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"Do no harm": the challenge of transactional sex in humanitarian operations

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Based on testimonies gathered in different theatres of humanitarian operations, Jasmine-Kim Westendorf analyses the political, as well as the concrete, conditions that facilitate abuses. The author focuses on "transactional sex", which is particularly complex to combat as it is so ingrained in the power imbalance between humanitarians and beneficiaries.

"We were starving; we had no food. I would have done anything for food." A few years ago, I was in Bosnia researching the impacts of sexual exploitation and abuse by international peacekeeping and humanitarian personnel when a woman who had worked with international organisations during and after the siege of Sarajevo, in the early 1990s, told me this[1]. She described a time when she and her family were starving, but her international colleagues enjoyed lavish Christmas parties and were highly paid. She told me she was once so desperate that she took home a small can of fish from her organisation's supplies and was met the next day by her boss and a security officer, who admonished her for stealing. "What he didn't realise," she said, "was that if he'd offered to buy me a pizza for lunch if I had sex with him, I would have said yes." Indeed, many women I met with recounted stories of women whose desperate circumstances were taken advantage of and who were in fact sexually exploited and abused by men who worked as part of the peacekeeping and humanitarian responses in Bosnia during and after the war.

Although the woman whose words I shared above was not herself a victim of sexual exploitation by her boss, her words provide insight into why sexual exploitation and abuse perpetrated by some humanitarian personnel against the local communities they have been sent to support and protect has been so difficult to tackle, despite concerted efforts. They highlight that this phenomenon hinges on the deep imbalance of power and resources that characterises the relationship between international personnel and the communities into which they have been deployed. It also speaks to the central challenge facing prevention and accountability efforts, namely that while some instances of sexual misconduct are clearly violent and criminal, others involve a complex interplay of agency, coercion and negotiation that make them much trickier to address both practically and conceptually.

This article revolves around these issues. It begins by considering why, and under what circumstances, humanitarians abuse and exploit despite the principle of "do no harm" that underpin their deployment into conflicts and humanitarian emergencies. It then turns to questions of how accountability mechanisms can be improved. I show that an effective response to sexual exploitation and abuse in the humanitarian sector needs to be grounded in considerations of how to navigate the power dynamics that shape the relationships between humanitarians and those within the communities they have been deployed to serve.

[1] The research and analysis presented in this article is based on research conducted between 2016-2020 and published in my book *Violating Peace: Sex, Aid and Peacekeeping*, Cornell University Press (2020). The project included over 100 interviews and extensive research in Timor-Leste and Bosnia, with the humanitarian community in Geneva and UN community in New York.

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Making sense of misconduct

The phenomenon of some aid workers sexually exploiting and abusing women and children in the vulnerable communities they have been sent to support is not new. This issue has long been a thorn in the side of the humanitarian sector[2], although it has received comparably less public attention than similar abuses perpetrated by peacekeepers from the United Nations (UN). And while only a small number of aid workers abuse and exploit, their actions have serious and lasting consequences for the communities in which they work and for the outcomes of the missions they serve in[3].

Sexual exploitation and abuse encompass a diverse set of behaviours ranging from sex trafficking, rape and violent sadistic abuse, to prostitution, the production of pornography and transactional sex, with differing degrees of coercion, consent and criminality[4]. Perpetrators have targeted adults and children alike, with the primary victims being women and children (both boys and girls) under the age of eighteen. Furthermore, despite public perceptions that perpetrators are primarily soldiers deployed with peacekeeping missions, they in fact include the full range of personnel associated with peace and humanitarian deployments, including both uniformed and civilian peacekeepers, humanitarian aid workers, diplomats and private contractors. Perpetrators include international, regional and local staff – the only unifying factor is that they are all men; no female perpetrators are noted in any of the available research or data.

So why do those sent to protect some of the world's most vulnerable populations perpetrate sexual abuse and exploitation against them? Unsurprisingly, given the variety of behaviours and perpetrators, the factors that give rise to these actions are also many and varied. My research suggests that a wide range of local, international, normative and systemic factors contribute to creating the circumstances in which humanitarian perpetrators choose to abuse and exploit.

These include the contexts of vulnerability into which humanitarian operations are deployed, which are characterised by economies of extreme material inequality between humanitarian personnel and locals. Displaced civilian populations are often present, as are criminal networks already engaged in various forms of violence, abuse and exploitation. But normative and systemic factors also play a critical role in creating the conditions in which sexual exploitation and abuse is perpetrated. These include racism, sexism, gender constructs such as masculinity, and unequal social and political power structures and cultures within humanitarian organisations and social networks. For instance, in 2004, a French civilian peacekeeper from the United Nations Organization Mission in the Democratic Republic of the Congo (*Mission de l'Organisation des Nations unies en République démocratique du Congo* – MONUC in French) who admitted to raping twenty-four underage girls told investigators: "Over there, the colonial spirit persists. The white man gets what he wants.[5]"

There are no simple solutions here, and the various factors I suggest interact with one another to give rise to quite distinct patterns and forms of sexual misconduct in different contexts. So, for example, the particular circumstances in Beni, Democratic Republic of Congo (DRC), during the 2018-2020 Ebola crisis, led to the establishment of an extensive sex-for-jobs scheme among humanitarian personnel[6]. Misconduct by humanitarians in Bosnia during international peacekeeping operations in response to the Yugoslav wars in the 1990s revolved largely around the patronage of brothels run by criminal outfits that trafficked women from neighbouring states into the country. By contrast, community members in

[2] For one of the first reports on sexual misconduct by humanitarians, see the note by the UN Secretary-General titled "Investigation into sexual exploitation of refugees by aid workers in West Africa A/57/465", United Nations, 11 October 2002, https://www.unhcr.org/en-au/excom/unhcrannual/3deb32dd4/investigation-sexual-exploitation-refugees-aid-workers-west-africa-note.html

[3] My book documents these in detail. See *Violating Peace…, op. cit.*

[4] Jasmine-Kim Westendorf and Louise Searle, "Sexual exploitation and abuse in peace operations: trends, policy responses and future directions", *International Affairs*, vol. 93, no. 2, 1 March 2017, p. 365-387, https://doi.org/10.1093/ia/iix001

[5] "Verdict today in case of UN employee accused of raping 23 African girls", *The Irish Times*, 11 September 2008, https://www.irishtimes.com/news/verdict-today-in-case-of-un-employee-accused-of-raping-23-african-girls-1.937754.

[6] Robert Flummerfelt and Nellie Peyton "More than 50 women accuse aid workers of sex abuse in Congo Ebola crisis", *The New Humanitarian*, 29 September 2020, https://www.thenewhumanitarian.org/2020/09/29/exclusive-more-50-women-accuse-aid-workers-sex-abuse-congo-ebola-crisis

Timor Leste reported to me that the main type of sexual exploitation by humanitarians that they experienced involved the establishment of romantic relationships characterised by unequal power dynamics and dishonesty and which sometimes resulted in the birth of children who were subsequently abandoned by the fathers. It is important to note that this particular pattern of behaviour in Timor Leste would generally not even fall under the behaviours that the zero tolerance policy or other organisational codes of conduct prohibit because it involves consensual relationships between adults that are not transactional in the immediate sense, but it was nonetheless considered an egregious form of sexual exploitation by community members because it hinged on a deep imbalance of power between the individuals involved, and had serious negative consequences for Timorese women.

Ultimately, the greatest challenge facing policy response relating to sexual misconduct in the humanitarian sector is that the nature of "the problem" reflects the complexity of the contexts in which it is perpetrated. It is difficult for one policy framework to address the different types of behaviours encompassed by the term "sexual exploitation and abuse", the types of perpetrators and patterns of perpetration involved, which reflects both the lack of comprehensive sector-wide reporting and data collection mechanisms and the decentralised and multifaceted nature of the sector itself. Moreover, it is hard to establish robust investigations and accountability mechanisms when only some of the prohibited behaviours are criminal (such as rape) while others are administrative policy breaches (such as some forms of transactional sex between adults), where legal regimes and investigative capacities vary significantly between host countries, and while there remains deep contention over whether some behaviours, such as purchasing sex, ought to be prohibited at all, if it occurs between consensual adults.

This all constitutes a particular challenge for the humanitarian sector because although humanitarian personnel have been implicated in many different forms of sexual misconduct, both UN peacekeeping data on civilian perpetrators of sexual misconduct and my own research suggest that most allegations of sexual misconduct against humanitarian staff revolve around transactional sex[7], which is particularly difficult to prevent and ensure accountability for.

The challenge of defining and characterising transactional sex

Transactional sex is sometimes called "survival sex" in reference to the circumstances that define victim choices around sexual encounters. Sex is traded, under varying levels of coercion, for essential supplies, money, support, protection or, as in the recent scandal in Beni, DRC, jobs with international organisations. Although the UN's zero tolerance policy[8] and non-governmental organisations' codes of conduct prohibit transactional sex, the complex nature of this behaviour presents a challenge to training, reporting and investigations mechanisms.

Any sex between adults and children, even in the context of a negotiated transaction, constitutes sexual abuse under the sexual exploitation and abuse policies. It is indeed considered as a criminal act under most jurisdictions (although the age of consent may vary creating some difficulties here). In spite of this, there have been some cases where the fact that a transaction was made led investigators to conclude that acts of criminal child sex abuse were in fact sexual exploitation[9]. This goes to show that even in the context of clear rules, personal prejudice can significantly influence the outcome of allegations of sexual exploitation and abuse.

The importance of personal judgements and stigma of investigators and officials is even more clear in relation to transactional sex between adults. This is generally not criminal and involves a level of negotiation and agency on the part of victims, albeit in the context of extreme deprivation, desperation and insecurity. During my research, I interviewed some officials who were in positions of authority over conduct and discipline investigations. They told me that, in their view, any transactional sex between

[7] See UN Conduct and Discipline data, https://conduct.unmissions.org/data
[8] Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse ST/SGB/2003/13", 9 October 2003, https://undocs.org/en/ST/SGB/2003/13
[9] See for example the International Committee of the Red Cross's Code of Conduct, https://www.icrc.org/sites/default/files/wysiwyg/code_of_conduct_may_2018.pdf

adults is based on the consent of both parties and should not be considered exploitative or within the purview of codes of conduct despite occurring in contexts defined as unequal power. Moreover, the social and economic power that humanitarians have in comparison to the communities they serve creates circumstances in which transactional sex can become embedded in local economies and in the expectations of interveners.

Effectively preventing and addressing sexual exploitation is particularly complicated when so many people are implicated either in the behaviours themselves or its associated economies (such as hospitality venues, taxi networks and hotels), which creates a permissive environment for transactional sex economies to flourish, incentivises their protection and continuation, and undermines the operation of accountability mechanisms. It is almost unsurprising then that senior officials from numerous organisations have told me that they tend to focus on allegations of sexual abuse rather than sexual exploitation because the latter are "just too difficult". Investigating allegations of rape, by contrast, seems more straightforward.

Investigation conditions

These challenges to investigations are compounded by the fact that reporting rates are low[10]. Many people do not know how to report their experiences at the hands of international personnel to the relevant authorities, or if they do, shame and stigma discourage them. Local and international humanitarian staff have reported fearing retaliation if they report sexual misconduct perpetrated by their colleagues[11]. Others have told me that they did not report what seemed to be exploitative behaviours by colleagues because they didn't know exactly what was going on at the time and were hesitant to "judge" whether others were in fact acting inappropriately by making allegations. Instead, they distanced themselves from the perpetrators professionally and personally, but in retrospect often wished they had spoken out formally.

Where investigations into transactional sex are launched, they may be difficult to conclude because of the challenges of gathering evidence, particularly where there have been elements of consent or negotiated transactions, or when contributing to an investigation may put the victim-survivor at risk, for instance in countries where sex work is illegal. Where allegations are substantiated by organisational investigations, accountability options are limited, particularly where no criminal offence has taken place or where local jurisdictions lack robust legal frameworks around sexual violence.

This discussion illustrates how a set of mutually enforcing systemic, cultural and contextual factors present serious challenges to the prevention and punishment of sexual exploitation and abuse by humanitarians. Together, they effectively create an environment in which a small number of predators can abuse and exploit without fear of retribution. They also highlight that policies need to more explicitly respond to the challenges that the very nature of the contexts into which humanitarians are deployed present to what have been predominantly human resources driven approaches to sexual misconduct to date.

Policy directions and the need for a holistic approach

In 2018, an international scandal was sparked by revelations about sexual misconduct by Oxfam Great Britain staff working in Haiti in the aftermath of the 2010 earthquake, but it quickly encompassed many more humanitarian organisations and missions. The scandal led to a flurry of activity to review and improve safeguarding mechanisms and information sharing in the sector, both within and across humanitarian organisations.

[10] William Worley, "Sexual abuse in aid sector still 'widespread'" *Devex*, 17 July 2020, https://www.devex.com/news/sexual-abuse-in-aid-sector-still-widespread-97730
[11] Sophie Edwards, "Sexual assault and harassment in the aid sector: Survivor stories", *Devex*, 7 February 2017, https://www.devex.com/news/sexual-assault-and-harassment-in-the-aid-sector-survivor-stories-89429

Reports have been released, training programmes revised, conferences held and reporting mechanisms established. Donors and organisations have held various listening and investigative commissions to better understand why sexual misconduct persists and how it can better be prevented and redressed[12]. Safeguarding experts have been hired, and human resources policies have been reviewed and rewritten. Interpol has been tasked with developing a more robust law enforcement response to perpetrators and helping prevent sexual predators moving between organisations[13]. Although still in its initial phase, the scheme is doing important work with local law enforcement agencies in Asia and Africa to identify what resources and operational support are necessary to hold perpetrators accountable, and with aid agencies to improve their prevention and detection of misconduct. The UK government is also establishing a global register of aid workers who may have perpetrated abuse to share information on misconduct and blacklist perpetrators, although it has already faced serious criticism, and an alliance of humanitarian organisations has set up an Interagency Misconduct Disclosure Scheme[14].

These initiatives have made important progress, particularly in terms of systematically sharing information across organisations to prevent perpetrators moving around the sector unencumbered. They have also resulted in safeguarding becoming "mainstreamed" as a key area of work that staff and organisations are held accountable to. However, work remains to be done to address the driving factors and cultures behind the phenomenon, including the dynamics of power, gender and entitlement that shape the choices made by some aid workers to exploit and abuse locals and impede accountability efforts. This is particularly critical given that while few individuals perpetrate the worst forms of abuse, more are implicated in forms of transactional sex that are difficult for conduct and discipline mechanisms to address, as a result of the complexities around negotiation, coercion and consent discussed above.

This is a deeply social issue that requires a holistic response. Organisations need to complement rules-based training with ongoing opportunities for discussion about a mission and their role in it. The aim is to ensure personnel understand not only *what* rules govern their behaviours, but *why* they have been deployed, *how* their everyday behaviours affect the goals and outcomes of a humanitarian mission, and *to what end* certain behaviours have been proscribed. Grounding this in an understanding of power and gender will help personnel in navigating the complexities of allegations of misconduct and transactional sex in particular.

Organisations must also ensure that leadership is committed and accountable to safeguarding policies and have an understanding of gender and power as driving forces of misconduct. And they need to move away from understanding sexual misconduct as something individual staff perpetrate because they are "bad apples" or do not understand the rules, to instead recognising that it is also the product of the complex environments in which humanitarians work. This shift would have implications for how prevention and accountability mechanism operate, while recognising that an imbalance of power and resources is to a large degree inevitable in many humanitarian contexts.

Furthermore, organisations and humanitarians themselves must engage in more open and honest discussions about their behaviours in relation to local communities and with the opportunities their presence creates for acts of abuse and exploitation. This will necessarily mean grappling with issues broader than the sexual behaviours of humanitarian staff. It would include, for instance, employment practices for locally employed personnel, racism in the sector, and the everyday behaviours of

[12] See for example Oxfam International's Independent Commission on Sexual Misconduct, Accountability and Culture Change (https://www.oxfam.org/en/what-we-do/about/safeguarding/independent-commission) and the UK House of Commons International Development Committee's inquiry into sexual exploitation and abuse in the aid sector (https://committees.parliament.uk/work/428/sexual-exploitation-and-abuse-in-the-aid-sector-next-steps).

[13] Government of the United Kingdom, "Press Release: International summit to crack down on sexual predators in the aid sector", 18 October 2018, https://www.gov.uk/government/news/international-summit-to-crack-down-on-sexual-predators-in-the-aid-sector

[14] For full information on the scheme, see The Inter-Agency Misconduct Disclosure Scheme, (https://www.schr.info/the-misconduct-disclosure-scheme), and for critiques, see Asmita Naik, "Opinion: Global aid worker register to prevent abuse risks doing more harm than good", Devex, 10 July 2020, https://www.devex.com/news/opinion-global-aid-worker-register-to-prevent-abuse-risks-doing-more-harm-than-good-97628

international personnel in their host communities.

One of the foundational principles of the humanitarian sector is that humanitarian work should not do more harm than it seeks to redress: sexual exploitation and abuse threatens to do just that. While the number of perpetrators of sexual misconduct is small, the effects they have are huge: on the lives of their victims, the outcomes of the missions they work within, and on global perceptions of the legitimacy of the humanitarian project. The complexity of the issue demands a deep rethink in the sector, and a concerted move away from a predominantly human resources and train-and-punish based policy setting towards a more holistic response that recognises and addresses the deep social nature of this problem. To be effective, the response must grapple with the unequal power dynamics that shape the relationships between humanitarians and those within the communities they have been deployed to serve.

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