

**ACTION CONTRE LA FAIM**

**Counter-Inquiry on the accusations involving ACF within the programs  
implemented in the Muang Long District (Laos)**

**December 2006**

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## INTRODUCTION

### ➤ ACF activities in the Muang Long District

The activities carried out by ACF in the Muang Long District (Laos) aim at improving the lives of ethnic minority (mainly Akha) villages :

The objectives are :

- To increase and diversify food resources (paddy field extension and irrigation ; distribution of wet paddy rice seeds and training on all aspects of wet paddy rice farming ; distribution of rice through Food For Work activities to the most vulnerable villages ; settling of rice stocks protection against rats, promotion of other food crops ; distribution of improved stoves and training)
- To develop food access and household income (promotion of alternative crops ; livestock breeding ; vaccination campaigns for pigs)
- To improve the administrative and commercial exchanges (building of road access)
- To improve access to high quality drinking water and sanitation environment (water supply building, monitoring and maintenance of water supply systems, health education)

Today ACF gives priority to activities in non relocated villages.

### ➤ ACF team and work organization in the villages

- An ACF team counting 73 persons in July 2006, including 3 expats, and 18% of ethnic minorities.
- According to the activities carried on, the length of the stay of the ACF teams (from 1 to 10 persons) in the villages varies from one day (health education) to 2 months (settling of water supply system).
- During their stays in the villages, ACF has established the following rule: the population benefiting from the works should provide the national teams with their meals. This rule is mentioned in the contracts signed with the villages before the beginning of the activities. The staff's meals must be the same as the villagers'. The rule was set in order to ensure the villagers' involvement at every level of the project.
- During their stay in the village, the ACF staff members eat and sleep in the head of the village's house, and his deputy's, with the members of the family. When the staff is too numerous, part of them, in particular the Akha translator, sleep in other houses.

### ➤ The accusations

The accusations made by 2 outsiders, Thomas Ryska (Czech citizen) and Matthew McDaniel (American citizen), are aimed at ACF and particularly at the national ACF staff within the context of the actions implemented by ACF in the villages of the Muang Long district (Luang Namtha province) in Laos.

Are implicated :

- the ACF NGO
  - Through the practises established in terms of human resources management with the Akha ethnic minority staff.
  - The procedure of allocation of mosquito nets in the villages
- The national ACF staff, for abuses of power rumoured to be exercised upon beneficiaries during actions in the villages, charactized mainly by :
  - sexual abuse/rapes supposed to have been committed for the last 3 to 5 years on young Akha women (from 15 years old upwards)
  - excessive demands regarding the provision of the ACF employees' meals by the village

*See in the annex the methodology settled prior to the counter-inquiry to establish the nature and character of the possible abuses.*

## I- RESULTS OF THE INQUIRY AND CONCLUSIONS

### I - 1 : Accusations held against ACF

#### I - 1 - 1 ACF Human Resources Management of Akha ethnic minority

##### □ Results

Accusations held against ACF as regards ethnic minorities management concerned only the Akha population, which is the most important in the Luang Nuantha province. Other minorities, particularly Kwi and Hmong, are also present in the province and amongst ACF staff. (1 Kwi House Education supervisor and 1 Hmong driver)

Accusations	Elements of answer
<b>ACCURATE ACCUSATIONS</b>	
« No one on their staff (ACF) who is white speaks any Akha »	Persons who can speak Akha language without being born in the Akha minority are very rare. Though currently no expatriate ACF staff speaks Akha.
<b>PARTIALLY ERRONEOUS ACCUSATIONS</b>	
"Akha staff is paid the lowest wages despite the fact that they speak two languages. Non Akha staff are paid double or above what the Akha are paid."	<p>With equal competence, Lao, Akha and Hmong staff members are equally paid. The salary scale takes into account the level of studies to determine starting wages and promotions. So Akha staff suffers the consequences of its lower training level.</p> <p>Indeed, wage level depends on the level of studies. Lao interpreters (French or English) spent 4 or 5 years at the university while Akha interpreters didn't go to the university. As a matter of fact, Akhas generally don't attend school at all, they are generally illiterate and most of those who speak Lao have learnt it while in the army, around 18.</p> <p>An Akha/Lao interpreter starts with wages 2 to 3 times lower than an English/Lao or French/Lao interpreter. For comparison, 2 Akha interpreters were hired in 2003 with monthly wages between 80 and 90 dollars, while 2 Lao interpreters hired in 2003 and 2004 were paid between 225 and 250 dollars. Akhas' wages are indeed at the bottom of ACF-Laos salary scale. But these wages are similar to those of Lao technical staff. Cleaners are paid the lowest wages.</p> <p>As a matter of fact, the 2 Lao interpreters have been promoted, one as a logistic assistant and the other as an administrative assistant, both with 300 dollars wages. In the same time, one of the Akha interpreters has been promoted too, but to a lower level of responsibility, and perceives now 130 dollars wages, which is equivalent to Laos in the same position. The other Akha interpreter is now paid 104 dollars, which represents the same progression as for a Lao road technician who started at 89 dollars and is now paid 104 dollars.</p> <p>An other member of the ACF staff, from the Kwi minority, with higher education, is employed as a supervisor with 294 dollars wages, which is equivalent to the other Lao supervisors' wages. The Hmong driver is paid 140 dollars, which is more than his Lao colleagues (108 to 115 dollars).</p> <p>Furthermore, ACF hardly finds competent staff agreeing to work in Long, and has developed a hiring policy favouring English or French speaking young people who will be quickly able to accede to other responsibilities. This choice can explain that more attractive starting wages are offered to Lao interpreters</p>

Accusations	Elements of answer
"Akha staff are required to do the hardest menial tasks (carry concrete, construction work)"	<p>Updated job descriptions for all employees mention that : « Due to the specific work of ACF, all ACF employees may be requested to stay at the project disposal for any extra duty related to the program (example : load and unload material, cement, ...)". So Akhas are sometimes required to carry concrete and construction work, in the same way as Laos are.</p> <p>Still, an expatriate points out that his predecessor drew his attention on the fact that Laos sometimes tried to offload those supplementary tasks onto Akhas. Therefore he now makes sure that everybody takes part in these tasks, setting an example himself.</p> <p>Akhas are predominantly occupying low-level posts because of their low level of competence but they are not recruited to accomplish the hardest menial tasks. Most of them are interpreters, which is a physically easier post compared, for example, to Lao technicians.</p>
There are no Akha women on the ACF staff in the Muang Long District	<p>ACF faces difficulties in recruiting more Akhas women, because of their low level of education (very few speak Lao), and because of pressure often put on them by husbands who don't want their wives to work.</p> <p>In April 2006 there was no Akha women in the ACF staff. But there used to be Akha women, particularly in the Sanitarian Education team, who had left ACF at that time. Since then, an Akha woman has been hired in July as a Health Education Supervisor Assistant with starting wages of 190 dollars.</p>
Akha staff is not allowed to climb up to the NGO management levels. "Hill tribe...are not allowed to take senior administrative positions".	<p>Among ethnic minorities in the ACF staff, only one Kwi occupies a post that leads him to supervise 3 people. No Akha staff member has yet reached management posts implying managing a team.</p> <p>However, the Akha staff benefit from internal promotions. Many translators became technicians, all Akha interpreters in the Health Education team became educators, one Akha interpreter became a Field Team Leader and another is now in charge of the Water Supply Maintenance</p>
<b>ERRONEOUS ACCUSATIONS</b>	
"ACF has close to 90 staff members in the Muang Long district. Only 10 staff members are Akha while nearly the entire population the Muang Long District is Akha".	<p>ACF tries to recruit more Akhas but is confronted with their low level of competence. However, ethnic minority people made up 15% of the ACF staff in 2005, and 18% in 2006, with a large majority of Akhas. This is noticeably more than alleged in the accusations.</p>
"Akha staff are not provided with ongoing training education"	<p>The Akha staff takes part in ongoing training actions in the same way Lao staff does. They recently attended English and computer training. An Akha staff member points out that the certificates he obtained following computer and irrigation trainings are the highest prides his work for ACF gave him.</p>
"Akhas are not provided with any health care benefit"	<p>Akhas benefit from exactly the same reimbursement of medical expenses than the rest of ACF national staff, that is to say a maximum of 100 dollars per year (on presentation of invoice).</p>

Among the other accusations brought against ACF staff, the following appear : "ACF has close to 90 staff members in the Muang Long district. No one can explain the excessive numbers." "ACF staff get well paid".

73 persons currently work in the Long base and 2 others in the Luang Namtha base (but there have been up to 86). ACF admits that this is indeed a high number compared to the number of other actors working on the same ground. In accordance with the principles of the ACF charter (« open and direct access to the victims, professionalism »), ACF chooses to carry out its activities in villages from start to finish to insure the quality of the finished work, rather than subcontract part of the work to external companies. This choice implies a large staff. ACF adds that subcontracting part of its activities would allow to reduce the wage bill as asked by district authorities and backers. Furthermore this situation allows a high number of people to work and eat.

Concerning the high level of wages, ACF wages are in the average of wages paid by the other NGOs operating on the same territory (GTZ), or below (EU). See "Risqué d'abus de pouvoir, état des lieux des pratiques de Gestion des

#### □ **Conclusions**

The accusations brought against ACF concerning Akha staff management rest on interviews led by Tomas Ryska and Matthew McDaniel with Akha ACF staff members. These members, not knowing who they were talking to, certainly didn't have all the necessary information to answer the various questions, particularly in terms of comparison with how the Lao staff is treated. An interview with the ACF executives would probably have avoided some mistakes.

Most of the accusations are partly or totally erroneous. They just shed light on the specific difficulties encountered by the Akha staff in terms of promotion and lead to the following recommendations (to be completed with the HRM Report recommendations) :

#### □ **Recommendations :**

- Establish a policy of staff Career improvement based on their individual training needs. Study the means to provide specific answers to the special needs of ethnic minority staff members.
- Ensure that all ACF staff members benefit from the assessment procedure (see HRM Report)
- Reconsider the ways in which the degrees (of their absence) are taken into account in the classification system of the different jobs. It would seem logical to apply a same level of wages to all employees at the same level of responsibilities.

#### **I - 1 - 2 The procedures of allocation of mosquito nets in the villages**

The accusations regarding the allocation of the mosquito nets were the following : "ACF refuses to provide free mosquito nets. This despite the fact that ACF in their own reports place mortality rates after relocation as high as 20-50% of village populations in the 1st year ... Mosquito nets are approximately \$1 dollar each and are the most cost effective way to prevent malaria".

According to the information collected in the villages and corroborated by ACF, it is true that the mosquito nets are not given and are to be paid by the villagers. The villagers explain that the cost of the big ones are 12 000 or 13 000 kips each and the small ones are 6 000 kips or 7 000 each, which are approximately the prices mentioned in the accusation (1 dollar = 10 000 kips). The receipts are kept by the head of the village for a collective solidarity relief fund which is to be used for villagers meeting difficulties. This procedure is set in order to raise villagers' awareness regarding the importance of mosquito nets. According to the villagers, there is no problem with this procedure. Only one village (Taphaimai) which says that "thanks to the mosquito nets, there are no more dead", mentions that new families arriving in the villages are not provided yet with the mosquito nets.

There are no recommendations regarding the allocation of mosquito nets since the procedure is working fine.

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<sup>1</sup> Called below « HRM Report.»

**I - 2 : Accusations held against ACF national staff**

**I- 2 -1 : Abuse of power regarding possible sexual intercourse between national ACF staff and the village girls.**

**Results**

Summary of the testimonies		Abuse of power linked to sexual intercourse ?		
Testimonies collected in the villages		Information from the ACF staff	Information from third parties	
<b>VILLAGES FOR WHICH AT LEAST ONE SOURCE HAS MENTIONED THE EXISTENCE OF SEXUAL RELATIONSHIPS WITH THE VILLAGE GIRLS</b>				
<b>Chakantam Long</b>		<p>The meeting with the village girls (7 girls, 2 of them going to school, and the younger one aged 14) provided the following information :</p> <p>According to the girls, some NGO members had asked, via the head of the youths, to sleep with girls of the village. It happened the year before, and the one before that (which would be in 2005 and 2004). 3 village girls, aged 17 and 18, were involved; they got married last year. This occurred only with 2 or 3 male representatives of the NGO and did not happen systematically at each visit. The girls could not refuse a request from the youth leader to sleep with outside boys. But if she did not like the boy, the girl could leave him during the night, provided she (or her boyfriend) paid a fine to the youth leader. This involved Akha and Lao staff who spent at least one night in the village (not drivers). These staff members came by groups of 2, or 3, sometimes 5.</p> <p>The girls do not remember the names of the staff members involved. According to the dates provided (2004 and 2005), other organizations, as well as ACF, also had works in progress (EU program, and possibly GTZ program). ACF is currently checking the past activity schedules of the other NGOs.</p> <p>Recently, no similar request was made to the girls we interviewed because, according to them, there has been no visit from NGO staff for a long time.</p>		

Abuse of power linked to sexual intercourse ?	
Summary of the testimonies	Information from the ACF staff / Information from third parties
<b>VILLAGES FOR WHICH AT LEAST ONE SOURCE HAS MENTIONED THE EXISTENCE OF SEXUAL RELATIONSHIPS WITH THE VILLAGE GIRLS</b>	
<p><b>Tao Home</b></p> <p>The meeting with the girls (20, 11 of which go to school, the younger one being aged 13) provided the following information :</p> <p>Some girls have slept with NGO members in the past. This happened in particular during the period of the water supply works which were not implemented in the village by ACF but by another NGO.</p> <p>The girls interviewed could not, or would not tell if the girls involved simply slept with the NGO staff, or if they slept together as husband and wife. Today the NGO staff members « tease » them, but do not ask to sleep with them</p> <p>The head of the village said that the girls used to sleep with outside boys : NGO, police, soldiers, and others. He added that this had stopped since ACF had come to show a video on the dangers of AIDS. (However, ACF never implemented this activity, which suggests a possible confusion with NCA).</p> <p>The youth leader added that this involved girls aged at least 17 or 18 and he mentioned that the outside boys (not exclusively NGO staff) who « went » with girls from the village were mostly Akha.</p> <p>No problems for the girls who came with their families to take part in the food for work. No members of the staff ask to sleep with them. ACF staff told the villagers that it was forbidden.</p>	<p>Some Akha ACF staff members have / have had relationships with girls from this village</p> <p>Some Akha ACF staff members have / have had relationships with girls from this village</p>
<p><b>Chaleunsai</b></p>	<p>Some Akha ACF staff members have / have had relationships with girls from this village</p>
<p><b>Dongneng</b>, one of the villages part of the « town » of Long in which is based the ACF staff house.</p>	<p>Some Akha ACF staff members have / have had relationships with girls from this village</p>



Abuse of power linked to sexual intercourse ?		Information from the ACF staff		Information from third parties	
Summary of the testimonies	Testimonies collected in the villages	Information from the ACF staff	Information from third parties	Information from the ACF staff	Information from third parties
<b>VILLAGES FOR WHICH AT LEAST ONE SOURCE HAS MENTIONED THE EXISTENCE OF SEXUAL RELATIONSHIPS WITH THE VILLAGE GIRLS</b>					
Houeyna		4 staff members admit they know of the « case » of the village of Houeyna dating from 2003 leading to the dismissal of the person: an Akha translator who had sexual intercourse with the village girls.			
Chakeoneua		A team of technicians (builders working on the water supply) potentially had sexual intercourse with girls in the village of Chakeoneua (a village which ACF visited during their inquiry in May 2006, which did not lead to any confirmation).			
<b>VILLAGE IN WHICH CONTRADICTIONARY INFORMATION (COMING FROM A SINGLE SOURCE) MENTION SEXUAL RELATIONSHIPS WITH THE VILLAGE GIRLS</b>					
Payalouang		Girls : no sexual intercourse with the NGO staff. They do not speak the same language. A Lao-speaking village boy interviewed individually by the Lao interpreter mentioned an Akha interpreter employed by ACF who may have « gone » with village girls.			
<b>VILLAGE IN WHICH NO INFORMATION MENTIONS ANY SEXUAL RELATIONSHIPS</b>					
Houaymo		During the meeting with the girls, they say that the NGO staff asks to sleep with them but they always refused because they have heard about AIDS. And this, despite the pressure from the youth leader, who insists that this would only happen once or twice.			
Chachanam		No relationships between the staff and the girls. Members of the staff do not go to the Oussa (traditional meeting-place of the youths in the evening) because they lack the time, and the whole village comes to see them in the head's house. The girls confirm they do not sleep with the ACF staff.			

		Abuse of power linked to sexual intercourse ?	
Summary of the testimonies	Testimonies collected in the villages	Information from the ACF staff	Information from third parties
<b>VILLAGE IN WHICH NO INFORMATION MENTIONS ANY SEXUAL RELATIONSHIPS</b>			
Porchane (kui)	Staff members do not ask to sleep with the girls, and their mothers would not let them.		
Houaphong	Staff members do not ask to meet or sleep with the girls.		
Khalang (kui)	Staff members do not ask to sleep with the girls, and their mothers would not let them. Sexual intercourse before marriage is forbidden.		
Houeyka	The ACF staff members do not ask to sleep with the girls. According to the youth leader, they do not come often and he does not dare offer them to sleep with girls because they never ask.		
Taphaimai	No sexual intercourse between the NGO and the village girls.		

Villages visited by BATIK International  
 Villages not visited by BATIK International

## □ Conclusions

### ➤ No generalized practise of sexual abuse

In conclusion, based on the collected information, there is, and has been, **no generalized practise of sexual abuse committed by national ACF employees** in villages benefiting from ACF programs in the Muang Long district. There is not even a suspicion of the existence of such abuse.

Only 2 of the 10 villages (20%) visited by Batik Int. report sexual relationships between village girls and NGO staff. In one of those two villages, Tao Home, the implicated staff is clearly from another NGO, and in the other, Chakantam Long, there is only a suspicion of ACF implication. One testimony from another village, Payalouang, implicates an Akha translator, and the rest of the village does not corroborate this accusation. The number of denunciations doesn't reach the rate set beforehand, when the investigation methodology was decided, to acknowledge the existence of a generalized practice of abuse. Lastly, it has been difficult to cross-check the different testimonies sources as planned in the methodology because the implications didn't necessarily concern the same village.

Therefore, the accusations expressed by T. Ryska et M. McDaniel after collected filmed testimonies were transcribed, implying that 7 persons out of 10 ACF employees would regularly sexually abuse girls in numerous villages, are groundless. Furthermore, one might question the credibility of one of the filmed witnesses implicating ACF, a village elder who says he saw the situations he exposes. When asked « Did the Akha girl come to you and say she was raped ? », he answers « The girl doesn't say anything but I see it ». But several persons interviewed by BATIK Int., who described Akha sexual customs, say that it is very unlikely that a village elder can witness such situations.

### ➤ A few cases of suspicion of individual sexual abuse

Apart from the sample of 10 villages visited by BATIK Int., statements made by third parties or by some ACF staff members mention a few other cases of sexual relationships with village girls, among which some happened before 2004.

The village of Dongneng, mentioned by a third party, did not benefit from ACF programs. Chaleunsai did benefit in the past from ACF programs (2000-2001 Water Supply and Health Education; 2002-2003 Health Education with new relocated persons). Since that time, the village has been taking part in a Food for Work program, and no ACF staff is hosted in the village. One ACF staff married a woman from this village.

Cases of sexual relationships acknowledged by the ACF staff are very rare. 8 out of 15 interviewed members of ACF national staff say they don't know or have not heard of sexual relationships with residents of villages benefiting from ACF action. It must be pointed out that the ACF staff members have not been officially informed by their head management of the accusations levelled against them, unlike NCA which chose to discuss them openly with their staff members after having been implicated by the same persons. Some interviewed members of the staff say that Andrew Mitchell spoke about it when he came from ACF Paris in April, some others, on the contrary, say he didn't speak about it. Obviously, communication is not easy.

Apart from the cases mentioned in the charts, a few other cases, previously brought to light during the counter-enquiry carried by ACF in May of 2006, have been mentioned.

Concerning sexual relationships with village girls, the interviewed staff say that persons more likely to commit such actions would be:

- Akha staff, because they are surrounded by their traditional culture, because members of their families sometimes live in those villages, because they stay for a long time in the village. They would also be harder to control as they speak the village language that co-present national staff can't understand, and because they are the ones that spend the night in other houses when there is not enough room in the chief's house.
- Technicians with long lasting stays in the villages, including Lao staff members but particularly Laos coming from the same province and having already been close to Akhas.

Drivers are not mentioned as being more likely than others to have sexual relationships with village girls, because they don't stay in the villages.

With the exception of the administrative staff, most of the staff members are regularly in contact with the villagers and could start up relationships with village girls. For all that, they don't share the same level of power and therefore some are more likely than others to exercise abuses of power.

So, however few, there is some **suspicion of individual practises of abuse**, against girls of the villages that benefit from ACF programs, possibly committed by ACF staff, based on statements made in Chakantam Long and Payalouang villages, **but once again without certainty about ACF's responsibility**.

Those could **not be described as sexual abuse**, which the accepted typology (see annex p.37) defines as « a consented sexual relation between an ACF staff and a minor (less than 15) » **but as power abuse** : « a consented sexual relation between an ACF staff and a person over 15 benefiting from ACF action».

Some of the expatriate staff who admit that, in such circumstances, the employee very clearly breaks the ban promulgated by ACF, do question the notion of "power abuse", particularly in the case of sexual relationships between Akha staff with village women.

#### ➤ **The limits of the counter-inquiry :**

Even though the conduct of the counter-inquiry allows to assess the absence of generalized practice of abuse, many elements lead to think that the villagers, as well as the ACF staff members, do not say everything they know:

- One ACF member claims he has never heard about sexual intercourse between village girls and staff, though he himself played a role in the accusation of one case.

Besides, the collected information sometimes suffered from a lack of precision or accuracy :

- Double translation with the villagers
- Lack of precision or mistakes in the information provided by the villagers. For instance : they sometimes get confused between the different NGOs having operated in their village. The same lack of precision affects the dates and from then on makes it very difficult to identify formally such or such person responsible. (this remark was also made by Chris Littleton).

Obviously, people met withhold information. The reasons may be:

- Worries of ACF leaving, or wish that the organization will develop other activities in the village (despite the efforts made to establish the independence of the study, the villagers closely associated the study carried on by Batik Int. to ACF).
- Cult of secrecy
- Lack of trust in BATIK Int., unknown both to the villagers and the ACF staff members, which could not be overcome in such a short time. On the villagers' side, it can be imagined that in case of rapes or generalized sexual abuse, they would have overcome this mistrust and talked about it.
- No objective « interest » on the part of the ACF staff to share information regarding sexual relationships, which, as they well know, would lead to the incriminated persons' dismissal.

Although information collected indicates that there has not been rape or widespread sexual relationships between girls and NGO workers, there may be other instances of relationships between villagers and NGO workers that have not been discussed during interviews.

Chris Littleton owns inquiry reaches the same conclusions: although there are cases of sexual relationships between NGO staff members and villagers in the past, this did not happen as a widespread practice, and cannot be compared to rape. It appears very difficult to identify the persons or the NGOs possibly involved in these relationships.

It is the responsibility of ACF to follow up information supplied in this report..

I-2-2 : Abuse of power regarding the provision of meals to the ACF staff in the villages.

Results

Summary of the testimonies	Abuse of power linked to the provision of meals to the ACF staff in the villages ? Information from the villages	Information from the ACF staff
<p><b>VILLAGES IN WHICH ARE MENTIONED DIFFICULTIES FOR THE VILLAGERS IN PROVIDING THE MEALS (WITH LESS THAN 50 % OF THE SAMPLE OF 10 VILLAGERS INTERVIEWED DEEMING THIS PRE-REQUISITE EXCESSIVE)</b></p> <p>Khalang (village Kwi)</p>	<p>Providing the meals is not a problem (2 to 3 chickens a week). Some families are not happy because they find it difficult to help providing the meals. The last time, 5 houses (out of 20 in the village) met with some difficulties. But ACF staff members do not ask for more, and do not buy additional food from the village.</p> <p>The Youth leader suggests that staff could bring and prepare their own food. The village could provide the rice.</p>	
<p>Porchane (kui)</p>	<p>The head of the village says it is not a problem to feed the ACF staff even for a long time. The staff never asks for more food. The village gives the staff <u>4 to 5 chickens a month</u>.</p> <p>The women union leader is responsible for the organization of the meals for the staff. She says staff members sometimes come with food or go and fetch bamboo in the forest. She says it does not create any problems, that it never happened that a family should go without in order to feed the staff, and that the members never ask for more. There is no problem for any family. She adds the village provides the staff with <u>chicken 2 to 3 times a week</u>.</p> <p>The youth leader on the contrary says the village gives the staff <u>chicken 3 to 5 times a week</u>.</p>	<p>Porchane is presented as an example of a village that met difficulties regarding food while benefiting from works implemented in the context of a food for work program. The first part of the works lasted for one month in November 2005 and the 2<sup>nd</sup> for 6 weeks, in March 2006. During the 2<sup>nd</sup> part, the staff received 5 chickens in 6 weeks.</p> <p>« The Porchane villagers do not want to admit that the provision of meals is a difficulty for them », a staff member says.</p>

Summary of the testimonies	Abuse of power linked to the provision of meals to the ACF staff in the villages ?	Information from the ACF staff
<b>VILLAGES IN WHICH NO DIFFICULTIES HAVE BEEN ACKNOWLEDGED REGARDING THE PROVISION OF MEALS FOR ACF DURING THE STAFF'S STAY</b>		
Taphaimai	No complaints. The ACF staff members said they could eat anything. But the village didn't want to lose face and a chicken is not enough to feed the whole village. So a pig was killed on 4 occasions for visits from the ACF. « In exchange for the material, we killed the pigs ».	
Payalouang	They say it is no problem for them, that they are « happy with it ». When a family has no rice, it is not required of them. A pig was killed at the beginning of the work, and a cow at the end.	
Chachanam	No complaints. The women fetch and cook the food : peppers, chickens, dogs. They say that they are happy with it and that they would be pleased to welcome more staff members, even though they did not come to work. The head of the women confirms that it is no problem, and that it does not imply big meals.	
Chakantam Long	No complaints. To celebrate the beginning of the works, a pig was killed and eaten by the whole village. When the staff members came back a second time, to show a CD, the villagers wanted to kill another pig but the staff refused.	
Houaymo	The ACF staff comes with food and the villagers provide what's missing. No complaints. The staff did not stay for long in the village. Hypothesis: if the staff was to stay for 2 weeks, would that be a problem? The head answers that if the project is « good » the villagers will be happy but if it's not, they will not be happy. Question: even though it was a good project, might it be difficult for some families? No problem for the rice, but problems might arise for the food that should be bought: meat, fish, vegetables.	
Tao Home	The women say that 3 years ago, 2 persons stayed for 1 month (not ACF) and that it did not create any problem. The staff does not ask for more food.	
	No complaints. If staff members want more food, they buy it. But ACF only took charge of the health education (short term program). The villagers took part in a food for work, but as workers.	

Summary of the testimonies	Abuse of power linked to the provision of meals to the ACF staff in the villages ? Information from the villages	Information from the ACF staff
<b>VILLAGES IN WHICH NO DIFFICULTIES HAVE BEEN ACKNOWLEDGED REGARDING THE PROVISION OF MEALS FOR ACF DURING THE STAFF'S STAY</b>		
Houaphong	<p>No complaints. They say it is not a problem since the villagers eat with the staff, and eat the same food. The staff does not eat meat every day. Question: if a staff of 4 members stayed for 1 month, would that be a problem? Answer: if the staff comes to build a school or bring drinking water, the villagers will be happy to feed them.</p> <p>The youth leader says that the staff does not eat the same food as the villagers because they do not stay long and the villagers want to receive them well. If the staff was to stay for one month, they would not be fed in the same way.</p>	
Houeyka	<p>No complaints. Even if the staff had to stay for a month, it would not be a problem for the villagers to feed them, since ACF comes to help them.</p>	



## □ Conclusions

The rule is that ACF makes an agreement with each project village whereby meals are provided by the villagers to NGO staff as a way to ensure the villagers' commitment and participation in the projects implemented by ACF.

The information collected enable to say that ACF staff **do not take advantage of their position to make excessive demands regarding meals taken in the villages**. Indeed, no village visited by BATIK Int.<sup>2</sup> mentions any such demands made by the staff. The villagers mention that when they kill a pig, the whole village takes part in the meal. If the women do admit that finding and preparing the food is time-consuming, these remarks also apply to ordinary times, when the village does not receive any outsiders. One ACF staff member mentions a veterinary team trainer in 2005, who requested that a pig be killed for his visits.

Again, according to the information provided by the villagers, the pre-requisite demanded by ACF in terms of meals in return for their intervention cannot be considered as excessive. Only one village, the village of Khalang, mentioned difficulties for 25 % of the families in providing the meals during the last ACF action (though this observation has not been made by 50 % of a ten person sample).

But the majority of the national staff remarks that, especially in the case of long-time programs, the agreement with villagers to provide the staff meals is a problem. At the beginning of the program, the villagers don't find it too difficult, but the problems appear gradually. One staff member says that villagers start mentioning difficulties from the 3rd week onwards. Another staff member said he sometimes felt hungry during the operation. A supervisor says he postponed the survey he wanted to carry out in a village because he knew the villagers had to face a period of shortage. The supervisor of the Food for works programs, in charge of choosing the villages which will take part as workers in the programs (chosen in priority because of their difficulties in getting enough food), remarks that the 7 villages chosen in 2005 and 2006 to benefit from (and work in) the Food for work programs, who received ACF staff over a long period, all mentioned they had found it hard to feed the staff.

Many members of the ACF national staff, among which 3 of the 4 supervisors met by BATIK Int. are against this form of agreement with villages. Some of the ACF national staff suggest that ACF give them an additional per diem. The per diem they used to receive until 2002 have been integrated into their salary since 2002. Thus, the views of the ACF staff may be strongly influenced by their own wish to receive a further per diem.

An expat mentions the case of 3 villages that asked for rice from ACF in 2003 and were given rice because they could not provide the ACF staff's meals. He says that villages in which heavy long-term programs are implemented do face difficulties and should have the current agreement system modified. .

It should be mentioned that out of the villages visited by BATIK Int., 3 villages clearly state they find it normal to feed the ACF staff as long as the NGO comes to develop a program useful for the village. However, the villagers do not necessarily find it normal to feed ACF if they are not satisfied with the implemented programs. An expat in charge of the agricultural programs, which have more uncertain impacts on the villages, does admit that he has to face with complaints, especially when part of the villagers do not benefit from the implemented activities. To what extent do the needs or wishes of the villagers correlate to their ability to meet the stipulations of the ACF agreement is questioned by some ACF national staff members.

Further remarks: in the contract signed with the villages, the paragraph concerning the villagers' responsibilities specifies that they must feed the ACF staff, whereas the paragraph on ACF's responsibilities does not specify the staff should be content with « ordinary meals ». The first generation of contracts did not work on an equal footing.. For example, in one Health Education contract, the last paragraph simply mentions: « If the villagers cannot follow the contract, the project cannot give the help. ».The latest generation of contracts mention at the end that « Should one of the parties fail to respect its agreements, the other party can ask the works to be interrupted till the problems are solved », thus treating the two parties on an equal footing.

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<sup>2</sup> 4 out of the 10 villages by BATIK Int. received ACF teams for only short-term activities.

### The limits of the counter-inquiry

Same remarks as the ones made for the inquiry bearing on sexual abuse, for the same reasons: Even though the conduct of the counter-inquiry allows to assess the absence of generalized practice of abuse regarding the provision of meals, many elements lead to think that the villagers, as well as the ACF staff members, do not say everything they know:

- Contradictions in their speeches. For instance: among the Porchane villagers, some mention 4 to 5 chickens provided per week or per month.
- Implausibilities. For instance : the Porchane villagers declare they did not encounter any difficulty in feeding the staff, even though they benefited from a Food for Work program, and the ACF supervisor was told about difficulties raised by the necessity to provide the food. Out of the 10 villages visited by BATIK Int . at least 3 villages (including Porchane) says about 2/3<sup>rd</sup> of the families suffer rice shortage from July or even June onwards. Almost all the other say that a few families only do meet problems of shortage.

Lastly, if only one village out of the 10 submitted to the inquiry admits to real difficulties in providing meals to the ACF staff, there are probably more numerous in reality.

## II - CONTEXT, PREVENTION AND PROCEDURES

### II - 1 The cultural background a risk factor ?

During the interviews, several ACF staff pointed out that Akhas' sexual customs could be a risk factor likely to favour the existence of sexual relationships with outsiders, particularly Akhas coming from the same cultural environment, but that may also include NGO staff members. Elements gathered in the villages from women, girls, and the youth leaders gave the following information:

From the age of 12 or 13, boys and girls meet after the evening meal in a space dedicated to youths called the Oussa, which is a delimited space apart from the houses but located inside the village and marked by benches and a kind of playground. Young boys and girls meet there to play and possibly meet a boy (girl) friend. They can then decide to sleep with their friend in a little house purposely built. Lack of privacy in family houses would not allow such relations. Girls freely choose their companion when he is from the same village. They say they sleep with one or two boys before their wedding. Things happen differently when the boys are from outside the village. These frequently come to meet their future wives, as confirmed by many interviewed women who came from other villages (in the village of Payalouang, 10 out of the 18 women who attended the meeting, said they were coming from another village). Only girls over 15 only would sleep with boys from outside the village (According to the information collected in the 8 Akha villages visited by Batik Int., 15 years old is when Akha girls start to get married). A boy from outside the village who wishes to meet a girl must necessarily go through the youth leader, whose role precisely consists in organizing these meetings for single or divorced women. For the services provided, the youth leader will be given by the boy, cigarettes, alcohol or kips (5000 kips according to the village of Houeyphong).

To what extent do girls have sexual relationships with the boys they sleep with? Girls point out that they sometimes just sleep with their companion, without being like « husband and wife ». However, one of these girls points out that she avoids spending the night with her companion too often because she doesn't want to become pregnant. Besides, Chris Littleton suggests the following idea : an abnormally low fertility rate seems to have been noticed among Akha women, and these meetings before the wedding may be a way to test the girls' fertility, which would confirm the fact that young people do not always just simply sleep when they spend the night together.

To what extent do girls sleeping with boys from outside the village share sexual relationships with them and to what extent do they have a choice to refuse to sleep or have sexual intercourse with them ?

In remote villages, it seems that it is difficult for girls to refuse to sleep with boys from outside the village. An ACF staff member says that in the village of Chakeoneua he saw « the youth leader whipping the girls to make them sleep with boys from outside the village ». However, some girls from the same villages say that when they don't like the boy from outside, they cannot refuse to sleep with him but they can leave him during the night without having sexual intercourse with him. But they, or their boyfriends, must generally pay a fine to the youth leader as compensation. In one village, the girls specify that if the young girl doesn't have a boyfriend, she doesn't have to pay a fine to the youth leader.

In villages located along the roads, girls are a lot more approachable, and therefore in potential danger. But at the same time, the youth leader clearly loses part of his power over the girls, who declare that they can now choose their partner freely, whether he is from their village or from outside. (illustration : in mountain villages, a long way from the roads, it was very often the youth leader who spoke and answered BATIK Int.'s questions in the name of the village authorities, with more real power than the Head of the village himself, appointed by local authorities. While the youth leader didn't even attend the interviews with Batik Int. in 2 of the 3 villages located along the road. In those villages along the road, girls are freeing themselves from influence, going through a transition period that includes an evolution in their points of reference and a wider accessibility that also make them more vulnerable.

So the youth leader plays a central part in the girls' sexuality and has a lot of power over young girls, particularly in remote villages. It is in his interest to favour their meetings with boys from outside the village as he is paid for this office. On the other hand, it seems the women union leader does not play an important part in the sexual relationships among the Akhas.

Members of ACF staff met by BATIK Int. declared they never had girls from villages they were working with, proposed to them by the youth leader, however these customs may potentially lead to an abuse of power through the existence of sexual relationships between girls from Akha villages and NGO staff..

On the other hand, non-sexual traditional massages that girls have learned to give their parents are offered to people from outside the village – including NGO staff – through the women union leader and are without ambiguity. During the massage that take place in the Head's house in the presence of many villagers, children, old women, work goes on.

Many staff members met by BATIK mention that life during the operations in the villages is organized in such a way as to leave little or no opportunity for the occurrence of sexual relationships. The Lao staff cannot communicate with the girls, whose language they do not speak, and do not meet them except for the massages. At night, members of the staff sleep in the head of the village's house or the deputy head's, under control of their colleagues or members of the head's family. One ACF staff member says that, should sexual intercourse take place, it would not be possible to hide it. And yet another staff member says that when the Head's or the Deputy's houses are too small, part of the staff, mainly Akha, sleep in other houses and that it is impossible to check what everybody is doing. Men are also often invited to have a drink at night. One staff member says that Akhas sometimes go in the woods during the day to have sexual intercourse with the girls of the village.

According to the information given by the 2 Kwi villages visited by BATIK Int. , Kwi sexual customs are not at all the same as those described by Akhas. Young Kwi girls do not normally sleep or have sexual relationships with boys at that age and do not have intercourse before marriage. There is no Oussa. The youth leader is not in charge of organizing the relations of the girls with outside boys who go directly to meet the girls if interested. Kwi girls do not provide massages for outside visitors either.

The contempt in which the Laos hold ethnic minorities was not directly acknowledged to BATIK Int., but some people have explained that this is why Lao staff is not likely to have sexual relationships with girls from these minorities.

## **II - 2 ACF's actions to prevent sexual and food abuses of power committed by national staff**

### **II - 2 - 1 : Current procedures**

In Laos, ACF staff management has set up a working organization specifically designed to prevent the emergence of abuse of power in a general way, limiting the responsibilities and power of the national staff (see the HRM report). ACF has also defined specific rules concerning risks related to sexual relations between national staff and beneficiaries in the villages.

#### **➤ Generally : control by the expatriates and restriction of national staff power**

In the villages, the staff's work is supervised and closely controlled by expatriates:

- Expatriates are actively involved on the field, where they spend 30% to 40% of their time (one of them said he spends 60% of his time in the field).
- Regular field monitoring towards supervisors and then towards expatriates
- The majority of the assistance contracts with the villages are signed by expatriates

Expatriates met by BATIK International particularly insisted on the last point. These contracts are signed by district authorities, an ACF representative and the head of the village, and define each party's responsibilities and specifications regarding ACF activities in the village. The content of the contract is prepared and explained before the signature. During the signature, the content is again explained and detailed for the authorities, the representatives of the families and the ACF employees. Through this procedure, villagers must understand that decisions that potentially lead to abuses of power are under the supervision of expatriates, and that the technical national staff, are only in charge of program execution.

Expatriates mention another type of control, though it is not formalised by any specific procedure: the villagers know how to express grievances when they feel there is a problem. For example, several villages informed ACF that it was a problem to provide the staff's meals. A case of sexual relationship between an ACF employee and a woman from a

village was jointly denounced by another ACF employee and the villagers. Nevertheless, it seems that the villagers denounced the employee because he did not respect the customs (as an outside boy, he should have asked permission to the youth leader to have relationship with a girl of the village) rather than because he actually had a sexual intercourse with her. In general, feedback from the villagers is more about ACF activities than about the way they are implemented.

#### ➤ **Sexual relationships with beneficiaries**

During the signature of a village contract in 2003, the ACF head of base saw an ACF employee asking for a girl. Since then, ACF has prohibited sexual relationships with beneficiaries of the villages, also to prevent the spread of AIDS in the villages made most vulnerable by the new roads built by ACF.

This rule is not written. In the former Staff Rules and Regulations<sup>3</sup> (with elements from Rules and Regulations and from a social convention), still in force, the chapter "Deontology" reminds that "ACF members have to be respectful of the populations they work with. If an employee does not enforce the rule, he can be dismissed". Inside the misconduct list, nothing is mentioned about sexual relationships. Inside the new project of Staff Rules and Regulations, it is mentioned in the chapter "Behaviours demanded at work – Codes of conduct" that "it is strictly prohibited for the employees to have conducts or acts that can constitute emotional and/or sexual harassment towards any person linked to ACF or ACF activities". Inside the non restricted list of misconducts is mentioned an "abuse of authority", "acts and conducts that resemble emotional and/or sexual harassment". Prohibition of sexual relationships with beneficiaries is not mentioned. Thus, even if employees have read and approved ACF Staff Rules and Regulations when they signed their contract, they do not necessarily know this rule. Information is also being relayed to some village chiefs.

The employees are supposed to be informed about the rule during the job interview, always done by expatriates, after reading the Rules and Regulations and before signing the contract. The employees we have seen recognised they had been informed in accordance with this procedure. The ACF Charter is also generally mentioned during the presentation of the organization. The head of base of Luang Namtha also used to remind the rule during monthly and quarterly management meetings attended by the whole staff between June 2000 and January 2006 : "Each time they would particularly stress the rule". Finally, 3 out of the 4 supervisors say they always remind their team of the rule before going on the field.

Indeed, ACF employees know the rule, as they mentioned it during interviews with BATIK Int. Some of them even said that they knew the rule before starting their work at ACF (however, it seems obvious that the rule has been reminded several times since the accusations were expressed). Most of them think the rule is justified because villages have to be protected against AIDS and because sexual relationships with villagers would damage the program of ACF: "they would not have respect anymore". Another employee adds that if a girl got pregnant and the boy did not want to marry her, ACF would get into trouble.

**Breaking the rule is punished by dismissal**, even if it is a suspicion as it happened in the village of Houeyna in 2003. There is not a formalised and systematic investigation procedure to check facts or a compensation system for potential victims. Moreover, the dismissal is not justified in that the employee is generally not told why he has been fired to protect the person who made the accusation against the employee. Dismissal is facilitated by fixed-term contracts that do not necessarily have to be renewed. This procedure can help to understand why BATIK International could not get more information from the staff. And yet, one expatriate said that even if dismissals are not publicised, the other staff members perfectly know the true reasons of a dismissal.

#### ➤ **Providing staff's meals by the villages**

Inside the assistance contracts signed with villages, it is mentioned as «villagers' responsibilities» that they have to provide ACF staff's meals. But the wording is different from one contract to another:

- villagers have to provide "the technicians' meals"
- "Providing ACF staff's meals during the whole length of the works "
- " When the staffs go to the village, villagers will prepare residence and food for them depending on the condition of the village. (villagers' participation) ».

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<sup>3</sup> At the time of this writing, ACF Laos is going through a transitory period with old regulations still valid and new documents worked upon after the request of Paris, (regulation and social convention) but still not completed.

On the other hand, the nature and kind of the meals are not always specified. Some contracts mention that technicians are to receive "basic food".

During the preparation and the signature of the contracts, expatriates verbally specify that food for the staff is "normal meals", "that meat must not be added every day", "that the staff must eat like the villagers". It seems the staff is also briefed that way before going to work on the ground.

## **II- 2 - 2 Limits of these procedures**

### **➤ Staff control on the field**

All contracts are not required to be signed by expatriates. Only the most important ones that concern great expenditure (irrigation construction and paddy field expansion, WFP Irrigation construction, WFP Road construction), are systematically signed by expatriates. Expatriates cannot be physically present at the signature of every contract with the villages, and some contracts are less likely than others to be the subject of pressure because their actions have less weight. Sometimes contracts are signed by expatriates but the signature takes place on the base and not on the field. Smaller activities (agricultural, surveys, training and monitoring) are carried out without any contract.

An expatriate specifies that « the staff has no power of decision but the village doesn't know about it, and we don't want to disown the technical staff ».

Some programs that potentially combine more risks are run without a strong presence of expatriates or even of supervisors. On Food for Work sites, where heavy works mobilize numerous persons from different villages ( the village that benefit from the action and the villages that send workers), the technicians often sleep on site while expatriates and supervisors only come during the day.

### **➤ Sexual relationships with beneficiaries**

Interviews carried out by BATIK Int. reveal failures in the transmission of information concerning the prohibition of sexual relationships during the initial hiring period:

- The Head of base in post until January 2006 did not inform his successor in Long that the staff is not allowed to have sexual relationships with villagers and that she was in charge of informing the hired staff of that rule during the hiring interviews. She has not even been informed about the risks of abuses of power or about previous occurrences. Therefore she neither informed nor warned the staff she recruited.
- The same remark goes for the two expatriates in post since September 2005 and February 2006, with the same consequences.
- Hired women are not systematically informed of that rule.
- At least 1 male staff declares that he has not been informed of the rule, but that he heard of it from other staff members afterwards on the field.

Moreover, several staff members point out that technicians (the ones that are the most present on the field) do not or very rarely attend contract signatures, which is confirmed by the interviewed technicians.

Finally, at least two staff members say they are not certain that villagers, particularly young girls and even the youth leader, know about the ban, which indicates that villagers have not been sufficiently informed that relationships between girls and NGO staff are forbidden. The villagers from Tao Home and the youth leader of Houeyka say that they were informed by ACF during a Food for Work program about the ban. But the Head of village of Porchane, the youth leader of Houeyphong, the women of Khalang say they attended the meeting for the signature of the assistance contract but do not remember that something was said about the prohibition of intercourse with staff members.

The ACF charter and regulations, translated in Laotian (the Akha language cannot be written), are not displayed everywhere in the premises, and the regulations are not systematically distributed to the staff in paper format. Even if these documents don't mention the ban on sexual relationships, they remind ACF's ethic and values.

The confidential mode used for transmission and enforcement of the prohibition on sexual relationships with beneficiaries from the villages targeted by ACF (non-written rule and unjustified dismissal) certainly is an element of explanation.

➤ **Provision of the ACF employees' meals by the villages**

The main limit observed regarding the provision of meals is the lack of precise description of what these meals should consist of.

**II - 3 The practices set up by other international organizations in terms of response to abuses committed by their staff**

**II - 3 - 1 Australian Red Cross (ARC) : Response to allegations of abuse by service users**

**Procedure :**

**1. Acknowledgment of the complaint**

**2. Initial assessment** of the complaint and the risk associated with not removing the accused from active service, transferring the accused to other duties or directing the accused to take leave

**3. Initial meeting with the complainant in order to :**

- show empathy,
- affirm correct behaviour by thanking the complainant for making the complaint,
- build rapport with the complainant,
- offer counselling,
- identify the key issues and circumstances of alleged abuse,
- determine what outcome the complainant is seeking (e.g. medical or psychological assistance, acknowledgement of the incident, payment of compensation or other),
- encourage the complainant to report the alleged abuse to the relevant legal authorities,
- discuss the application of this policy and the process of investigation to be undertaken. The Investigator will seek the complainant's input into the proposed process under this policy,
- if sufficient information has not been provided about the details of the complaint, advise the complainant about the type of information that needs to be provided to assist ARC investigate the complaint,
- unless the complainant is prepared to further discuss the complaint during the initial meeting, make an appointment to meet again with the complainant to discuss the complaint in detail.

**4. Review of available information**

**5. Formulation of the complaint**

- Nature of allegations, including specific incidents,
- Alleged abuser(s),
- Where and when alleged abuse occurred,
- The names of any potential witnesses,
- Any supporting documentation.

**6. Invite the accused to accept an initial meeting**

**7. Investigation and determination :** The Investigator will conduct an investigation into the allegations, including review of all relevant documents and interviewing of witnesses. It may be necessary for the Investigator to speak to the Complainant and/or Accused on more than one occasion.

**In case of allegation of abuse, ARC defined a range of measures in order to guarantee confidentiality in respect to the complainant and to the accused.**

ARC also specified strict procedure as regards **communications and relation with medias**, in case of allegation.

**Involvement of Police and other Authorities**

Where ARC has a legal obligation to do so, allegations of abuse (including allegations of sexual abuse) will be reported to the police or the relevant authorities.

If there is no obligation to report an allegation of abuse (including an allegation of sexual abuse) to the police or any other authority :

- the complainant will, at all stages, be encouraged and counselled to report the same.
- if the allegation is found proved,, **ARC will report the matter to the police or the relevant authorities.**

### **Resolution**

All parties will be advised of the outcome in writing.

Where the allegation/s is/are found proved (in full or in part) and the ARC Person is still active within ARC, appropriate **disciplinary action** will be taken :

- a formal warning and a summary note placed on their personnel file,
- increased supervision,
- withholding or reduction of benefits of employment,
- suspension,
- transfer,
- termination of employment.

A range of options will be considered by ARC once the **needs** of the complainant are established :

- an apology,
- counselling and/or medical assistance,
- on-going psychological support,
- reimbursement of medical fees and other expenses,
- monetary compensation.
- Following the determination of a complaint, either the complainant or the accused can lodge an **appeal** with the National Executive in relation to the findings ; and/or resolution.

## **II - 3 - 2 The UN procedure related to sexual abuse and sexual exploitation**

### **Acknowledgment of the complaint** (specific guidelines)

The **focus of the investigation** is to :

- Find out if the staff member has breached the organization's policy
- Recommend appropriate and proportionate disciplinary action
- Protect individuals from being abused or exploited
- Highlight issues relating to poor practice/performance
- Identify aspects of program delivery or performance that increase risks of abuse or exploitation by staff.

This is an administrative procedure and **should not be seen as a substitute** for a criminal investigation when this is warranted.

**1. Preliminary Investigation** to gather relevant data and ensure that the immediate needs of all concerned are met.

### **2. Compiling Evidence**

Consideration needs to be given as to who is to be interviewed and in what sequence.

- Complainant
- Victim(s) - if different from above
- Witnesses - if any exist
- Subject

Consideration also needs to be given as to whether other forms of evidence might exist and as to how to access them. Evidence might include work logs/rosters, stockpiles of rations, photos, emails, photographs and so on.

### **3. Investigation Report**

#### **Resolution and Disciplinary Action**

The report of any investigation will be submitted to the Head of the organization, who will, in consultation with the focal point and Head of Office or Mission, decide upon an appropriate course of action.

Should the investigation indicate that misconduct has not occurred, the case will be closed.



Should the investigation indicate that misconduct has occurred, the matter will be referred to the head of administration with a recommendation for disciplinary action, including possible summary dismissal, pursuant to the organization Staff Rules and Regulations.

- The allegations are considered as established by the persons in charge of the investigation process. The investigation report should be sent to the competent managers/department who will take the appropriate **administrative/disciplinary action** as per the rules applicable to the Agency's staff.
- **Due consideration and assistance should be given to the complainant** to seek legal redress from the competent authorities in the host country or in the country of the nationality of the perpetrator when such legal remedies are actionable.
- The decision reached as the result of the disciplinary process of the agency will automatically be inserted in the personal administrative file of the perpetrator and will be communicated to any prospective employer seeking a reference for this person.
- Should the allegations be insufficiently established or unfounded, the staff member will be officially notified that he/she has been **cleared**. If the allegation was made known to his/her staff, the field manager will take appropriate action to inform the staff about the decision of clearance.

Recommendation : the organization must obtain references for a candidate for employment from previous employers to ensure that the candidate has not been subject to disciplinary action as a result of a breach of the former employer's code of conduct. Staff qualifications, prior employment records, as well as declarations with respect to criminal records or prosecutions should be thoroughly checked.

#### **Referral to national authorities**

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Moreover, the UN has specific tools :

- complaint referral chart
- complaint referral form
- information sheet for local communities
- etc

### III - RECOMMENDATIONS

The recommendations made hereafter rely on :

- The conclusions driven from the counter-inquiry
- Laos cultural background and ethnic minorities in the Luang Namtha Province
- Actions already implemented by ACF<sup>4</sup>
- Procedures of other organizations (Australian Red Cross and United Nations)

These recommendations bear upon the abuses of power liable to be committed by the national staff in the two realms studied in this counter-inquiry, namely sexual relationships and the provision of the ACF staff's meals by the villages.

The recommendations about **short-term** prevention and treatment of abuses of power (sexual intercourse and provision of meals) are declined in 4 sections and are all short-term recommendations.

- *Improve the rules*
- *Formalize the procedures*
- *Improve the communication and exchange on the rules*
- *Develop a process of empowerment of ACF staff*

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<sup>4</sup> It is important to notice that some of the recommendations on the procedures evolution and on the communication of the rules are already proposed in the frame of the started work on the new regulation and social convention by ACF Laos. This work is not finished yet and the recommendations are not implemented either.

**III - 1 Improve the rules**

	SUGGESTIONS	ADVANTAGES ?	RISKS / DRAWBACKS ?
Sexual abuse	<p><b>OPTION 1 (that has to be enforced now and for mid-term)</b></p> <ul style="list-style-type: none"> <li>No changes at ACF Laos level. Maintain the rule prohibiting sexual relationships between ACF staff and relief beneficiaries in the villages. Maintain the planned disciplinary action : dismissal of the person who broke this rule.</li> </ul>	<p>The great advantage of this rule is to be clear and understandable for everybody (staff and villagers).</p>	<ul style="list-style-type: none"> <li>- Risk of being accused to make a breach of the right to privacy ?</li> <li>- What feasibility, especially for Akha staff in the context of the activities taking place in Akha villages ?</li> </ul>
	<p><b>OPTION 2 (that can be chosen in the long run, once the 4th section recommendations are implemented and have given results)</b></p> <ul style="list-style-type: none"> <li>Advise strongly against sexual intercourse between ACF staff and relief beneficiaries, adding that any intercourse with a minor is strictly prohibited (in that case, it would also be necessary to decide what is a "minor" regarding sexual intercourse and which law would be applied : the international agreement on human rights, Laos legislation ?)</li> <li>The ACF headquarters in Paris has to chose between : <ul style="list-style-type: none"> <li>- Legislating on prohibition or non prohibition of sexual relationships between national staff and beneficiaries and imposing the rule to all ACF organizations on the world</li> <li>- Setting a common procedure in order to enable all ACF organizations (including Laos) to decide whether or not, according to the local contexts, to the specific activities implemented on the ground, to apply prohibition or non prohibition of sexual relationship between national staff and beneficiaries.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- No risk of being accused to make a breach of the right to privacy</li> <li>- More coherent with recommendations presented in section 4 regarding the involvement of the staff (see below)</li> </ul>	<ul style="list-style-type: none"> <li>- Not as clear as the rule prohibiting any intercourse.</li> <li>- A rule which only advises against sexual intercourse between ACF staff and relief beneficiaries (adults) exposes to risk of sexual intercourse with minors (see p. 16 about Akha culture)</li> </ul>

	SUGGESTIONS	ADVANTAGES ?	RISKS / DRAWBACKS ?
<b>Food abuse</b>	<ul style="list-style-type: none"> <li>▪ Maintain the general rule requiring that the villagers <u>provide</u> the staffs meals</li> </ul>	<ul style="list-style-type: none"> <li>- This contributes to guarantee the involvement of the villagers, which is essential for the permanence of the activities</li> <li>- It is difficult to find another way to involve the villagers, given their level of poverty</li> <li>- In harmony with the practices of other NGOs developing programs in this area and with the usual way of greeting outside people for Akhas.</li> <li>- Avoids, if the villages were not to provide the staffs meals, that villagers would accept ACF activities in their village in order to sell their products to ACF staff ; without real involvement in the project itself.</li> </ul>	
	<ul style="list-style-type: none"> <li>▪ Maintain the rule requiring that the meals are <u>prepared</u> by the villagers</li> </ul>	<ul style="list-style-type: none"> <li>- In keeping with Akha traditions</li> <li>- Not time-consuming for ACF staff</li> </ul>	<ul style="list-style-type: none"> <li>- Time-consuming for the villagers in charge of the organization of the meals</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Adjust the application terms of this rule according to three crossed standards (which would be mentioned in the assistance contract signed with the villages) :               <ol style="list-style-type: none"> <li>(1) The length of the stay and the number of ACF staff who will stay in the village</li> <li>(2) The level of "poverty" of the village (eligible for a Food For Work program?)</li> <li>(3) The kind of activities =&gt; (taking in account the level of impact of the activity for the village). Example : for monitoring activities, the villages should not have to provide staff's meals</li> </ol> <p>The objective is to always involve the villages in the staffs meals (as reminded above), at least on one or several sections of the programs, provided to adjust their involvement according to their capacities.</p> </li> <li>▪ To discuss these application terms with the villages authorities in a participative approach (integrated in the feasibility study)</li> <li>▪ ACF would provide the staff's meals not provided by the villages</li> <li>▪ Avoid succession of heavy programs (water supply, road etc. ) in a village</li> </ul>	<ul style="list-style-type: none"> <li>- Avoids that some families would cut on their food consumption in order to provide the staffs meals</li> <li>- Avoids that, during a stay in a village, ACF staff would feel hungry</li> <li>- Anticipates problematic situations and avoids relying on a complaint from a village or from a staff member to bring ACF to complete the meals.</li> </ul>	<ul style="list-style-type: none"> <li>- This makes the organization of the stays in the villages more complex for ACF. Indeed, this organization can only be operational and efficient with a special grid crossing the different standards. This grid would determine 3 or 4 possible scenarios defining if the village has to provide the meals completely or partially and on which basis (rice, meat, vegetables, etc)</li> <li>- A way to bring the food to the distant villages when necessary must be organized</li> <li>- Additional cost for ACF</li> <li>- A detailed rule may be more easily broken than a vague one</li> </ul>
		<ul style="list-style-type: none"> <li>- Avoids being too often in the first hypothesis described above(1)</li> </ul>	<ul style="list-style-type: none"> <li>- Organization of the programs</li> </ul>

### III - 2 Formalize the procedures

	SUGGESTIONS	ADVANTAGES ?	RISKS/DRAWBACKS ?
<b>Sexual abuse</b>	<ul style="list-style-type: none"> <li>▪ Formalize the prohibition of sexual relationships with beneficiaries by a written rule inside the staff Rules and Regulations of ACF that everyone receives when hired. The prohibition of sexual relationships with beneficiaries must be mentioned among gross misconducts that lead to dismissal</li> </ul> <p>The official written rule does not prevent an oral instruction as it has been done until now (as reminded below)</p> <ul style="list-style-type: none"> <li>▪ Establish a referral system allowing villagers to inform ACF team in case of suspicion of abuse of power (study the option to establish a system with a beneficiaries committee composed with women from the village. In case of suspicion of abuse of power or confirmed abuse of power, this committee would become the reference)</li> <li>▪ To specify this referral system inside the assistance contract signed with villages</li> </ul> <ul style="list-style-type: none"> <li>▪ Establish an investigation procedure in case of suspicion of abuse or of confirmed abuse,</li> <li>▪ Integrate compensations for the victims. Study the local compensation scheme (Akha) in order to possibly integrate it into the NGO procedures (see below ethnological survey)</li> <li>▪ Rely also on other NGOs' practices (as reminded above II-3)</li> </ul> <p>it is important to guarantee the confidentiality of the procedure (victim protection and the right of any accused to be considered innocent of the matters complained as long as he/she is not proved guilty)</p> <ul style="list-style-type: none"> <li>▪ Show transparency in case of disciplinary action against or dismissal of a member of the staff guilty of an abuse of power</li> <li>▪ Have files on the members staff who have been mentioned in cases of abuse of power</li> </ul>	<ul style="list-style-type: none"> <li>- It becomes more difficult to forget to inform a staff member about the prohibition</li> <li>- It becomes more difficult for an expatriate to ignore the rule or the way to pass it</li> <li>- It allows to base disciplinary sanction policy on an official rule, including dismissal</li> <li>- Helps to inform the beneficiaries about their rights (and not only the rights they have in the Akha community) and how to enforce those rights.</li> <li>- Helps ACF management to be informed about the abuse of power allegations and prevents the information from depending mainly on staff denunciations</li> <li>- Acts as a deterrent for potential abusers</li> <li>- Useful in a cultural and political environment where communication is not easy</li> <li>- Avoids false rumours</li> <li>- Punishes guilty party and gives fair compensation to the victims</li> <li>- Avoids punishing someone wrongly accused</li> <li>- May avoid to refer to national authorities</li> <li>- The accused will realize how serious his/her misconduct is</li> <li>- Acts as a deterrent for potential abusers</li> <li>- These files can be used as a reminder in order to prevent another hiring by a new expatriate (high turn-over of the expatriate staff)</li> </ul>	<ul style="list-style-type: none"> <li>- A formalized prohibition may create fear and act as a deterrent for those who could be ready to denounce misconducts.</li> <li>- Is it possible to create a referral system and to guarantee in the mean time confidentiality ?</li> <li>- The villagers may not use the referral system if they do not feel confident enough</li> <li>- The villagers may do not use the referral system because they fear reprisals</li> <li>- Implies to be able to implement the procedure and to inform the villagers properly</li> <li>- It requires time</li> <li>- Implies to be able to implement the procedure and to inform the villagers properly</li> <li>- fear of retaliation for those possibly involved in the denunciation</li> </ul>

	<b>SUGGESTIONS</b>	<b>ADVANTAGES ?</b>	<b>RISKS/DRAWBACKS ?</b>
<b>Food abuse</b>	<ul style="list-style-type: none"> <li>▪ Clarify with the villagers the application terms of the contract regarding provision of the staff's meals.               <ul style="list-style-type: none"> <li>- Define the application terms according to the option selected (as reminded above – board 1)</li> <li>- Detail in each paragraph dedicated to the responsibilities of each party the commitment of ACF and of villagers regarding the organization and the provision of meals.</li> </ul> </li> <li>▪ Coordinate the information in all the different contracts</li> </ul>	<ul style="list-style-type: none"> <li>- Raises awareness of each party's commitment</li> </ul>	<ul style="list-style-type: none"> <li>- More complex rule to explain to the villagers</li> <li>- Time consuming</li> </ul>
<b>Food and sexual abuse</b>	<ul style="list-style-type: none"> <li>▪ Mention at the end of every contract that both parties have the right to question the contract in case of problem</li> <li>▪ Formalize the signature of the contracts in the villages (ensure that the representative of the technical staff attends the signature of contract, reinforce the presence of expatriates at signatures)</li> <li>▪ Include in the monitoring forms qualitative indicators and questions about the effects (including side effects) of the activities and of the ways activities are implemented.</li> </ul>	<ul style="list-style-type: none"> <li>- Puts both parties on an equal footing</li> <li>- Prevents from forgetting to inform someone about the content of the contracts</li> <li>- Helps to gather systematic precise information on the possible bad effects and to react accordingly</li> </ul>	<ul style="list-style-type: none"> <li>- Time consuming</li> <li>- Time consuming</li> </ul>

**III - 3 – Improve the communication and exchange on the rules**

	SUGGESTIONS	ADVANTAGES ?	RISKS /DRAWBACKS ?
<b>Sexual abuse</b>	<ul style="list-style-type: none"> <li>▪ <i>Towards the national staff :</i> Systematically organize moments to remind and explain the written rule banning sexual relationships with village beneficiaries :                             <ul style="list-style-type: none"> <li>- On hiring</li> <li>- Before the staff goes on the field</li> <li>- During annual meetings with all the Long ACF staff</li> <li>- At contract signatures with the villages. It is important that the technical staff should be present on these occasions</li> </ul> </li> </ul> <p>Note : these moments dedicated to information are already organized by ACF.</p>	<ul style="list-style-type: none"> <li>- It completes and strengthens the information</li> </ul>	<p>Time consuming</p>
	<ul style="list-style-type: none"> <li>▪ Always put up the staff Rules and Regulations and the Charter in ACF offices in Lao language</li> </ul>	<ul style="list-style-type: none"> <li>- It reminds the importance of ACF values and current rules</li> </ul>	
	<ul style="list-style-type: none"> <li>▪ <i>Towards beneficiaries :</i> <ul style="list-style-type: none"> <li>- Remind more often the villagers with the rule regarding sexual relationships when the contracts are prepared and signed</li> <li>- Establish specific information actions towards the youth leader and towards women (mobilising the new Akha nurse from the Health Education team)</li> <li>- Inform the heads of the villages during the annual meeting with the district heads.</li> </ul> </li> <li>▪ Participation of ACF headquarters to the trainings and workshops of ICVA (International Council for Voluntary Agencies) on "Supporting the development of NGO capacity to respond to allegations of staff misconduct, in particular in relation to abuse and exploitation of persons of concern".</li> </ul>	<ul style="list-style-type: none"> <li>- Makes sure the villagers and the persons most concerned are aware of the rule. It increases their awareness of the meaning of this rule and provides them with information on their rights.</li> <li>- Exchange of good practices</li> </ul>	<p>Time consuming</p>

	SUGGESTIONS	ADVANTAGES ?	RISKS /DRAWBACKS ?
Food abuse	<ul style="list-style-type: none"> <li>▪ <i>Towards national staff :</i> <ul style="list-style-type: none"> <li>- The member of the staff who goes to work in a village must be informed precisely, before he leaves, about the meals organization (as they are mentioned in the contract)</li> <li>- The staff must be informed that the per diems they want for the meals are already integrated in their salary.</li> </ul> </li> <li>▪ <i>Towards beneficiaries :</i> <ul style="list-style-type: none"> <li>- Remind more often the villagers with the rule regarding meals</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Everybody knows the rules and their application terms</li> </ul>	Time consuming
	<ul style="list-style-type: none"> <li>▪ Synergy between ACF and other international NGOs in Laos, and especially in Long, and lobby actions</li> </ul>	<ul style="list-style-type: none"> <li>- Exchange of good practices</li> <li>- Contributes to inform about the importance of the rules</li> </ul>	Time consuming
Food and sexual abuse	<ul style="list-style-type: none"> <li>▪ Promote the beneficiaries' feedback through monitoring on the field (in particular towards expatriates). Ask them questions about the application of the rules (meals and sexual relationships) and about possible related troubles. It is necessary to promote participatory evaluation and to be proactive</li> </ul>	<ul style="list-style-type: none"> <li>- Increases the probability to get information, the probability for problems to be known</li> </ul>	Time consuming



**III - 4 Develop a process of empowerment of ACF staff**

	SUGGESTIONS	ADVANTAGES ?	RISKS /DRAWBACKS ?
<p><b>Food and sexual abuse</b></p>	<ul style="list-style-type: none"> <li>▪ Establish workshops for ACF staff in a participative way :               <ul style="list-style-type: none"> <li>- ACF Charter, ACF values, ACF ethics</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Ensures national staff knows and understands ACF values</li> <li>- Makes the prohibition rules part of a global knowledge of ACF values. Gives meaning to the rules.</li> <li>- Allows the staff to appropriate the rules, so that they will not be simply perceived as orders from hierarchy they have to comply with (reluctantly or not)</li> </ul>	<ul style="list-style-type: none"> <li>- Time consuming</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Settle trainings for the staff about               <ul style="list-style-type: none"> <li>- the prevention of abuse of power</li> <li>- ethnic minorities</li> <li>- the importance of the respect of beneficiaries</li> </ul> </li> <li>▪ Settle trainings / workshops on gender issue for women in villages, in particular women unions</li> </ul>	<ul style="list-style-type: none"> <li>- Ensures that national staff, especially its members from outside Luang Namtha Province, knows the ethnic minorities they work with.</li> <li>- Helps to prevent racism</li> <li>- Informs women from the villages on the specific risks met by women</li> </ul>	<ul style="list-style-type: none"> <li>- Time consuming</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Be more transparent with the staff about ACF general strategy in Laos, particularly on the choices of the villages ACF works with.</li> <li>▪ More numerous exchanges between Long and Vientiane and more important presence of the Head of mission in Long.</li> </ul>	<ul style="list-style-type: none"> <li>- Allows national staff members to become actors of the implementation of programs and not only obeying orders</li> <li>- Enhances a global understanding of ACF programs</li> <li>- Enables the staff to establish links between their daily activities and the global objectives</li> <li>- Provides a better involvement of the staff in their work</li> </ul>	<ul style="list-style-type: none"> <li>- Some staff members, for fear or because they do not share ACF choices, may leave ACF</li> <li>- The local authorities might not deliver the MOU or might prevent ACF from working freely with the villages</li> </ul>

To conclude with, we recommend a more developed and lengthy field survey, with the expertise of an ethnic minority ethnologist. This survey should focus on the impact of ACF programs upon women in the villages. Only such a broad survey will provide an accurate diagnosis of the actual situation of women and girls in the villages, including problems regarding the risks of sexual abuse. This work is all the more necessary as, as mentioned above, women are now going through a transitory stage with the opening of their villages or the resettlement along the road, which may make them vulnerable.

Such a survey would also enable to :

- improve ACF's knowledge of the ethnic minorities' situation in the villages
- help to define other programs to be implemented by other organizations (AIDS prevention, income generating activities etc.)

## IV – ANNEXES

### IV - 1 - Organization of the counter-inquiry

**Mission carried out by BATIK International, Isabelle Devaux, in Laos, from July 10<sup>th</sup> to August 3<sup>rd</sup> 2006.**

#### I -1 : Visit of 10 villages

##### □ Visited villages

Since Tomas Ryska and Matthew McDaniel refused to give to BATIK Int. the name of the villages where they had gathered testimonies presenting allegations against ACF staff, a representative sample of villages in which ACF has implemented activities since 2004 was settled with the choice of 10 villages. Among the 10 villages initially selected, only 7 could actually be visited. 2 were out of reach because of the rain making the road unfit and the 3<sup>rd</sup> was 2 days' walk away, implying 4 days in all, which was too long for the afforded time. 3 other villages were chosen to complete the sample.

The 1<sup>st</sup> inquiry, led internally by ACF in May 2006, had targeted 13 villages, mainly on the roadside. Furthermore, a counter-inquiry about the NCA staff was being led simultaneously in 6 villages by Chris Littleton. These visits were taken into account in our choice of the 3 remaining villages, which thus fell on different villages.

The 10 villages (see map) visited between Tuesday 18<sup>th</sup> and Friday 28<sup>th</sup> of July were :

Taphaimai, Payalouang, Chachanam, Chakamtan Long, Houaymo, Tao Home, Porchane, Houaphong, Khalang, Houeyka. Out of the 10 villages, 6 (Taphaimai, Chachanam, Houaymo, Porchane, Houaphong, Khalang) were relocated. 8 villages are mainly peopled with Akhas, 2 are peopled with Kwi (Porchane et Khalang). 7 villages are isolated and 3 are situated along the B17 road (Houaymo, Tao Home, Khalang).

##### □ Team members

Isabelle Devaux, BATIK International, a Lao interpreter (French – Lao) from Vientiane, an Akha interpreter (Akha – Lao), a guide belonging to the ACF Laos team (Akha interpreter).

##### □ Visit organization

Arrival between 3 and 5 pm and departure between 10 and 12 am the following day. The team slept in all the villages except the village of Tao Home, in which we stayed till 9 pm.

Each visit followed the same pattern :

Object of the visit : study carried out by an independent organization in order to establish the impact of the activities implemented by the NGO upon the women and girls.

Systematically:

- 1<sup>st</sup> meeting with the village authorities (head of the village and/or deputy head and/or youth leader : gathering of information about the village (population, weekly food consumption, possible rice shortage situation) and about the activities implemented in the village by the NGOs (name of the NGOs, description of activities, dates of operations, impact of the provision of meals for the villagers)
- 2<sup>nd</sup> meeting with the village women : description of their situation and of the impact of the NGOs' presence (questions about possible relationships with NGO staff, the women's role in the organization of the meals and the impact on the villagers)<sup>1</sup>. This meeting was held in the presence of the women only, but had to take place in the head of the village's house (apart from 2 meetings held in the head of the women's house)
- 3<sup>rd</sup> meeting (usually in the morning) with the young girls (unmarried) of the village : quick description of their situation and of the impact of the NGO's presence. Questions about their « sexual life » and possible sexual intercourse with NGO staff. Same remark as above : the young girls were usually seen apart from other groups, but with difficulty.

When possible :

- Meeting with the youth leader (playing a key role in the sexual intercourse between the village girls and boys from the outside) and sometimes with the head of the women.
- Individual interviews (usually by the Lao interpreter) with other villagers.

I-2 : Meetings with the national ACF staff

Human Resources Management meetings were held with 20 persons from the ACF staff, including 15 employees in Vientiane, Namtha and Long. Among the 15 employees belonging to the national staff, 2 were women, 3 were Akha and 1 was Kwi. They were a representative group of the various levels of responsibility in ACF : expatriates, supervisors, admin, technicians, a driver, translators. Some of the questions bore upon possible abuse committed in the villages (provision of meals and sexual intercourse).

I-3 : Meetings with third parties

3 meetings with Chris Littleton, in charge of the inquiry about the NCA activities for Norway.

**IV- 2 - Methodology used to establish the nature and character of the possible abuses**

**A/ Elaboration of proof levels based upon :**

- ⇒ crosschecking of the testimonies in order to establish the reality and nature of the possible listed abuses
- ⇒ the definition of a norm by which to establish whether the listed abuses are isolated individual cases or whether they are part of a general practice among the ACF staff

□ **How to determine the reality of an abuse**

The information sources :

- Source 1 : testimonies collected in the villages (third parties / possible victims)
- Source 2 : testimonies collected at staff level (in function)
- Source 3 : testimonies collected among ex ACF staff members
- Source 4 : testimonies collected among other actors (consultants, ethnologists working on the field ?)

We distinguish 3 proof levels :

- In order to be **asserted**, a fact has to be crosschecked by at least 2 persons from 2 different sources
- It is considered that there is a **strong suspicion** of abuse when it is attested by at least 2 persons from the same source
- It is considered that there is a **suspicion** if an abuse is reported by one, and only one person from a single source

□ **How to determine the scale of the possible abuse**

It is necessary to cross two criteria in order to establish the scale of the possible listed abuses:

- ⇒ the number of villages involved
- ⇒ the number of ACF teams involved.

The following chart, using the 3 proof levels described above, crosses them with the criteria « Number of villages involved » and « Number of ACF teams involved » :

Proof levels	Number of villages concerned by these abuses	Number of ACF teams involved	Conclusions
The abuses are <b>asserted</b> ... (because attested by at least 2 persons from 2 different sources) ...	...in at least 40% of the villages of the visited sample	...and these abuses have been committed by at least 2 different ACF teams	General practice of abuse is <b>asserted</b>
<b>Strong suspicion</b> of abuse (because attested by at least 2 persons from the same source)...	...in at least 40% of the villages of the visited sample		<b>Strong suspicion</b> of general practice of abuse
The total cases of asserted abuse, of strong suspicion of abuse and of suspicion of abuse...	...involve more than 50% of the villages of the visited sample		
<b>Suspicion of abuse</b> (because attested by at most 1 person from a single source) ...	...in at least 40% of the villages of the visited sample		<b>Suspicion</b> of general practice of abuse

The total cases of asserted abuse, of strong suspicion of abuse and of suspicion of abuse...	...involve more than 30% of the villages of the visited sample		
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## **B/ Definitions of possible abuse of power :**

### **□ Abuse of a sexual nature for for Batik International**

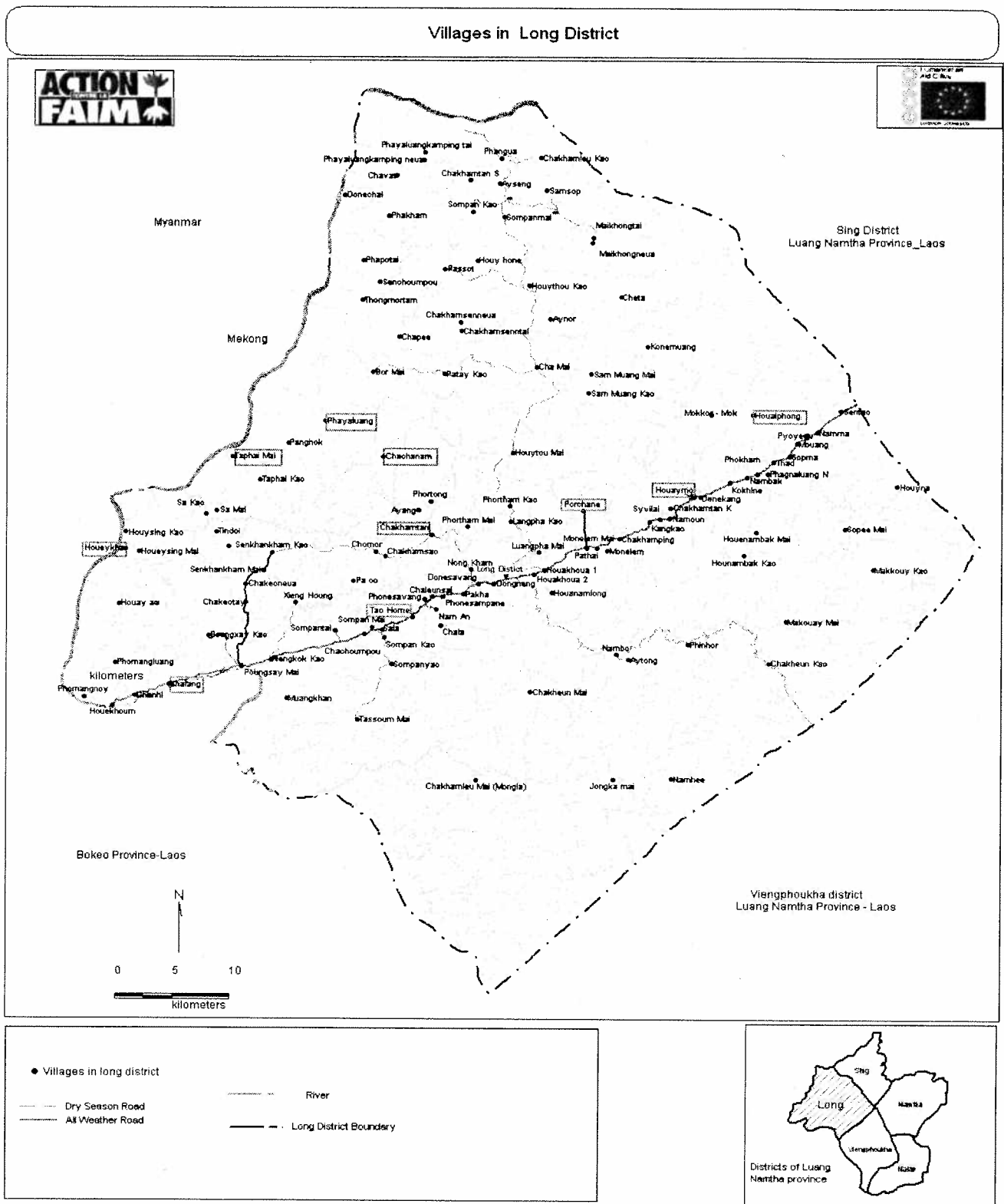
- **Abuse of power:** consented sexual intercourse between a member of the ACF staff and a legally major person (aged at least 15) benefiting from relief from ACF. Obviously, it is very difficult for a relief beneficiary to refuse sexual intercourse, even though this person is not actually willing, because of the implicit fear of the consequences of his/her refusal upon the relief provided by ACF in his//her village. It is thus considered that the relief beneficiaries are not in a position to give their free and enlightened consent to such an act.
- **Sexual abuse:** consented sexual intercourse between a member of the ACF staff and a minor person (under 15 years old) benefiting from relief from ACF. 15 years old is the age limit proposed for the following reasons:
  - It is close to the French limit for sexual majority which is set at 16 years old
  - According to the information collected, Akha women start to get married at 15 years old.
  - The Laotian Family code provides that women and men can get married at 18 years old but also that "exceptionally and if necessary, age can be lower, but never less than 15 years old" (Title 2, chapter 2).
- **Rape under moral constraint:** sexual intercourse obtained under moral constraint, exercised directly or indirectly by a person from the ACF staff upon a person benefiting from relief from ACF (whatever his/her age). By « indirectly » we mean: a third party of the village exercises a pressure upon a beneficiary to accept sexual intercourse with someone from the ACF staff.
- **Rape under physical constraint :** Sexual intercourse obtained with violence/physical brutality between a member of the ACF staff and a person benefiting from relief from ACF (whatever his/her age)

- **Abuse regarding the provision of meals to the ACF staff by the villages benefiting from relief from the ACF**
- **Is the pre-requisite asked by ACF in the villages (in exchange for their action) excessive ?**

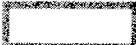
This pre-requisite will be considered excessive if :

- on a sample of 10 people in a given village, more than 50% of the persons interviewed consider this pre-requisite to be excessive and can back their opinion with convincing arguments (such as actual cases of serious deprivation caused by the necessity to provide meals to the ACF staff). The notion of convincing arguments is made necessary by the fact that the villagers would most probably (and quite understandably) prefer not to have to provide the compensation (whatever it is) asked by ACF. This compensation, however, is essential for the appropriation of the project by the beneficiaries.
- **Is the pre-requisite established by ACF regarding the provision of meals by the village respected the national ACF staff ?**

# IV-3 – Map of Muang Long District



23 January 2008

 Villages visited by BATIK Int.