U.N. Cases Read Like ‘Manual in How Not to Investigate’ Sexual Assault

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It took the woman one agonizing month to decide to report that she had been sexually assaulted by a colleague from the World Food Program, a United Nations agency, while working in Ethiopia.

It took the agency a week to investigate, concluding in a single-page document that it didn’t believe her.

Then, more than a year later, investigators asked her lurid questions about her sexual positions during the encounter, according to the case files.

She had no bruises or proof of force, and investigators concluded that her claim fell short of the legal definition of rape in Ethiopia and in the man’s native country.

On the world stage, the United Nations takes an uncompromising stance on sexual abuse, trumpeting a “zero tolerance” policy for infractions by its employees and condemning rape laws that require a woman to show injuries to prove that she did not consent.

But within the United Nations itself, the system for examining sexual misconduct by employees is so inconsistent that investigators sometimes use those same contentious laws to help guide their inquiries — a clear example, critics say, of the broad gap between the organization’s public pronouncements and its own practices.

“I was absolutely baffled” by the investigation’s conclusion, the woman said. The case files, which she shared with The New York Times, “read like a manual in how not to investigate a sexual assault,” she added.

The world of humanitarian aid — a multibillion-dollar industry whose biggest player is the United Nations — has not escaped scrutiny in the #MeToo moment, with some officials [resigning](https://www.nytimes.com/2018/02/12/world/europe/oxfam-prostitutes-haiti-chad.html) from organizations after accusations of sexual misconduct.

The United Nations Secretary General, António Guterres, has promised to make [accountability for sexual misconduct](https://news.un.org/en/story/2018/02/1001861) a central part of his leadership. Last fall, he appointed senior officials to review procedures and document victims’ stories.

But to many women in the industry, these measures sidestep the deep structural problems that have allowed decades of sexism and abuse within the United Nations to continue.

They say internal investigations give greater credence to powerful men who deny wrongdoing than to the women who accuse them, and that reporting systems are so byzantine that it is often unclear how to make a complaint, or what happens to the women who do.

Such criticisms — that the policies are inconsistent and that the sprawling bureaucracy is tarnished by sexism — are “exactly the secretary general’s opinion,” said Stéphane Dujarric, Mr. Guterres’ spokesman.

Mr. Dujarric said a lack of gender diversity and specialized training in internal investigations inhibited organization’s handling of sexual assault reports.

The root of the problem “for the secretary general is the balance-of-power issue,” he added, citing Mr. Guterres’ latest [strategy](https://www.un.int/sites/www.un.int/files/Permanent%20Missions/delegate/17-00102b_gender_strategy_report_13_sept_2017.pdf) to address that imbalance.

“We have a lot of work to do,” he said.

Mr. Dujarric acknowledged that across the United Nations there is no consistent procedure or standard of proof for investigating sexual harassment and assault cases. The organization’s 27 programs, funds and agencies largely operate independently, creating a patchwork of policies across a vast bureaucracy. Some investigators indicated that they relied on the legal definition of rape in the country where the act is committed — even in countries where the United Nations considers the law flawed.

“The whole thing is just a system designed to protect the organization,” said Peter Gallo, who worked as an investigator at the Office of Internal Oversight Services at the United Nations Secretariat. “The U.N. is more interested in its reputation than in protecting victims.”

More than a dozen women who worked at five United Nations agencies over 10 years, whose names are being withheld because they fear workplace retaliation, described a system that they said was stacked against them. Some said they were accused of being overly emotional when they tried to report an incident. Others described being verbally abused for seeking to report it.

Mr. Dujarric, the spokesman for Mr. Guterres, said the secretary general led discussions on the issue at a May meeting of the United Nations Chief Executives Board. He said the board had agreed to changes in reporting, investigation and decision-making procedures, like recruiting better-trained investigators and building a database of employees fired for sexual harassment, to avoid rehiring them at a different agency.

The process for investigating misconduct is so unpredictable, some critics say, that victims of harassment or abuse don’t know whether they will be discouraged, taken seriously or penalized for coming forward.

One woman working for the United Nations in Iraq described how a male colleague, who sometimes shared videos demeaning women, told her how happy he was to have “loose and sexy women” from Ukraine and Lebanon in the office. When she tried to file a complaint, she said, she was discouraged by an ethics officer who told her the insults did not count as harassment.

A woman at an agency headquarters in New York described seeking advice for a friend about reporting an assault, only to find out that she was required to report what she knew, even without the friend’s consent. Moreover, she learned, she and her friend’s names could be shared with the accused, making her nervous about retaliation.

“I don’t think this guy is going to come with a gun to my house or something, but on the other hand, you never know,” she said.

Investigators at some United Nations agencies described their work as operating in a gray area. They conduct internal reviews that can lead to punishments like termination; they are not criminal investigators prosecuting offenders.

But they said they often turned to criminal definitions of sexual assault — and sometimes use a “beyond a reasonable doubt” standard of proof — in the absence of clear guidance from their agencies.

“It’s not so clear cut,” said Fabienne Lambert, the internal investigator at the United Nations Population Fund. “It depends on the type of wrongdoing.”

Paula Donovan, who advocates greater accountability in sexual assaults by United Nations personnel, argued that sexual assault claims face the highest burdens of proof, which unfairly disadvantages victims.

“The system is designed to ensure that the smallest possible number of those who are accused are found guilty,” she said. “They’re using a standard that is only applied when people are facing 10 years to life in prison.”

In recent months, U.N. Women, the United Nations agency dedicated to gender equality, appointed a special coordinator on sexual harassment, and other major United Nations agencies have reminded staff members of the “zero tolerance” for sexual harassment in the workplace.

Still, agencies within the United Nations sometimes interpret that differently.

At the United Nations Population Fund, the standard for determining misconduct is “clear and convincing evidence,” Ms. Lambert said.

At the World Food Program, by contrast, the standard is the same as in an American court of law, “beyond a reasonable doubt,” according to a program spokeswoman.

Complicating matters, there is little evidence in many sexual assault cases beyond the statements from the two people involved, investigators said. Often, they added, they must decide how to assess those statements on their own.

“It boils down to credibility,” said Henrik Malmquist, the head of investigations for the United Nations High Commissioner for Refugees.

In the World Food Program case in Ethiopia, the man’s credibility was assessed, in part, by asking witnesses what kind of “guy” he was, according to the case files. The woman’s credibility was assessed by asking questions about her mental health, her past romantic history and whether she engaged in “flirtatious” behavior with the accused, among other things, the files show.

To the woman, the language investigators used when they first closed her case in November 2014 suggested that they were more interested in clearing her accuser’s name than in understanding what had happened, she said.

“I remember exactly what they said: ‘We recognize that the sex happened, but we do not have evidence that it was not consensual,’” she said. “And I said, ‘Do you have evidence that it was consensual?’ And they said, ‘That’s not our job.’”

According to the case files, investigators partly supported their decision by arguing that she could have escaped, based on the sexual positions they had her describe.

The case files suggest that investigators excluded from their analysis the range of possible responses to sexual assault, including what experts call “[tonic immobility](https://www.scientificamerican.com/article/sexual-assault-may-trigger-involuntary-paralysis/),” an involuntary paralysis sometimes experienced in traumatic situations.

“Victims talk about that, feeling like they were paralyzed by the fear, and that’s a result of the circuitry of fear,” said Elana Newman, a psychology professor at the University of Tulsa.

The woman in the Ethiopia case appealed the investigators’ conclusion, and in 2015 the World Food Program contracted the firm [Stroz Friedberg](https://www.strozfriedberg.com/" \o "" \t "_blank)to conduct a second investigation. The agency spokeswoman said it had contracted the firm because of its experience with sexual assault issues.

But the firm’s website says it specializes in cybersecurity and data management, with clientele that include Uber and Facebook, which recently hired the firm in connection with revelations that Cambridge Analytica inappropriately acquired data from up to [87 million Facebook users](https://www.nytimes.com/2018/04/04/technology/mark-zuckerberg-testify-congress.html).

The investigators assigned to re-examine the woman’s case were former prosecutors, one of whom had published papers about the risk factors for false convictions in the criminal justice system. Stroz Friedberg did not return phone calls or emails requesting comment.

According to the case files, the firm interviewed a dozen people in late 2015. Two witness statements sided with the accused. One came from the man himself, who said the sex was consensual. Another came from a middle manager who said she didn’t believe the woman because she thought a rape victim would scream or fight during the act, and because she thought the accused appeared to be “quite a gentleman.”

Of the nine people the investigative team interviewed, seven indicated that they believed the woman. A counselor also told investigators that the woman’s behavior after the assault was consistent with other rape victims he had counseled.

Investigators acknowledged that the woman’s statements to witnesses after the episode supported her claim that the sex was not consensual. But because she had given the man her phone number and kissed him before the alleged assault — a fact she acknowledged — the investigators determined that the activity was “not non-consensual,” the case files show.

The man she accused denied committing sexual assault, and said his case raised concerns about false accusations. In an email, he questioned his accuser’s professional qualifications, mental state and motives. “My success in life might have attracted jealousy, unfortunately,” he wrote.

The woman said the investigation felt like a “second violation.”

“When it happened, I felt like I was torn open,” she said. “And then people are saying, ‘No, that didn’t happen. You have no proof,’ or ‘You’re not credible.’”

She is now pursuing an internal claim against the World Food Program for its handling of the case. The agency invited her to settle the matter through “amicable discussions” — and required strict nondisclosure terms that precluded any further referral of the matter, including to “administrative or judicial bodies,” according to an email from an official seen by The Times.

She refused.

Ed Flaherty, a lawyer who represents United Nations employees, including in sexual abuse cases, said the current process for investigating assaults was fundamentally flawed.

“The U.N. should not be investigating itself,” he said. “God help you if you’re on the wrong side.”