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# UNDP TURKEY POLICY AGAINST SEXUAL HARASSMENT

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## UNDP TURKEY POLICY AGAINST SEXUAL HARASSMENT

### Main principles

Zero tolerance for harassment in the workplace as well as sexual exploitation and abuse is the main principle for UNDP Turkey CO and it is an obligation for managers and supervisors to ensure to maintain this principle.

Zero tolerance means that any reported case of sexual harassment and sexual exploitation and abuse will be appropriately dealt with and appropriate disciplinary measures will be taken with regard to personnel who have been charged with sexual harassment based on a substantiated investigation. Also, personnel who have been dismissed from UNDP for sexual harassment and sexual exploitation and abuse will not be rehired by the organization and will also be part on an inter-agency vetting database preventing them from being part of the UN system again.

Within the “Updated policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority” it is mentioned that “every person working for UNDP has the right to be treated with dignity and respect, and to work in a safe environment free from harassment, sexual harassment, abuse, and discrimination. UNDP does not, and will not, tolerate harassment, sexual harassment, discrimination, and abuse of authority in any form. Such conduct is contrary to the Charter of the United Nations, the UN Staff Regulations and Rules and the Standards of Conduct for the International Civil Service, and will be dealt with promptly, justly and effectively in accordance with this policy”.<sup>1</sup>

### The scope of the policy

**UNDP TURKEY POLICY AGAINST SEXUAL HARASSMENT** focuses on the prevention of sexual harassment in the workplace. In line with the corporate policies on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority as well as secretary generals bulletin on **Special measures for protection from sexual exploitation and sexual abuse**, this policy covers **all UNDP personnel**, namely staff, Service Contract holders, UNVs, Individual Contract holders, interns and staff of other entities on loan agreements to UNDP. While it does not cover external personnel, which include, for example, vendors, suppliers and partners, such external personnel can report actions of prohibited conduct against them by UNDP personnel. UNDP personnel also can report instances of harassment by external personnel<sup>2</sup>. UNDP Turkey Policy Against Sexual Harassment also recalls the attention to UN policies on Sexual Exploitation and Abuse and refers its main principles.

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<sup>1</sup> Updated policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority:  
[https://popp.undp.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP\\_POPP\\_DOCUMENT\\_LIBRARY/Public/HR\\_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default](https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/HR_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default)

<sup>2</sup> See FAQ document: available at  
[https://intranet.undp.org/unit/ohr/harassment/\\_layouts/15/WopiFrame2.aspx?sourcedoc=/unit/ohr/harassment/Shared%20Documents/Frequently%20Asked%20Questions.docx&action=default](https://intranet.undp.org/unit/ohr/harassment/_layouts/15/WopiFrame2.aspx?sourcedoc=/unit/ohr/harassment/Shared%20Documents/Frequently%20Asked%20Questions.docx&action=default)

## Definition of Sexual Harassment in Workplace

The United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination Against Women defines sexual harassment as an action that include "such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment."

In Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (known as the Istanbul Convention) it is defined as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment"

Updated policy on Sexual harassment clearly defines sexual harassment and sexual exploitation and abuse and makes a clear **distinction between sexual harassment** in the workplace, **and sexual exploitation and abuse** of local populations by UNDP personnel.

Sexual harassment in the UNDP workplace means any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature (including pornography, sexually-colored remarks) that has or that might reasonably be expected or be perceived to cause offense or humiliation to **a member of UNDP personnel**. Note that "UNDP workplace" has a very broad definition and covers any place where UNDP personnel is present during and outside of the working hours.

Sexual exploitation and abuse is any actual or attempted abuse of sexual nature by UNDP personnel **of individuals from the local population** (e.g. beneficiaries, members of the general public, vendors, etc.). All UNDP personnel should know that it is strictly prohibited to engage in sexual activity with a child (a person under the age of 18), exchange money, food, employment, goods, assistance, or services for sex or sexual favors, have sex with prostitutes, even though in some countries, prostitution is accepted and/or legal, and use a child or adult to procure sex for others.

## Forms of Sexual Harassment in the Workplace

1. Actions, language or visual materials which specifically refer to, portray or involve sexual activity or language that may include overt sexual solicitations, inappropriate touching, sexual jokes and inquiries about a person's sex life.
2. Actions which are not necessarily sexual in nature, but the sex of the intended victim is conducted such as an offensive joke that does not refer to sex, but the joke is told to embarrass a person because of his or her gender or gender identity; stating that a female employee belongs at home or is not suited for a particular job because she is a woman and conduct referring to pregnancy, childbirth or related medical conditions.
3. Actions that occur when (1) job benefits, including employment, promotion, salary increases, shift or work assignments, performance expectations and other conditions of employment, are made contingent on the provision of sexual favors, usually to an employer, supervisor or agent of the employer who has the authority to make decisions about employment actions, or (2) the rejection of a sexual advance or request for sexual favors results in a tangible employment detriment, a loss of a job benefit of the kind described above.

Table 1. Examples of sexual harassment<sup>3</sup>:

While sexual harassment typically involves a pattern of behaviour, it can take the form of a single incident. Individuals regardless of gender identity can be complainants or alleged offenders.

- Repeated requests or other forms of pressure for a sexual or other personal — rather than professional — relationship (e.g. repeated requests for a 'date');
- Unwarranted, intrusive or persistent questioning about a person's marital status or sexual interests, history or orientation;
- Obscene messages sent by text message, email, video chat, social media platform or left on an answering machine or voice mail;
- Open or implied threat that submission to sexual advances will be a condition of some form of commendation, work status or access to promotion or development opportunity or positive performance evaluation;
- Remarks speculating about a person's sexual activities or history, or remarks about one's own sexual activities or history;
- Displays of material of a sexual nature (including pornography) including posters, pinups, cartoons, graffiti, objects, or messages left on notice boards, desks or common areas;
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating distress and/or humiliation in another person;
- Using unwelcome 'pet' names, such as "honey", "doll", "babe", "princess", etc.;
- Innuendo or other suggestive, offensive or derogatory comments or jokes about a person's gender identity or sexual orientation;
- Unwanted, uninvited or inappropriate touching, patting, hugging or other physical contact (e.g. massaging a person without invitation or deliberately brushing up against them).

Rape, attempted rape, sexual assault, or any sexual act committed using coercion or without consent are criminal offences and should be dealt with in line with para 38.

<sup>3</sup> Updated Policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority [https://popp.undp.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP\\_POPP\\_DOCUMENT\\_LIBRARY/Public/HR\\_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default](https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/HR_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default)

## Prevention Policy

To prevent sexual harassment in the workplace it is primary to create a harmonious gender sensitive and gender responsive working environment, based on the human's rights and fundamental freedoms and free of intimidation, hostility, offence and any form of harassment and abuse of authority. In order to achieve such an environment, managers and supervisors must act as role models by upholding only the highest standards of conduct.

It is essential that opportunities for all staff to familiarize themselves with UNDP's policies on sexual harassment and sexual exploitation and abuse. Everyone in the organization should understand what sexual harassment is and what to do if it occurs. All staff irrespective of their contract type must take the compulsory on-line [Training and Certification Programme on the Prevention of Sexual Exploitation and Abuse of the Local Communities; Prevention of Harassment and Abuse of Authority](#) and the Training Course on Ethics available in UNDP's Learning Management System within the first two months following to their recruitment.

The Policy at hand should be well communicated; disseminated to all staff on board, available on share point for staff to visit at all times; included in the orientation *handbook* and handed to all newly recruited staff to ensure that employees are well be informed about their options if they find themselves in such a situation like sexual harassment and know how to submit a complaint.

## Protection Policy

If harassment is discovered, UNDP Turkey CO is obligated to take immediate and appropriate actions to ensure it doesn't happen again, including developing the necessary mechanisms and protecting the rights of the victims of sexual harassment within the office.

Any complaint should be treated with complete care, dignity and always be investigated and handled with a specific attention to sensitivity and utmost confidentiality.

The failure or misbehavior of a manager or supervisor to address any known act of workplace harassment or abuse of authority may result in the imposition of appropriate administrative measures.

In implementing the present policy, UNDP shall act consistently and take the appropriate administrative, disciplinary and/or contractual action required, regardless of the function, title, length of service and contractual status of all parties involved in the case, including the staff member and non-staff personnel.

## Resolution Policy

Resolution policy includes formal and informal processed for offended person. Staff members and non-staff personnel have several disputes both informal and formal processes and resolution processes available to them. There is no procedural ordering between the two processes, meaning one can choice which kind of complaint to be referred by his or her own will. The offended person may pursue the formal process immediately, or he or she may be satisfied with the results of the informal process and do not refer to formal process. Details of the both processes are as follows:

## 1. Informal Processes

Informal processes include a consultation process prior to submitting a formal complaint. People who are subjected to sexual harassment are encouraged to consult with a HR person, a Manager, the “Office of the Ombudsman”, peer support volunteer or the OHR Focal Point on Sexual Harassment about the situation, who may advise them on the support and/or redress options available to them.

An informal process can provide staff members and non-staff personnel with the opportunity to resolve any complaints or grievances in an open, honest, non-threatening, and non-contentious manner.

Peer support: The offended person may request a colleague to be present at a meeting with the alleged offender to let her/him know that his/her conduct is unwelcome and request that such conduct cease. The person who are appointed as focal persons to provide peer support for sexual harassment survivors, should be aware of how to communicate with a person subjected to sexual harassment as well as the system and the procedures of compilation. All discussions with the focal persons should be confidential and that confidentiality must also be maintained on the part of those seeking assistance.

Ombudsperson: Staff may wish to consult the “Office of the Ombudsman” to examine options for informal solutions or professional mediation after the incident of alleged workplace harassment or abuse of authority. The “Office of the Ombudsman” may offer informal advice to staff who do not wish to proceed immediately to a formal process. Should staff wish to pursue the informal mechanism they are encouraged to do so as soon as possible after an incident has taken place.

It is essential to remember that all discussions with the are confidential and that confidentiality must also be maintained on the part of those seeking assistance from

Helpline: Helpline provides a safe space for any UNDP personnel who has experienced or has witnessed sexual harassment to share the situation, discuss what happened, and understand possible avenues for reporting and getting support.

The work of the Helpline is governed by strict confidentiality, which means that they will not share with UNDP who you are or the content of your conversation unless you explicitly request or agree for them to do so on your behalf.

The Helpline responders can also put counselee in touch with the respective focal points in UNDP or with the stress counsellors to support you and help you deal with the situation.

A professional responder who can speak English and a number of other UN languages will be available at any part of the day. If needed, an interpreter will be on call for another language of the counselees’ preference.

Steps for informal complain procedure are as follows<sup>4</sup>:

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<sup>4</sup> please see:

<https://popp.undp.org/SitePages/POPPSubject.aspx?SBID=352&Menu=BusinessUnit&Action=DISPLAY&RefreshToken=025f74a3-cf36-4d12-8135-395f3cfd8a66>

## Informal complain procedure

| #   | Steps  | Responsible Party | Explanatory Notes   |
|-----|--|-------------------|---|
| 1   | Initiate informal dispute resolution.                              | UNDP Personnel    | An informal dispute resolution process can provide UNDP Personnel with the opportunity to resolve any complaints or grievances in an open, honest, non-threatening, and non-contentious manner. The informal options available to UNDP Personnel include:<br>a) Approaching the alleged offender (self-initiated discussion);<br>b) Support by a colleague/manager; or<br>c) Consulting the Office of the Ombudsman for professional, impartial and confidential advice as to how to resolve the issue informally, including via mediation  |
| 1.1 | Approach alleged offender (self-initiated discussion).             | UNDP Personnel    | A member of UNDP Personnel may not understand that he/she is being offensive and, if asked, may stop or alter his/her behaviour. UNDP Personnel who feel that they are being subject to any type of prohibited conduct are encouraged, where necessary, to inform the alleged offender, at the earliest point in time, that his/her conduct is unwelcome and request that such conduct cease.   |
| 1.2 | Seek support from a colleague/manager.                             | UNDP Personnel    | UNDP personnel, including the affected person may request a colleague/manager to be present at a meeting with the alleged offender to let her/him know that his/her conduct is unwelcome and request that such conduct cease.   |
| 1.3 | Consult the Office of the Ombudsman.                               | UNDP Personnel    | (i)The Office of the Ombudsman plays an important role when it comes to workplace related problems. UNDP Personnel may consult the Office if they feel harassed, and/or have witnessed an incident of harassment. The services of the Office include listening and conflict coaching, identification and evaluation of options, facilitation of dialogue and mediation. The Office is a safe, confidential and informal place for the affected to express their concerns, and examine the various options in the dispute resolution process. The Office provides support within the informal process, informs on the procedures foreseen in the formal grievance process and makes appropriate referrals where necessary. |
| 1.4 | Seek third-party neutral intervention.                             | UNDP Personnel    | Send an email to: <a href="mailto:ombudsmediation@fpombudsman.org">ombudsmediation@fpombudsman.org</a><br>Third-party neutral intervention, particularly mediation, is a process whereby a third-party neutral with no stake in the outcome helps the parties whose lives are affected by a problem make decisions themselves that are mutually acceptable, and which may resolve the problem. Mediation can also help prevent a recurrence of situations that cause conflict.  |
| 2.0 | Review progress with informal process and initiate formal process. | UNDP Personnel    | If the affected person is not satisfied with the results of the informal process or if they wish to pursue the formal process immediately, they may submit a formal complaint to OAI at any time.   |
| 3.0 | Consult the Ethics Office.   | UNDP Personnel    | Send an email to: <a href="mailto:ethicsoffice@undp.org">ethicsoffice@undp.org</a><br>UNDP Personnel may contact the Ethics Office for confidential advice and guidance on their options.   |

## 2. Formal Processes

If the offended person is not satisfied with the results of the informal process or if he/she wishes to pursue the formal process immediately, he/she may submit a written complaint to begin the formal grievance process.

There is no time limit for reporting sexual harassment. In addition to that victims and witnesses can file allegations of sexual harassment anonymously. <sup>[L]</sup><sub>[SEP]</sub>

OAI is responsible for conducting preliminary assessments and investigations of complaints of sexual harassment. It has the authority to investigate allegations of sexual harassment and other forms of prohibited conduct even when the report is made anonymously or by a former employee.

Steps for formal complaint procedure are as mentioned within the below table <sup>5</sup>:

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<sup>5</sup> Please see:

<https://popp.undp.org/SitePages/POPPSubject.aspx?SBID=352&Menu=BusinessUnit&Action=DISPLAY&RefreshToken=025f74a3-cf36-4d12-8135-395f3cfd8a66>

Formal complaint procedure:

| # | Steps   | Responsible Party   | Explanatory Notes   |
|---|---|---|---|
| 1 | Initiate formal resolution by reporting incident(s) to OAI. | Any member of UNDP or External Personnel witnessing or subject of the incident(s) | <p>Send email to: <a href="mailto:reportmisconduct@undp.org">reportmisconduct@undp.org</a></p> <p>Anyone with information regarding allegations of misconduct can report it using one of the following means:</p> <ul style="list-style-type: none"> <li>• By email to OAI at <a href="mailto:reportmisconduct@undp.org">reportmisconduct@undp.org</a> or directly to the Director, Office of Audit and Investigations, or Deputy Director, Head of Investigations, Office of Audit and Investigations.</li> <li>• Through an online form accessible through the "Report fraud, abuse and misconduct" link at <a href="http://www.undp.org">www.undp.org</a></li> <li>• Through UNDP's telephone answering system (toll-free): <ul style="list-style-type: none"> <li>○ Worldwide: +1-770-776-5678 (with interpreters available 24 hours/day)</li> <li>○ In the United States: 1-877-557-8685</li> </ul> </li> <li>• By fax: +1-770-409-5008 (worldwide)</li> <li>• By mail addressed to: Director, Office of Audit and Investigations, or Deputy Director, Head of Investigations, Office of Audit and Investigations, One United Nations Plaza, DC1, 4th Floor, New York, NY 10017, USA</li> <li>• Use of external sexual harassment helpline for reporting sexual harassment</li> </ul>  |
| 2 | Initial screening.  | OAI   | <p>During initial screening, OAI will look at, <i>inter alia</i>, whether the complaint falls within OAI's investigative authority. If it does not, OAI may refer the case to the appropriate entity.</p> <p>People reporting misconduct have the option to leave relevant contact information or to remain anonymous. An anonymous complaint should contain enough detailed information to allow OAI to obtain independent corroboration of the facts. If there is no way to independently corroborate the information provided by the anonymous source, OAI will not be able to investigate the complaint and may be required to close the case.</p> <p>Individuals are encouraged to be as specific as possible, including the basic details of who, what, where, when and how the incident(s) occurred. Specific information will allow OAI to properly investigate the alleged misconduct.</p> <p>OAI will acknowledge receipt of a complaint as soon as possible, usually within 48 hours after its receipt.</p> <p>There are no time limitations for reporting cases involving allegations of sexual harassment.</p> <p>Other complaints of workplace harassment, abuse of authority or discrimination must be submitted to OAI by no later than one year after the last incident. OAI's Director has the discretion to accept a complaint after the time limit has passed in extraordinary circumstances.</p> |

|   |  |     |   |
|---|--|-----|---|
|   |  |     | To ensure process efficiency, OAI will further assess if a written statement in a standardized format is required.  |
| 3 | Conduct Assessment.                        | OAI | <p>During the assessment, OAI will look at, <i>inter alia</i>, whether there is sufficient information to warrant a formal investigation and whether an investigation by OAI is the most appropriate action</p> <p>To ensure process efficiency, OAI will further assess if a written statement in a standardized format is required</p> <p>Decisions as to whether investigations should be pursued are made in accordance with the rules, policies and procedures of the Organization.</p> <p>OAI has the exclusive authority for determining whether to close a case or proceed with an investigation on the basis of OAI's assessment.</p>  |
| 4 | Assessment decision                        | OAI | <p>If OAI's assessment indicates that the complaint falls within OAI's investigative authority, that there is sufficient information to warrant a formal investigation, and that an investigation by OAI is the most appropriate action, an investigation will be initiated in accordance with the OAI Investigation Guidelines and the <u>UNDP Legal Framework for Addressing Non-Compliance with UN Standards of Conduct</u>.</p> <p>OAI will prioritize cases of sexual harassment. It will conduct the investigation expeditiously within the constraints of available resources.</p> <p>OAI will close the case when, for instance, there is insufficient evidence to warrant an investigation, the allegations do not fall within OAI's mandate, or when an investigation by OAI is not the most appropriate action.</p> <p>OAI will notify the complainant of the closure.</p> |
| 5 | Conduct investigation.                     | OAI | OAI will conduct its investigation in accordance with OAI's Investigation Guidelines.   |
| 6 | Investigation reporting.                   | OAI | When the investigation is completed, and it reveals enough evidence to reasonably conclude that misconduct has occurred, the investigator will prepare an investigation report in accordance with OAI's Investigation Guidelines. The complainant is not entitled to receive a copy of the investigation report concerning allegations of misconduct against the investigation subject.   |
| 7 | Notify complainant and subject of outcome. | OAI | OAI and/or the relevant authority will notify the complainant and the subject of the outcome of the investigation.  |

### 3. Key contacts

#### **UNDP Office of Audit and Investigation**

[Online referral form](#)

Telephone: +1 877 557 8685 (within the USA, toll free) +1 770 776 5678 (worldwide)

Email: [reportmisconduct@undp.org](mailto:reportmisconduct@undp.org)

Address: One UN Plaza, 4<sup>th</sup> floor, New York, NY 10017, USA

#### **Office of the Ombudsman**

Telephone: +1 646 781 4083 Fax: +1 212 906 6281

Email: [ombudsmediation@fpombudsman.org](mailto:ombudsmediation@fpombudsman.org)

Address: 304 East 45th Street, 6th Floor, Room FF-671, New York, NY 10017, USA

#### **UNDP Ethics Office**

Email: [ethicsoffice@undp.org](mailto:ethicsoffice@undp.org)

Regular mail: UNDP Ethics Office, 1 UN Plaza, 23rd floor, New York, NY 10017, USA

#### **UNDP Office of Human Resources**

Email: [harassment.ohrfocalpoint@undp.org](mailto:harassment.ohrfocalpoint@undp.org)

Address: One United Nations Plaza, 18th floor, New York, NY 10017

#### **Security Office**

Website

Email: [charlotte.demars@undp.org](mailto:charlotte.demars@undp.org)

#### **Independent Helpline**

<https://wrs.expolink.co.uk/UNDPhelpline>

freephone numbers for Turkey:

00800448829578 (No mobile access)

0080044632066 (No mobile access)

#### **Counselling Services and Victim Support**

<https://www.romeinstitute.org/undp/>

Ms. Petra Miczaika, Rome Institute

+49 172 4083 355

Email: [petramiczaika@gmail.com](mailto:petramiczaika@gmail.com)

#### **Local Focal Points:**

#### 4. Focal Team and Focal Points in UNDP Turkey

UNDP TURKEY POLICY AGAINST SEXUAL HARASSMENT is implemented by the whole country team. Yet, the necessary actions and focused steps should be taken by a focal team.

*SH and SEA Focal Team* is identified among the members of Gender Equality Focal Team. SH and SEA Focal Team act as a subgroup is responsible for the implementation of actions identified within the action plan of the Turkey CO on SH&SEA which is also annexed to UNDP Turkey Gender Equality Strategy.

Focal team includes the assigned *Focal Points* of the CO. A focal point mechanism is introduced for providing systematized and professionalized peer support. Focal points are selected among the UNDP staff including staff members and service contract holders. Roles, responsibilities, as well as the selection process and duration of the task are regulated based on the terms of reference for the focal points (see Annex 2).

Focal points should have a clear understanding on the people centered approach and respect to the principles of due diligence and “do no harm”. In addition, he or she should have the information of referral mechanism within UN to ensure high quality assistance to the offended person in informal and formal processes. UNDP CO is responsible for providing the enabling environment for the selected focal points to access necessary information and skills.

Both the Gender Equality Focal Team and the Focal Points should have a clear mandate, roles and responsibilities with a specific emphasis on the due diligence.

All staff of UNDP, should be informed about the existing mechanisms including the global and Country level policies, action plans, focal points and focal team. It is the UNDP Turkey CO responsibility to inform all staff about the roles and responsibilities of the focal points including the contact details and how to contact the Focal Points on SH and SEA in UNDP.

It is important to ensure that both the SH focal team and the focal points benefit from coaching/training activity to be delivered by the HQ, targeting the Focal Points on SH and SEA as well as the detailed of their mandate (confidentiality, how to respond to SH and SEA cases, etc)

## References

- The Charter of the United Nations
- <http://www.un.org/en/documents/charter/index.shtml>
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- HR USER GUIDE, Chapter I Duties and Responsibilities, Section Workplace Harassment & Abuse of Authority, Office of Human Resources Bureau of Management
- Stop Violence Against Women project webpage,
- <http://www.stopvaw.org/What is Sexual Harassment>
- Prevention of Sexual Harassment in workplace, UNDP website: <https://intranet.undp.org/unit/ohr/harassment/layouts/15/start.aspx#/SitePages/Intranet.aspx>
- Main procedures for formal and informal complain: <https://popp.undp.org/SitePages/POPPSubject.aspx?SBJID=352&Menu=BusinessUnit&Action=DISPLAY&RefreshToken=025f74a3-cf36-4d12-8135-395f3cfd8a66>
- Updated Policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority [https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP\\_POPP\\_DOCUMENT\\_LIBRARY/Public/HR\\_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default](https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/HR_Workplace%20Harassment%20and%20Abuse%20of%20Authority%20Guidelines.docx&action=default)
- UNDP response to Sexual Harassment in the Workplace Frequently Asked Questions (FAQ): <https://intranet.undp.org/unit/ohr/harassment/layouts/15/WopiFrame2.aspx?source doc=/unit/ohr/harassment/Shared%20Documents/Frequently%20Asked%20Questions.docx&action=default> (July 2018)

### relevant links:

[POPP](#)>[Human Resources Management](#)>[Duties, Obligations and Privileges](#)>[Harassment, Sexual Harassment, Discrimination, and Abuse of Authority](#)

<https://intranet.undp.org/unit/ohr/harassment/SitePages/Intranet.aspx>

United Nations

Secretariat

Secretary-General's Bulletin

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## **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<sup>[SEP]</sup> 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 instruction<sup>6</sup> 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.

### **Section 3 <sup>[SEP]</sup> 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.

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<sup>6</sup> Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

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<sup>[L]</sup><sub>[SEP]</sub> 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<sup>[L]</sup><sub>[SEP]</sub> 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<sup>[1]</sup><sub>SEP</sub> 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<sup>[1]</sup><sub>SEP</sub> Entry into force**

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

(Signed) Kofi A. Annan Secretary-General

## Annex 2. Terms of Reference for Focal Points



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### **UNDP Prevention and Response to Sexual Harassment in the Workplace Terms of Reference for *Focal Points***

#### **Background**

UNDP is committed to having a safe and enabling working environment for its personnel and for the people we serve. In 2018, the UNDP Administrator and senior management team approved several critical initiatives –including a newly revised policy on preventing workplace sexual harassment, a Helpline, counseling services, and new accountability measures for supervisors/managers – all aimed at eradicating sexual harassment across our organization.

In this context, UNDP has decided to develop a network of *Focal Points* (“FPs”) to ensure UNDP personnel receive information on full range of options available to them.

#### **Objective**

To ensure UNDP personnel have a knowledgeable colleague in the office to share questions and/or concerns regarding sexual harassment and to **receive information on the full range of options** -both formal and informal – available to them.

#### **Management**

Focal points are respected within their offices as trustworthy individuals. Ideally, Focal Points shouldn't be appointed by local or senior management, although management is responsible for ensuring the UNDP personnel in their office are keenly aware of the existence and identity of the local FPs and how to contact them. FP can be either UNDP staff or a Service Contract holder. Their commitment will be for a (1) year, on a voluntary basis.

FPs are elected by all personnel through nomination by all UNDP personnel within the respective office. Most nominated man and women will be appointed by FPs.

Focal points should receive training to strengthen their understanding of UNDP's policies and mechanisms to deal with sexual harassment. The SH Task Force will make readily available resources and tools.

#### **Competencies**

The TFPs shall have the following competencies and experience:

- Commitment to gender equality and absolute standards of integrity in professional and personal life.
- Ability to provide information without being directive or pushing personal opinions.
- Excellent understanding of UNDP's policies and procedures on sexual harassment.
- Ability to build and maintain relationships of equality and trust with colleagues at all levels.

### Annex 3. Declaration of Confidentiality for Focal Points



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#### Declaration of Confidentiality

I hereby declare that

I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result the consultation process. I shall continue to be bound by these undertakings after completion of my work

I confirm and declare that all confidential and personal information that is disclosed to me or to which I have access during the course of acting as Focal Point will be kept strictly confidential, and shall:

- a. not be disclosed or otherwise made available by me to any person, unless this disclosure of confidential information is required by law.
- b. be used by me only for the purpose of the procedures set out in the safeguarding children policy and procedures.

I shall treat confidentially any information and documents, in any form (i.e. paper or electronic), disclosed in writing or orally in relation to the performance of the assignment as the focal point and will take necessary measures to enable the confidentiality.

I also confirm that I will not implement any procedures without her/his permission unless required by law.

.

- 1.
2. Date:.....Place:.....
- 3.
4. Signature.....
- 5.

## Annex 4. Short Guide for Managers on Prevention of, and Response to Sexual Harassment in the Workplace

*(Approved by the Executive Board of Managers, May 2018)*

The UN's position is clear and has been reiterated on several occasions by the Secretary-General personally and by his senior leadership: Sexual harassment in the UN workplace is unacceptable and must be eradicated from UN's operations.

As members of a standard-setting institution, all personnel<sup>7</sup> have the obligation to adhere to the highest professional and ethical standards enshrined in the Charter of the United Nations UN Staff Regulations and Rules, and the Standards of Conduct for the International Civil Service. We all have a responsibility to lead by example and respect the principles we stand for.

As a manager, you must role-model the highest standards of conduct at all times, both during and outside working hours, at work and in your personal life. In addition, you are responsible for creating a safe and harmonious working environment, free of fear, intimidation, hostility, and offence, as well as for holding personnel accountable for any form of prohibited conduct. What each UN personnel member does reflects not only on them personally, but also on the entire organization, on our credibility as a global institution, and on our ability to deliver on our mandates.

The following checklist aims to assist you in effectively fulfilling these important obligations:

### 1. *Starting a new assignment*

- ☐ I have carefully studied the **policy on “Harassment, Sexual Harassment, Discrimination and Abuse of Authority”** and the **policy on “Sexual Exploitation and Abuse”**.
- ☐ I have **completed the mandatory training** on “Harassment, Sexual Harassment, Discrimination and Abuse of Authority” and on “Prevention of Sexual Exploitation and Abuse”.
- ☐ I have studied the policy on **Protection from Retaliation**.
- ☐ I have **studied the dedicated intranet page(s)** on Sexual Harassment and Sexual Exploitation and Abuse.
- ☐ I have **studied available staff survey results** on Sexual Harassment for my office and the **SG's latest report** on Sexual Exploitation and Abuse (this is to be done every time there is a new GSS or SG report).
- ☐ I have taken note of existing guidelines for speaking with the media, or with implementing partners on the issue of sexual harassment and sexual exploitation and abuse.
- ☐ I have talked to my predecessor about any open and ongoing cases, as well as any challenges in the working environment in the office, risks and measures taken to ensure a harmonious workplace.

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<sup>7</sup> Entities may decide to change “personnel” in accordance with preferred terminology to describe the entire workforce

## 2. During the assignment

- ☐ I **act as a role model** by upholding only the highest standards of conduct in order to achieve a harassment-free environment.
- ☐ I take measures to ensure that **all team members have completed the mandatory trainings** on Sexual Harassment and Sexual Exploitation and Abuse. I explicitly hold those who do not comply accountable.
- ☐ I take steps to ensure that all staff have participated in **yearly Code of Conduct sessions** or similar activity.
- ☐ As part of regular staff meetings, I **remind personnel of the expected standards of conduct**, including related to Sexual Harassment and Sexual Exploitation and Abuse and make them aware of available resources. This took place within at least the last six months.
- ☐ I **bring in resource people, post notices, or share short articles** with my team on values, standards, principles and particularly on conduct prohibited in the UN.
- ☐ I **am aware of common signs of workplace harassment**, such as work performance changes, behavioral issues, attendance changes or overall tension (see Table 1). I monitor the situation in the office for any disturbing signs. I proactively call out personnel on unacceptable conduct and encourage others to do the same.
- ☐ I make sure results of available **staff surveys are taken seriously and we implement measures** to ensure harmonious working environment. I make sure everyone is involved and takes part, as relevant.
- ☐ I make sure that work **practices in my office are gender-sensitive and conducive to general well-being** (e.g. no meetings after hours; sufficient notice is given before events outside of the working hours so that personnel have time to make arrangements for care, as needed; personnel are aware of flexibility policies, and use them appropriately; personnel take care of their well-being, e.g. take leave, etc.).
- ☐ I **take note of risk factors** strongly associated with sexual harassment, including unprofessional work environment, sexist atmosphere, and lack of knowledge about the organization's reporting and resolution procedures.<sup>8</sup>
- ☐ I make sure there are **Focal Points** to coordinate and support work in this area.

## 3. When you witness sexual harassment in the workplace

- ☐ I intervene promptly and **reiterate the required standards of conduct**.
- ☐ I **take prompt action to report the issue** to the concerned authority and facilitate resolution, as appropriate.
- ☐ I **take action to ensure that immediate assistance is provided** to the alleged victim as needed.

## 4. When a staff member approaches you/reports sexual harassment in the workplace

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<sup>8</sup> <https://link.springer.com/article/10.1023/A:1018769016832>

Note: If a/my staff member has been exposed to a traumatic event (e.g. sexual violence), I follow the traumatic incident protocol for my agency (i.e. immediately contact security, medical and counselling services for further assistance).

- ☐ I treat the issue as a priority and schedule a meeting ASAP.
- ☐ Before the meeting, I refresh my memory regarding: key content of the policy; internal reporting procedures; and available resources and services, such as the respective investigation body, the Ombudsman Office, HR/ Staff Counsellor, Medical Service, the Ethics Office, Staff Representative bodies.
- ☐ During the conversation I apply the *10 principles* (see Table 2).
- ☐ I provide the staff member with information on available resources with regards to counselling, informal resolution, formal resolution, protection against retaliation etc.
- ☐ Regardless of how the allegation is resolved, I regularly check progress and make sure there is no retaliation against the complainant.

#### **5. Restoring the workplace environment after harassment has occurred**

- ☐ I seek advice of the investigators and specialists, including suggestions on what to tell my personnel.
- ☐ I conduct regular, as-needed “check-in” meetings, to see how things are going.
- ☐ I remind my personnel that everyone plays a role in improving and maintaining a harassment-free workplace.

#### **6. When finishing the assignment**

- ☐ I inform my successor about any open and ongoing cases.
- ☐ I update my successor on the actions I have taken to: create a workplace free from sexual harassment and prevent and respond to sexual exploitation and abuse.
- ☐ I update my successor about any risk assessments done and issues to be mindful of.

**Table 1. : Possible signs of workplace harassment**

- **Work Performance Changes.** Often, a victim of harassment exhibits performance changes. For example, a person may have trouble focusing on his work or meeting deadlines. He may also submit sloppy or disorganized work or fail to meet goals altogether. Decision-making and problem-solving skills may deteriorate as well.
- **Behavioral Issues.** In many cases, behavioral changes develop as a sign of workplace harassment. For example, a person may become less friendly and open when communicating with other staff members. She may also seem reluctant to attend meetings, especially those that involve one-on-one interaction. Likewise, she may avoid social engagements, such as office parties.
- **Attendance Changes.** If a previously punctual and reliable worker suddenly develops a habit of showing up late for work, this may be a sign of harassment on the job. Likewise, an increase in work absences may indicate such issues. This sign may prove particularly telling if accompanied by physical signs of stress, such as frequent headaches, upset stomach and fatigue.
- **Overall Tension.** Sometimes an entire workplace can become affected by harassment. In such a case, the harassing behaviors of some staff members or supervisors may cause the environment to seem tense overall. Communication problems might also develop as a result of the harassment, and morale may appear lower than usual. Additionally, harassment may even cause an increase in the rate of worker turnover.

Source: <http://smallbusiness.chron.com/signs-symptoms-harassment-11837.html>

**Table 2.: The 10 Principles<sup>9</sup> to follow when someone approaches you with a complaint**

1. Listen actively and respectfully to the complaint.
2. Take careful notes for your own records. Put only exact statements in direct quotes. Suggest that the complainant keep careful notes and any material evidence, such as e-mail or letters.
3. Be empathetic (“I understand”), not sympathetic (“I agree”). Don’t judge or take sides. Don’t offer personal opinions or speculate on the facts. Once you have the facts, then you will be in a position to make a managerial judgment about the situation.
4. Promise to respect confidentiality as much as possible, but make it clear you are required to respond to the situation and that some procedures foreseen in the organisation’s policy make it necessary that other people on a “need to know” basis will be informed. For example, within the formal process the Office that is responsible for investigations.
5. Don’t give advice directly. Let the complainants know their options and, specifically, how to use those options. Let them know they can get advice and support from staff dedicated to these issues.
6. Make sure they know they will be protected from retaliation.
7. Don’t make promises you cannot keep.
8. Do promise to act quickly to uncover the facts and to formulate your own response.
9. Check whether some sort of accommodation is necessary. For example, if a complainant feels unsafe or threatened, they may want to be in a different physical location from the alleged perpetrator.
10. If you are uncertain about how to proceed, you can seek advice from your supervisor, HR manager or from the list of resources available in your organisation.

<sup>9</sup> The “10 Principles” are taken from the “United Nations Course on Prevention of Harassment, Sexual Harassment and Abuse of Authority”

## Annex 5. Prevention and Eradication of Sexual Harassment Bystander Tips - One Pager

### What is a bystander?

A bystander is a witness to an event, **someone who sees or hears (or both!) an event take place. A good bystander is someone who intervenes in that event in a safe way**, if they see or hear that a person or group of people need help or assistance.

Bystander intervention is a great way to make prevention of harassment everybody's responsibility. Being a good bystander help create a safe and respectful workplace culture that will serve to prevent potential offenses from occurring or from getting worse. From diffusing tension to calling out abusive language, as we will see below, **there is always more than one way to be a good bystander!**

### Why be a good bystander?

When we choose to look away, we tacitly support an intimidating and sometimes threatening workplace and we leave our colleagues feeling vulnerable and without support. The more this happens, the less likely that unsafe and disrespectful work conditions will be addressed, and the poorer behavior will be accepted.

We all have a role to play in shaping our workplace, and in making it friendly collegial and safe for everyone!

### How to be a good bystander

There is always more than one option available for you to be a good bystander. Here are some ways you can contribute

### Sexual Harassment in the Office: Tips!

If you see something, you should say something. Often, intervening is as simple as:

1. Disrupting the situation: distract the people involved and get the person out of harm's way. E.g. "I am grabbing coffee; do you want to come?"
2. Checking in on a co-worker to see if they are okay. Support them and ask them how you can help. Many victims blame themselves. Say: "This isn't your fault, you didn't do anything wrong".
3. Encouraging a co-worker to speak up or go to OAI or OHR. Go together to report.
4. Calling out a co-worker to let them know that what they said (or did) wasn't appropriate.
  - a. Sometimes this is as easy as saying "That wasn't very nice," or "That joke isn't funny," but you can also ask: "Did you see how that could be inappropriate or make someone uncomfortable or hurt someone's feelings?"
5. Talking openly in the office about inappropriate behavior and how it's essential to ensure people are being respectful and friendly.
6. Telling senior management or OHR about persistent negative or abusive behavior that is affecting colleagues or work environment.
7. Keep a record of situations you see or encounter, as they may be useful in any potential investigation.
8. Organizing a lunch or team meeting and discuss healthy workplace behavior.
9. Being friendly and a role model of good behavior yourself!
10. Empowering other bystanders!

Everyone has the right to work in a healthy, safe and respectful environment and be free from harassment. **We all have a positive role to play in our workplace – and being a great bystander is an essential part of the team!**

**Read more here:**

Bystander Intervention Training. <https://www.ihollaback.org/resources/bystander-resources/>

The #MeToo Moment: How to be a (Good) Bystander.

<https://www.nytimes.com/2017/12/12/us/the-metoo-moment-how-to-be-a-good-bystander.html>

Sexual Harassment Training Doesn't Work. But Some Things Do.

<https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

## Annex 6. United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners

### RATIONALE

6. This protocol outlines requirements of the United Nations, including its funds and programmes (collectively, the “UN”), when working with implementing partners, to ensure adequate safeguards and appropriate action related to sexual exploitation and abuse (SEA). <sup>[L]</sup><sub>[SEP]</sub>
7. This protocol is aligned with the [Secretary General’s Bulletin, 9 October 2003 on “Special measures for protection from sexual exploitation and sexual abuse” \(ST/SGB/2003/13\)](#). <sup>[L]</sup><sub>[SEP]</sub>

### GUIDING PRINCIPLES

3. The UN does not partner with entities that fail to address sexual exploitation and abuse through appropriate preventive measures, investigation and corrective action.<sup>10</sup> Such failures shall constitute grounds for the termination of any cooperative arrangement with the UN.<sup>11</sup> <sup>[L]</sup><sub>[SEP]</sub>
4. The UN shall place the human rights, interests and needs of all victims at the center of our efforts, and adhere to the principles of ‘do no harm,’ confidentiality, safety and non-discrimination when responding to allegations of sexual exploitation and abuse. <sup>[L]</sup><sub>[SEP]</sub>
5. A victim-centered approach guides UN SEA prevention and response whereby the victim is informed, participates in the decision-making process and provides consent on the possible use and disclosure of their information. <sup>[L]</sup><sub>[SEP]</sub>
6. In cases involving children, all decisions made regarding the prevention and response to SEA allegations involving implementing partners of the UN are guided by the best interests of the child and the right of the child to participate and to be heard. <sup>[L]</sup><sub>[SEP]</sub>

### APPLICABILITY / SCOPE

7. This protocol applies to all offices of the UN when working with implementing partners (as defined below) in all programme contexts. <sup>[L]</sup><sub>[SEP]</sub>
8. This protocol addresses matters relating to possible and actual sexual exploitation and abuse perpetrated by personnel of implementing partners of the UN. <sup>[L]</sup><sub>[SEP]</sub>

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<sup>10</sup> See Sections 6.1 and 6.2 of Secretary-General’s Bulletin on “Special measures for protection from sexual exploitation and sexual abuse” (ST/SGB/2003/13), 9 October 2003.

<sup>11</sup> Ibid

## DEFINITIONS

For purposes of this protocol, the following definitions apply: 9. The UN defines sexual exploitation and abuse as follows:<sup>12</sup>

a. *Sexual exploitation* is 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. [L] [SEP]

b. *Sexual abuse* means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. [L] [SEP]

10. **Victim:** A person who is, or has been, sexually exploited or abused. For the purposes of this protocol, a victim is a person who is, or has been, sexually exploited or abused by employees or other related personnel of an implementing partner of the United Nations, including employees or related personnel of an implementing partner's subcontractor(s). [L] [SEP]

11. **Implementing partner:** an entity to which a UN office or entity has entrusted the implementation of a programme and/or project specified in a signed document, along with the assumption of responsibility and accountability for the effective use of resources and the delivery of outputs. Implementing partners may include – but are not limited to – government institutions, inter-governmental organizations, and civil society organizations, including NGOs. Implementing partners' subcontractors are subsumed within this definition. [L] [SEP]

12. **UN partner entity:** the particular UN entity that has signed the agreement with the implementing partner in connection with a particular programme or project. [L] [SEP]

13. **Higher-risk programme activities** involve at least one of the following:

a. Take place in high-risk environments such as camps and shelters; [L] [SEP]

b. Involve the implementing partner having direct contact with children; [L] [SEP]

c. Take place in environments where SEA has occurred in the past and/or where sexual and gender-based violence is prevalent. [L] [SEP]

## PROTOCOL STATEMENTS

Screening implementing partners

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<sup>12</sup> Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, 9 October 2003

14. The UN must carry out an appropriate screening process before entering into cooperative arrangements with implementing partners. When assessing a potential implementing partner as part of a screening process, the relevant UN partner entity shall assess the capacity of the potential implementing partner to prevent or to mitigate risks of SEA (see Annex A). If a UN partner entity selects an implementing partner that is assessed as having weak capacity to prevent or to mitigate risks of SEA, that UN partner entity is required to:

- a. Justify the selection of that implementing partner notwithstanding its assessed weak capacity to prevent or to mitigate risks of SEA; and [SEP]
- b. Implement appropriate risk mitigation measures, including capacity building and monitoring. (See Annex A) [SEP]

UN offices or entities will provide requested results of any screening of partners with other UN offices or entities.

#### Entering into cooperative arrangements with implementing partners

15. When entering into cooperative arrangements with implementing partners, officials from the relevant UN partner entity shall inform those implementing partners of the standards of conduct listed in section 3 of ST/SGB/2003/13, and shall receive a written undertaking from them, in accordance with section 6.1 of ST/SGB/2003/13. A copy of any SEA policy documents issued by the relevant UN partner entity must also be provided.

16. UN partner entities shall take into consideration the capacity of implementing partners to prevent and respond to sexual exploitation and abuse when designing the programme document/work plans for programme activities and managing associated risks, including:

- a. Partner capacity building activities such as: face-to-face SEA training for all partner personnel; [SEP]dissemination of awareness raising tools; support for establishing policy and implementation of [SEP]reporting procedures, policy guidance, etc. [SEP]
- b. Planned field monitoring visits for higher-risk programme activities, and further adjusted for partners [SEP]with low capacity as identified as part of selection. [SEP]

17. Prior to entering into or reviewing a partnership agreement, the UN partner entity should request documentation of regular training offered by the implementing partners to their employees and associated personnel on prevention and response to SEA<sup>13</sup>. The training must include information on the UN's definition and prohibition of SEA, the requirements for prompt reporting of SEA allegations to

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<sup>13</sup> The terms "associated" or "related" personnel of implementing partners include, for example, sub-contractors, consultants, interns or volunteers associated with or working on behalf of the implementing partner.

the UN partner entity and referral of victims to immediate assistance. Training options include the UN SEA online training that is available for all implementing partners at: <https://agora.unicef.org/course/info.php?id=7380>. [SEP]

## Monitoring of implementing partners and termination of arrangements

18. As part of any partnership review processes, each UN partner entity shall review any changes in the implementing partner's capacity to manage SEA risks and whether consequent adjustments should be made to capacity building and monitoring activities. In addition, implementing partners operating in higher- risk environments should be reviewed regularly for compliance with SEA prevention and response requirements. [SEP]

19. The UN is required to report allegations of SEA to the Secretary-General. It is the responsibility of implementing partners to promptly report allegations of SEA to the UN partner entity, as part of this reporting obligation. It is the shared responsibility of both the UN partner entity, and the respective implementing partner, to communicate the UN mandatory reporting of SEA allegations to all related personnel, and to ensure the establishment of reporting mechanisms at field level.<sup>14</sup> [SEP]

20. The UN entity shall have the right to investigate SEA allegations involving implementing partners and its associated personnel, notwithstanding related investigations undertaken by the implementing partner or national authorities. Where the investigation is not conducted by a UN entity directly, the UN partner entity will seek all relevant information to determine whether the implementing partner has taken appropriate investigative and corrective action. [SEP]

21. The UN partner entity's receipt and handling of SEA allegations involving implementing partners will be guided, as appropriate, by the *Uniform policy on balancing the disclosure of information to national authorities with principles of confidentiality when receiving and handling allegations of SEA by persons acting under a UN mandate*<sup>15</sup>, and other relevant administrative issuances. [SEP]

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<sup>14</sup> Acts of SEA that are forms of sexual violence, as defined by international law, amount to violations of human rights and, where applicable, violations of international humanitarian law, when committed by implementing partners who are State actors. Such acts must be reported to OHCHR and appropriate human rights mechanisms. In addition, if the implementing partner concerned is a member of the national armed forces, the national police or another security actors attributable to the host government, an act of sexual abuse, when it is directly or indirectly linked to a conflict, might also constitute conflict-related sexual violence or a grave violation against children. Such conflict-related incidents of sexual abuse must also be reported through the respective Monitoring Analysis and Reporting Arrangements (MARA) on Sexual Violence in Conflict or the Monitoring and Reporting Mechanisms (MRM) on Children and Armed Conflict, where operational, via the SRSG on Sexual Violence in Conflict or the SRSG on Children and Armed Conflict to the UN Security Council, in line with Security Council resolutions 1882 (2009) and 1960 (2010).

<sup>15</sup> This policy covers, inter alia, the UN's reception and referral of allegations of SEA to UN entity leads on investigations depending on the nature and actor involved in the allegation, and the disclosure of information about the allegations to national authorities in a manner that is in conformity with the principle

22. Steps to be taken by the UN partner entity in the event of a credible SEA allegation made against an employee or employees of a partner or associated personnel that is implementing UN-supported programmes, include:

- a. Ensure that appropriate actions are taken regarding staff of implementing partner involved in [L]perpetrating SEA, including termination of the staff contract and/or referral for criminal accountability, [L]if appropriate; [SEP]
- b. Withhold further cash and/or supply transfers to the implementing partner, if appropriate; [L] [SEP]
- c. Share information on the allegation with relevant authorities as appropriate, upon a protection risk [L]assessment and in line with informed consent. [L] [SEP]
- d. Immediate referral of the victim to safe and confidential victim assistance, including legal assistance, [L]where available, based on their needs and consent. [L] [SEP]

23. If credible SEA allegations are made, the implementing partner's risk assessment for the relevant agreement or programme is immediately increased to 'high risk' (with a respective increase in programme monitoring). A number of corrective measures need to be taken by the UN partner entity, in consultation with its legal advisors and headquarters, before the 'high risk' assessment is reduced. Corrective actions will be identified by the UN entity, together with the implementing partner, and may include increased monitoring of programme activities on site and additional capacity development for the implementing partner. [L] [SEP]

24. Failure of the implementing partner to comply with the above-stated corrective actions can result in a termination of the agreement before the end of the agreement period.<sup>16</sup> The cooperative arrangement with the implementing partner shall expressly provide for this contingency. [L] [SEP]

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of confidentiality and informed consent

<sup>16</sup> See para. 6.2 of ST/SGB/2003/13, which states that the "failure of those entities or individuals to take preventive measures against sexual exploitation and abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation and abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations."

**Annex A. Specific areas/steps of risk assessment and appropriate mitigation measures for UN implementing partners**

| Assessment criteria   | UN action  |
|---|--|
| ✓ If the partner plans to sub-contract activities to another entity, the partner has the necessary reporting and monitoring mechanisms in place to prevent and respond to allegations and incidents of SEA. | ✓ Request the partner to describe reporting and monitoring mechanisms in place.  |
| ✓ The partner has properly screened staff for involvement or alleged involvement in SEA or violations of human rights.  | ✓ Confirm that reference and background checks for partner personnel have been completed.  |
| ✓ The partner has reporting procedures in place for SEA allegations for employees, contractors/sub- implementing partners and beneficiaries.  | ✓ Request and review partner's reporting procedure.  |
| ✓ The partner is informed of the UN zero tolerance policy on SEA, and related UN agency, funds and programmes policies on SEA.  | ✓ Confirm in writing that the partner is informed of the UN zero tolerance policy on SEA, and related UN agency, funds and programmes policies on SEA. |
| ✓ The partner's staff who are working on UN matters have completed UN SEA training, or equivalent.  | ✓ Confirm that the partner has completed the UN SEA training, or equivalent.   |
| ✓ The partner has dealt appropriately with any past SEA allegations.  | ✓ Request the partner to disclose any past allegations and outcomes.   |

## Annex 7. IASC Six Core Principles Relating to Sexual Exploitation and Abuse<sup>17</sup>

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. 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.
3. 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 exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.”

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<sup>17</sup> See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.

## Annex 8. UNDP Turkey Action Plan to Prevent Sexual Harassment at the Workplace and Sexual Exploitation and Abuse of Local Populations

| Result   | Activity  | Responsible  | Budget   | Time-frame | Monitoring  |
|--|---|--|----------|------------|---|
| <b>1. UNDP personnel and partners are aware of corporate SH and SEA policies</b> | 1.1 Policies on SH and SEA included in the Orientation Handbook and Induction package/trainings of the CO and signed by new personnel during contracting stage  | Human resources                                      | -        | 1 month    | New personnel signed policy as part of induction package<br>Induction presentation<br>participant lists |
|  | 1.2 Inform the Staff on focal persons' roles responsibilities and competencies as well as existing response mechanisms with posters and brochures prepared by CO to be used especially in security briefings and inception meetings for the new comers. | Communications                                       | -        | 2 months   | Informative tools, documents etc.<br>posters and brochures<br>security briefing notes                   |
|  | 1.3 RR/CD disseminates the policy on SH and SEA to all UNDP personnel (including the interns) via an inter-office memo  | Senior management (RC/CD)<br>Human resources         | -        | 2 weeks    | Copy of the notification memo   |
|  | 1.4. Organize a staff meeting where the policy on SH and SEA are presented in detail to all UNDP personnel including the interns, field offices, project staff in ministries, staff on missions etc.  | Senior management (RC/CD)<br><br>SH & SEA Focal Team | -        | 1 month    | Presentation on the Policy<br>Minutes of Meetings<br>video recording                                    |
|  | 1.5. Include an agenda item to present SH and SEA policy of UNDP to partners in all Steering Committee and LPAC Meetings of the ongoing and pipeline Projects   | ARR-P<br><br>RBM Associate                           | -        | 12 months  | Copy of the notification email or memo  |
|  | 1.6. Ensure UNDP Turkey CO Gender Equality Strategy includes a section on SH and SEA  | Gender Equality Focal Team<br>Gender Advisors        | -        | 4 months   | revised UNDP Turkey CO Gender Equality Strategy   |
|  | 1.7. Update the UNDP Turkey introductory brochures, which are disseminated to CO visitors and partners to stress zero tolerance policy of CO on SH and SEA  | Communication Unit                                   | 1500 USD | 2 months   | Copy of the brochures<br>Video on screens<br>Posters  |
|  | 1.8. Inform organizations about SH and SEA policy of UNDP which has a responsible party agreement and/or project cooperation agreement  | Portfolio Managers                                   | -        | 2 months   | Copy of the notification email or memo  |

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| <b>2. All personnel have completed mandatory online trainings</b> | 2.1 UNDP personnel complete and reflect the completion of the United Nations Course on Prevention of Harassment, Sexual Harassment and Abuse of Authority in performance evaluations.                | All UNDP personnel<br>All personnel and their immediate supervisors. | -  | 1 months' window to finish for all personnel. | Full list of personnel completing course and date<br>Performance evaluations                 |
|   | 2.2 UNDP personnel complete and reflect completion of the course on UNDP Legal Framework: What Every Staff Needs to Know in performance evaluations.   | All UNDP personnel<br>and their immediate supervisors.               | -  | 1 month window to finish for all personnel.   | Full list of personnel completing course and date<br>Performance evaluations                 |
|   | 2.3 UNDP personnel complete and reflect completion of the course on Ethics and Integrity at UNDP in performance evaluations.   | All UNDP personnel<br>and their immediate supervisors                | -  | 1 month window to finish for all personnel.   | Full list of personnel completing course and date<br>Performance evaluations                 |
|   | 2.4 UNDP personnel complete and reflect completion of online training on Sexual Exploitation and Abuse of Authority performance evaluations.   | All UNDP personnel<br>All personnel and their immediate supervisors. | -  | 1 month window to finish for all personnel.   | Full list of personnel completing course and date<br>Performance evaluations                 |
|   | 2.5. Integrate a session on SH and SEA in training activity to be organized for the medium level managers (all Portfolio and Project Managers), to be delivered by the Gender Specialist(s) in IRH   | Human Resources under Senior management leadership                   | 300 USD (including travel and DSA costs) | Yearly implementation.                        | Agenda/ process report of training on sexual harassment and SEA<br>Personnel attendance list |
|   | 2.6. Conduct at least one session on sexual harassment and abuse of authority in collaboration with staff association.   | Staff Association  | -  | 6 months                                      | Invitation<br>Personnel attendance list  |
|   | 2.7. Reflect the prompt/delays in completion of online mandatory trainings in evaluation forms of the personnel and their supervisors.   | All personnel and their immediate supervisors.                       | -  | 1 month                                       | PMD indicators   |
| <b>3. A change of culture promoted in the office.</b>             | 3.1. Conduct a survey to assess the level of awareness of all personnel on SH and SEA  | Gender Equality Focal Team   | -  | 2 months                                      | Survey questionnaire<br>Assessment of the results  |
|   | 3.2. Organize a staff meeting to present the findings of the survey results and eliminate misinterpretations on SH and SEA and the mechanisms/processes established for prevention and investigation | Gender Equality Focal Team   | -  | 2 months                                      | Assessment of the results<br>Minutes of the meeting  |

|   |   |   |         |                        |  |
|---|---|---|---------|------------------------|--|
|   | 3.3 Launch a Communication campaign using posters, leaflets and social media highlighting that SH and SEA is not tolerated and what to do in the event of SH or SEA (complaint procedures, helpline, etc.) Ensure the broad dissemination of the communication materials and social media messages among the staff and partners in CO and field offices | Gender focal team/ Human Resources/ Communications under Senior management leadership | 500 USD | Yearly implementation. | Level of dissemination of the communications material produced in the campaign at all duty stations of all UNDP staff<br><br>The number of social media users access/tweets about the messages on SH and SEA |
|   | 3.4 Organize a dinner session in CO retreat, where the staff will discuss about the new policies and the culture within the CO to increase the level of awareness   | Staff Association   | -       | 2 months               | Personnel attendance list  |
|   | 3.5 Organize one awareness raising activity in field offices of UNDP on SH and SEA targeting the staff working at the field   | Gender Focal Team<br>Human Resources  | -       | 4 months               | Agenda/<br>External partners' attendance list  |
|   | 3.6. Organize a round table discussion on SH and SEA in collaboration with Gender Results Group targeting representing the other UN agencies in Turkey,   | Gender Focal Point<br>ARR   | 100 USD | 4 months               | Programme,<br>Participant lists<br>Activity plan of Results Group<br>GE  |
| <b>4. All personnel are aware of what to do in response to complaints of sexual harassment.</b> | 4.1 Collectively identify the Focal Points through asking all staff to nominate people in an anonymous way by using blind polling   | Senior Management<br>Staff Association  | -       | 1 month                | List of Focal Points<br>TOR of focal points  |
|   | 4.2. Establish an in-house SH and SEA Focal Team, which includes the assigned Focal Points of the CO having a clear mandate, roles and responsibilities with a specific emphasis on the due diligence   | Senior Management   | -       | 1 month                | List of Focal Points   |

|   |  |   |   |                               |   |
|---|--|---|---|-------------------------------|---|
|   | 4.3. Inform all staff about the roles and responsibilities of the Focal Points.  | Senior Management                             | -                                       | 2 months                      | Informative notes and emails printed documents including the information about Focal Points                                     |
|   | 4.4. Include contact details and how to contact the Focal Points on SH and SEA in UNDP staff identity cards  | Security Advisor in coordination with UNDSS   | 300 USD                                 | 6 months                      | Copy of the new identity cards  |
|   | 4.5 One coaching/training activity to be delivered by the HQ, targeting the Focal Points on SH and SEA as well as the detailed of their mandate (confidentiality, how to respond to SH and SEA cases, etc) | Senior Management                             | 3000 USD (travel costs of HQ personnel) | 6 months                      | Note of the training/coaching session   |
| <b>5. Accountability mechanisms in place.</b> | 5.1 Senior management and supervisors' PMDs include SH & SEA related indicators  | Senior Management<br>Human Resources          | -                                       | Annually when approving PMDs. | -PMD of senior manager and FTA staff showing relevant results.<br>-Evaluations of SC show relevant results                      |
|   | 5.2. Monitor overall implementation of Action Plan by senior management team   | Senior Management<br><br>SH and SH focal Team | -                                       | Every 3 months                | Report on the implementation of the AP  |
|   | 5.3 Review of the quarterly reports, the suggestion box of the CO and results of GSSs and update the AP to respond to emerging needs, if needed  | Human Resources                               | -                                       | Every 3 months                | GSS questions showing relevant results<br>Note of recommendations to overcome gaps to feed back into actions on culture change. |