UN accused of hindering inquiry into alleged sexual assault by India official

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<https://www.theguardian.com/global-development/2018/aug/16/un-accused-hindering-inquiry-alleged-sexual-assault-india-official-diego-palacios-prashanti-tiwari>

The UN has been accused of obstructing a police investigation in [India](https://www.theguardian.com/world/india) following claims of sexual assault against one of its senior officials.

Prashanti Tiwari, who says she was sexually harassed and groped while working for an organisation contracted by the UN population fund, UNFPA, said the agency had tried to block a criminal investigation by claiming immunity for its staff, including the alleged perpetrator.

Tiwari alleges she was assaulted by Diego Palacios, the division’s representative for India.

The 30-year-old reported the allegations to the police. Among them were claims that Palacios groped her while they were in a lift together, and asked for sexual favours in return for a work contract.

After an internal investigation, the UNFPA [concluded on Friday that the allegations were unsubstantiated](https://www.unfpa.org/press/allegations-against-unfpa-staff-member-are-unsubstantiated-independent-investigation-finds).

Tiwari told the Guardian that Palacios made an unannounced visit to her office in Bihar, where she worked for the Voluntary Health Association, in March last year.

She alleges he stroked her hips and later implored her to attend an event at a hotel, where he offered her a contract in exchange for what she understood to be sexual favours.

“He asked how long I’d been a single mother, which offended me – but I felt obliged to respond … he said: ‘You must have your own needs.’

“Then he said we could find a mutual agreement, and if I was able to ‘satisfy his needs’ I would be taken to ‘new heights’ and rewarded with a career at the UNFPA.”

She added: “When we were left in the lift with one other person, [Palacios] stood close and groped my breast. I broke down in tears and the other person said: ‘Are you OK, why are you crying?’”

In January Tiwari was offered a short-term contract for UNFPA but declined the offer as she did not want to work under Palacios.

“I realised the power of this man and how vulnerable I was,” said Tiwari. “But people like Diego, who abuse their power and treat women like commodities, should be punished.”

Tiwari filed a complaint to Bihar police in February. But Palacios is yet to be interviewed.

The legal adviser for campaign group [Code Blue](http://www.codebluecampaign.com/about-aids-free-world-2/), Sharanya Kanikkannan, said: “The things she alleges are illegal under criminal law in India and she wants to be heard in a court in her country. But the UN has inserted itself into a criminal process, commencing and concluding its own investigation in order to stall official police enquiries.”

Tiwari wrote to India’s ministry of external affairs in February, petitioning the government to lift Palacios’s immunities.

Two weeks later, in an apparent response to a request for information, the UNFPA wrote to the ministry saying Palacios and two other UNFPA employees were “immune from legal process in respect … of acts performed by them in their official capacity, unless and until the secretary general of the [United Nations](https://www.theguardian.com/world/unitednations) has decided to waive their immunity”.

The letter added: “To our knowledge no such request has been transmitted … and the aforementioned officials have not been waived.”

Stéphane Dujarric, spokesman for UN secretary general António Guterres, told the Guardian: “The government has not formally requested a waiver of any applicable immunity and the organisation has not raised immunity as a bar to the investigation by the Indian authorities. UNFPA has consulted with the secretariat on this matter.”

Dujarric said the UN had confirmed to the government that Palacios held functional immunity, adding that it could not be determined whether it would apply in this case until a waiver request was received.

“UN staff members are not covered by immunity for acts that constitute crimes, including sexual harassment,” he said.

Kanikkannan said the UN had done the bare minimum: “The UNFPA had an obligation to truthfully consider and answer the immunity question. That response should have included the secretary general’s statement that immunity does not apply to sexual crimes.”

Kanikkannan said: “If the UN chose to demonstrate it has ‘zero tolerance’ for sexual abuse, it could proactively address the issue of immunity and get this case into court tomorrow.”

Last month, the UNFPA said Palacios could be interviewed by the Indian authorities – but only on UNFPA premises, with a UN official present.

The UNFPA has now closed its internal investigation. A confidential report by its office of audit and investigation services [OAIS] concluded there was “insufficient clear and convincing evidence to prove Mr Palacios sexually harassed Ms Tiwari”.

The report’s investigators confirmed that they did not have the access or authority to interview several witnesses pertinent to the case.

In a letter, the UNFPA told Tiwari it had sent a copy of its report to the Indian government.

Tiwari said: “The agency had no jurisdiction to assess these criminal allegations yet, in sending its findings to the authorities, my case could be prejudiced. I’m broken financially and emotionally. I have no job, no compensation but all I’m asking for is justice.”

The secretary general’s office said it had given permission for interviews with its staff to take place, adding it was standard practice for these to take place on UN premises.