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Investigation Report, FRN5 - Haiti

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This is Oxfam's final internal investigation report from 2011 into allegations of sexual misconduct and other unacceptable behaviour during Oxfam's humanitarian response to the Haiti earthquake of 2010.

We are making this exceptional publication because we want to be as transparent as possible about the decisions we made during this particular investigation and in recognition of the breach of trust that has been caused. We are also meeting with the Government of Haiti to apologise for our mistakes and discuss what more we can do, including for the women affected by these events. We hope this also contributes to rebuilding trust with those who support our work.

However difficult it is to meet the demands of transparency, and however hard it is to confront mistakes of the past, we believe that ultimately, this will help us take meaningful action and become more effective in our mission to tackle poverty and help people hit by disaster.

NOTE: We have redacted names and identifying characteristics to comply with the need for due process and confidentiality required by both privacy law and recommended UN guidelines on the issue of sexual exploitation and abuse.

The full, un-redacted report has been shared with the Haitian Ambassador in London and a copy will be given to the Haitian government in a meeting on Monday morning (19 February 2018). We have informed the relevant national authorities of the names of the seven men involved in sexual misconduct.

1. INTRODUCTION AND BACKGROUND

The OGB Loss Prevention team received an email from the [REDACTED] Latin America & the Caribbean Region, on 12 July 2011 alleging that various members of staff in the Haiti project had breached the OGB Code of Conduct. Following a discussion between the [REDACTED] it was agreed that an investigation would be carried out. The alleged breaches related to sexual exploitation (use of prostitutes in OGB guest houses and sexual harassment of staff), fraud, negligence and nepotism.

The Loss Prevention team was deployed to Haiti to investigate these allegations. Prior to their departure to Haiti, allegations were received [REDACTED] that the Country Director had also breached the Code of Conduct through the alleged use of prostitutes at his OGB funded residence. It was decided by senior management in Oxford that the allegations against the CD needed to be investigated prior to the other allegations. There were a number of risks associated with any potential action required against the CD and there was a need to establish the veracity of the allegations against him before commencing the investigation of the other staff members. The investigation team comprised 3 members of the Loss Prevention team, supported by [REDACTED].

For the initial 4 days upon arrival in Haiti, the only people aware of the team's presence in the country were members of CMT, [REDACTED] (who was the CD's line manager) and the [REDACTED] in country. As the CD was being investigated he was not made aware of the team's presence during this stage of the process. This time was spent establishing and examining the intelligence and evidence that was available and also to determine who else may be implicated.

2. KEY STAGES AND OUTCOMES OF THE INVESTIGATION

Interview of the CD

During the initial 4 days of the investigation the only substantiated allegations against the CD were of the use of prostitutes in his OGB residence. OGB's Chief Executive telephoned the CD to inform him of the investigation, and also of the broader allegations against other members of his staff. He was instructed to meet with the investigation team at their hotel. The CD arrived at the hotel and was met by [REDACTED], the [REDACTED] and the investigation team. He was briefed on the nature of the allegations against him personally and formally interviewed by two members of the investigation team.

During the interview the CD admitted to using prostitutes in his OGB residence. On being briefed on the wider allegations, he took full responsibility and offered to resign. After further discussion with the [REDACTED] and the [REDACTED] it was agreed that OGB might accept his resignation, and allow him a phased and dignified exit, provided that he would fully cooperate with the rest of the investigation. This proposal was subsequently agreed with Barbara Stocking (standing in for Penny Lawrence) as there were potentially serious implications for the programme, affiliate relationships and the rest of the investigation if he were to be dismissed on these charges. In accepting the CD's resignation, Barbara Stocking and Penny Lawrence also took into consideration the significant contribution he had made in his time with

OGB. It was subsequently agreed that the CD would leave the organisation after a period of up to 1 month.

Investigation of the allegations made against staff

Having briefed the staff in the Port au Prince office that an investigation was underway the main part of the investigation commenced. During the investigation 40 witnesses were interviewed. While the investigation was still in progress, the line manager of one of the suspects leaked an investigation report to an unconnected member of staff. This resulted in 3 of the suspects [REDACTED] physically threatening and intimidating one of the witnesses who had been referred to in the report. This incident led to further charges of bullying and intimidation against these 3 members of staff.

Final reports on those investigated were submitted to the [REDACTED] who, with support from HR from the LAC region and Oxford, carried out disciplinary hearings. The outcome of this process to date is as follows:

- (1) [REDACTED] [A] has been dismissed for gross misconduct for failing in his duty to protect staff. He is currently considering whether to appeal against this decision.
- (2) [REDACTED] [B] has been dismissed for gross misconduct for use of prostitutes in OGB property.
- (3) [REDACTED] [C] has been dismissed for gross misconduct for bullying and intimidation of OGB staff and for the misuse of OGB computing equipment through the access and download of pornographic and illegal material. He appealed against this decision, however, this appeal was subsequently rejected after having been considered by the [REDACTED] and the [REDACTED].
- (4) [REDACTED] [D] was charged with gross misconduct for the use of prostitutes in OGB property and for bullying and intimidation of OGB staff. He resigned under investigation and is currently outside of the country but has agreed to undergo a disciplinary hearing on 2 September.
- (5) [REDACTED] [E] has been dismissed gross misconduct for bullying and intimidation of OGB staff.
- (6) [REDACTED] [F] was charged with use of prostitutes in OGB property and for CV fraud. He resigned under investigation during his home leave but has agreed to undergo a disciplinary hearing at a later date which is to be agreed.

[REDACTED]
[REDACTED]

- (8) [REDACTED] [G] has been given a final written warning for a breach of trust and confidence through the unauthorised sharing of an investigation report.

In addition due to an incident that occurred during the investigation, [REDACTED] [H] has had his probationary period extended following substantiated allegations of threats of violence against contractors and behaviour that could bring OGB into disrepute.

The details of the allegations against the above, the evidence obtained and the outcomes of the investigation are set out in Appendix 1 below.

None of the initial allegations concerning fraud, nepotism, or use of under-age prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were under-aged.

3. LESSONS LEARNED

There are number of areas where consideration, reflection and action will be required to minimise the likelihood of a situation like this emerging again. After the consideration of this report by the organisation an exercise needs to be conducted to document the reasons for the situation arising, what learning we can take from this and what action we need to take going forward. Appendix 2 sets out an action plan for taking this forward with agreed responsibilities and timescales.

APPENDIX 1 – SUMMARY OF INVESTIGATION

Position	Allegations	Corroboration	Action taken to date
Roland Van Hauwermeiren Country Director	Use of prostitutes in OGB premises. Negligence and failure to safeguard employees – in particular, female employees.	Admission during interview with Investigation team.	Resignation immediate effect Negotiated a month notice period. Left the organisation 24 th August
██████████ ██████████ ██████████	Sexual exploitation and abuse of employees Bullying, Harassment & Intimidation Use of Prostitutes in OGB property Misuse of OGB resources (Pornographic images & videos on laptop)	Statements from current and ex-employees plus contractors ██████████	Dismissed for gross misconduct for failure to protect staff. He is currently considering whether to appeal against this decision.
██████████ ██████████ ██████████	Sexual exploitation and abuse of employees Bullying, Harassment & Intimidation Use of prostitutes in OGB property	Statements from current & ex-employees plus contractors ██████████	Dismissed for gross misconduct for use of prostitutes within OGB property with immediate effect following a disciplinary hearing on 17 August.
██████████ ██████████	Fraud/Corruption Use of prostitutes in OGB property Bullying & Harassment of other OGB staff.	No evidence of Fraud. Other allegations corroborated by current employees and contractors.	Dismissed for gross misconduct for bullying and intimidation of OGB staff and for the misuse of OGB computing equipment through the access and download of pornographic and illegal material, with immediate effect

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Position	Allegations	Corroboration	Action taken to date
	Misuse of Oxfam resource – pornographic images & videos on laptop plus pirated copyright materials.		following a disciplinary hearing on 17 August. Appeal heard on the 25 th August by LAC [redacted] and [redacted]. Appeal rejected.
[redacted] [redacted] [redacted] [redacted] [redacted]	Use of prostitutes in OGB property. Bullying & Intimidation of other OGB staff.	Statements from [redacted], plus interview evidence from [redacted] and [redacted]	Resigned under investigation. Has agreed to have a disciplinary hearing by telephone on 2 September.
[redacted] [redacted]	Fraud Use of Prostitutes in OGB property Bullying & Intimidation of other OGB staff	No evidence of Fraud. Use of prostitutes in OGB property and bullying and intimidation of OGB staff corroborated through statements from current employees and contractors [redacted]	Dismissed with immediate effect for gross misconduct for bullying and intimidation of OGB staff following a disciplinary hearing on 17 August.
[redacted] [redacted]	CV Fraud Use of prostitutes in OGB property.	Resigned during investigation.	Resigned under the investigation, during his home leave. Has agreed to a hearing on a date to be agreed.
[redacted] [redacted]	Nepotism Failure to declare 'Conflict of Interest'. Several procedural breaches for private gain.	No significant evidence to confirm the allegations. Some performance issues identified.	Conversation and improvement plan after her [redacted] leave, no upgrade in her substantive position.

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Position	Allegations	Corroboration	Action taken to date
██████████ ██████████	Breach of trust through the leaking of a confidential report related to the investigation.	Admission of allegation.	Final written warning.

Further to the above, whilst in country, the ██████████ and ██████████ received further allegations not connected to the investigation, against the following member of staff:

Position	Allegations	Corroboration	Action taken to date
██████████ ██████████ ██████████	Violence against contractors & bringing OGB into disrepute by behaviour displayed against other OGB staff in public with other senior INGO employees present.	Witness statement from ██████████ ██████████	A disciplinary hearing was carried out on 19 August . One month extension of his probation period.

APPENDIX 2 – LESSONS LEARNED ACTION PLAN

Lessons	Planned Action	Who (lead) and when
Organisational Culture		
1. Need more embedding of Oxfam's values and behaviours across the organisation.	<ul style="list-style-type: none"> Many actions/activities to focus on values already planned for this Autumn (2011). Will link with refresh on the Code of Conduct and its application. 	Values Group led by [REDACTED] Autumn 2011
2. Need more embedding of women's rights at the heart of all we do.	<ul style="list-style-type: none"> Programme Leadership Team to revisit previous discussions on this and reinforce its centrality in all our programme work. 	[REDACTED] Nov 2011
3. Code of Conduct needs stronger emphasis	<ul style="list-style-type: none"> When wording of joint OI Code of Conduct is confirmed, roll out across OGB with discussion of its application in teams. Include in mandatory inductions and consider mandatory refresher sessions eg. every 3 years. Build Code of Conduct/gender questions into recruitments/recruitment training. Country HR Forums to focus on Code of Conduct case studies and capacity building. 	[REDACTED] Autumn/Winter 2011
4. Humanitarian Dept (including HSP) culture needs particular focus – are we too tolerant of weak controls in emergency situations?	<ul style="list-style-type: none"> HD reflecting on actions needed but will include more on culture and behaviours in HSP inductions and Humanitarian Learning Forums – HSPs as guardians of our values as well as technical experts. 	[REDACTED] Winter 2011
5. Need to refresh and increase awareness training on PSEA (preventing sexual exploitation and abuse) particularly in high risk countries.	<ul style="list-style-type: none"> Current PSEA training course materials being simplified and focussed for use in high risk countries – including Haiti (where 	[REDACTED] [REDACTED] Autumn 2011

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Lessons	Planned Action	Who (lead) and when
	<p>possible, hold training on an OI basis). Considering where this training needs to be compulsory.</p> <ul style="list-style-type: none"> • Reinvigorate PSEA Focal Points and Reference Group; increase cohort of trained PSEA investigation staff. • Introduce safeguarding referral record approach to deal with concerns where full investigation not justified. 	<p>██████████ ██████████ Autumn 2011</p> <p>██████████ ██████████ Autumn 2011</p>
<p><u>Human Resources</u></p> <p>6. Need better mechanisms for informing other Regions/affiliates/agencies of behavioural issues with staff when they move and to avoid “recycling” poor performers/problem staff.</p>	<ul style="list-style-type: none"> • Clearer mandatory requirements for references to be taken, including from the last line manager, in the last job. At least one formal reference and normally 2, even in emergency situations, not just informal. • Disciplinary actions and pending actions to be recorded on HR systems (Gold/I-grasp) – including “flags” for discussion with HR, and clear on HR files. This includes safeguarding referral records. • Reference templates to be provided for HR staff to complete when there have been performance or conduct issues. • Review HR section of Emergency Procedures Manual. 	<p>██████████ with RHRMs by Dec 2011</p> <p>██████████ by Dec 2011</p> <p>██████████ by Dec 2011</p>

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Lessons	Planned Action	Who (lead) and when
<p>7. Need to ensure basic HR practices/standards are followed in all countries.</p> <p>8. While there must be clear, effective follow up and action in cases of inappropriate behaviour, it is important to avoid a wider "blame culture", but keep the emphasis on openness to learning.</p>	<ul style="list-style-type: none"> • Build stronger HR process checks into Internal Audits. • Regional HR to carry out regular checks on countries • Re-emphasise this across HR and other relevant teams 	<p>██████████ by Dec 2011</p> <p>██████████ by Dec 2011</p> <p>██████████ by Dec 2011</p> <p>██████████ Autumn 2011</p>
<p>Line/Regional Management</p> <p>9. Where weaknesses are recognised in CDs/country teams, need effective support and monitoring from Regional Centre (this relates to culture as well as skills/competencies).</p>	<ul style="list-style-type: none"> • All RMTs to review learnings from Haiti and consider potential risk countries and any further actions needed. • When RMT staff (or HQ senior staff) visit countries they should arrange a meeting with female staff only where they explore issues of culture/ways of working and any problems. 	<p>██████████ by Dec 2011</p>
<p>Whistle Blowing</p> <p>10. Better mechanisms needed to enable staff (especially national staff) to blow the whistle.</p>	<ul style="list-style-type: none"> • Improved range of mechanisms set up and widely communicated including email/website/telephone line in 5 languages. • Improved arrangements for visitors to countries to systematically offer opportunities for private conversations; meetings with female staff as above etc. 	<p>██████████ by Dec 2011</p>

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Lessons	Planned Action	Who (lead) and when
		<p>██████████ with All senior Regional staff, CMT etc. Oct 2011 onwards.</p>
<p><u>Audit/Investigation Process</u></p> <p>11. Increase awareness across Oxfam of existence of an independent review/investigation team [available for OI too?].</p> <p>12. Improve internal audit process to cover HR and culture more effectively</p> <p>13. Take feedback from Haiti on investigational process/effectiveness and apply learning from this.</p>	<ul style="list-style-type: none"> • Role of this team and how to utilise them to be widely communicated. • Review internal audit process and include more guidance on this. • Review Haiti investigation with key “customers” and take forward learnings. 	<p>██████████ by Autumn 2011</p> <p>██████████ by Dec 2011</p> <p>██████████ by Dec 2011</p>