

Examining Individual and Organisational Legal Accountability for Sexual Exploitation Perpetrated by International Humanitarian Workers in Haiti

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Abstract : There is growing recognition that sexual exploitation and abuse (SEA) perpetrated by humanitarian workers is widespread, most recently affirmed by allegations of high-ranking Oxfam officials paying women for sex in post-earthquake Haiti. SEA covers a range of gendered abuses, including rape, sexual assault, and 'transactional' or 'survival' sex. Holding individuals legally accountable for such behaviors is difficult in all contexts even more so in fragile and conflict-affected settings. Transactional sex, for the purposes of this paper, refers to situations where humanitarian workers exchange aid or assistance for sexual services. This paper explores existing organizational accountability measures relating to transactional sex engaged in by international humanitarian workers through a descriptive and interpretive case study approach-examining the situation in Haiti. It comparatively analyses steps the United Nations has taken to combat this problem. Then it examines the possibility of domestic legal accountability for such conduct in Haiti. Finally, the paper argues that international human rights law can fill in potential gaps in domestic legal frameworks to ensure states hold humanitarian workers and potentially organizations accountable for engaging in and/or perpetuating this gendered abuse of power.

Keywords : gender-based violence, humanitarian action, international human rights law, sexual exploitation

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