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UNESCO Policy on the Protection from Sexual Exploitation and Abuse (PSEA)

Administrative Circular AC/HR/77

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Policy on the Protection from Sexual Exploitation and Abuse (PSEA)

Introduction

UNESCO is committed to applying a 'zero tolerance' policy towards acts of sexual exploitation and abuse by its personnel. In 2003, the United Nations Secretary-General issued a Bulletin on "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13) ("the Bulletin"). To support system-wide implementation of the zero-tolerance policy, the Director-General has decided to adopt the standards of conduct and provisions on PSEA set by the Bulletin, adjusted as necessary, to be applied by UNESCO personnel, as follows.

Key Principles

Zero tolerance: All forms of sexual exploitation and abuse (SEA) are prohibited and constitute serious misconduct. These are therefore grounds for initiating disciplinary proceedings, which may ultimately lead to summary dismissal or termination of contract, and other serious measures in accordance with the legal framework applicable to the different categories of UNESCO personnel.

Duty to report and cooperate: All UNESCO personnel have an obligation to report SEA allegations, suspicions or concerns to the Internal Oversight Service (IOS), the only competent authority within UNESCO to investigate SEA. Such reports shall be made through channels indicated on the IOS website (<https://en.unesco.org/about-us/ios/report-fraud-corruption-abuse>). All UNESCO personnel likewise have a duty to fully cooperate in investigations.

Confidentiality: All allegations of SEA are to be treated with the highest degree of confidentiality to protect the identities of victims, witnesses and alleged perpetrators.

Training: Mandatory training will be made available to all UNESCO personnel on how to prevent and respond to SEA.

Protection: UNESCO is committed to a victim-centric response to all allegations of SEA as well as to facilitate victims' access to specialized services and assistance. Reporting SEA or cooperating with a duly authorized audit, investigation, or inquiry on allegations of SEA is considered a protected activity pursuant to UNESCO's Whistleblower Protection Policy.

Inter-agency cooperation: Recognizing that PSEA is a UN system-wide commitment, UNESCO, in accordance with its internal procedures, supports established UN-wide mechanisms, to ensure full and appropriate response to any SEA allegations and cases.

Entry into force

This Policy shall be reflected in the HR Manual under a new Item, 18.2., “Protection from Sexual Exploitation and Abuse” and the relevant provisions of the Administrative Manual shall be amended accordingly. The present Administrative Circular shall enter into force on 19 November 2020.

For the Director-General:

Kazumi Ogawa
Director
Bureau of Human Resources Management

Annex: HR Manual Item 18.2

18.2 Policy on the Protection from Sexual Exploitation and Abuse

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- A. Scope
- B. Definitions
- C. Prohibition of sexual exploitation and sexual abuse
- D. Specific Roles and Responsibilities
- E. Referral to national authorities
- F. Cooperative arrangements or contracts with non-UNESCO entities or individuals

A. Scope

1. The present Policy on the Protection from Sexual Exploitation and Abuse (hereinafter “the Policy”) applies to all persons employed by UNESCO, namely staff members and non-staff members such as “contractors”, interns, volunteers and occasional workers. The term “contractor” covers any person who is employed by the Organization under a service contract, a short-term contract, or a consultancy contract.
2. Staff members who are alleged to have committed SEA are subject to possible disciplinary proceedings and/or other administrative action, while non-staff personnel are subject to action in accordance with the terms and conditions of their contract.
3. Implementing partners and vendors are also expected to abide by the standards set in this policy. Failure to do so shall result in the immediate termination of any existing agreement between UNESCO and the implementing partner or vendor. The Organization reserves the right to refer any credible allegations of criminal conduct to national authorities.

B. Definitions

4. For the purposes of the present Administrative Circular, 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 a beneficiary of assistance or any other individual or group of individuals external to the Organization.
5. 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.

C. Prohibition of sexual exploitation and sexual abuse

6. Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and are prohibited under UNESCO Staff Regulations and Rules.
7. In order to further protect the most vulnerable, especially women and children, the following specific standards, which reiterate existing general obligations under the UNESCO Staff Regulations and Rules, are promulgated:
 - (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and therefore are 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 defense;
 - (c) Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
 - (d) Sexual relationships between UNESCO personnel and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of UNESCO and are prohibited;
 - (e) Whenever UNESCO personnel develop concerns or suspicions regarding sexual exploitation or sexual abuse by a UNESCO employee or implementing partner/vendor, they must report such concerns via established reporting mechanisms;
 - (f) UNESCO personnel 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.
8. The standards set out above are not intended to be exhaustive. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action and/or disciplinary measures, including summary dismissal, pursuant to UNESCO's Staff Regulations and Rules, or specific contractual terms applicable to the different categories of UNESCO personnel.
9. The standard prescribed in paragraph 7 (b) shall not apply 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. Discretion may be used in applying the standard prescribed in paragraph 7 (d), where beneficiaries of assistance are over the age of 18 and where the circumstances of the case justify an exception.

D. Specific Roles and Responsibilities

10. In addition to the roles and responsibilities that apply under other relevant rules and policies, including but not limited to investigations and disciplinary process, under the present policy, UNESCO personnel have an obligation to:
- (a) Uphold the highest standards of personal and professional conduct at all times and never engage in any SEA;
 - (b) Report to IOS, in good faith, any allegations, suspicions or concerns of SEA of which they are aware, and fully cooperate in investigation processes;
 - (c) Undertake training and familiarize themselves with the PSEA Policy.
11. The Director-General is responsible for:
- (a) Ensuring that information and appropriate mechanisms are in place to prevent and address cases of SEA by UNESCO personnel;
 - (b) Reporting all credible allegations of SEA to UNESCO's Governing Bodies, and, in line with agreed practices, to the Secretary-General of the United Nations.
12. DIR/IOS is responsible for:
- (a) Receiving allegations of SEA and deciding whether the matter shall be investigated;
 - (b) Conducting investigations into allegations of SEA;
 - (c) Immediately informing the Ethics Advisor of any report of SEA.
13. DIR/HRM is responsible for:
- (a) Informing the Ethics Advisor and IOS of any disciplinary or administrative measure(s) taken in cases of SEA;
 - (b) Screening candidates during recruitment processes and undertaking due diligence reference checks of external candidates during recruitment processes to ensure that individuals who have a documented history of sexual exploitation and abuse are not

hired. This includes consulting the ClearCheck database for SEA managed by the United Nations;

14. The Ethics Office is responsible for:
 - (a) Acting as UNESCO headquarters' Focal Point on PSEA;
 - (b) Drafting the Director-General's End-of-Year Management Letter to UNESCO's Governing Bodies on the implementation of the present policy and advising the Director-General on the reporting requirements in line with paragraph 11 (b) of the present policy;
 - (c) Reporting on the implementation of the present policy to the Director-General and to the Executive Board through its annual report;
 - (d) Representing UNESCO at external PSEA meetings and task-forces of International Organizations in its role as the Organization's PSEA Focal Point;
 - (e) Drafting terms of reference of the PSEA Focal Points in the field;
 - (f) Providing global training opportunities and outreach on PSEA for all UNESCO personnel;
 - (g) Providing guidance to UNESCO personnel on the present policy.
15. The UNESCO PSEA Focal Points in field offices and/or Institutes:
 - (a) Represent UNESCO at meetings of inter-agency PSEA networks in field office and at duty stations of Institutes, if any;
 - (b) Immediately report any SEA allegations or suspicions to IOS and inform the Ethics Office thereof.
16. Managers and supervisors are responsible for:
 - (a) Consistently conveying UNESCO's zero tolerance for SEA to their current and new personnel and ensuring that they are fully aware of the Organization's policy on PSEA and provided a copy thereof;
 - (b) Ensuring that personnel under their responsibility undertake the mandatory training on PSEA;
 - (c) Immediately report any SEA allegations or suspicions to IOS and inform the Ethics Office thereof.
17. Additional duties of Directors/Heads of Field Office or Institute and above:
 - (a) Creating and maintaining an environment that prevents SEA;
 - (b) Designating UNESCO PSEA Focal Points in the field;
 - (c) In liaison with HRM, LA and BFM, ensuring that the present policy is subscribed to in all partner agreements, as appropriate;
 - (d) Making information on PSEA publicly available, as appropriate.

E. Referral to national authorities

18. The Organization reserves the right to refer any credible allegations of criminal conduct to national authorities.

F. Cooperative arrangements or contracts with non-UNESCO entities or individuals

19. When entering into cooperative arrangements or contracts with implementing partners or vendors, relevant UNESCO officials shall inform those entities or individuals of the standards of conduct listed in Section C.
20. Failure of those entities or individuals to take preventive measures against SEA, 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 or contract with UNESCO.