

Special Measures for Protection from Sexual Exploitation and Sexual Abuse

1. The attention of all staff is drawn to the Secretary General's Bulletin on "Special Measures for Protection from Sexual Exploitation and Sexual Abuse" dated 9 October 2003, a copy of which is attached.
2. Sexual exploitation and abuse in any form cannot be tolerated. Men, women and children affected by conflict or other disasters are among the most vulnerable people on earth. They look to us for relief and protection. Anyone who breaks that sacred trust will be held fully accountable.
3. It is fundamentally important to uphold the reputation of the United Nations, in general, and UNFPA, in particular, and to maintain the trust of the communities we serve.
4. The Secretary General has informed that he is committed to ensuring that appropriate follow up actions are taken across the system on an ongoing basis. In this effect, the Secretary General has tasked the Executive Committee on Humanitarian Affairs (ECHA) with establishing a clear system for implementation of the said Bulletin in the field. I trust that all UNFPA staff will cooperate closely with ECHA on the appointment of the senior level focal points called for in the Bulletin, and that all the focal points work closely together to ensure that all reports of sexual exploitation and abuse are followed up and, where appropriate, investigated.
5. The Secretary General's Bulletin has its origin in the work of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. The Task Force is currently working on draft model complaints mechanisms and investigative protocols for cases of sexual exploitation and abuse. I trust that all of you will cooperate closely with the Task Force in its endeavours.
6. It should also be noted that UNDP, UNFPA, UNICEF, UNOPS and WFP recently developed a Policy Framework on Harassment, Sexual Harassment and Abuse of Authority based on their experiences gained from the implementation of existing sexual harassment and harassment policies during the 1990s. This framework was recently presented for review and will be used by the mentioned UNDG agencies to update their existing policies in the coming months. We will keep you apprised of progress.



9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1 Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2 Scope of application

- 2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.
- 2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".
- 2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction¹ set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

¹ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".



Section 3

Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4

Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

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.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

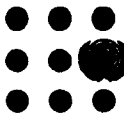
6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

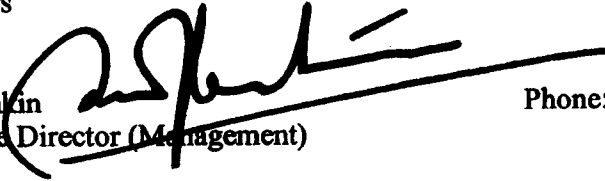
(Signed) Kofi A. Annan
Secretary-General



UNFPA interoffice memorandum

To: All Division Directors in Headquarters
All Representatives
All CST Directors

Date: 16 January 2004

From: Imelda J. M. Henkin 
Deputy Executive Director (Management)

Phone: +1 (212) 297-5118

Subject: **Special Measures for Protection from Sexual
Exploitation and Sexual Abuse**

File: DED(M) HR/POL/REGS/

1. I am writing to you regarding the recent promulgation of the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (SEA), ST/SGB/2003/13 and my circular of 26 November 2003 on this issue (to view both documents, please click on the hyperlink or look in the Bulletin Board under Circulars, November 2003). The Bulletin defines sexual exploitation and sexual abuse and clarifies that such acts, particularly when perpetrated against beneficiaries of United Nations' and UNFPA's protection or assistance, constitute serious misconduct and are, therefore grounds for disciplinary measures, including summary dismissal. In addition, the Bulletin obliges all staff to report concerns or suspicions of sexual exploitation and abuse and places the onus on managers at all levels to support and develop systems that maintain an environment that prevents sexual exploitation and abuse. The Bulletin applies to all staff of the United Nations, including separately administered organs and programmes, including but not limited to those working in a humanitarian environment. (Allegations and reports of sexual harassment will continue to be covered by separate procedures described in ST/SGB253 and ST/AI/379).

2. The Secretary-General is personally committed to preventing and addressing sexual exploitation and sexual abuse (SEA) when committed by personnel employed by or affiliated with the United Nations. To this end, he tasked the Executive Committee on Humanitarian Affairs (ECHA) with establishing a clear system for implementation of the Bulletin in the field; this includes peace operations. He expects that a coordinated effort will minimise confusion about the focal point system and reporting obligations on staff, as well as ensure clear dissemination on channels of recourse to local communities and staff.

3. At a recent meeting of ECHA, all members agreed to the following principles in respect of the Bulletin's implementation:

- a. Any UN department/agency/mission with a substantial presence in a particular country should appoint a senior-level SEA Focal Point and Alternate in their respective field operations.
- b. The Focal Point or the Alternate should be a female staff member and should receive specialized training on the handling of these complaints.
- c. All such appointees should work together in a Network, which would also include any NGO SEA focal points.

- d. All communications to staff and local populations about (i) prevention of and reporting on SEA and (ii) channels of recourse for victims of SEA should be issued in the relevant languages by the in-country Network, under the auspices of the SRSG or RC/HC. This will prevent local communities from being inundated with conflicting information about where to turn.
 - e. While responsibility for implementation of the SGB rests primarily with the Heads of individual UN departments and agencies, Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators are in the best position to ensure that the Bulletin is implemented coherently at the field level. As the Secretary-General has noted, they bear specific responsibility for implementing the Bulletin on the ground.
4. In order to facilitate your efforts to comply with the provisions of the Bulletin, ECHA has formed a Working Group, which will, together with the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse, produce the following products over the course of the next two months:
- a. Terms of Reference for field-level Focal Points.
 - b. Terms of Reference for Networks.
 - c. Short 'model' information sheet for local communities on (i) obligations of UN staff in terms of conduct and reporting and (ii) channels of recourse (i.e. the Focal Points). This can be a simplified version of the SGB.
 - d. Draft letter to SRSGs, RCs, HCs explaining their responsibilities for ensuring an environment free of SEA.
 - e. Plan for ensuring all staff members (national and international) receive a copy of the Bulletin in their pay-packets, and that all new recruits in the field receive a copy in the appropriate language when they sign their contract. OHRM and OMS/DPKO should be included in this discussion.
 - f. Proposals for in-country training programmes.
 - g. Plan for ensuring that all implementing partners and consultants receive copies of the Bulletin as well as relevant training materials. This effort could also involve the Inter-Agency Standing Committee (IASC).
5. In addition, model complaints' procedures and investigative protocols for cases of sexual exploitation and abuse are currently being finalized by the IASC Task Force, and will be shared with you as soon as possible.
6. For its part UNFPA takes the issue of sexual exploitation and abuse extremely seriously. As noted in ECHA, sexual abuse and sexual exploitation are not limited to conflict situations. I therefore expect all country offices to implement in full the provisions of the Bulletin. We will be in contact with you again as soon as the products listed above, which will assist you in your implementation efforts, are ready. Should a complaint arise before these products are complete, I ask that you to contact Headquarters immediately for interim guidance. It is vital that any investigation into allegations of exploitation and abuse be a fair and impartial process consistent with UN procedures and guidelines taking into account the needs of the alleged victim. In the meantime, I ask you to inform all staff about the obligations placed on them by the Bulletin.

7. Finally, I would like to draw your attention to General Assembly resolution 57/306. Under that resolution, we are required to report on all investigations into sexual exploitation or related offences committed by humanitarian or peacekeeping personnel, and on all relevant action taken as a consequence. I would like to underline your responsibility to report on all such investigations to the Office of Human Resources in Headquarters so that the statistics can be centrally compiled and forwarded to the Department of Management. The deadline for receipt of data for the period 1 January 2003 to 31 December 2003 is **26 January 2004**.

8. The focal point on sexual exploitation and abuse at Headquarters is Ian Howie, Chief, Office of Human Resources. If you would like further advice on the issue of implementation, please contact him at Howie@unfpa.org or at +1-212-297-5355.

Cc.: Ian Howie, Chief, OHR
Pamela DeLargy, UNFPA Representative to ECHA

AMENDMENT

Further to para. 8 of the memorandum of 16 January 2004 from Ms. Imelda Henkin (reproduced as a part of this policy), the UNFPA Focal Point on sexual exploitation and sexual abuse shall be the Director, Division for Human Resources, UNFPA.