



The UN's Newest Sex Abuse Scandal Won't Be its Last

October 1, 2020: The story is appalling. UN and other emergency responders are accused of committing vile sexual offenses against women they were sent to assist—this time during the most recent Ebola outbreak in the Democratic Republic of the Congo (DRC). At least 30 women told reporters that World Health Organization (WHO) personnel in North Kivu demanded sex in exchange for temporary jobs in the Ebola response, according to the [report](#) by The New Humanitarian and the Thomson Reuters Foundation.

The UN reacted just as expected: WHO will launch investigations. Future incidents will be prevented, its spokespeople claim. The perpetrators will be punished. "Zero tolerance" will be upheld.

None of that will make a bit of difference. It can't. Structurally, legally, neither WHO nor any other part of the UN has the right to investigate crimes. They can conduct preliminary "fact-finding" to determine whether their personnel may have committed crimes that bona fide government authorities should investigate and prosecute, but beyond that, WHO has no more authority to deal with crimes than a local coffee shop.

Our criticism of the WHO, we hasten to add, should not be construed as an endorsement of the Trump administration's illegitimate attacks on the global health body. We raise a protest against the UN's actions not because we are opposed to the UN but because we wish it to do better.

In response to this latest media exposé, the WHO declared in a statement that the alleged actions of WHO personnel "are unacceptable and will be robustly investigated." The WHO is "outraged." Anyone involved "will be held to account and face serious consequences, including immediate dismissal."

Secretary-General António Guterres called for the crimes to be "fully investigated." By implying that anyone employed by the UN can or should investigate these heinous crimes, the Secretary-General has guaranteed the inevitable: Little if any evidence will be unearthed, and few if any perpetrators will be traced; those who are identified will face administrative consequences and nothing more. No one will be prosecuted.

The sexual offenses will continue with impunity.

The purported outrage represents the first myth of this episode: the pretense that WHO was taken by surprise. **In fact, according to an [article](#) published in The Guardian, WHO knew in early February 2019 that a sex scandal plagued its Ebola response in North Kivu.** Twenty long months ago, non-governmental organizations had informed the WHO and the Congolese government that sex was

being extorted from women in exchange for Ebola vaccinations. No outrage was expressed. On the contrary, WHO spokesperson Tarik Jasarevic told the paper at the time, "We will continue to check and improve measures we have in place to prevent, monitor and report on any such incidents. More can always be done."

Why were no promises of "serious consequences" made back then? Why no promises of robust investigations?

We know why: The Guardian story didn't receive the same level of media attention as The New Humanitarian/Thomson Reuters Foundation report. With no one watching closely, the UN knew it could get away with doing nothing. The UN's reputation is all that matters.

Which brings us to the second myth: that even if a WHO investigation is launched, it can result in anything approximating justice. The mission of WHO's tiny Office of Internal Oversight Services (IOS) is not to track down perpetrators, fight crime, protect citizens, or take part in impartial adjudication. Its role is to "enhance the integrity and reputation of the Organization." Its internal explorations can lead to internal discipline, but that means that in the unlikely case that WHO "investigators" happen to find a civilian employee who demanded sex from a woman looking for protection from Ebola, the worst that might happen is that he could be fired.

Unlike police, IOS investigators only have access to UN records, property, and personnel; they can't search a hotel's rooms, subpoena its records, or question its staff, for instance. But let's play along with a third myth, for a moment, and imagine that the UN actually had the legal authority to investigate crimes. Would it have the capacity? According to WHO's most recent internal auditor's report, in 2018, WHO's IOS had one coordinator for investigations and a total of **four** investigators—for the entire world. On average, the audit said, it took IOS 1,646 working days to complete a case.

Legally, the DRC has jurisdiction over crimes committed in the DRC. After rapidly determining that its personnel may have committed crimes and therefore immunity doesn't apply, the UN should refer these sex-for-jobs and sex-for-vaccinations cases to local authorities. But senior UN officials have placed the DRC on a long, closely guarded list of countries whose police and courts they consider too incompetent to investigate and prosecute UN personnel.

What is the solution if the UN has no authority to investigate crimes, and it claims that the DRC isn't up to the job? UN lawyers pass the buck: they claim that responsibility should rest with the countries of nationality of the accused personnel. That myth leads directly to a legal and practical labyrinth, which we explained in our 2018 [submission](#) to a UK House of Commons inquiry (para. 26).

So, are we saying that there are no possible routes to justice when WHO and other UN personnel are accused of sexually violating women and children? No. There is a path, and it's clear, simple, and cost-effective. The UN simply must act on the Code Blue Campaign's [proposal](#) for an as-needed Special Court Mechanism. To end impunity and ensure that UN civilian personnel face justice, such a mechanism would step in and serve law enforcement and criminal justice functions in areas where the UN operates. It would be completely independent, truly impartial, and answerable only to

Member States rather than to the Secretary-General or to any other employee of the UN Organization.

This latest rash of UN sex crimes is almost rivalled in odiousness by the perpetuation of myths—by the bogus implication that a victim’s report is the first step toward a righteous UN solution; by the shameless fraud that WHO or any other part of the UN is qualified, equipped, or even allowed to investigate or prosecute itself; and that this will be the last exposé we’ll hear.

Nothing grieves us more than to make this prediction, but we must: WHO and the UN will be allowed to “investigate” this latest scandal, emboldening more personnel to demand more sex from more women with little fear of any real consequences. And two or three years from now, we will learn that in too many cases to count, the cost of a COVID-19 vaccine was sex with a “humanitarian.”

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