

## Tackling sexual exploitation and abuse, and sexual harassment at UNHCR

### An information note

UNHCR has been at the forefront of the fight against sexual exploitation and abuse against the people served by the organization and its partners, together with sexual harassment in the workplace, for many years. This commitment has been reflected in a series of measures to address these two forms of serious misconduct, including prevention, awareness-raising, effective investigation, survivor and whistleblower protection, and robust action against those found to have engaged in them.

Sexual exploitation and abuse (SEA) is a grave breach of trust, and a betrayal of UNHCR's mandate for protecting displaced and stateless people. We are also committed to ensuring a safe, supportive working environment for women and men alike, and do not tolerate behaviour that undermines this aim, or runs counter to fundamental principles of equality.

Our position is clear, and has been reiterated on a number of occasions by the High Commissioner personally and by UNHCR's senior leadership: sexual exploitation and abuse, and sexual harassment are unjustifiable and must be eradicated from UNHCR operations. There is no place in UNHCR for anyone who does not share and respect our core values.

We are conscious that translating this into practice requires strong leadership and continuous investments. With some 15,000 staff and affiliated workforce working primarily in the field, in permanent and direct contact with vulnerable people, UNHCR is one of the biggest and most operational UN agencies. Our programmes last year aimed to benefit more than 67 million people, implemented together with more than 1,000 partners. We work in an environment shaped by significant power differentials and deep-rooted inequality, in which the conditions that can give rise to sexual exploitation and abuse, and sexual harassment, are pervasive.

The overwhelming majority of our staff are deeply committed professionals, many of whom are working in difficult environments, sometimes risking their own safety and well-being. But our organization is not immune, and - like others - we have seen instances in which our own colleagues or partner staff have used their positions of power to exploit others. These actions inflict intolerable harm on the victims and their families, run counter to the values for which UNHCR stands, and undermine the work and credibility of our organization.

For this reason, we have taken a series of decisive actions over recent years to reinforce our mechanisms for prevention, awareness-raising, effective investigation, survivor and whistleblower protection, and robust action against those found to have engaged in serious misconduct.

These are set out below, and are part of an ongoing, sustained commitment to constant improvement in this critical area, which goes to the heart of our shared values, and to the mandate that drives our work.

#### *Prevention and awareness raising*

We work systematically to identify and reduce risks, including risks of sexual exploitation and abuse, in all our operations, and with a significant expansion in our operations in recent years, have stepped up these measures. Late last year, we launched Risk Management 2.0: an ambitious new approach to improve risk culture across the organisation - with a particular focus on deploying targeted support to reinforce key operations, and on weaving awareness and analysis of risks of sexual exploitation and abuse, and other risks, into strategic discussions, planning and resource allocation.

In 2002, we introduced a [UNHCR Code of Conduct](#), which all personnel are required to sign, and which is the subject of mandatory refresher training each year. This builds upon United Nations Charter and the Staff Regulations and Rules, and recognises that UNHCR's ability to deliver on our mandated responsibilities rests on promoting and upholding the highest standards of ethical and professional conduct. It includes specific provisions on treating refugees and all those we serve with respect and dignity, preventing and combating all forms of abuse and exploitation, and refraining from any form of harassment, discrimination, verbal and physical abuse or favouritism in the workplace.

Our annual Code of Conduct refresher training was reformed in 2016 to inject a stronger focus on values and inclusion, diversity, and gender. We are also working to address the fears that some colleagues may have in relation to speaking out on these difficult matters, including by addressing issues related to gender equality and respectful treatment in the workplace.

We also have a zero tolerance approach to sexual exploitation and abuse and other forms of misconduct by our partners. We have embedded robust measures in the management of our relationships with partners to address risks and ensure accountability. All Project Partnership Agreements make specific reference to values and standards of professional conduct, and require that procedures are in place to prevent, detect, investigate and report on misconduct, with specific reference to sexual exploitation and abuse. Breaches are grounds for termination.

Two online courses on the *Prevention of Sexual Exploitation and Abuse* and the *United Nations Course on Prevention of Harassment, Sexual Harassment and Abuse of Authority* are likewise mandatory for all personnel. All leadership and management training courses that are mandatory for progression to senior positions in the organisation include a focus on how to create and lead an inclusive work environment, and specific modules on the prevention of sexual exploitation and abuse and sexual harassment.

#### [Encouraging survivors to come forward](#)

We are acutely aware of the enormous difficulties that survivors of sexual exploitation or abuse, or sexual harassment, face in coming forward, and of the deep professional and personal considerations - and even fears - that may prevent them from doing so. We are striving to better understand and decisively address these concerns, and in recent years have set up a range of complaints mechanisms, both formal and informal, that also allow for anonymous complaints. We have a network of over 300 protection and other staff in our field offices with specific focal point responsibilities related to prevention of sexual exploitation and abuse. We believe that their presence on the ground is a key factor in helping identify and support victims.

Messages from our High Commissioner and other senior managers to our workforce have consistently and strongly encouraged colleagues who have experienced sexual harassment to speak out, and underscored the mandatory obligation to report on situations or interactions that may give rise to concerns of sexual exploitation or abuse. Information on the disciplinary process, data on allegations of misconduct received and acted upon, and on disciplinary measures taken, is regularly shared with all colleagues, as we believe it is important for all to know the grave consequences of misconduct.

We firmly believe that transparency plays a critical role in creating a culture in which people feel confident to come forward and speak out. Robust follow-up on allegations inspires confidence in the system and demonstrates accountability in action.

### *Fact finding and investigations*

UNHCR's Office of the Inspector General (IGO), is an independent internal body responsible for ensuring the investigation of allegations of misconduct that involve people or entities with a direct contractual link with UNHCR. The purpose of investigations is to determine whether the facts support an allegation of misconduct. If so, and the case concerns UNHCR personnel, the decision to institute disciplinary proceedings lies with the Director of the Division of Human Resources Management, following which the High Commissioner decides on the appropriate sanction.

Over the last three years, we have made significant investments in reinforcing our investigative capacity, including through specialist training for investigators to handle sexual exploitation and abuse and sexual harassment cases. The IGO also provides training to our field operations, to raise awareness of procedures, strengthen confidence in the system and share best practices. This – we believe – has helped drive an increase in the allegations of SEA and sexual harassment we have received.

Last year, UNHCR received 39 allegations of sexual exploitation and abuse involving UNHCR personnel or partners and other entities with whom we have a contractual link that reached the threshold of sufficient evidence for investigation (an additional 25 allegations were received but either did not reach the threshold or did not involve UNHCR-related individuals or entities). This was an increase over 2016, when 32 allegations meeting the investigation threshold were received. Of the 39 found to have reached the threshold in 2017, 19 concerned personnel from UNHCR and 20 related primarily to partners implementing UNHCR programmes.

Because of the very low evidential threshold we apply in determining to open an SEA investigation, and the enormous challenges in establishing that these acts have occurred, the number of such cases ultimately substantiated nonetheless remains low.

We have also seen an increase in the number of sexual harassment cases – from 6 allegations received in 2016, to 18 in 2017.

We believe that the fact that individuals are stepping forward to report potential transgressions to UNHCR signals increasing trust in our systems, and confidence that allegations will be treated with the seriousness they merit, fully investigated and perpetrators held accountable.

### *Consequences for perpetrators*

Following investigation, if the allegations are substantiated, UNHCR personnel found to have engaged in sexual exploitation and abuse have their employment terminated, in line with our 'zero tolerance' policy. Perpetrators of sexual harassment are also normally separated from service, and in both cases are banned from being rehired.

In 2017, two staff members were dismissed after an investigation established that they had engaged in sexual harassment. Victims were informed of the measures taken.

In 2016, one staff member was found to have engaged in sexual exploitation and abuse and dismissed. In 2017, three cases of sexual exploitation and abuse were substantiated. In one, the disciplinary process is ongoing. In the other two cases, the staff members have already been separated for other reasons, and the cases have been brought to the attention of the Office of Legal Affairs of the United Nations in New York (OLA) for possible referral to national authorities.

We work closely with OLA to ensure that credible allegations of SEA or sexual harassment that may amount to criminal conduct are referred to the national authorities for criminal prosecution. The United Nations systematically cooperates with national authorities on referrals, including through appropriate waivers of immunity of UN personnel. Both we and the UN Office of Legal Affairs regularly follow up on the status of cases referred to national authorities.

The Secretary-General's report on criminal accountability of United Nations officials and experts on mission provides further information on the cooperation among states and the UN on these referrals.

To prevent the hiring of personnel already found to have engaged in serious misconduct in other organizations, UNHCR systematically checks references, and asks job applicants to formally state whether they have been the subject of an investigation. This allows us to proceed with swift termination of employment in cases where the statement is subsequently found to be untrue.

We also maintain a database of disciplinary measures imposed on all personnel, including dismissals. If a staff member or a member of our affiliate workforce resigns, retires or is separated for other reasons before the conclusion of an investigation or the disciplinary process, this is noted in our records, and that person will not be rehired. We are fully behind plans to introduce a mechanism across the UN system to share information on disciplinary action, to make sure that those same personnel are not rehired by a new employer who is unaware of their past history in the system.

#### *Survivors and whistleblower protection*

We are currently updating our policy to protect whistleblowers and survivors, and reinforcing our communication with all personnel to ensure that they are fully familiar with the whistleblower policy and procedures. The revised policy will be issued in the next two months, and will align with the Secretary General's Bulletin on protection against retaliation, issued in December 2017, which seeks to ensure that colleagues are protected from harm as a result of reporting misconduct or cooperating with an official audit or investigation. This is commonly known as "whistleblower protection". We are also strengthening survivor and witness protection, which we recognize is difficult, especially in cases in which the perpetrators are nationals. Psychosocial and medical support is made available, along with interventions to facilitate reintegration within the community.

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