly above 1,700 kcal. By comparison it had been 2,300 kcal previously. One BBC participant summed up inequalities within the refugee community as, “the camp is divided into two—those who can support themselves and those who cannot.” Quite a few Kakuma residents have created income-generating activities, some of which are quite profitable. More vulnerable refugees are struggling to meet their basic needs.

Armed banditry is a perennial problem in the region around Kakuma camp and does encroach into the camp. Insecurity is a pressing concern for many of the communities with whom we met despite Government of Kenya supported security patrols in and around the camp. These are complemented by refugee security guards who perform community-based policing. Lutheran World Federation (LWF) employs refugee security staff who are equipped with radio call handsets that they use to notify other security and the police post of security incidents. Also in terms of the general context, it is valuable to know there have been extensive efforts by UNHCR and NGO partners including IRC, LWF and others to raise awareness of and respond to sexual and gender based violence in Kakuma over the last eight years.

III. EFFORTS TO PREVENT AND RESPOND TO SEXUAL EXPLOITATION AND ABUSE IN KENYA

International organisations working in collaboration with UNHCR in Kenya signed a joint Code of Conduct that is consistent with core principals laid out by the Inter-Agency Standing Committee’s Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. This Kenya Code, which was drafted in 2003, established shared standards for employee conduct in providing humanitarian services.

In 2004, IRC, CARE Kenya, FAI and UNHCR formed the Prevention of Sexual Abuse and Exploitation (PSEA) Consortium with U.S. State Department/Bureau of Population Refugees and Migration (BPRM) funding. The PSEA Kenya programme is an integral part of the sexual exploitation and abuse context within Kakuma camp. This three-year project was launched to increase awareness of and capacity to respond to sexual exploitation and abuse among beneficiaries in the Kenya programme. Activities included: sexual exploitation and abuse awareness raising among staff, police and beneficiaries; development of sexual exploitation and abuse educational materials and plans for mainstreaming of PSEA into programmes and operations for organisations involved in the Kenya refugee programme.²⁴

In combination with the Consortium’s PSEA activities, the agreement by the fifteen signatories of the Kenya Code to abide by its protocols has created a new model of collaborative prevention and response of sexual exploitation and abuse. Within this larger framework of building capacity to respond to sexual exploitation and abuse, Building Safer Organisations has been an active partner since 2005.

²⁴ The PSEA Project was an intensive effort encompassing: strengthening knowledge among agency staff, refugee and community members through more than 500 video screenings on PSEA and the Kenya Code by FAI; educational discussions including youth debates; steering group meetings to coordinate PSEA efforts; posting of complaints boxes; participation in BSO investigation training; mainstreaming plans by a majority of Kenya Code signatories; discussion with community leaders on PSEA reporting mechanisms and barriers; involving the host community and refresher training of PSEA focal points, etc. Truly the PSEA project in Kenya was a phenomenal effort to launch and establish PSEA.

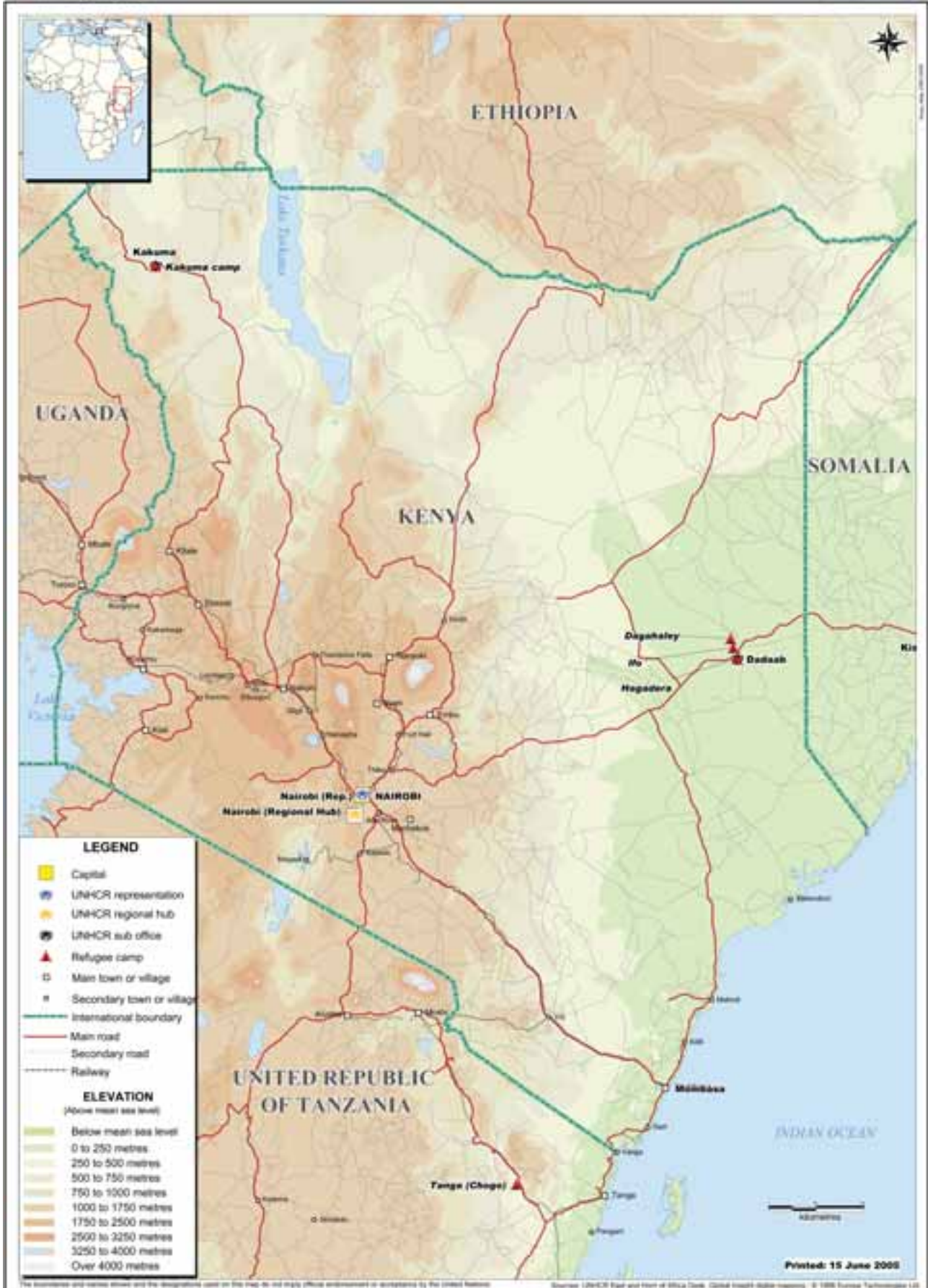


Kenya Atlas Map

As of June 2005

PGDS in DOS

Population and Geographic Data Section
Division of Operational Support
<http://www.unhcr.org>



IV. METHODOLOGY

Prior to starting consultations in Kakuma camp, letters introducing the BBC were delivered to all Kakuma community leaders and the Turkana host community. Windle Trust, a Kenyan NGO which provides education and teacher training in Kakuma,²⁵ identified potential translators representing many of the different community groups from among their advanced English students. Selected translators participated in a half-day orientation to the BBC purpose and methodology. Their first task was translating the BBC discussion guide into the ten most common languages used in Kakuma. To reach communities where we were short on translators, FAI lent several community outreach workers to help the BBC team consult with the Dinka, Turkana, Nuer and Equatorian communities.

The BBC in Kakuma included discussions in communities²⁶ and discussions with groups whose membership had mixed representation of different communities.²⁷ Consultations with groups were combined with house visits, direct observation in many different parts of the camp and attendance at an FAI evening screening in the Congolese community. Thanks to a highly capable research assistant with several years' professional experience in both Kakuma and Dadaab refugee camps, we had flexibility to split up interviews in order to meet with more groups. Because of all the PSEA efforts in Kakuma, we started consultations with direct questions about whether or not beneficiaries perceived sexual exploitation and abuse as a risk.

Of the 182 beneficiaries with whom we consulted over the course of eleven days²⁸ in Kakuma, 123 were women (ages 22–70s) and twenty-one were youth (ages 16–22).²⁹ Most discussions included three to nine participants. We had four discussions with individuals and four larger community meetings with twenty to twenty-three people. Only one group, an Eritrean women's group, declined to meet with us. They felt they did not have anything to contribute and had not experienced sexual exploitation and abuse directly.³⁰ In the course of consultations in the Ethiopian and Eritrean community, we did have an opportunity to meet with two Eritrean women.

Unique to the BBC in Kakuma, Windle Trust organised a student debate of some seventy students on whether or not prevention of sexual exploitation and abuse (PSEA) has been achieved. This created a dynamic exchange with impassioned dialogue in which participants indicated PSEA successes, detracting factors and objectives that have yet to be accomplished.

With UNHCR's assistance, two urban refugee groups in different parts of Nairobi were located and agreed to meet with the BBC team to discuss their activities, contacts with the humanitarian community and perceptions of efforts to prevent and respond to sexual exploitation and abuse by the humanitarian community. The Christian Initiative for Refugee Promotion (CIRP) is a community-based organisation which is founded by and directly serves refugees. CIRP has existed since 2003 and seeks to empower women and youth by developing job skills in order to decrease their vulnerability to exploitation. CIRP

²⁵ Windle Trust (www.windle.org) is a Kenyan NGO which teaches English, provides teacher training and facilitates international scholarships both for high potential refugees and for needy Kenyans.

²⁶ Somali; Somali/Bantu; Rwandan; Burundian; Eritrean; Ethiopian; Ugandan Acholi (including several Acholi-speaking Sudanese); Sudan: Nuer, Dinka, Arabic-speaking/Equatorian and Turkana youth/women.

²⁷ Groups where membership was comprised of mixed nationalities included FAI's outreach workers; the women's support group which has membership from all Kakuma communities; an LWF-hosted general youth meeting and discussions with the Windle Trust English as a Second Language (ESL) students. Our contact with youth groups tended to be within communities (for example, Dinka youth, a Rwandan acrobat troupe and the Kakuma Town Youth Secretariat).

²⁸ October 14–24, 2007.

²⁹ The BBC in Kakuma did not include youth younger than 16 due to lack of time to secure parental permission and not having an interviewer or group facilitator experienced in interviewing youth.

³⁰ In Kakuma, the entire Eritrean women's population is 7 out of 59 Eritreans.

also supports youth and orphans.³¹ Beneficiaries are Burundians, Rwandans and Congolese living in Nairobi. Sale of dresses from their dress-making shop pays rent, supports orphans and gives a small stipend to members. Other than a donation of sewing machines from UNHCR, they have no contact with humanitarian agencies.

Human Rights and Refugee Activists (Hurira) is a registered NGO in Kenya. Hurira³² was founded in service of the Somali-Bantu community in June 2006. Of their twenty to thirty members some are registered refugees, others are not. All members are Somali-Bantu. This group was acutely aware of their marginalised status and very passionate about creating a new government in Somalia. Hurira's focus is civil, political³³ and social human rights, especially in terms of education for girls and women.

V. CONSTRAINTS

We arrived during a period just before and during student exams in Kakuma camp which limited BBC team opportunities to reach in-school youth through clubs or other extra-curricular activities. Another constraint was that many beneficiaries with whom we spoke viewed sexual and gender based violence as inextricable from sexual exploitation and abuse. Although we offered a few hypothetical examples to help beneficiaries differentiate sexual exploitation and abuse from the more encompassing category of SGBV, a number of consultations veered off on tangents including domestic violence and one discussion of exploitation of refugees by refugees in the Somali community.³⁴ We tried to clarify with beneficiaries whether they meant domestic violence or sexual exploitation and abuse perpetrated by humanitarian staff when they mentioned that they would feel comfortable complaining to LWF's Gender Unit.³⁵ Although this highlighted that many have a limited understanding of sexual exploitation and abuse, it was interesting to see the impact of significant awareness raising about channels for reporting and responding to SGBV.

The Sudanese population was particularly preoccupied with whether to repatriate and the uncertain political situation in Sudan. Another preoccupation which often temporarily redirected discussions was beneficiaries' concerns, regardless of nationality, about night time insecurity in the form of banditry involving attacks on individuals and households in Kakuma. This fear of insecurity was an important concern for many of the communities with whom we spoke.

Complaints mechanisms themselves were not yet in place.³⁶ Beneficiaries' opinions about where they would complain in Kakuma offered more of a baseline from which to measure future complaints mechanism progress than an accurate reflection of current sexual exploitation and abuse response.

³¹ They arrange for training, internships and certification for youth through local salons, barbers, tailoring and other on-the-job training opportunities in their neighbourhood.

³² Hurira's objectives currently include: 1) Empower/assist Somali Bantu girls who are imported into Kenya as house servants ("slaves") who have no rights and little chance of escape from their situation; 2) Provide safe havens for Somali Bantu girls who escape their house servant position; and 3) support women's health/education for Somali Bantu still in Somalia.

³³ Their ultimate goal is to transform into a new political party which will be the Somali Alliance for Peace and Federal Democracy upon repatriation to Somalia.

³⁴ One leader identified that refugee against refugee exploitation, in particular of underaged girls, is a serious concern. This particular woman refugee leader asked pointedly why the international community limits itself to preventing or responding to sexual exploitation and abuse of beneficiaries by aid workers when there are many problems of sexual exploitation perpetrated by refugees in her community. Why not expand to combat sexual exploitation and abuse everywhere by everyone?

³⁵ Some participants did not distinguish domestic violence from sexual exploitation and abuse. Nor did they differentiate between wife beaters and sexual exploitation and abuse related misconduct by humanitarian aid workers.

³⁶ They appear to have been outside of the PSEA Consortium programme scope, and the fact that complaints mechanisms still need to be developed is a clear indicator that putting sexual exploitation and abuse prevention *and* response systems in place realistically requires even more dedicated time, effort and resources than the huge commitment made by the PSEA Consortium.

VI. CONSULTATION FINDINGS

i. Kakuma Camp

Is sexual exploitation and abuse by humanitarian workers perceived as a risk or problem?

The majority of beneficiaries with whom we consulted thought sexual exploitation and abuse was an ongoing concern. Exceptions included participants from the Nuer and Eritrean communities, who did not feel it was a problem that touched their community. Schools and food distributions are perceived as places where there is high risk for sexual exploitation and abuse. Other places considered risky by



Margaret Nyambura

BBC participants included health centres, schools and any distribution of building/shelter materials. There was an acknowledgement that youth are particularly vulnerable to sexual exploitation and abuse. One community member commented that some do not identify their experience with sexual exploitation and abuse as exploitation because they perceive it as an exchange. An example of vulnerability to such exchanges that was shared was the lack of a clothing distribution in more than ten years. One woman expressed the problem in a question: “If a mom wants to have clothes for her kids to go to school, what is she going to do?” Implied in this question was that she would trade sex for clothing needed by her children. Another woman in the same conversation summed up the predicament: “When in need, dignity/morality falls by the side. You’re given a favour so you’re ashamed to say no. So you go along with it. Not willingly but blinded by your problems.” She seemed to be speaking of and quite moved by her observations of poorer women in the Kakuma refugee community rather than her own experiences. This and other consultations imply that sexual exploitation and abuse is viewed as one coping mechanism by those who are particularly vulnerable.³⁷

In what ways do humanitarian organisations prevent sexual exploitation and abuse?

- Below are refugees’ perceptions about ways in which aid organisations in Kakuma currently prevent sexual exploitation and abuse.
- NGO workers are informed of their obligations through the Code of Conduct.
- Participatory production of films on PSEA that include host community members.
- Educating that services are free and that there are no expectations in return for receiving them.
- When the PSEA programme was on, workshops involving police and youth drama clubs sparked discussion in communities across cultures.
- PSEA workshops encouraged community members to find out which agency sexual exploitation and abuse perpetrators worked for and to report misconduct to that organisation.

If you were concerned about sexual exploitation and abuse, would you report it and where would you complain?

³⁷ Indirectly, BBC researchers heard about commercial sex workers who claim aid agency staff have bought sex from them. This was not mentioned in any of the consultations.

“‘Big people’ are hard to reach. Even if you write to them [NGO workers in the compound/UNHCR], where do you go? If you say something has happened to you, people will ask for evidence.”

“Sexual exploitation and abuse does happen in Kakuma. If a young girl goes to school, teachers want something to advance her. If the girl reports to her parents, parents will keep it quiet for fear that people will say they are only trying to get resettlement.”

Participants identified the following channels for reporting sexual exploitation and abuse: through the human rights office; through camp security; through their community/state³⁸ leaders; through LWF’s Gender Unit and through their group leader or a chief. Going to the police was a last resort. One community elder said he would go directly to the NGO worker’s supervisor but then admitted it was difficult to get in the gate and even harder to secure time with NGO supervisors. Several other beneficiaries said they would report sexual exploitation and abuse to UNHCR staff. Beneficiaries expressed how hard it is to “reach the big people” (meaning NGO

or UN Kenyan or expatriate staff managers) and were concerned that, if they did get an audience, they would be asked for evidence of the misconduct. A few beneficiaries, mainly incentive workers, knew about NGO sexual exploitation and abuse focal points. Youth seemed more aware of the complaints boxes than adults. Only one person we spoke with had used the complaints box.

Perceived obstacles to complaining about sexual exploitation and abuse cited by beneficiaries include:

- Have complained in the past and no action was taken by the NGO.
- Do not know how or to whom one should complain.
- Concerns about collusion between camp security and the police and/or the leaders which would negatively impact or penalise a complainant.
- Fear of retribution by the perpetrator or thugs hired by the perpetrator/friends/family of the perpetrator.
- Afraid if there were a complaint, these private affairs would be spread around the community by the next day (lack of confidentiality or privacy).
- Afraid if they complained, humanitarian services might stop.³⁹
- Afraid that the complaints boxes are not secure.

Another factor that prevents beneficiaries from complaining is the common perception that complaining shames the complainant and/or the complainant’s family and that it creates conflict within a community. Most who were consulted during the BBC in Kakuma said they would not complain. As an illustration, following the student debate on whether or not PSEA had been achieved, we asked the Windle Trust students⁴⁰ if they would complain if *they* had a problem with sexual exploitation and abuse. Keeping in mind that this group speaks excellent English, that many are incentive workers and that most are both empowered and knowledgeable about sexual exploitation and abuse—only an estimated 20% of those present⁴¹ said they would complain. **In conclusion, it seems that even those who are most well-placed to complain, and who view sexual exploitation and abuse related misconduct as wrong, would still be very reluctant to actually complain.**

³⁸ A state leader refers to the Unity State—specifically for Sudanese from the Unity State since their government is represented within the refugee camp.

³⁹ It’s important to note that we heard this only in one community. So this does not seem to be a common perception or concern.

⁴⁰ Windle Trust learners in Kakuma and Dadaab range in age from secondary school to senior citizens.

⁴¹ Estimated by counting Windle Trust students who raised their hands when asked if they thought they would complain about sexual exploitation and abuse.

Some of the Kakuma camp women's support group members, who knew of a woman who experienced sexual exploitation and abuse, expressed that they would not complain on the woman's behalf because such "interference" would be taken as an effort to spoil the family's name and they, as the complainant, might be subject to retaliation.

Do you know of anyone who has complained? What happened?

One person reported using a complaints box. Most had never used them nor did they have friends, family or acquaintances who had used the complaints boxes. One group said they were afraid to report because if an NGO worker were fired, s/he might seek revenge—implying that some have been fired for misconduct in the past. Given how highly valued job security is, potential complainants' fear of what might happen to them if they complained over-rode their willingness to complain.

Knowledge of investigations into sexual exploitation and abuse-related misconduct?

Very few participants had heard about investigations. The cases that were highlighted came mainly from NGO refugee staff. However, no one knew the outcomes of the investigations. People who had complained or knew someone who had complained about sexual exploitation and abuse felt that the complaint was disregarded with no response. Perhaps confidentiality around the few sexual exploitation and abuse related misconduct investigations that have been conducted is well-guarded; however, the community's sense is that nothing happens when they complain and that sexual exploitation and abuse cases would be "downplayed."⁴²

Medical, psychosocial or other special assistance provided to victims of sexual exploitation and abuse?

No participants were aware of sexual exploitation and abuse victims being provided with special assistance. One participant suggested that the JRS supported safe haven would be a temporary option for women or youth victims of sexual exploitation and abuse. LWF Gender Unit members confirmed that there is referral between agencies for psychosocial, protection, medical and other special services for SGBV survivors and would include sexual exploitation and abuse cases too. However, beneficiaries with whom we spoke did not seem aware of any additional assistance for those affected by sexual exploitation and abuse.

Have aid organisations asked you or your community how sexual exploitation and abuse by aid workers should be prevented?

Leaders, elders, women's support group members, youth leaders, and committee members had participated in PSEA workshops or other awareness raising efforts, such as FilmAid films on PSEA. Only two participants said they had been consulted about their views on preventing and responding to sexual exploitation and abuse, and not just "trained." Most groups did not feel that they or their community had been consulted about how to prevent or respond to sexual exploitation and abuse.

How could sexual exploitation and abuse prevention and response be improved?

We received very few suggestions. These included:

- More awareness raising at the community level. "Take a bullhorn" and go out into the communities with community leaders to educate people about sexual exploitation and abuse.

⁴² This sense that nothing happens when there is a complaint is compounded by confusion between complaining about sexual exploitation and abuse and complaining about other SGBV, especially domestic violence.

- Improve security for victims of sexual exploitation and abuse.
- Have an independent body look into sexual exploitation and abuse cases that are perpetrated by neither an NGO nor the police.

How has the risk for sexual exploitation and abuse changed since you have been receiving assistance?

Some beneficiaries felt that PSEA initiatives have improved the situation in Kakuma camp through fairer and more transparent hiring of NGO staff (including incentive workers). Some cited that refugees are more aware of their rights and entitlements; for a significant minority of participants, this is a sign that the environment has changed and that risk may have decreased.

Some felt that PSEA efforts have increased stigma and discrimination. Participants were concerned that communities are suspicious of individuals who report incidents and that complainants, if found to have complained, may be viewed negatively within their communities. Some of the sexual exploitation and abuse victims with whom we spoke were afraid to complain for fear of being further victimised or blamed by their communities. Depending on who is involved in sexual exploitation and abuse related misconduct, complaining about it may contribute to intra-community conflict.

Do you feel safer as a result of humanitarian agency efforts to prevent and respond to sexual exploitation and abuse?

A few participants said they felt safer with little illustration or qualification of “how” they felt this way. The vast majority did not really know or did not have an opinion.

One refugee leader commented that: “Most of the top layer members among the beneficiaries who were empowered with information related to sexual exploitation and abuse and prevention, investigation and protection mechanisms available to beneficiaries are either gone or going for resettlement or repatriation. [Meanwhile] the influx of spontaneous new arrivals from Somalia and Sudan’s Darfur has increased, so there is need to re-energise the PSEA activities in the camp to [keep] safe these new arrivals and the other silent majority who may have no information about sexual exploitation and abuse.”

ii. Urban refugee groups in Nairobi

Urban refugee participants with whom we spoke had heard about sexual exploitation and abuse. However, neither of the two groups we met with was directly served by the humanitarian community. Their experience of exploitation and abuse is perpetrated by Kenyan police, other authorities and within the communities where they live. Concerns raised by members who participated revolved around the risk for sexual abuse, exploitation and HIV/AIDS prevalence in their neighbourhoods. Neither group knew where they could go to complain about sexual exploitation and abuse by a humanitarian worker if it were to happen. Neither had heard of anyone who had complained about sexual exploitation and abuse or any actions taken in response to a complaint of misconduct by a humanitarian worker.⁴³

VII. CONCLUSIONS

There is increased awareness of sexual exploitation and abuse as a result of PSEA Consortium prevention efforts. Consequently, sexual exploitation and abuse by humanitarian staff

⁴³ BBC researchers heard indirectly about risks faced by urban refugees as they seek to obtain movement passes to come to Dadaab/Kakuma and free services from UNHCR, the police and Government of Kenya’s Ministry of Immigration.

misconduct is perceived as an offense by many of those who have been reached by PSEA messages. For some refugees, raising their awareness about sexual exploitation and abuse has been a catalyst for discussion about social norms and about sexual exploitation and abuse within communities where it exists but is not perpetrated by humanitarian staff. Although messages about sexual exploitation and abuse appear to have reached the top layers of refugee society in Kakuma (refugee NGO workers, community leaders), many are still uninformed and at risk. Others view sexual exploitation and abuse as an “exchange” driven by vulnerability and need. There is variable risk for sexual exploitation and abuse depending on economic self-sufficiency of individuals, and huge inequities exist between different refugee groups (“haves and have nots”⁴⁴). Although most BBC participants agree that sexual exploitation and abuse is an ongoing concern, actual complaints are rare and investigations even rarer. Investigation outcomes are not known in the refugee community. Beneficiaries do not yet have a clear sense that sexual exploitation and abuse offenses will result in consequences for those humanitarian aid workers who are found to be perpetrators.

Broadly, there are four different channels for reporting sexual exploitation and abuse.⁴⁵ These are: 1) social service NGO refugee staff within communities;⁴⁶ 2) community leaders; 3) the police; and 4) the NGO which employs the alleged perpetrator. There is a tension between the refugee community leadership and the humanitarian community around reporting sexual exploitation and abuse cases. Refugee community leaders who want to resolve their communities’ problems do *not* wish for problems to be resolved elsewhere. Local structures deal with cases at a community level and usually involve a monetary settlement or other arrangement. Community leaders take a percentage of the compensation so it is in their interest to settle issues in the community and to be personally involved. Police are the end point for the most egregious cases of sexual exploitation and abuse and beneficiaries clearly implied that going to the police is a last resort. Beneficiaries perceive that perpetrators who have been arrested have the opportunity to pay a fine and run, leaving the victim wondering when the perpetrator will return to retaliate. Requests were made for perpetrators of SGBV/sexual exploitation and abuse not to be released by the police on bond and for more women to be hired for the courts and police force. It seemed that these suggestions may have been relegated to a “wish list” awaiting action. Unsatisfactory police responses to reported sexual exploitation and abuse over the last few years have demotivated potential complainants. There appears to be very little awareness that an NGO led administrative investigation into sexual exploitation and abuse misconduct is a reporting option.

Although beneficiaries listed many possibilities for reporting sexual exploitation and abuse by humanitarian workers, few said they themselves would report. Most are afraid to complain fearing harm for themselves or their families. Without additional assurances of victim safety and security, possible complainants will continue to not come forward. Many community leaders who were empowered with sexual exploitation and abuse information are in the process of being resettled or repatriated. Spontaneous new arrivals from Somalia and Sudan (Darfur Region) have increased, highlighting the need to re-energise PSEA activities in the camp to reach those who have no information about sexual exploitation and abuse prevention and response.

Kenya was selected for the beneficiary based consultation because it is perceived as a model of prevention of sexual exploitation and abuse collaboration; collaborative cross-agency PSEA efforts there are currently unparalleled anywhere in the world. Huge progress has been made in three years, but it is only a beginning. However, a number of community leaders

⁴⁴ This includes those who have or do not have access to information!

⁴⁵ Complaints boxes might one day be a fifth option. At present they are not often used and certainly *not* for reporting sexual exploitation and abuse.

⁴⁶ Specifically women’s support group members, LWF Gender Unit staff or human rights focal points.

and refugees working for NGOs expressed their perception that the PSEA programme has wrapped up and is “over.” This perception appears to be a self-fulfilling prophecy and is endangering future momentum.

Is PSEA over?

Previously there were monthly PSEA Kenya programme meetings in both Kakuma and Nairobi to share sexual exploitation and abuse information. Now there is a sense that each NGO and UNHCR is on its own. As one humanitarian staff member summed it up, “We are all in this alone.” Inter-agency investigations are not common. A number of NGOs appear reluctant to call on UNHCR field staff or other NGO staff who are trained in investigations for assistance. Despite the foundation laid for joint investigations by Kenya Code of Conduct protocols, agencies do their own investigations according to their own policies, procedures and human resources available within their agency and whether or not to investigate appears to have devolved back to the discretion of the individual programme or country managers.

SGBV and sexual exploitation and abuse are related but not the same

At camp level, sexual and gender based violence coordination meetings include trends analysis and information sharing. However, SGBV cases are not confidential. Sexual exploitation and abuse cases are on a different track since reporting details and investigations are confidential. Although the SGBV forum is currently the only remaining opportunity to share information on sexual exploitation and abuse cases, it may not be a good fit. Beneficiaries’ perceptions of response to domestic violence cases has likely influenced their view that if they complain about sexual exploitation and abuse, nothing will happen. As a result, they feel there is nothing to be gained from complaining. This highlights why there is a need for clearer and specific channels for sexual exploitation and abuse reporting. With global efforts to mainstream SGBV across all operational humanitarian programs, now is a critical time to review how and whether sexual exploitation and abuse reporting and follow-up fits into existing SGBV mechanisms. Otherwise, sexual exploitation and abuse responses may be diminished, lost or undermined.

Recommendations for humanitarian organisations providing services to refugees in Kenya:

- Revise job descriptions for camp security and re-tender the contracts in order to remove those who are using their security position for power over fellow refugees.
- More closely monitor job performance of all staff (incentive, national and international). Independent and other consultants should also sign the Code of Conduct or be held to the same standards of conduct regardless of the duration of their presence in Kakuma/Dadaab.
- As part of mainstreaming, educate refugees about the different processes and outcomes of an administrative investigation into sexual exploitation or abuse misconduct versus a police investigation.⁴⁷ Develop clear information dissemination mechanisms. This education should be a rigorous process to target all in the community and not restricted to community leaders (according to beneficiary perceptions, education is not being passed along by all leaders to their communities).
- Improve efforts at all levels (donors, aid agencies and the Government of Kenya) to consult *with* beneficiaries in creating complaints mechanisms.
- Renew efforts to educate aid recipients about complaints mechanisms.

⁴⁷ FilmAid International films addressing this could be one way of helping refugees to understand the different complaints avenues open to them and assist in making an informed choice between options.

- Revive monthly PSEA meetings to re-invigorate camp and national level fora for sexual exploitation and abuse discussion.
- Establish a coordination desk (clearing house) for sexual exploitation or abuse related misconduct cases with “help” desk in each organisation that will handle emergency referrals, especially those requiring medical or other special assistance.⁴⁸

3. THAILAND: Mae La and Umpien refugee camps

I. INTRODUCTION

Conducting the beneficiary based consultation in Thailand from 22 August through 4 September, 2007, was an invaluable field trial prior to consultations in two other countries where humanitarian services are provided. Over five days, forty-seven refugees were consulted in twenty-four separate discussions held in Umpien and Mae La refugee camps. Discussions with staff from eight CBOs serving Burmese migrants and refugees in and around Mae Sot provided valuable additional background and context related to sexual exploitation and abuse. In Mae La camp, we also met informally with camp-based staff from the newly opened Legal Assistance Centre and the Planned Parenthood Association of Thailand to ask their perspectives on sexual exploitation and abuse prevention and response, including current referral mechanisms for refugees affected by sexual abuse and exploitation. In addition to consultations with beneficiaries, BBC researchers met with several key international humanitarian service stakeholders to introduce the BBC methodology and to learn more about current sexual exploitation and abuse prevention and response efforts. These stakeholders included senior staff from the Thai Burma Border Consortium (TBBC); the International Rescue Committee (IRC); UNHCR’s Bangkok and Mae Sot Field Offices and the U.S. Embassy’s Regional Refugee Coordinator.

The Thai-Burma border was selected for several reasons. Burmese refugee camps in Thailand are administered by refugees with the support of some twenty organisations providing humanitarian assistance along the Thai-Burma border through the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT).⁴⁹ Because the Burmese refugee camps continue to be self-administered, they are unique in terms of humanitarian contexts across the globe. Learning more about beneficiaries’ perceptions of sexual exploitation and abuse risk, prevention and responses in this context provides an excellent opportunity for comparison with countries where humanitarian services were initiated and, in most cases, are still managed entirely by international agencies. Specifically, Mae La and Umpien camps were selected for their access and profile. They are two of the biggest and oldest refugee camps located within a three-hour drive of a major town. Before starting consultations in Thailand, several international humanitarian staff expressed puzzlement about how and why HAP chose Thailand for the beneficiary based consultation. “Why here? Sexual exploitation and abuse is not a problem here.” Sexual exploitation and abuse still seems to be perceived by some international staff and beneficiaries as more of “an African problem.” The BBC intended to learn more about the factors influencing whether sexual exploitation and abuse is a concern along the Thai-Burma border.

II. BURMESE HUMANITARIAN CONTEXT

The first refugees arrived from Burma in 1984. There are some 154,000 Burmese refugees living in nine refugee camps along the Thai-Burma border. An estimated 2–3 million Burmese

⁴⁸ This concept of a “coordination desk” was specifically recommended by a Kakuma refugee advisor who reviewed and commented on the Kenya chapter.

⁴⁹ It is important to note that all Burmese refugee camps are self-administered, not just Mae La and Umpien where the BBC was conducted.

are living in Thailand of which a percentage fled persecution in Burma. In 2006, the Thai Burma Border Consortium estimated that 500,000 people are internally displaced on the Burma side of the border. According to UNHCR, 10,000 Burmese refugees were selected for resettlement in 2006. An estimated 20,000 Burmese refugees in Thailand were to be resettled in 2007. While conducting the BBC we heard that, due to ongoing insecurity in the region, many undocumented new arrivals are living in the refugee camps.

Since beneficiary based consultations were conducted in two Karen camps, it is useful context to be aware that when camps were established over twenty years ago, arriving Karen refugees transposed social service and village political entities from their homeland directly into Karen refugee camp structures. The Karen Refugee Committee (KRC) was formed in 1984 to administer the camps. Camp leadership is inextricable from the Karen National Unity (KNU), which is the Karen State civilian government. This direct tie to the KNU government system influences how the camp implements services and administers justice in the camps. Most refugees with whom we spoke are still a community united under a Karen government. In terms of language and ethnicity, both Mae La and Umpien are predominantly Karen, with Muslims predominantly from Karen State making up perhaps 40% of refugees. Currently, registered refugees in camps receive a full ration food basket thanks to advocacy efforts by CCSDPT.

III. SEXUAL EXPLOITATION AND ABUSE EFFORTS ON THE THAI-BURMA BORDER

Key stakeholders with whom we spoke indicated that sexual exploitation and abuse prevention and response in the refugee camps on the Thai-Burma border is still in an early phase. Initiatives have mainly been independently taken by individual humanitarian organisations. Some examples of these include strengthening codes of conduct; training staff on their obligations under the code of conduct; establishment of complaints boxes; participating in Humanitarian Accountability Partnership/Building Safer Organisations trainings and establishing focal points to receive complaints.

Within the CCSDPT/UNHCR Comprehensive Plan for 2007/8, four of twenty-nine projects relate to sexual exploitation and abuse prevention and response. These include 1) Sexual Abuse and Exploitation Prevention Project; 2) Expansion of Basic Protection Training; 3) a Gender Based Violence (GBV) Prevalence Survey; and 4) Promoting the Rule of Law in Refugee Camps. More details are available at the TBBC website, www.tbbc.org. One of three planned refugee-based legal aid centres had recently opened in Mae La camp. The Legal Aid Centre is intended to provide a conduit for refugees' legal issues and advice on pursuing the issues through the Thai legal system.⁵⁰

On the immediate horizon and in addition to TBBC activities above, there is also a Protection Working Group effort which is being led by an IRC initiative to prevent sexual exploitation and abuse (PSEA).⁵¹ A PSEA coordinator⁵² will advise on and assist the twenty organisations providing humanitarian services in coordinating efforts. An immediate priority is PSEA buy-in and support at a country coordination level. Tasks may include supporting agencies to harmonise various codes of conduct, addressing gaps and, if funding is available, in future years coordinating media messages for increasing sexual exploitation and abuse awareness. Discussions with two international humanitarian NGOs seemed to indicate that priority is placed on CCSDPT members "getting their own house in order" first. Following this,

⁵⁰ Some beneficiaries thought the Legal Aid Centre might in the future provide advice for camp residents who have experienced sexual exploitation and abuse.

⁵¹ Post consultations in Thailand, this initiative has kick-started into action with an IRC PSEA coordinator's arrival and subsequent secondment to the CCSDPT.

⁵² The PSEA Coordinator is expected to sit on the Protection Working Group.

Thailand Atlas Map

As of June 2006

Field Information and Coordination Support System
Division of Operational Services

Issue: 06/06/06/06



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Source: UNHCR, Google Earth, digital mapping. © 1999 Europa Technology Ltd.

PSEA efforts may expand to include consulting with CBOs on PSEA, but not until future years of PSEA programming and only provided adequate funds are available.

IV. METHODOLOGY

Consultations were conducted over two and three days in Mae La and Umpien camps, respectively. They were conducted by an international researcher with translation by local (Karen) refugee community translators and a research assistant. InterAction's grant manager for HAP/BSO programmes joined in BBC consultations with beneficiaries and discussions with stakeholders as an exercise in proactive programme monitoring. Before each consultation, BBC participants were asked for their informed consent. All participant names are being kept confidential. Most consultations were with small groups ranging from two to five participants. Eight consultations were directly with individuals. The majority of consultations were held with youth (only over age 16) and women due to their disproportionate risk for sexual exploitation and abuse. Site-based discussions were combined with direct observation, transect walks, random visits to homes, and more targeted discussions (consultations) with women's groups and youth groups. Some of the consultations were arranged with and through local CBO members. Following the consultations, all discussion notes were reviewed by and with translators for accuracy and context.

Our original intent was to consult with refugee and migrant beneficiaries. Given that the 2–3 million Burmese living outside refugee camps are mostly a shadow, illegal population who are highly vulnerable to all forms of exploitation and abuse, we were concerned about whether being seen with foreigners might increase their vulnerability (or visibility). Many work in factories or as domestic helpers⁵³ and receive little or no assistance from NGOs, which means that accountability by humanitarian actors to this population is very limited. Instead of meeting with individuals, we met with CBOs serving Burmese migrants around Mae Sot to explore migrant experiences with sexual exploitation and abuse and to learn about access to prevention and response mechanisms.

Of the four countries originally selected for beneficiary based consultations, Thailand was the only country where consultations were conducted completely independently from an international humanitarian service agency host. We can speculate that beneficiaries who did not see us arrive in NGO or UN project vehicles may have perceived us as "independent" and thus been more frank in their observations about sexual exploitation and abuse.⁵⁴

V. CONSTRAINTS

Language was a major constraint; in Karen language the translation for sexual exploitation/abuse given was "abuse while having sex." Even though we provided illustrative vignettes of sexual and non-sexual forms of sexual exploitation and abuse, this literal translation limited sharing of more nuanced experiences such as verbal harassment or touching. Camp residents appear to have a narrow understanding of different forms of sexual exploitation or abuse. To illustrate this, when we discussed whether or not sexual exploitation and abuse is a problem in their community, a number volunteered information about rapes which had occurred. In response, we carefully explained that rather than collecting information on specific rape cases we hoped to share their understanding of current systems for preventing, reporting and responding to allegations of sexual exploitation and abuse.

⁵³ Domestic help includes childcare, cooking, cleaning, and running errands and is often a catchall lacking any clearly defined hours or limits.

⁵⁴ This said, we have no proof or reasonable comparison with which to support our speculation.

Other constraints included:

- Fear that if they complain, services will cease or revenge will be taken against them by aid workers, the accused or Thai authorities. Refugees are aware that they have no legal status in Thailand and feel there is no accountability if they are mistreated. Due to these significant barriers, refugees feel their best strategy is to keep a low profile and not draw attention to themselves by complaining.
- Consultation participants' reluctance to define aid workers as *anyone* providing services whether international, Thai or refugee. There was a clear sense that Karen refugees involved with humanitarian service provision were “us” (Karen, local community and insiders) whereas international and Thai workers or volunteers were seen as external.
- Due to limited time and logistics of travelling around Thailand in the rainy season, we only visited two camps, Mae La and Umpien, both of which are Karen. This is to say that beneficiary perceptions shared with us in these consultations are limited to Karen perceptions.
- The Karen culture is not a culture comfortable raising complaints.
- People's tendency to compare their lives now to the extremely poor state of their lives in Burma results in their emphasis on gratitude for their improved situation.

We did not allot enough time to orient the translators. One result from this oversight was that subsequent consultations built in more training time to ensure that translators themselves understood sexual exploitation and abuse as a wide range of possible behaviours.

VI. CONSULTATION FINDINGS

Reporting “problems”

Before moving into prevention of and response to sexual exploitation and abuse by humanitarian staff, the BBC team started discussions on safe ground with “where do you go when you have problems with humanitarian staff or services you receive?” In the camps, there seem to be two distinct complaints channels, whether for sexual exploitation and abuse or otherwise. The first channel, preferred by most beneficiaries, is internal and requires complaining to the Karen camp leadership. The second reaches out to external actors by placing a concern in a complaints box or directly contacting an international humanitarian aid agency staff member.⁵⁵ Based on perceptions shared, it appears that external channels for complaints are not well understood and rarely used—especially for sexual exploitation and abuse. For example, most BBC participants thought that complaints boxes are for specific issues. The UNHCR boxes were perceived to be for resettlement and the TBBC boxes for concerns about food quality or quantity. Few camp residents reported having used or even knowing anyone who had used the complaints boxes. Of the beneficiaries who reported putting a complaint in one of the boxes, no one received a response or felt that their issue had been addressed.⁵⁶ A number of beneficiaries reported that complaints boxes (UNHCR and TBBC) are subject to vandalism or feared that the complaints boxes would be taken so that notes inside could be read and the complainant identified for retribution. If there were a security issue such as a husband battering his wife, many said they would call Karen camp security to investigate the situation and, if necessary, detain an offender. People automatically responded that rape or murder were to be referred to the Thai authorities. Clearly, involving Thai authorities was a last resort.

⁵⁵ Some refugees with whom we consulted were dubious or skeptical about approaching Thai staff with complaints. Several expressed that they would only contact international, rather than national staff.

⁵⁶ Another obstacle blocking beneficiaries' view of humanitarian agency responsiveness to their concerns is that there is not really a mechanism for reporting back to the community when an action is taken.



Veronika Martin

When specifically discussing where to turn with concerns about sexual exploitation and abuse involving humanitarian agency staff, most refugees said if they had such a problem, they would seek advice or support from the Karen Women's Organisation (KWO). Other avenues for support or reporting included involving Sexual and Gender Based Violence (SGBV) committee members or going directly to camp leaders. Some KWO members also serve on the SGBV Committee so there is some overlap between these two options. If participants were to have a problem with sexual exploitation and abuse, the vast majority said that they would ask the KWO for advice and to advocate on their behalf. A few participants said they might speak directly with one or two of UNHCR's international staff.

Beneficiaries either preferred or felt pressured to go through the internal camp structure, before complaining to the outside. With few exceptions, youth, ethnic or religious minorities

and those with minimal formal education seemed less likely to complain outside of the internal camp structure. One group of minority women said they had complained to their section leaders with various sorts of problems but dared not complain “higher.” They were clearly fearful of consequences if they circumvented the existing camp structure for complaints. Another possible barrier to reporting concerns about sexual exploitation and abuse is that the majority of camp leaders are men. (Note: When we were conducting consultations in Umpien, all sixteen of the elected section leaders were men. Recent elections in both Mae La and Umpien are reported to have changed this gender imbalance somewhat.)

Is sexual exploitation or abuse by humanitarian workers perceived as a risk or problem?

Several of the beneficiaries we consulted perceive a clear risk for sexual exploitation and abuse by humanitarian workers.⁵⁷ Although a number of “safe” examples⁵⁸ of sexual exploitation and abuse were shared, most beneficiaries we consulted indicated that misconduct involving sexual intercourse is rare. If it were more common, it would have seeped out into public discussions. The sexual exploitation and abuse examples that were shared involved humanitarian staff, teachers, sector leaders, a former camp leader and an expatriate would-be volunteer. Perpetrators identified were foreign, national (Thai) and refugee (Karen).

Beneficiaries were of the opinion that those affected by sexual exploitation and abuse perpetrated by a humanitarian worker would either keep it to themselves in order to avoid shame or seek a local solution rather than bringing the problem to an NGO or UNHCR’s attention. Local solutions participants cited involved seeking punishment through the traditional justice system or arranged compensation. One example involved a Thai teacher and an underage, impregnated student. This particular situation was “resolved” by marriage between the two with the girl’s parents’ consent.

Only a few beneficiaries were aware of investigations conducted by humanitarian organisations into alleged sexual exploitation and abuse by their staff. We did hear about one sexual exploitation and abuse investigation where results were reported back to the complainant and the complainant’s advocate. It was highlighted that this example represented significant progress from previous levels of responsiveness or accountability by international humanitarian agencies when facing alleged sexual exploitation and abuse by their staff.

Medical, psychosocial or other special assistance provided to victims of sexual exploitation and abuse?

A very few participants suggested places victims could go for services and did not know nor had heard of any victim who had received special assistance for mental or physical damage resulting from sexual exploitation and abuse.⁵⁹

Involving beneficiaries in sexual exploitation and abuse prevention and response

When we asked if beneficiaries felt they had been consulted about how to prevent and respond to sexual exploitation and abuse, some refugees responded that they had been “trained” on

⁵⁷ Interestingly, the few aid workers with whom we spoke did seem to perceive sexual exploitation and abuse as a significant risk.

⁵⁸ By “safe” examples, we mean sexual exploitation and abuse cases that have already been discussed within the Karen community leadership and possibly somewhat “sanitised” for limited external public consumption.

⁵⁹ We heard that abused or exploited women wanted compensation which diverges completely from how outsiders are trying to respond to sexual exploitation and abuse. KWO/KRC understands the cultural concept of compensation as a desired response in addition to accountability by the perpetrator and his/her organisation.

topics including Thai law, human rights, and conflict resolution and how to respond to gender based violence. Not one reported that they or their community had been consulted specifically for suggestions on how to prevent and respond to sexual exploitation and abuse.

How do humanitarian organisations prevent sexual exploitation and abuse?

Examples of efforts to prevent sexual exploitation and abuse that beneficiaries noted in the camps include complaints boxes and posted signs stating that services and resettlement processing are free. However, beneficiaries did not seem to perceive either of these as a possible sexual exploitation and abuse complaints mechanism. Those who worked for a humanitarian organisation were aware if their employer had a code of conduct and many said they had signed them.⁶⁰

Has the risk for sexual exploitation and abuse changed since you have been receiving (external) assistance?⁶¹ Do you feel safer as a result of humanitarian agency efforts to prevent and respond to sexual exploitation and abuse?

Although some beneficiaries felt there has been some decrease in risk since humanitarian organisations started trying to prevent sexual exploitation and abuse, most beneficiaries with whom we spoke had little idea about current prevention or response measures, nor did many venture ideas of their own. It was impossible to reach meaningful answers to “do you feel safer?” since so few prevention and response mechanisms are established and beneficiary awareness of what is in place is minimal. Additionally, primary safety concerns are not sexual exploitation and abuse but abuse by Thai authorities and the Burma army. So asking about safety had other connotations for Karen refugees living in a camp environment they continue to consider insecure.

Some suggestions from beneficiaries about how sexual exploitation and abuse prevention and response could be improved included:

- Explain to the refugee community the obligations of international organisations when a complaint of alleged sexual exploitation and abuse by their staff (local, refugee or international) is made.
- Specify places to complain about aid worker misconduct to the refugee community.
- Provide protection or guarantees of protection for complainants.
- International NGOs should coordinate more closely with CBOs who see themselves as at the front line of responding to sexual exploitation and abuse. This includes soliciting their input and guidance on interventions.
- More complaints boxes. Use just one type of box and place them everywhere or colour-code boxes and educate people on their purpose.

One refugee working with a CBO made the observation that international agencies don't listen enough to community needs and then proceed to implement externally generated programmes. It was a clear request for NGOs to draw upon refugees' knowledge as experts on their community's needs as well as to respect and recognise them as the first line of response for refugees affected by sexual exploitation and abuse and other issues.

⁶⁰ It was not clear whether refugee humanitarian workers in Thailand are required to sign their employer's code of conduct which, in other countries, has become a standard practice binding the employee to these conditions placed on his/her conduct. Even the staff of KWO, which is a direct UNHCR implementing partner, had not signed a code of conduct. So, many local staff may not be adequately or effectively informed about workplace conduct standards.

⁶¹ Meaning since international humanitarian agencies started providing assistance, not since the camps were formed under their own administration in the 1980s. International assistance from 1984-1990 was informal. TBBC launched a first formal appeal in 1990. International agencies expanded their presence and momentum in the early 1990s.

VII. CONCLUSIONS

Sexual exploitation and abuse is perceived as a clear risk by some beneficiaries with whom we consulted. Conversely, beneficiary knowledge about actual cases of sexual exploitation and abuse perpetrated by humanitarian workers was fairly rare and reported cases are very rare. We heard about only a few cases of sexual exploitation and abuse that did not involve sexual intercourse. It is unclear whether less egregious sexual exploitation and abuse is considered “normal” or if it is just to be tolerated and thus does not warrant complaining. Cultural constraints around complaining limited respondents’ perspectives of the magnitude of sexual exploitation and abuse. Based on many different discussions, unless a sexual exploitation and abuse case was “serious” and/or involved Thai or international staff, it probably would not be reported to international aid agencies working in the camps. Reasons factoring into decisions not to report include:

“Most of the time NGOs are following their own rules and doing good work. They could improve by paying more attention to needs identified by CBOs working directly with the beneficiary population.”

- The Karen camp administration is a structure of authority that carries a lot of power. Karen staff/volunteers are seen as accountable to the internal camp structure. If a victim or victim’s family were seeking either punishment or compensation it makes sense to work through the camp system rather than approach the international organisation about sexual exploitation and abuse misconduct by their Karen staff.
- Complaining as a challenge because section/camp leaders expect complaints to be channelled through them. They take on the role of gatekeepers for receiving and responding to complaints and thus are perceived by some as a significant barrier to reporting.
- Those who are less advantaged or less educated would most likely only report through the internal structure either because they are not aware of external reporting options or because they would be afraid to “go around” their own Karen leaders and camp structures.
- There is a perceived lack of protection for victims or complainants.
- Reporting channels are very limited. Complaints boxes are perceived as black holes, a perception that has contributed to beneficiaries’ disillusionment that they’ll receive any response to complaints about problems and concerns.⁶²
- There is no culture of confidentiality so complainants and victims know their identity is likely to become public.

The Karen community has a strong sense of community. Many with whom we consulted felt either motivated or pressured to resolve problems within their community. Most people we spoke with consider their situation in Thailand much better than that of their compatriots on the Burma side of the border. Refugees feel they shouldn’t complain. They fear being perceived as ungrateful and are afraid that if they complain, services will cease. There is a traditional justice system which, when applied to serious cases such as rape or murder, is reportedly quite harsh. Although this does not apply within the camps, it is a code that applies in Karen State where most refugees have come from and one that refugees fear being held accountable to regardless of their exact location. In seeking to manage or handle problems, there appears to be a differentiation between “big” (criminal, such as murder and rape) and “small” (theft, fighting, and abuse) problems. “Small” problems can and should be resolved at the camp leadership level while more serious “big” problems could be dealt with by the Karen National Unity code. There was a reluctance to bring sexual exploitation and abuse to the attention of outsiders.

⁶² TBBC reported that they do receive complaints from the complaints boxes—perhaps a dozen every month, if not more on many different subjects. However, beneficiaries do not perceive that their concerns receive attention or a response.

Although we do know that many people were fearful to speak openly during consultations, some participants were very candid about serious fears for their personal security and about corruption in the camps. Since many refugees are considering or in the process of resettlement, this was a pervasive theme throughout the BBC. Discussions around ongoing resettlement processes raised some disturbing beneficiary concerns unrelated to sexual exploitation and abuse but involving corruption and graft. Refugees and migrants experience significant abuse from Thai authorities, which we acknowledged and discussed, but which doesn't fit into the BBC's more narrow focus on prevention, reporting and responses to sexual exploitation and abuse by humanitarian workers (Karen, Thai or international).

Capacity-building efforts to prevent and respond to gender based violence have created an alternative conduit for those affected by sexual exploitation and abuse to share their problem and receive support. The Legal Assistance Centre may potentially provide another safe place to seek advice about sexual exploitation and abuse. However, most people with whom we spoke were simply afraid to come forward with a complaint as serious as sexual exploitation and abuse. Some knew how and where to complain if they had a problem (sexual exploitation and abuse or otherwise). Many participants indicated that the majority of refugees would either keep issues to themselves or quietly share their problems with a neighbour. All were reluctant to approach TBBC directly and did not wish to be perceived as going "outside" their camp structure. If abuses are perpetrated by Karen staff providing humanitarian services, there is tremendous pressure by the Karen people to keep that information within their community in order to save face and not air dirty laundry to the outside world. No one wanted to draw attention to themselves. Almost all were also concerned about both the consequences of complaining and the lack of protection available to them if they complained about sexual exploitation and abuse—whether they directed their complaint internally or externally. Refugees perceive enormous barriers to complaining externally.

Although international and local humanitarian workers say "Thailand is different" and "those things don't happen here," these perceptions are limited and do not reflect the full reality. Given the serious cultural constraints around complaining, and especially about sexual exploitation and abuse, even in cases involving humanitarian staff, bringing such cases to light is rare. Nonetheless, sexual exploitation and abuse perpetrated by humanitarian staff is a concern and does happen. The BBC team heard about cases that were reported within the Karen system and others which were reported externally. The BBC team also heard some positive beneficiary perceptions of results from an investigation which had recently been conducted by one international humanitarian organisation. One refugee reflected about the recent investigation into allegations of misconduct and remarked that it represented a significant positive change as compared to other un-investigated complaints from previous years.

A closing note of caution: evolving issues contributing to sexual exploitation and abuse vulnerability

There is a constellation of current variables that, when combined, may exponentially increase risk for sexual exploitation and abuse over the near term. Individually, each increases vulnerability for sexual exploitation and abuse whether by humanitarian staff or others. These are:

1. Resettlement

Resettlement creates a power differential ripe for sexual exploitation and abuse. Thai, Karen and expatriate staff involved in resettlement are perceived to be abusing their actual or perceived power to grant favors for those hoping to resettle. Additionally, resettlement is draining the camps of the most skilled and most educated, many of

whom played an advocacy role by representing more marginalised refugees. The ability to complain about misconduct will be compromised by this change in the population. As one illustration of this, some 70% of teachers have applied for resettlement as have 75% of nurses/medics.

2. New arrivals, especially youth

Because only primary education is available in Burma, and the few educational opportunities that do exist are often disrupted by students' inability to pay fees, there is an increase in unaccompanied children arriving in the refugee camps in order to study. Since there is no new refugee registration, more undocumented youth are living in the camps without proper food rations, care or supervision, increasing their vulnerability to sexual exploitation and abuse.⁶³ Youth are traditionally low in social status and ill-prepared to complain if abused or exploited.⁶⁴

3. Potential decrease in food assistance, inadequate and shared food

Both Umpien and Mae Lae BBC participants were concerned about new arrivals. A number of BBC participants talked about sharing food with unregistered beneficiaries so that the most vulnerable could eat. In 2007 there was adequate food, but with decreased headcounts as official refugees have been resettled, it may become more difficult to justify international donations for many new and undocumented persons present in the camps.

Recommendations for UNHCR and the CCSDPT for engaging the Government of Thailand:

- Since the greatest concerns about abuse and exploitation involve the Thai authorities involved with camp management, security and administration, request regular rotations for Thai guards posted to Burmese refugee camps to limit their opportunities to abuse refugees.
- Through the Ministry of Interior and the Thai Military, train Thai guards on the Code of Conduct, make them sign the Code, and hold them accountable when the Code is breached. (UNHCR has initiated this effort.)

⁶³ The BBC team heard speculations that sexual exploitation and abuse in Thai schools is fairly common.

⁶⁴ During the consultations, we heard report of a disturbing sexual exploitation and abuse case of a would-be volunteer British paedophile that preyed on migrant children porters near the border. The case underscores the need for vigilance and the vulnerability to sexual exploitation and abuse for reportedly increasing numbers of undocumented youth.

Recommendations for humanitarian agencies providing services:

- Raise beneficiary awareness about what sexual exploitation and abuse is, using the existing internal camp structures and KWO. And raise awareness among staff, volunteers, consultants, etc. that sexual exploitation and abuse by humanitarian workers is not only an Africa-based problem. It occurs in the context within which they work.
- Consult with beneficiaries to develop new entry points for on-going feedback complaints.
- Pressure the relevant bodies to increase the number of women at all levels of camp leadership.
- Raise awareness through the community information structures about different reporting channels and the range of outcomes a victim might expect.
- Assist refugees to understand differences between administrative investigations of sexual exploitation and abuse and an investigation through the Thai judicial system.
- Related to this, as the Legal Assistance Centres gain momentum in providing legal advice, ensure that their staff are appropriately prepared to refer and report sexual exploitation and abuse complaints about humanitarian worker misconduct.
- KRC and KWO are working to build their sexual exploitation and abuse and SGBV awareness and response capacity. Work with camp leadership to forge an alliance to combat sexual exploitation and abuse that promotes INGO/UN involvement in investigations. Show the added value of this involvement and work together on standard reporting and response in the spirit of mentorship among INGOs and KRC and KWO.

Although consultations were limited to two Karen camps and CBOs serving refugee and migrant communities around Mae Sot, respondents reported that the community perceive that the NGO consultation processes with local structures and CBOs has been weak.

Consult with CBOs such as KWO, and Karen Youth Organisations very early in new PSEA initiatives. Work with the CBO forum on Foreign Assistance to solicit input in a systematic fashion.

Perceptions about sexual exploitation and abuse prevention and response effectiveness were limited because efforts are still early in their development even though NGOs report that they have building prevention and response capacity for at least three years. Many conversations about sexual exploitation and abuse became dead ends in terms of learning prevention and response specifics.

Consultation highlights across all three countries

Sexual exploitation and abuse is a predictable result of a failure of accountability to beneficiaries of humanitarian aid. Solutions to exploitation and abuse rarely look beyond standard GBV programming projects or stand alone exploitation and abuse programmes for solutions. The respondents in this study indicate that complaining is not possible when there is not relationship of trust, no information provided, no participation in programming and feedback mechanisms are non existent.

Coming back from consultations with a group of women we stopped to allow an angry band of club waving Turkana men to pass. A thief had stolen something in Kakuma town the night before. This intimidating band had come to punish the thief who was hiding in Kakuma camp. We saw several members of the band again later in the day who reported that they had located the thief and beaten him to death.

Many similar patterns were clear in all three countries despite the diversity of cultures and circumstances. These patterns help illuminate widespread challenges and perhaps solutions. Although humanitarian aid beneficiaries know sexual exploitation and abuse is going on around them and perceive the risk, the vast majority of 295 beneficiaries consulted said they would not complain. Consequently, complaints are rare and investigations even rarer. Corresponding to ineffective complaints mechanisms, only three beneficiaries reported that humanitarian agencies had solicited their suggestions for preventing or responding to sexual exploitation and abuse.^{65 66}

“To complain or not to complain” is still a conundrum for most of the beneficiaries with whom we spoke. Beneficiaries explained that they had few channels through which to complain. Options of complaints mechanisms are currently limited to dropping a note in a complaints box or reporting to an individual or chain of people, each of whom will have to choose to take the complaint seriously and pass it ‘up’ for action. Beneficiaries worry particularly about both the lack of confidentiality or assurances of security if they were to complain. Many do not want to make problems for fellow refugees and actually see the complainant as the trouble-maker who risks creating conflict within their community by complaining. Others stated they feared losing aid if they complained about humanitarian agencies’ actions. Humanitarian staff (volunteer, incentive and salaried) expressed reluctance to report on fellow aid workers. Fear of retaliation is pervasive and prohibits most would-be complainants. Some, although very few, participants were willing and ready to report alleged sexual exploitation and abuse related misconduct by humanitarian workers (local, national or international).

Although the intensive three year Prevention of Sexual Exploitation and Abuse (PSEA) program in Kakuma reached community leaders and NGO workers, many beneficiaries with whom we spoke did not understand sexual exploitation and abuse or humanitarian agencies’ obligations to respond to allegations. Despite language and interpretation

⁶⁵ By “solicited their suggestions” we do not mean cases where humanitarian agencies trained, raised awareness of or informed beneficiaries about sexual exploitation and abuse; we mean cases where humanitarian agencies directly solicited beneficiaries’ participation.

⁶⁶ It is important to note that Kakuma (Kenya) and Mae La and Umpien (Thailand) refugee camps have experienced significant out-migration for return or resettlement in the last two years. Especially in Kakuma, one refugee leader pointed out that key people—both refugee and international—who had been involved in PSEA Consortium efforts had left Kakuma. The BBC is fairly representative of the humanitarian beneficiaries in the different sites visited. Regrettably it does not capture some of the highly motivated individuals who are no longer present due to a change in employment, resettlement, and return or otherwise.

constraints, based on consultations with beneficiaries who were more aware and involved in PSEA efforts, it would be naïve to think those who are unaware are unaffected. In all three countries, it was unclear whether less egregious sexual exploitation and abuse is considered “normal” or if it is just quietly tolerated and thus does not warrant complaining. It is also apparent that exchanging sex with adults or aid workers for money or material things is perceived by many as a survival mechanism for those who may not have other options, especially youth.

On a more positive note, in both Kenya and Namibia, approximately a third of all BBC participants were aware of standards of conduct for humanitarian aid workers prohibiting sexual exploitation and abuse. A fair number of BBC participants in Kakuma and Osire mentioned humanitarian agency codes of conduct. Firing⁶⁷ of humanitarian staff for misconduct/breaching the employer’s code of conduct has caught aid beneficiaries’ attention. However, as humanitarian agencies take steps forward in responding to sexual abuse and exploitation, complicated underlying challenges are emerging and more are likely to be uncovered as investigations into misconduct become the norm. Examples of these “thorny issues” are captured in detail in the next section.

⁶⁷ Across the three countries we heard about a handful of cases where humanitarian staff had been fired for alleged misconduct over the last two to three years.

Thorny issues that, if not addressed, will undermine efforts to prevent and respond to sexual abuse and exploitation

Below are “thorny issues” that emerged during consultations. The recommendations that follow these challenges seek to holistically address many of them. Some of the recommendations come directly from beneficiaries themselves. However, the recommendations do not address all of the issues presented here. A number will warrant serious discussion and further inquiry.

1. Few channels for reporting exist and there is little confidence in current complaints mechanisms because beneficiaries perceive that no action will be taken or that if there is a response, there will be no confidentiality for the one who brings forward his/her complaint of alleged sexual exploitation and abuse. Related to this, beneficiaries are profoundly afraid of retribution.
2. Particularly in Thailand, most people with whom we consulted were simply afraid to come forward with a complaint as serious as sexual exploitation and abuse.
3. Camp leaders pressure refugees to use internal structures to resolve problems, including sexual exploitation and abuse.⁶⁸ Community and camp leaders are gatekeepers and stakeholders who benefit financially or in terms of status or political currency through problems they help resolve. For many beneficiaries these gatekeepers pose an obstacle course that prevents them from complaining.
4. In Osire (Namibia) humanitarian agencies are conducting investigations into allegations of staff misconduct. Although complaints are rare events, it appears that conducting investigations into complaints received is routine. However, Osire beneficiaries perceive that staff accused of sexual exploitation and abuse are being summarily fired. Few beneficiaries, with some exceptions who are NGO staff members, are aware of investigations or their outcomes. Not being aware that investigations have been conducted undermines the wider community’s confidence in fair and due process. Finding ways to communicate that an administrative investigation has been conducted, while still maintaining confidentiality, is an important next step to address.
5. Osire residents suggested that recent firings of staff for sexual exploitation or abuse-related misconduct were perceived as a deterrent but also have the potential to drive sexual exploitation and abuse “underground.” BBC participants suggested that punitive actions against the perpetrators may motivate them to be more covert and spur their efforts to “buy” victims’ silence.⁶⁹
6. Limited budgets prevent some NGOs from keeping accused staff on the payroll while investigating misconduct. The financial burden of having two staff filling one position while the one accused is on suspension is prohibitive depending on the budget available for that program.

⁶⁸ Parallel in-camp structures which respond to a wide variety of complaints (abuse, theft and other large and small transgressions) were especially mentioned in Kenya and Thailand.

⁶⁹ Clearly more monitoring is needed to determine whether investigating sexual exploitation and abuse is driving perpetrators into hiding rather than decreasing incidents.

7. Beneficiaries are not aware of their options for making a complaint, so they cannot make an informed choice between pursuing an administrative or a criminal investigation—or potentially both.
8. Beneficiaries’ desire for punishment, including jail time for the perpetrator and compensation for the victim, which are outcomes outside the scope of NGO administrative investigations result in beneficiaries ‘shopping’ for other ways to get their desired outcomes.
9. Having tangible proof is perceived as key to backing up any accusation of sexual exploitation and abuse related misconduct. Many were concerned that if they brought a complaint forward, they would be accused of making false accusations or of trying to “work the system” in order to obtain resettlement.

Closing comment

These consultations provide little indication about whether beneficiaries feel safer as a result of current efforts to prevent sexual exploitation and abuse. Indeed, it may be too early to ask. However, this snapshot of beneficiary perceptions about current prevention and response efforts will significantly aid in defining next courses of action. Humanitarian organisations may wish to use these findings as part of a baseline from which to measure ongoing progress at reasonable intervals. Information gleaned from consultations should be compared with other sources of documentation especially since the focus of these consultations focuses on beneficiary perceptions and does not include agency or non-refugee humanitarian staff qualitative and quantitative measures of their progress.

Finally, while the report draws on information from three site visits, the message is relevant across humanitarian situations. Sexual exploitation and abuse is a predictable result of a failure of accountability to beneficiaries of humanitarian aid. The single most important reason for this ‘humanitarian accountability deficit’ is the asymmetrical principal-agent relations that characterise most ‘humanitarian’ transactions, that puts the users of humanitarian assistance at a structural disadvantage in their relationship with humanitarian aid providers.

Redressing this imbalance requires a series of actions that most agencies and staff working for those agencies would expect from service providers they themselves come into contact with. Make information available to the client. Invite the client to participate in the development and refining of the service being provided. Enable the client to give feedback on how to improve the service or to complain when the service is inadequate or harmful. Explain outcomes of investigations or enquiries to the client community.

When applied to the problem of sexual exploitation and abuse of beneficiaries of humanitarian assistance, these measures translate as the solutions respondents in the report suggested. The goal is to create an environment in which exploitation and abuse does not occur but then when it does, that agencies are made aware of the problem, they respond swiftly and beneficiaries feel safer. At the very least, the goal of all humanitarian agencies must be to remove the dilemma on whether or not to speak out against sexual exploitation and abuse so that in another five years *to complain or not to complain* will no longer be the question.



Brendon Bannon

Annexes

Building Safer Organisations

Beneficiary Based Consultation (BBC)

August 2007⁷⁰

PURPOSE: The Beneficiary Based Consultation (BBC) is a study of perceptions to determine whether beneficiaries feel safer as a result of NGOs implementing sexual exploitation and abuse prevention and response mechanisms per the IASC six core principles and the ten commitments in the “Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel.”

OBJECTIVES: Ascertain beneficiaries’ perceptions of:

1. to what extent are mechanisms that prevent and/or respond to sexual exploitation and abuse in place and effective;
2. to what extent do NGOs include and consult with beneficiaries when developing mechanisms to prevent and respond to sexual exploitation and abuse.

METHODOLOGY: An independent consultant and locally based project assistant will consult with beneficiaries, individually and in small discussion groups. Translators from the beneficiary population will be recruited to assist with the consultations. Consultations will be conducted in three different locations.

Using qualitative and participatory methods, BSO will invite beneficiaries of humanitarian assistance to share their views on levels of abuse and the effectiveness of prevention and response mechanisms.

Site-based discussions will be combined with transect walks, observation and random visits to homes, as well as with more targeted interviews such as with women’s groups, youth groups, and school groups. Additionally, we will seek the input of residents who do not usually participate in group events.

TIMELINE AND LOCATIONS: August–November, 2007. The project will be conducted in three locations to allow for cross-regional comparison and generalisation. Locations currently under consideration include Kenya, the Thai-Burma border and Pakistan. (To be determined with host agencies.)

RESULTS: Results will be presented to the individuals and organisations that participated in the consultations. Organisations will receive a general report on lessons learned as a result of the analysis. A final report comparing results across three countries will be available in December.

⁷⁰ This document was presented to potential host organizations as a one page introduction to the BBC.

Beneficiary Based Consultation (BBC)

Discussion Guide for Groups and Individuals in (insert country or camp name)⁷¹

INTRODUCTION

- (give name) I am a researcher with the Humanitarian Accountability Partnership, or “HAP.” HAP is an NGO in the country of Switzerland. Through training, HAP helps aid agencies build their capacity to prevent and respond to exploitation and abuse of beneficiaries by their staff.
- HAP *is independent* and does not provide health, education, food or other services to refugees or other populations affected by humanitarian crises

In other situations, we have heard about...

- An aid worker distributing food rations asks young girls to go off with them in exchange for extra food.
- A resettlement registrar tells a refugee that if she's his girlfriend, her resettlement will go more quickly than others ahead of her. (*Aid workers are foreign, national or local staff. They include salaried, incentive or volunteer workers--anyone giving goods/services in (insert country or camp name).* *)
 - We're here to learn more about sexual exploitation and abuse reporting/responses from you.
 - We're not here to collect information on specific cases.
 - *Why do we want to know?* Your feedback will help HAP and aid agencies improve their work. Information we learn will be included in a report which will be completed by March 2008.
 - If you choose to talk with us, our discussion will take around an hour.
 - We won't write down or use your name. Whatever you say to us is confidential.
 - We'll repeat key points at the end of this discussion to be sure we've clearly understood your opinions/experiences
 - If you don't want to talk to us or become uncomfortable with this discussion, it is okay to leave at *any time*.
 - Are you willing to participate? May I have your permission to begin?

* *Note: The BBC researchers found it helpful to come up with a list of possible SEA scenarios with translators and keep using them to illustrate and explain SEA if a discussion group got stuck.*

1. We talked about... (*offer other SEA examples*) Do similar problems happen here? Is SEA a concern for you? If so, how could/do aid workers sexually abuse beneficiaries?
2. In what ways do aid agencies stop sexual exploitation and abuse by their staff and volunteers? Do you think their prevention efforts work? Why or why not?
3. Have aid organizations asked you and your community how SEA by aid workers or volunteers should be prevented? When? How have aid organisations acted on your suggestions?

⁷¹ December 2007 version.

4. If you were concerned about sexual abuse or exploitation by an aid worker, would you report it? If yes, ask how would you report it? How and to whom would you report the problem?
5. Do you know of anyone who has complained about sexual abuse or exploitation by an aid worker? What happened? Was the person who had the problem given emergency assistance such as medical care, counseling or moving them for their own protection?
6. Have you ever heard about any investigations into SEA related misconduct by an aid worker?
7. What were the results of the investigation? What did you think of the results? How were they shared with your community?
8. Has the risk/potential for sexual abuse or exploitation changed in any way since you have been receiving assistance? How?
9. Do you feel safer as a result of NGO efforts to prevent and respond to SEA? How? What has changed?
10. How should SEA prevention and response by aid agency staff of beneficiaries be improved?
11. Is there anything else you would like to add on this topic that I have not already asked you about?

Methodology for the Beneficiary Based Consultation (BBC)

The aim of this exercise is to solicit beneficiary opinions about whether they feel safer as a result of NGOs implementing sexual exploitation and abuse prevention and response strategies per the IASC six core principles and the ten commitments in the “Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel.”

Participatory or consultative?

For the most part, beneficiary based approaches have been under-utilized. This may be due to humanitarian organisation culture which does not recognise beneficiaries as full partners in humanitarian relief and protection. It may also result from a lack of clarity as to where on the participatory/consultative continuum any given study is situated. Participatory research involves beneficiaries at every stage of the process, including defining terms of reference and methodology, selection of themes and topics, designing and reviewing points for discussion, collecting and analysing data and making recommendations based on findings. Generally most organisations take a top down approach to programming, and may find it a challenge to invite beneficiaries to share power and take decisions in the way that reflects a truly participatory study or evaluation.

Most organisations still operate with beneficiaries as recipients of assistance and not decision makers. Given that this consultation is experimental and beneficiaries will be largely excluded from the planning phase due to logistical challenges and time constraints, it would be more accurate to describe this beneficiary based inquiry as **consultative** rather than participatory.

How to consult with beneficiaries?

Beneficiary based consultations are envisaged in four countries in collaboration with a local CBO/NGO, international NGO or UN host organisation. Locations and hosts currently include Kenya (FilmAid International), Pakistan (HAP), Namibia (UNHCR/AHA/JRS) and the Thai-Burma border (facilitated with some support from refugee camp-based CBOs).

Consultation with beneficiaries will be approached through the following steps:

1. Initial discussion guide(s) to lead consultations with beneficiaries, as individuals and in small groups, will be developed with the consultant.
2. Identify beneficiary representatives during site visits, from host organisations and through the Karen network for refugees resident in the United States. Beneficiary advisors will be asked to help in the design and testing of the SEA discussion guides, review of draft country chapters and for their input throughout the consultation process.
3. In each of the four case study countries,⁷² the independent consultant and local project assistant will interview colleagues from host agencies and meet with key stakeholders, such as camp/community leaders or key local organisations/CBOs, to explain the beneficiary based consultation process.

⁷² The fourth country consultation in Pakistan was suspended due to civil unrest.

4. Prior to consultations, the discussion guide and a BBC introduction handout for groups of participants will be translated into appropriate languages.⁷³ BBC introduction handouts will offer contacts for the lead BBC researcher, a local contact in the host organization and a HAP contact to allow participants opportunities to contact the researchers or to complain if uncomfortable with the content or behaviour by BBC team members.
5. The independent consultant and local project assistant will consult with beneficiaries in four country locations (where possible in 2 or 3 different geographical locations per country), individually and in small discussion (focus) groups.
6. Group discussions will be limited in size, not to exceed four to six participants. The majority of consultations will be with youth and women due to their disproportionate risk for sexual exploitation and abuse.
7. From two to ten translators (depending on number of languages spoken by beneficiaries and number of locations visited) will be recruited from the beneficiary population to assist with individual and group discussions.
8. Site-based discussions will be combined with transect walks and random visits to homes, as well as with more targeted individual discussions (consultations) with women's groups, youth groups, and other community based groups. Additionally, we will seek the input of residents who do not usually participate in group events.
9. Meetings with beneficiaries will take into account seasonal and daily events both from the perspective of avoiding inconvenience for populations who will be consulted, and in terms of seeing what advantages are offered by such events. (Note: Ramadan is in September/October; August is the South East Asian rainy season.)
10. Other sources will be sought and cross-referenced to learn if sexual exploitation and abuse is an issue of concern raised in BBC consultation countries. Examples of other sources include Listening Project field work and/or other recent GBV/complaints mechanism surveys or studies where sexual exploitation or abuse by humanitarian staff was highlighted as a concern by humanitarian aid beneficiaries.

Analysis

Once the independent consultant receives and collates all the feedback, she will analyse the materials and draft a report of the BBC results.

Hosting organisations will receive a brief overview of country-specific issues raised about SEA mechanisms by beneficiaries.⁷⁴ Preliminary findings will be shared with selected beneficiaries for additional feedback (to the extent possible) which will be forwarded to the independent consultant for review and consideration. Prior to public release, the BBC report will also be reviewed by a beneficiary/HAP reference group.

A final report comparing results across four countries will be publicly available in March 2008. We anticipate that BBC results will provide clear indications of SEA prevention and response progress and valuable information for improving initiatives that prevent and respond to sexual abuse and exploitation.

⁷³ In Thailand and Kenya, groups received a language-appropriate BBC introduction and in Namibia every individual consulted received a BBC introduction in their choice of Portuguese, French or English.

⁷⁴ This included a debriefing in Kenya with PSEA Consortium members, and informal debriefings with one UNHCR field staff in Namibia and one NGO in Thailand.

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“To complain or not to complain” about sexual exploitation and abuse continues to be the dilemma faced by many disaster survivors. Despite several years of concerted efforts by humanitarian agencies, major progress is still required if organisations are to become truly accountable for preventing and responding to sexual exploitation and abuse of beneficiaries by humanitarian staff.

This report, based on consultations with refugees living in Kenya, Namibia and Thailand, provides insight into the barriers to complaining. It also highlights the changes that beneficiaries hope for in order to break their silence when it comes to misconduct by humanitarian staff.

