

In its 2014/ 2015 workplan, the IASC AAP PSEA TT agreed to collect good practices to support task team members' effort towards including PSEA language in their HR processes and partnership agreement, which is one action stipulated in the Guidelines to implement the Minimum Operating Standards on Protection from Sexual Exploitation and Abuse.

Language used in partners' contracts



"Implementing Partners (IP) shall ensure that all its employees and personnel comply with the provisions of ST/SGB/2003/13 entitled "Special Measures for Protection from Sexual Exploitation and Sexual Abuse", which is available at <http://www.un.org/Docs/journal/asp/ws.asp?m=ST/SGB/2003/13>. IP shall further ensure that none of its employees and personnel exposes any intended beneficiary, including children, to any form of discrimination, abuse or exploitation and that each of the IP's employees and personnel complies with the provisions of other UNICEF policies relating to protection of children as advised by UNICEF from time to time."



Service contract reads : **22.0 Sexual Exploitation :**

22.1 *The Contractor shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by it or by any of its employees or any other persons who may be engaged by the Contractor to perform any services under the Contract. For these purposes, sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute the sexual exploitation and abuse of such person. In addition, the Contractor shall refrain from and shall take all appropriate measures to prohibit its employees or persons engaged by it from, exchanging any money, goods, services, offers of employment or other things of value, for sexual favors or activities or from engaging in any sexual activities that are exploitive or degrading to any person. The Contractor acknowledges and agrees that the provisions hereof constitute an essential term of the contract and that any breach of this representation and warranty shall entitle UNCP to terminate the Contract immediately upon notice to the Contractor, without any liability for termination charges or any other liability of any kind »*



UNHCR Principles of Partnership refers to UNHCR Code of Conduct "reiterating UNHCR staff encouragement to partners to adhere to UNHCR standards and to join UNHCR staff in upholding them".

Section 6 of the code of conduct focuses on : Cooperative arrangements with non-United Nations entities or individuals (from SG Bulletin)

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.*



Field level agreements read : **PREVENTION OF SEXUAL EXPLOITATION AND ABUSE**

9.1 *The United Nations and WFP are committed to the protection of vulnerable populations in humanitarian crisis, including from sexual exploitation and abuse. By entering into an agreement with WFP, the Cooperating Partner undertakes to adhere to: (i) the standards set out in the Secretary-General's Bulletin Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13); (ii) any minimum operating standards adopted as a result of the Statement of Commitment on Eliminating Sexual Abuse and Abuse by UN and Non-UN Personnel of 4 December 2006; and (iii) any other Protection from Sexual Exploitation and Abuse (PSEA) policy or guideline as may be adopted by WFP, as notified to the Cooperating Partner by WFP from time to time.*

9.2 *The Cooperating Partner shall ensure that its personnel, agents, contractors and subcontractors conform to the highest standards of moral and ethical conduct. Any failure by the Cooperating Partner to take preventive measures against sexual exploitation or abuse, to investigate allegations thereof or to take corrective action, shall constitute grounds for termination of the Agreement.*



8.1 The [Implementing Partner] further warrants that it shall:

(a) Take all appropriate measures to prohibit and prevent actual, attempted and threatened sexual exploitation and abuse (SEA) by its employees or any other persons engaged and controlled by it to perform activities under this Agreement ("other personnel"). For the purpose of this Agreement, SEA shall include:

1. Exchanging any money, goods, services, preferential treatment, job opportunities or other advantages for sexual favours or activities, including humiliating or degrading treatment of a sexual nature; abusing a position of vulnerability, differential power or trust for sexual purposes, and physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.
2. Engaging in sexual activity with a person under the age of 18 ("child"), except if the child is legally married to the concerned employee or other personnel and is over the age of majority or consent both in the child's country of citizenship and in the country of citizenship of the concerned employee or other personnel.

(b) Strongly discourage its employees or other personnel having sexual relationships with IOM beneficiaries.

(c) Report timely to IOM any allegations or suspicions of SEA, and investigate and take appropriate corrective measures, including imposing disciplinary measures on the person who has committed SEA.

(d) Ensure that the SEA provisions are included in all subcontracts.

(e) Adhere to above commitments at all times. Failure to comply with (a)-(d) shall constitute grounds for immediate termination of this Agreement.

Language used in staff and affiliated workforce employment contracts



Fixed Terms Appointments and Temporary Appointments read : "I hereby accept the appointment described in this letter, subject to the conditions therein specified and to those laid down in the Staff Regulations and Staff Rules and UNDP policies. (...) I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules and UNDP policies."

Staff rules read : Article X Disciplinary measures : Regulation 10.1

- (a) The Secretary General may impose disciplinary measures on staff members who engage in misconduct
- (b) Sexual exploitation and sexual abuse constitute serious misconduct

Individual contractors contract reads : "By signing the below, I, the Individual Contractor, acknowledge and agree that I have read and accept the terms of this Contract (...) and that I have read and understood and agree to abide by the standards of conduct set forth in the Secretary- General's bulletins ST/SGB/2003/13 of 9 October 2003 entitle "Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission".



UNHCR uses in its Code of Conduct which all staff, affiliate workforce, JPOs must sign: The Code applies to all UNHCR staff members who are all requested to sign it. Persons holding a UNHCR consultant contract, UNVs and interns will also receive the Code and be requested to confirm that they uphold its standards as far as applicable to their status. Governmental and non-governmental organizations and companies which, through their employees, work for UNHCR, will be requested to make the principles contained in the Code known to those persons in an appropriate manner. All UNHCR staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct. They also have a role in implementing, monitoring and enforcing its standards. (...) Managers at all levels have a particular responsibility for making sure that those who answer to them are familiar with the Code, and for helping to promote the honouring of its provisions. Managers, who are expected to set an example, are also responsible for communicating the Code's principles to those with whom we work, no matter how tenuous or short-term their relationship with UNHCR may be. Managers must further make sure that the people we serve - the beneficiaries - know about our Code of Conduct, and that they have the opportunity to report breaches of the Code without fear of reprisal.



OFADEC mentions specific reference to its code of conduct in its staff contract
OFADEC Code of Conduct includes PSEA as follows : (to be completed)



IOM has just released its new PSEA mandatory instruction on Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse

"The instruction is applying to all people employed by or working for IOM worldwide, whether internationally or locally recruited, regardless of the type or duration of the contract, including interns, secondees, consultants, escorts and people holding hourly contracts. For the purpose of the Instruction, the term "staff members" shall include all such persons.(..)

The IOM Standards of Conduct (IN/15/Rev.1), paragraph 5.42, states: IOM staff members shall provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries. For this reason and because there is often an inherent and important power differential in the interactions between staff members and beneficiaries, IOM strongly discourages staff members from having any sexual relationships with beneficiaries. In addition, IOM staff members shall protect against and prevent sexual exploitation and sexual abuse (SEA) of beneficiaries. Abusive and exploitative sexual activities with beneficiaries are absolutely prohibited. In order to protect the most vulnerable populations and to ensure the integrity of IOM's activities, the following specific standards shall be followed:

- (a) Exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited.*
 - (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 regarding the age of a child is not a defence. This prohibition shall not apply if the IOM staff member is legally married to someone under the age of 18 but over the age of majority or consent in both the IOM staff member and spouse's country of citizenship.*
 - (c) Sexual relationships between staff members who deliver professional health services directly to beneficiaries and such beneficiaries are prohibited.*
 - (d) Using the services of prostitutes or sex workers is prohibited, regardless of the legal status of prostitution in the laws of the IOM staff members' home country or duty stations. This prohibition extends to the use of prostitution outside working hours, including while on Rest & Recuperation and home leave.*
- The above-mentioned acts are not intended to be an exhaustive list. The above-mentioned acts as well as other types of sexually exploitive or sexually abusive behaviour constitute serious misconduct and, as such, are grounds for disciplinary measures, including summary dismissal.*

The PSEA mandatory instruction also includes specific language on recruitment and management of personal files

"36. As part of the process of screening applicants for positions at IOM, the Human Resources Management Division, in consultation with other stakeholders, shall:

- (a) Require applicants to attest whether they have had any disciplinary measure imposed on them for misconduct (including for SEA);*
- (b) Ask referees whether a candidate has been the subject of any disciplinary measure for misconduct (including for SEA);*
- (c) Set up a mechanism to screen candidates for IOM positions for past misconduct (including for SEA).*

38. The Human Resources Management Division shall ensure that all disciplinary measures or alternative measures imposed pursuant to, or as a result of, the present Instruction are promptly recorded in the relevant personnel or administrative file. "



Additional support needed ?

The IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse offers a helpdesk service to share information and best practice, as well as case studies and additional guidance to suit specific needs : Don't hesitate to contact us : helpdesk-aap-psea@unhcr.org