



UNOPS



2019 Joint Meeting of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF, UN-Women and WFP

Background topic 2

Harassment, sexual harassment, abuse of authority and discrimination, and sexual exploitation and abuse

This background paper will serve to inform the session on the above-mentioned topic at the Joint Meeting of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF, UN-Women and WFP on 31 May 2019.

I. INTRODUCTION

1. Sexual harassment (SH) and sexual exploitation and abuse (SEA) are expressions of gender inequality and constitute violations of human rights. Both are profound betrayals of our core values and the ideals for which our organizations stand.
2. Targets are picked not on a random, individual basis but because of their status – as women, girls, young women, etc. Therefore, SEA and SH represent forms of discrimination that remain a persistent structural issue. The Secretary-General has noted that SEA and SH are “deeply rooted in historic power imbalances and a male dominated culture” that permeates governments, the private sector, civil society and international organizations. Multiple and intersecting forms of discrimination are often at play in such cases, including on the basis of age, disability, sexual orientation, ethnicity, immigration status, inter alia, which can all shape the patterns of SEA and SH.
3. Member States have affirmed their commitments to end gender-based discrimination (Convention on the Elimination of All Forms of Discrimination against Women, Beijing Platform for Action, 2030 Agenda) and all forms of discrimination and violence against women and girls (Sustainable Development Goal (SDG) 5 – Gender Equality). The United Nations is committed to this vision and normative standards and is improving its efforts to make this vision real in its work.
4. Inequalities at the workplace frame who perpetrates SH and who is targeted, and they seep into other expressions of abuse of power – such as harassment, bullying and other abuse of authority, though not all will share the same gendered inequalities as SEA and SH.
5. All six agencies affirm the shared vision to realize the right of all individuals and communities that we serve, to access the protection and assistance to which they are entitled. We seek to eliminate sexual exploitation and abuse and affirm the right of all our staff and associated personnel to work in an environment free from all forms of harassment and abuse, where the highest standards of conduct are upheld by all those working with and for our organizations, where values and ethical conduct matter and where there is zero tolerance for all forms of interpersonal misconduct.

6. The global attention being afforded to these issues is unprecedented and we will leverage this momentum for accelerated change for our organizations, both at the country level in each of our offices and operations around the world.

II. RESPONSE TO KEY ISSUES AND CHALLENGES

7. The issues at stake around this agenda are common to the six agencies and, as such, are being addressed via several inter-agency bodies such as the CEB Task Force on Addressing Sexual Harassment within the Organizations of the United Nations system, the Office of the Special Coordinator on improving the United Nations response to sexual exploitation and abuse, and the Inter-Agency Standing Committee (IASC).

8. A significant investment over the last two years in addressing key challenges has led to tangible progress, notably in terms of improved organizational policies and system changes, greater awareness among personnel and implementing partners, enhanced investigative and legal capacity to address allegations, and accelerated collective action in other areas. Internal reviews of existing and new systems to prevent and address SEA and SH and workplace harassment and abuse have been conducted by several agencies with a view to identifying remaining gaps and entry points for further action. Updates on those agency-specific initiatives will be provided to the respective Executive Boards.

9. In terms of policies and procedures, all six agencies have solid policy frameworks in place to tackle SEA, SH and other forms of interpersonal misconduct in the workplace. On SH, the CEB Task Force developed and approved an inter-agency model policy, which provides a framework for aligning individual agency policies around the same standards and promoting a victim-centred approach. With regard to SEA, the Secretary-General's Bulletin on SEA is being revised and is expected to come into effect in late 2019.

10. This section focuses on coordination and joint approaches that are being pursued at the system-wide level to accelerate this agenda. They are presented under the following key headings: i) prevention and culture change; ii) reporting and complaint mechanisms; iii) country-level action for an accelerated and enhanced victim-centred response to SEA; and iv) investigations and accountability.

Prevention and culture change

11. Improving policies and procedures; strengthening reporting and investigations; investing in vetting of personnel and partners and in risk mitigation measures in programmes; and awareness building among agency staff and partners are all critical measures to prevent misconduct, and all six agencies have already been investing in these. In addition, all six agencies acknowledge the need to move from compliance to a more profound organizational culture change, which is essential for prevention. As such, all agencies have been investing in programmes to improve diversity and inclusion, openness and trust, and respect in the workplaces. These include initiatives to achieve gender parity, an enabling environment for gender equality, as well as programmes to enhance the capacity of managers to build respectful and empowering working environments.

12. In addition to internal efforts, agencies agree on the need to invest in change processes within the communities where they work to address gender and power inequalities and harmful social norms and practices that normalize violence and that are a breeding ground for sexual misconduct. These are longer-term objectives that require going beyond raising awareness and disseminating information.

Reporting and complaint mechanisms

13. There is a significant risk of underreporting of SEA and SH and, to a lesser extent, of other forms of interpersonal misconduct within each of the six organizations. The causes of underreporting are multiple and include inter alia a lack of awareness, a lack of trust in the existing complaint and response mechanisms, which are often perceived as too cumbersome, lengthy and not easily and safely accessible, fear of retaliation, and a widely held perception that the incident will not be taken seriously and will not be effectively addressed.

14. On SEA, agencies are working collectively to roll-out community-based complaint mechanisms in several countries; a common United Nations system-wide reporting mechanism at the country level – Incident Reporting Form (IRF) – is being developed through a wider United Nations effort; and all entities are implementing strict internal reporting protocols of SEA allegations, and are contributing to the Secretary-General's quarterly SEA special measures reports. These reports provide data on all SEA allegations reported by individual United Nations agencies and missions, disaggregated by country, types of allegations, perpetrators, and victims through a new online secured reporting system (iReport SEA Tracker), in line with the Secretary-General's initiative on increasing transparency.

15. On SH, notable action has been taken to strengthen internal reporting mechanisms for interpersonal misconduct by harmonizing and amending respective policies and procedures, including on protection against retaliation for reporting misconduct. Some agencies have also adjusted their policies to eliminate statutes of limitations and allow for anonymous and third-party reporting and have put in place externally managed independent reporting ('hotline') and psycho-social support mechanisms, ensuring a more victim-centred approach.

16. These initiatives, together with targeted outreach and awareness building, have resulted in a significant increase in the number of reported cases of SH within the United Nations system at large, which rose dramatically in 2018 with only minor changes to the number of United Nations personnel (over 200,000 people). In 2018 there were 281 reports of SH as compared to 99 filed in 2017 and 66 filed in 2016. From the data available, women continue to be disproportionately affected (90 percent of all reported cases) and men are the main perpetrators (96 percent of cases).

17. The sub-group on Improved Reporting under the CEB Task Force works to ensure that uniform data on sexual misconduct allegations is collected and shared among 31 United Nations intergovernmental bodies and informs policies and procedures.

Country-level action for accelerated and enhanced victim-centred response to SEA

18. Under the IASC, a proposal was launched to accelerate action on and investment in protection from sexual exploitation and abuse (PSEA) at the country level, across all humanitarian and refugee contexts; the proposal was endorsed by all IASC Principals in December 2018. This has led to an acceleration of country-level work and greater coherence within the humanitarian system around a set of three survivor-centred outcomes, namely: i) access to safe and trusted reporting channels; ii) access to quality response services; and iii) access to prompt and respectful investigations. The plan also includes an accountable structure under the Humanitarian Coordinator leadership to coordinate and deliver on those identified common strategic priorities.

19. Collective efforts to implement the Secretary-General's strategy to combat SEA have also continued under the leadership of the United Nations Office of the Special Coordinator. The six agencies have been engaging, to different degrees, based on their respective mandates, in several SEA workstreams related to improved reporting (see points above), strengthened victim support and victim-centred approaches, including in investigations, and enhanced engagement with implementing partners.

20. On 27 September 2018, the Members of the Secretary-General's Circle of Leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations issued a collective statement in which they reaffirmed their continued personal commitment as global leaders to support efforts to combat sexual exploitation and abuse across the United Nations system. To date, that statement has been endorsed by 49 Heads of State and Government and 22 Heads of United Nations entities. Global leaders are encouraged to join the Circle of Leadership which now stands at 72 members.

21. A recent baseline mapping of SEA mechanisms and resources in 34 countries with humanitarian response plans and refugee response plans indicated that only about half of the PSEA networks in place have a dedicated coordinator; and that less than 25 percent of the affected population has access to reporting channels in approximately a third of these countries. Only four countries reported that over 75 percent of the affected population had access to response services. This confirms that the gaps on the ground are still huge. Legal assistance for SEA survivors and gender-based violence (GBV) services continue to be underfunded. This agenda requires substantial and sustained resources. This is not a time-bound commitment.

22. Going forward, mobilizing and sustaining resources for the implementation of this agenda at the country level remain top priorities for the six agencies. The lack of adequate resources, particularly in relation to assistance for survivors of SEA, through GBV programming and otherwise, is a major obstacle to the full realization of victims-centred approaches.

Investigations and accountability

23. Strengthening accountability for those engaging in prohibited behaviours is key across the six agencies. With this in mind, investment to strengthen internal investigative functions has been prioritized, acknowledging also the important role investigative bodies can play to deter misconduct. This includes increasing the number of specialized investigators and developing more guidance on the evidentiary standards for SH; the type of evidence accepted when reviewing disciplinary sanctions; and the factors relevant to assessing the credibility of witnesses, based on available jurisprudence.

24. A confidential screening database ("Clear Check") is being rolled out with a view to avoiding the hiring and re-hiring of individuals whose working relationship with an organization within the United Nations system ended because of a determination that they perpetrated sexual misconduct or, for some agencies, because they separated while under an investigation with which they did not cooperate.

25. Through the Sub-working Group on Strengthening Investigative Capacity and Improving Investigations of Sexual Harassment under the CEB Task force, important work is ongoing to develop a best practice model as well as to improve the resourcing of sexual harassment investigation and accountability.

26. It is also important to recognize that accountability goes beyond the investigation and legal proceedings. Justice for victims of SEA/SH and other forms of interpersonal misconduct also means inter alia access to services and livelihood opportunities, where relevant, recognition of the suffering, atonement, and reconciliation. Agencies acknowledge the need for a larger conversation around “access to justice” for all those who are the victims of misconduct.

III. LESSONS LEARNED

27. With regard to SEA, the emphasis on compliance, reporting and transparency that have been at the centre of the response action to date is important. Yet, to make a real difference on the ground agencies need to significantly step up the investment in preventing SEA and in assistance to survivors. This requires more resources to set up safe and accessible reporting mechanisms in the communities where agencies work, effective, safe and confidential services for survivors, as well as greater focus on development programmes that aim to improve livelihoods, advance gender equality and prevent gender-based violence.

28. In 2018, the Secretary-General called for the “Safe Space” Survey in the United Nations system, with the objective of contributing to a better understanding of the prevalence, nature and experience of sexual harassment. The findings of the survey pointed to the need for stronger protection mechanisms, enhanced support and improved methods of reporting sexual harassment. They also affirmed the links between vulnerable contract types, age of personnel and the prevalence of incivility within the system and its link to sexual harassment.

29. Regarding interpersonal workplace issues, including sexual harassment, it is important to continue to address these problems holistically, based on the deeper understanding of complex inequalities and the scope, scale and severity of discriminatory and abusive behaviours, the most common profile of workplace abusers, the greatest risk factors to design more effective strategies for fostering and maintaining respectful workplaces. Measures already in place have resulted in notable progress but further action is needed.

30. Organizational culture plays a major role in influencing staff's conduct. Agencies learned that ethical leadership is fundamental to change the quality of an organization's culture. As such, the leaders of the six agencies are committed to drive this agenda from the top, modelling ethical behaviours consistently and transparently holding staff accountable. Promoting a culture where the way to achieve results is as important as the results themselves is also key to a healthier and more respectful working environment.

IV. CONCLUSION

31. Ending sexual exploitation and abuse, sexual harassment, and other forms of interpersonal misconduct in the workplace are corporate priorities for the six agencies. Responding to these is a long-term commitment that requires courage, sustained action and adequate resources. Much has been done lately to address these issues, but more remains to be done to consolidate progress achieved and address the root causes of these forms of discrimination.

32. Culture change, ethics and broader enabling working environment initiatives have the potential to generate a genuine transformative agenda, an opportunity and a challenge that agencies are collectively committed to embrace.

33. Future efforts will be supported by longitudinal studies on staff perceptions around workplace culture and fostering continuous learning on what works and what does not work. Centring the voices and experiences of victims/survivors will be essential in this effort. Learning from other sectors, including the private sector and providing a safe, protected and trusted space for staff to engage in workplace related discussions, including through innovative technological solutions, will all be important going forward, with decisions on actions to prioritize being taken in line with available resources.

34. Agencies are also committed to support Member States to continue advancing this agenda and look forward to the continuing engagement with the joint Executive Boards and the individual Executive Boards in the months and years to come.