

Statement

PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE

December 2015

Endorsed by IASC Principals

Protection from Sexual Exploitation and Abuse

Statement by the Inter-Agency Standing Committee

Endorsed by the IASC Principals on 11 December 2015

This statement affirms the commitment of the IASC Principals to actively prevent and respond to sexual exploitation and abuse by humanitarian workers, and the role of the PSEA Senior Focal Points, Humanitarian Coordinators, and the Humanitarian Country Teams to implement this commitment in all humanitarian response operations.

We, the IASC Principals, re-affirm our determination to eradicate acts of sexual exploitation and abuse by our personnel and actively respond to incidents that are perpetuated against our beneficiaries. We recognize our leadership responsibility to strengthen the humanitarian community's fight against SEA in order to achieve a true system of collective accountability, and we commit to provide the necessary resources to eradicate this wrongdoing.

In so doing, we:

Recall the Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse,¹ including its condemnation of SEA and six core principles of protection;

Recall agencies' previous SEA commitments, including the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, and the Minimum Operating Standards on Protection from Sexual Exploitation and Abuse by our own Personnel ("MOS");

Reaffirm that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility;²

Recognize that inter-agency cooperation is crucial to effectively prevent and respond to sexual exploitation and abuse;

Recall the importance of due process in case referrals and investigations and the respect for the rights of all individuals concerned;

¹ SGB ST/SGB/2003/13 (09 October 2003).

² Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (Revised December 2011) [hereinafter "Statement of Commitment"].

Take note of the best practices and lessons learned from the numerous studies and initiatives carried out by the IASC and other international forums which identify PSEA issues that can only be addressed at the global level;³

Find that PSEA commitments are not universally implemented in practice, and we must prioritize taking further action on these commitments to invoke real change;

Commit to the following Action Points in order to fulfil our previous and ongoing commitments to fight SEA by our own personnel, and to ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures:

1. **Fully implement the Minimum Operating Standards**, including by developing operational tools and clear guidance for the field on agency commitments and activities to protect against sexual exploitation and abuse, both at the institutional and collective⁴ levels. This requires ensuring that global standard operating procedures on cooperation in interagency complaints mechanisms, and specifically on SEA case referrals and follow-up, are developed and endorsed by May 2016. It also requires effective and continuous staff training by all humanitarian agencies, to ensure that their field offices understand their agencies' PSEA commitments and Code of Conduct obligations, and which fosters capacity building and behavioral change to address the root causes of SEA.
2. **Reinforce the responsibilities on PSEA for the Humanitarian Coordinator role**, in order to ensure that PSEA has a clear place within the humanitarian architecture and IASC system-wide responsibility for developing PSEA strategies and action plans is institutionalized.⁵ Coherent with existing PSEA responsibilities as Resident Coordinator, this would include developing complaints mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, coordinating inter-agency allegation referrals, reporting regularly to the Emergency Relief Coordinator on PSEA in relation to humanitarian operations, and including PSEA as a standing agenda item at the HC annual meeting.

3 See Report of the Secretary-General, Special Measures for Protection from Sexual Exploitation and Sexual Abuse A/69/779 (13 February 2015); Comprehensive review of the whole question of peacekeeping operations in all their aspects, 17 June 2015, A/70/95-S/2015/446, paras (Ch. 6); A Global Study on the Implementation of United Nations Security Council Resolution 1325, 2015; IASC, Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010; Independent Whole of System Review of Protection in the Context of Humanitarian Action, Commissioned by the Norwegian Refugee Council on behalf of the Inter Agency Standing Committee and the Global Protection Cluster (May 2015), p. 57; and IASC, Protection from Sexual Exploitation and Abuse: Compendium of Practices on Community-Based Complaints Mechanisms (2012).

4 Collective commitments to prevent SEA include MOS #2 to engage in Cooperative Arrangements, and Statement of Commitment #10 "Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel."

5 Under the UN Resident Coordinator Generic Job Description, February 2014, the RC is responsible for ensuring "that a network of focal points for the implementation of the provision contained in the SG's 'Bulletin on special measures for protection from sexual exploitation and sexual abuse' is operational and supporting the development and implementation of a country-level action plan to address the issue. See UNSG Report 2015, A/69/779: Create a position under the office of the RC to support his/her work as focal point for PSEA and the cost of the position is to be shared by all UN entities operating in the field mission. Also see; IASC, Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010.

3. **Strengthen investigation and protection responses to SEA allegations**, by individual organizations and collectively.⁶ This includes taking swift and appropriate administrative sanctions, and developing and sharing best practices on enforcing Code of Conduct breaches and on referring SEA cases that may arise to criminal misconduct to competent authorities.⁷ This also requires concerted efforts to operationalize the recommendations for preventing the re-recruitment of individuals disciplined for SEA,⁸ and to enforce PSEA contractual clauses with implementing partners. Furthermore, efforts should be made to ensure that the IASC response to SEA includes adequate protection and redress, including adequate assistance for survivors.⁹

6 Based on Statement of Commitment #6 “Investigate allegations of sexual exploitation and abuse in a timely and professional manner.” Collective commitments toward investigation and protection include Statement of Commitment #3 “Prevent perpetrators of sexual exploitation and abuse from being (re-) hired or (re-) deployed” and #9 “Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information ... should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken...”

7 Based on Statement of Commitment #7 “Take swift and appropriate action against our personnel who commit sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.”

8 Based on Statement of Commitment #3 “Prevent perpetrators of sexual exploitation and abuse from being (re-) hired or (re-) deployed. This could include use of background and criminal reference checks.”

9 Applicable standards on victim assistance include, but are not limited to, standards contained in the Human Rights treaties (e.g. protection of physical integrity, freedom from torture, right to an effective remedy etc.); in the Convention on the Rights of the Child and its optional protocol; authoritative guidance provided by treaty bodies (ex. concerning access to justice for women victims of SGBV in CEDAW GR 33; as well as policy and programmatic guidance developed by the UN i.e. UNSG Guidance Note on Reparations for Victims of Conflict-related Sexual Violence.)