



Executive Director's Circular (Human Resources Division)

Date: 22/01/04
Circular No.: ED2004/001
Revises:
Amends:
Supersedes:

Secretary-General's Bulletin
Special measures for protection from sexual exploitation and sexual abuse.

This Circular implements the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13 (attached for your reference). The Bulletin defines sexual exploitation and sexual abuse and clarifies that such acts, particularly when perpetrated against beneficiaries of United Nations' 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 responsibility 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.

As you will note from the Secretary-General's cover letter, also attached, the Secretary-General is personally committed to preventing and addressing sexual exploitation and sexual abuse (SEA) committed by personnel employed by or affiliated with the United Nations. To this end, he tasked the Executive Committee on Humanitarian Affairs with establishing a clear system for implementation of the Bulletin in the field, including 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 to local communities and staff on channels of recourse. At a recent meeting of ECHA, all Members agreed to the following principles in respect of the Bulletin's implementation:

1. 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.
2. Either the Focal Point or the Alternate should be a female staff member and should receive specialized training on the handling of these complaints.
3. All such appointees should work together in a Network, which would also include any NGO SEA focal points.

4. All communications to staff and local populations about (a) prevention of and reporting on SEA and (b) 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.
5. 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 therefore bear specific responsibility for implementing the Bulletin on the ground.

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 (a) obligations of UN staff in terms of conduct and reporting and (b) 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.

In addition, model complaint 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.

WFP 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. Therefore, I expect all country offices to implement in full the provisions of the Bulletin. Our Human Resources Department will be in contact with you 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, please make sure to contact Headquarters immediately for interim guidance, as it is vital that any investigation into allegations of exploitation and abuse be a fair and impartial process that is consistent with UN procedures and guidelines while 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.

Finally, I also attach a letter from the Under-Secretary-General for Management, drawing our 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, therefore, your responsibility to report on all such investigations to the Office of the Inspector-General and to the Human Resources Division so that the statistics can be centrally compiled and forwarded to the Department of Management.

The focal point at Headquarters for receiving complaints of sexual exploitation and abuse is the Director, HR who can be contacted by e-mail (Diana.Serrano@wfp.org) or by phone on + 00 39 06 6513 2400. However, official investigations into alleged complaints will be carried out by or in consultation with the Office of the Inspector-General, in line with UN practices.

James T. Morris



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



Office of the Under-Secretary-General for Management

Date: 21 October 2003

To: Heads of Departments, Offices, Funds and Programmes
(see list attached)

From: Catherine Bertini
Under-Secretary-General for Management

A handwritten signature in black ink, appearing to read 'Catherine Bertini', written over the printed name.

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

1. The Secretary-General's bulletin on "Special Measures for Protection from Sexual Exploitation and Sexual Abuse" came into effect on 15 October 2003, and applies to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2. I wish to call your attention to section 4.1 of the bulletin, which places on the Head of Department, Office or Mission, as appropriate, the responsibility for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and for taking appropriate measures for this purpose. In particular, the Head of Department, Office or Mission is required to inform his or her staff of the contents of the bulletin and ascertain that each staff member receives a copy. A copy of the bulletin (ST/SGB/2003/13) is attached for your ready reference. For staff of the United Nations Secretariat, the Bulletin is also accessible on its Intranet, under Reference Materials, Secretary-General's bulletins.

3. I would also recall that, by its resolution 57/306 on investigation into sexual exploitation of refugees by aid workers in West Africa, the United Nations General Assembly requested the Secretary-General to maintain data on investigations into sexual exploitation and related offences, irrespective of age and gender, by humanitarian and peacekeeping personnel, and on all relevant action taken as a consequence. It also requested the Secretary-General to report to the General Assembly at its fifty-eighth session on any new cases of sexual exploitation revealed and the measures taken to deal with such cases.

4. In response to the Assembly's requests, the Secretary-General's bulletin stipulates that Heads of Department, Office or Mission shall promptly inform the Department of Management of investigations into cases of sexual exploitation and sexual abuse, and the action taken as a result of such investigations. As it is critical that information from field offices be included, I would make a special request that you ensure that those offices are aware of this requirement.

5. I have assigned to the Office of Human Resources Management (OHRM) of the Department of Management the responsibility for collecting and maintaining the data called for by the General Assembly, beginning with investigations initiated in the period 1 January 2003 and 31 December 2003. Please send the pertinent information before **30 January 2004** to:

Ms. Rosemary McCreery,
Assistant Secretary-General for Human Resources Management,
Rm S-2527A, United Nations Headquarters
Fax: 212-963-1944
Email: mccreery@un.org
Tel: 212-963-5182

OHRM will prepare the report to the General Assembly on the basis of the information received.

With best regards.

Cc:
The Deputy Secretary-General



THE SECRETARY-GENERAL

22 October 2003

Dear Member of the Senior Management Group,

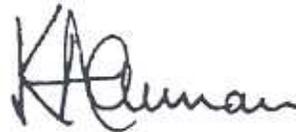
I would like to draw your attention to the recently issued Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. As you will recall from our discussions in the Senior Management Group, I attach particular significance to this issue. Sexual exploitation and abuse in any 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 the United Nations and its partners for relief and protection. Anyone employed by or affiliated with the United Nations who breaks that sacred trust will be held fully accountable.

I see it as fundamentally important to uphold the reputation of the United Nations and to maintain the trust of the communities we serve. This is why I am committed to ensuring that appropriate follow up actions are taken across the system on an ongoing basis. I look to you to assist me in this endeavour, so that all possible steps are taken to prevent sexual exploitation and sexual abuse.

Specifically, I am writing to request that all Members of the Senior Management Group with field presences cooperate closely to ensure that the provisions of this Bulletin are implemented in a timely, effective and coordinated manner. In order to avoid confusion among the vulnerable populations whom we serve, I am tasking the Executive Committee on Humanitarian Affairs (ECHA) with establishing a clear system for implementation of the Bulletin in the field. I would like to see the Department for Peacekeeping Operations, the United Nations Development Programme and the Office for the Coordination of Humanitarian Affairs be closely involved in this effort, in view of their respective responsibilities towards Special Representatives, Resident Coordinators and Humanitarian Coordinators, who hold specific accountability for implementing and disseminating the Bulletin at the field level. In particular, I would like ECHA to ensure close coordination on the appointment of the senior level focal points called for in the Bulletin, whether they are from the Agencies or Missions, so that staff and local communities are not overwhelmed with multiple and competing information campaigns on channels of recourse. I should also like to see all the various focal points work closely together in the field, to ensure that all reports of sexual exploitation and abuse are followed up and, where appropriate, investigated.

This Bulletin has its origins in the work of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. The Task Force, chaired by UNICEF and the Office for the Coordination of Humanitarian Affairs, is currently working on draft model complaints mechanisms and investigative protocols for cases of sexual exploitation and abuse. These products will assist the United Nations family to respond more effectively to the specific requests of the General Assembly on this matter contained in Resolution 57/306. I trust that all Members of the Senior Management Group, including the Department of Management and the Office of the Legal Affairs, will continue to cooperate closely with the Task Force in its endeavours.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Annan', with a stylized flourish at the end.

Kofi A. Annan