To / à: All Staff Members at Headquarters and in the Field

From / de: Werner Blatter, Director,
Division of Human Resources Management

Category / catégorie: SAMM Chapter 1

Ref. / réf.: HRM-01-04

Date / date: 13 November 2003

Subject / objet: Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse

1. I refer to the Secretary General’s Bulletin, SGB, ST/SGB/2003/13, ‘Special measures for protection from sexual exploitation and sexual abuse’, attached herewith, which entered into force on 15 October 2003. The bulletin is legally binding on all staff, and stresses in particular the role and duties of Managers. Therefore, it is the responsibility of every manager to be fully conversant with the content of this document and ascertain that each staff member receives a copy and that Implementing Partners are informed of its content.

2. The SGB should be read in conjunction with the existing UNHCR Code of Conduct and in particular the Notes concerning Principles 7, 8, and 9 (please refer to IOM 60/2002 – FOM 56/2002 ‘UNHCR’s Code of Conduct: Initial Implementation Procedures’).

3. The SGB has provided definitions of what is encompassed in the terms “Sexual Exploitation and Sexual Abuse.”
   - Sexual Exploitation is defined as ‘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’.
   - Sexual Abuse is defined as ‘the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions”. (ref: UNHCR’s Code - Principles 7, 8, and 9 and notes to Code).
4. I also wish to draw your attention to the following key points of the Secretary General’s Bulletin:

- The SGB considers that “Sexual exploitation and sexual abuse constitutes acts of serious misconduct and are therefore grounds for….including summary dismissal”. (ref: UNHCR’s Code - Principle 7 and notes to Code).
- “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”. (ref: UNHCR’s Code - Principle 8 and notes which in the next revision will be updated to take into account the wording of the ST/SGB).
- “The above, 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”. Sexual relationships between UN staff and beneficiaries of assistance are strongly discouraged as often based on unequal power dynamics. (ref: UNHCR’s Code - Principle 8 and notes to Code).
- “Exchange of money, employment, goods of services including any exchange of assistance to beneficiaries or other humiliating or exploitive behaviour is prohibited”. (ref: UNHCR’s Code – Principle 7 and notes to Code).
- If a UN staff member develops concerns or suspicions regarding sexual exploitation/abuse by a fellow worker, regardless whether in the same agency or not or whether or not within the United Nations system, he or she must report such concerns to established mechanisms. (ref: UNHCR’s Code – Principles 8 and 9 and notes to Code). Also please refer to IOM-65/FOM-65/2003, “The role and function of the Inspector General’s Office” which defines the reporting lines and procedures for such allegations.
- “UN forces conducting operations under UN command and control are prohibited from committing acts of sexual exploitation and abuse, and have a particular duty of care towards women and children”.

5. The manager’s responsibility to disseminate this information and to appoint a focal point at a sufficiently high level is strongly emphasized in the Bulletin. The Bulletin also addresses the managers’ ‘responsibility for creating and maintaining an environment that prevents sexual exploitation and sexual abuse and shall take appropriate measures for this purpose’. Managers should in this context be reminded of their responsibility to create and implement the specific activities foreseen in chapter 3 and 4 of the SGBV Guidelines (Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons), May 2003.

6. The Secretary General’s Bulletin stipulates that Heads of Department, Office or Mission shall inform the Department of Management of investigations into cases of sexual exploitations and sexual abuse, and the action taken as a result of such investigations. Therefore it is the responsibility of all managers to be aware of this requirement. The Office of Human Resources Management of the Department of Management of the U.N., New York, is responsible for collecting and maintaining the data called for by the General Assembly, beginning with investigations initiated in the period from 1 January 2003.