

Written Evidence submitted by UNHCR to the International Development Committee Inquiry on Sexual Exploitation in the Aid Sector: Next Steps

1. UNHCR, the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people. UNHCR leads international action to protect people forced to flee their homes because of conflict and persecution. We deliver life-saving assistance including shelter, food and water, help safeguard fundamental human rights, and develop solutions that ensure people have a safe place to call home where they can build a better future. We also work to ensure that stateless people are granted a nationality. Age, gender and diversity considerations guide all aspects of our work, informed by the imperatives of promoting gender equality and diversity, empowering women and girls, and ensuring the best interests of the child.
2. UNHCR is grateful for the opportunity to contribute to this important inquiry to look at what progress has been made at tackling sexual exploitation and abuse (SEA) in the aid sector since the Committee's inquiry in April 2018. UNHCR has been at the forefront of the fight against SEA of the people whom we serve for many years. In addition, since 2018, in recognition that both SEA and sexual harassment (SH) are rooted in gender inequalities and power differentials, and that victims¹ of SEA and SH have similar needs, UNHCR's efforts have focused on tackling both forms of sexual misconduct under an overarching strategy and action plan. This approach, which is in line with best practice within the sector, recognizes SEA and SH as distinct but interconnected issues on a continuum of sexual misconduct. It has allowed UNHCR to focus on strengthening a victim-centred approach, as well as to holistically address underlying issues of organizational culture. Given the particular interest of the Committee in these two issues, this submission covers organizational efforts to prevent and respond to both forms of sexual misconduct.
3. SEA and SH cause irreparable harm to victims, their families, and their communities and are a betrayal of UNHCR's core values. Eradicating sexual misconduct is a top priority for the organization, which is committed to providing a *"trusted, respectful and inclusive environment, where the people we serve and those who work for the organization feel safe, heard, equipped and empowered to speak up for themselves and others and to take robust and visible action as appropriate, to eradicate SEA and SH."*²
4. In 2018, UNHCR renewed its efforts and strengthened actions to prevent and respond to all forms of sexual misconduct, including through the establishment of a dedicated capacity and coordination structure focusing on both SEA and SH. In March 2018, the High Commissioner appointed a Senior Coordinator to lead UNHCR efforts to tackle sexual misconduct. She is supported by a cross-functional working group³, and reports to the Deputy High Commissioner, who leads a Director Level Task Force on this issue. In May 2018, UNHCR issued a comprehensive and holistic Strategy and Action Plan to tackle SEA and SH, and in August 2020, the organization issued a new Strategy and Action Plan, building on the achievements and lessons learned over the past two years.
5. Central to UNHCR's efforts to tackle sexual misconduct is a commitment to working in partnership, as it is only by capitalizing on interagency and broader partnerships that we can make a difference. UNHCR's High Commissioner took up the role of Inter-Agency Standing Committee (IASC) Champion on Protection from SEA and SH in September 2019 and has launched a number of initiatives under three overarching objectives: bolstering prevention, expanding safe spaces for victim/survivors to speak up, and promoting a respectful use of authority. In addition, UNHCR co-chairs the IASC's Results Group 2 on Accountability and

¹ We use the term victim in accordance with terminology used across the United Nations (including by the Office of the Victims' Rights Advocate), while acknowledging fully that victims of sexual misconduct are also survivors, and that for many the term survivor has a more empowering connotation.

² See: UNHCR, Addressing Sexual Exploitation and Abuse and Sexual Harassment. Strategy, Structure and Key Actions, May 2018, <https://www.unhcr.org/5b2cb6284>, and: UNHCR, Tackling Sexual Exploitation and Abuse and Sexual Harassment, 2020 – 2022 Strategy and Action Plan, <https://www.unhcr.org/5f3cfec44>.

³ The Working Group includes representation from the Divisions of External Relations, Human Resources, International Protection, and Strategic Planning and Results, as well as Enterprise Risk Management, Ethics Office, Field Security Service, Innovation Service, Inspector General's Office, Legal Affairs Service and the Ombudsman's Office.

Inclusion, works closely with the Office of the Secretary-General's Special Coordinator on improving the United Nations response to sexual exploitation and abuse and with the Office of the Victims' Rights Advocate. In September 2019, UNHCR's Deputy High Commissioner took on the role of Interim Chair of the Chief Executives Board's Task Force on Addressing Sexual Harassment within the organizations of the UN system, overseeing initiatives including the development of an investigator's manual on sexual harassment investigations, and the integration of a victim-centred approach in such investigations.

Reporting and Whistleblowing

6. It takes considerable courage for someone who has been affected by SEA or SH to report an incident. Lessening this burden requires addressing the many barriers to reporting that exist. UNHCR's efforts in this respect, as outlined in this submission, are likely to have contributed to an increase in the number of people willing to come forward and speak up about forms of misconduct that otherwise remain unseen and unheard of for fear of retaliation, stigma, or unreliable support.
7. Given the large proportion of UNHCR's workforce present in the field, as well as its delivery through a significant number of partners, most UNHCR operations have established community-based feedback and response mechanisms, including for confidential reporting. These build on existing, trusted community structures and communication channels, and seek to ensure that multiple channels for reporting are accessible to all persons of concern in relevant languages and in formats adapted to ensure access for those at heightened risk of exclusion. For example, following extensive consultation with refugee communities, UNHCR Uganda introduced an inter-agency Feedback, Referral and Resolution Mechanism. This mechanism, which included phone, email and SMS referral pathways, was rolled out country-wide from October 2018 providing a direct channel for refugees to share information regarding protection concerns and service delivery, as well as to report allegations of fraud, corruption or exploitation.
8. In 2018 UNHCR carried out a survey across 40 operations to collect information about the communication systems most commonly used by persons of concern and what challenges exist to collecting and responding to their feedback. Building on this, in 2019 UNHCR carried out a global stock take of community awareness-raising materials on sexual misconduct to identify good practices, gaps and recommendations. Examples in Africa, Asia and the Middle East included communications on how to access protection and services and new helplines to enable people of concern to report on integrity issues, including SEA, as well as for inter-agency feedback, referrals and resolutions. In the Americas, a Regional Safe Spaces Network was established to help improve case management coordination in collaboration with nearly 30 governmental and NGO partners. Over 62 SEA materials in 17 languages were collected and have been shared amongst operations. In addition, technical support is being provided to field operations to strengthen community engagement.
9. As one of the High Commissioner's initiatives as IASC Champion, UNHCR partnered with the International Council of Voluntary Agencies to launch a community outreach and communications fund on protection from sexual exploitation and abuse in April 2020. This [Fund](#), which currently amounts to some US\$400,000, provides support to smaller non-governmental organizations in developing information, education and communications materials to raise community-awareness and ensure victims know where and how to safely report incidents. The Fund generated enormous interest from the field, with over 1,600 applications submitted, many of which aim to address risks of SEA during the COVID-19 pandemic and targeting higher risk groups.
10. In relation to UNHCR personnel, in October 2018, UNHCR established the "SpeakUp! Helpline". This confidential independent helpline provides personnel with an additional channel to report misconduct anonymously and to receive advice and referral to available services. The 24-hour helpline is available through telephone, online form, and a mobile App, and provides integrated translation services, and refers those who reach out to the appropriate entity for action. Confidence building in the tool continues to be a priority, with strengthened awareness raising and outreach on its availability and use, in order to promote increased reporting.
11. In order to protect personnel that report misconduct, in August 2018, UNHCR issued a new Administrative Instruction on Protection against Retaliation that now includes UNHCR's affiliate workforce; expands the scope of activities protected; and extends the timeline for reporting. It also provides interim measures to safeguard the interest of complainants and strengthens

corrective measures. Since its entry into force in December 2019, the number of inquiries received and cases opened in relation to protection against retaliation increased significantly; out of a total of 54 cases, 8 cases were related to allegations of sexual harassment.

Investigation and Disciplinary process

12. Investigation and disciplinary processes have been strengthened through increased staff resources and training. Considerable efforts have been made to prioritize and expedite SEA and SH investigations, as well as to reduce the length of time disciplinary processes take. UNHCR increased investigative and specialized legal capacity in several regional offices, which facilitated rapid intervention and increased outreach on SEA and SH investigative processes in field operations. This additional investment has also contributed to increased reporting and greater analysis of data from investigations. It has furthermore ensured that when a substantiated SEA or SH investigation is received by the Legal Affairs Service in relation to a disciplinary process, the case is immediately prioritized for review and action by a senior, specialized lawyer.
13. The number of SEA allegations with identified or identifiable victims has tripled since 2017, with over 80% implicating implementing partner personnel. UNHCR's SEA figures are publicly available in the [Secretary-General's reports](#) on special measures for protection from sexual exploitation and sexual abuse, plus supplementary information. In addition, UNHCR holds regular integrity briefings with key donors, including the UK Government, during which the IGO briefs on statistical trends relating to misconduct including on SEA and SH, when relevant.
14. While the reasons for the overall increase continue to be analysed, trends indicate that likely factors include: (1) increased media attention on certain types of misconduct encouraging people to step forward; (2) improved awareness and functioning of community-based and organizational reporting mechanisms; (3) global messaging and investments from UNHCR promoting a speak up culture and institutional accountability; and (4) a growing confidence in the organization's ability to respond, including through investigations, victim support, and dedicated engagement by leadership on the issue. Whilst each and every case among the higher number of reported cases is a reason for concern and for action, current increases in reported allegations implicating UNHCR and partner personnel are likely to be an indicator of increased trust in UNHCR's and partners' systems.
15. To strengthen the capacity of NGO partners to investigate complaints of misconduct of their own staff, the IGO organises regional workshops each year since 2015, which include a component on SEA in order to raise awareness, as well as how to receive and address such complaints. Future presentations will also focus on SH, in addition to SEA.
16. In addition, the IGO continues to deliver information sessions/presentations relating to the IGO's investigative process for UNHCR personnel in person and virtually, which includes SEA and SH specific components.
17. The High Commissioner communicates annually to all personnel on disciplinary measures taken, encouraging all staff to report incidents and underscoring the obligation of the entire workforce to conduct themselves in accordance with the highest standards. This communication contributes to transparency in respect of the approach of UNHCR when an individual is found to have perpetrated SEA or SH. The High Commissioner has consistently reiterated to all personnel that perpetration of SEA or SH by anyone working for UNHCR is unacceptable and inexcusable. He has emphasised that UNHCR will continue to pursue a zero-tolerance policy and make sure that every report of such conduct is thoroughly investigated and, if substantiated, results in the strongest disciplinary measures, including termination of contracts.
18. If, following an investigation by the IGO, misconduct has been established which may constitute criminal conduct, in addition to the imposition of disciplinary measures on the staff member, the Legal Affairs Service (LAS) will, through the UN Office of Legal Affairs, make a referral to the relevant national authorities, subject to the safety and security of persons assisting the investigation and the informed consent of the victim. The relevant national authorities will therefore be requested to take forward criminal proceedings in the relevant jurisdiction.

A Victim-Centred Approach

19. UNHCR is committed to putting the protection, rights and dignity of victims at the forefront of all efforts to prevent and respond to sexual misconduct, applying a holistic end to end victim-centred approach. This approach requires engaging with the victim in a way which prioritizes listening to the victim, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to the victim as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner. UNHCR has also made increased efforts to ensure that victims are kept informed of the status and outcome of proceedings, in line with this victim-centred approach.
20. Victims of SEA receive multi-sectoral support through gender-based violence and child protection programmes. Standard operating procedures are in place at the field level globally, in camps and urban settings, to ensure the safety of victims of all forms of sexual violence who report abuse and to guide their safe referral to services such as health and psychosocial support. When SEA victims come forward through community-based reporting mechanisms or when seeking GBV services, an assessment of their security and protection risks and needs is the first priority.
21. To support PSEA programming and related activities in operations, UNHCR relies on a network of over 400 PSEA focal points to monitor and engage on prevention, reporting and response systems for SEA at field and country level. Focal Points have also been identified at the regional level, working closely with the team of the Senior Coordinator (SEA/SH) and the Division of International Protection to ensure coordinated and harmonized adherence to policy and guidance and to share good practices and learning on innovative approaches combatting SEA, refugee empowerment and involvement in solutions, and working with local systems.
22. An internal review of existing mechanisms and protocols to ensure the safety, security and well-being of victims and witnesses in the context of investigations, including cases of SEA and SH, is ongoing. This process will evaluate best practices in victim and witness protection, including those applied by international tribunals to ensure alignment with humanitarian sector principles and standards.
23. To support colleagues who consider making a sexual harassment complaint, seek advice on options and/or access specific support services after sexual harassment, in September 2018, UNHCR appointed a clinical psychologist as Psychosocial Case Management Officer to guide and accompany victims and witnesses through the process and coordinate action on their behalf until each case is resolved. Since this function was established, 120 individuals have reported incidents of sexual harassment to the Psychosocial Case Management Officer and have received psychosocial support and/or been assisted in resolving their cases. The support available is not contingent on a victim making a report. This role includes advising managers on how to handle situations of sexual harassment and to address underlying factors and root causes in their offices.
24. At the field level, a global Peer Advisor network, consisting of 400 colleagues, act as a point of contact in their respective offices for workplace grievances, ethical dilemmas and psychosocial concerns, including sexual harassment.
25. In the second half of 2020, the Psychosocial Case Management Officer on SH in collaboration with the Senior Coordinator and working with an external academic institution, will carry out a study to better understand the experiences of victims of sexual harassment in UNHCR, so that the response and support mechanisms could be better tailored to their needs and wishes.

Organizational Culture change

26. UNHCR recognizes that all forms of sexual misconduct are rooted in a culture of discrimination and privilege, based on gender inequalities and power imbalances, and that eradicating them requires a change in individual attitudes and behaviour, organizational culture, and strong leadership.
27. The High Commissioner and the Deputy High Commissioner have set a firm no tolerance tone and taken a strong position on UNHCR's commitment to eradicating sexual misconduct, including through efforts to instil a culture of transparent dialogue relating to sexual misconduct throughout the organization, sending a strong message that the organization is serious and empowering victims. This has been rooted in a recognition that safe spaces for dialogue on sexual misconduct are necessary catalysts of long-term organizational culture change. To that end, dedicated internal dialogues on sexual misconduct have been led by the High Commissioner and Deputy

High Commissioner. One of these town hall dialogues in 2019 used anonymized testimonies of victims to make colleagues more aware and encourage victims to report. These events are livestreamed to UNHCR offices around the world, enabling all personnel to engage with senior managers on issues of accountability relating to sexual misconduct.

28. In 2018 UNHCR also encouraged all colleagues to share ideas on how to better address SH through its Innovation Ideas Platform. The platform received over 1,300 visits, generating 42 ideas, 4 of which were selected and funded in 2019 for piloting and implementation, and were showcased during one of the informal exchanges. The winning ideas included were: “pop up messages on computer screens to sensitize personnel on sexual misconduct;” an “office atmosphere indicator tool;” and “barbershop discussions” convened as safe spaces for men to talk about sexual harassment.
29. UNHCR’s efforts to change its organizational culture and individual behaviour focus on managers’ roles as key custodians of the organization’s standards of conduct. This theme featured prominently in discussions at the Global Representatives Meeting in 2018, and during the Senior Management Committee retreat in July 2019. Both events resulted in commitments by the organization’s most senior managers to change UNHCR’s organizational culture, starting with self-reflection and open dialogue at all levels of the organization.
30. Since September 2019, a significant number of UNHCR managers around the world have been invited to participate in “Reflective Leadership Dialogues”, in which experiential learning methodology and a focus on individual and collective reflection are used to equip managers with the tools to create open, inclusive and safe working environments in which SEA and SH are prevented and/or effectively addressed. In light of the COVID-19 pandemic these dialogues are continuing virtually.
31. In January 2020, the High Commissioner and UNICEF’s Executive Director Henrietta Fore, as current and former IASC Champions on Protection from Sexual Exploitation and Abuse and Sexual Harassment, held a joint Town Hall on Protection from Sexual Misconduct which was broadcast to all UNHCR and UNICEF Offices around the world. The two leaders reaffirmed their commitment to making their organizations better and safer and to protect the people we work for and those we work with against sexual misconduct, and to join forces in doing so. Colleagues from around the world were provided the opportunity to engage in dialogue with the agency heads and ask questions.
32. In October 2019, the Deputy High Commissioner moderated a panel on “Creating Working Cultures free from Sexual Misconduct” at the 70th Session of UNHCR’s Executive Committee. The panellists – which included members from Government, civil society and UN agencies, explored what it takes to build and sustain organizational cultures that are respectful, collaborative, innovative, inclusive and safe from sexual misconduct and looked at what can be learned from experiences in different organizations and Member States.
33. Initiatives underway as part of the High Commissioner’s IASC Championship on Protection from Sexual Misconduct include a compilation of good practices and notable initiatives from different organizations on culture change, a dedicated session at the next IASC Principals meeting on attitudes, values and organizational culture, which will provide an opportunity for self-reflection and engagement by Principals on further action which can be taken to create workplaces of respect and accountability, and a communications package for IASC Principals to support them in holding a dialogue with colleagues on tackling sexual misconduct.

Capacity-building and Training

34. As one of the High Commissioner’s initiatives as IASC Champion on the prevention of and response to SEA and SH, UNHCR, IOM, WFP, OCHA and other partners developed a learning package jointly, titled [Saying NO to Sexual Misconduct](#), based on an earlier package of IOM. This package, launched in May 2020, uses innovative learning methodologies, is intended for all partners in the humanitarian sector, and combines learning on SEA and SH. The package is available in Arabic, English, French and Spanish and is being translated in several other languages. While the learning material is designed for face-to-face learning, it can easily be adapted for on-line delivery. Initial feedback from humanitarian agencies around the world is very positive.

35. In addition to its contribution to the development of the inter-agency partner learning package, UNHCR is also developing learning packages on SEA and SH for its own personnel focusing on knowledge, awareness and skills and built around case studies and testimonies. Furthermore, SEA and SH related content is being mainstreamed in relevant learning materials across the organization, including, amongst others emergency training, training for human resources personnel and for risk management functions.
36. UNHCR's e-learning on PSEA for staff and affiliated workforce has been completed by 16,474 active staff (from a total of 18,026). It is a multilanguage package, available in 5 languages (Arabic, English, French, Russian and Spanish) and ensures that all staff are familiar with UNHCR's policies and rules on PSEA. Some 16,191 active staff have completed the Harassment e-learning. A further 275 and 589 staff respectively have begun the e-learning packages, which should be completed shortly. Renewal of contracts are contingent on completing the e-learning modules.

Accountability

37. UNHCR's Risk Management 2.0 initiative, launched in late 2017, aims to ensure, *inter alia*, improved accountability to UNHCR's persons of concern, strengthened managers' accountability and the integrity of our operations. Addressing the root causes of misconduct is at the core of the initiative. In line with the organization's ERM policy and the [Risk Management 2.0 initiative](#), a network of over 30 risk experts, among whom eighteen with direct country or regional responsibilities, and more than 300 country-based risk focal points, contribute to ensure that risks of SEA are systematically identified and mitigated to the best of our ability. Mitigation measures encompass a range of activities (e.g. close coordination with other sister agencies and NGO partners in the field, consulting with communities, enhancing reporting and complaint mechanisms, referral and support mechanisms to victims of SEA and reinforcing ethical culture and accountability among UNHCR and its partners' staff), progress of which is closely monitored by risk advisors in support to PSEA focal points and operations' senior management.
38. UNHCR continues to improve vetting and reference checking procedures and established additional capacity to run sexual misconduct checks on all personnel recruited by the organization. The Office is a contributor to and user of the "Clear Check" databases, which are secure online databases that allow United Nations entities to share information on former staff and affiliated personnel who have SEA and SH related incidents in their background in order to avoid their rehire. This system was launched by the Secretary-General in 2018 and has been adhered to by UNHCR since its inception. UNHCR is also seeking synergies with NGO partners on similar initiatives such as the "Misconduct disclosure scheme" developed by the Steering Committee for Humanitarian Response.
39. If a staff member resigns or otherwise separates from UNHCR during an investigation or disciplinary process for an allegation of SEA or SH, this is recorded in the relevant Clear Check database. UN Entities search this database for vetting-purposes prior to employing, engaging or deploying any person under any contractual modality. Any person who has a record of SEA or has resigned or otherwise separated with a pending allegation of SEA is excluded from consideration for future positions with any UN Entity. The same provisions apply for members of the UNHCR affiliate workforce.
40. UNHCR has integrated responsibilities to combat sexual misconduct in managerial job descriptions as part of the organization's regionalization process and is doing the same in the context of an organizational review of job descriptions.
41. The signing of our Code of Conduct is a standard requirement of UNHCR staff recruitment and staff contracts, and mandatory annual Code of Conduct refresher sessions are held throughout the organization. The Code of Conduct, which is available in nine languages (English, French, Spanish, Russian, Arabic, Farsi, Thai, Urdu and Turkish), includes reaffirmation of UNHCR's position and policy on SEA and SH.
42. While UNHCR has had provisions in its standardized project partnership agreements ensuring that NGO partners take all necessary measures to prevent and respond effectively to SEA since 2003, in 2018, UNHCR revised its standardized project partnership agreement to ensure compliance with the UN Protocol on Allegations of SEA involving Implementing Partners. UNHCR

is working with other UN agencies and NGO partners to ensure its full implementation, including through the development of a Common Assessment Tool, with a view to ensuring a common approach in assessing and improving capacity on SEA prevention and response across the sector.

43. UNHCR engages in regular and transparent dialogue with Member States. The Organization has contributed to the work on SEA/SH standards undertaken by the Organization for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) and by the Multilateral Organization Performance Assessment Network (MOPAN), using its extensive experience in policy development and implementation at the field level to ensure a practical, victim-centric, and collaborative approach to combatting SEA and SH.

Looking forward

44. UNHCR issued a new Strategy and Action Plan this year covering 2020-2022 to tackle sexual misconduct, guided by four objectives: 1. Ensure that an end-to-end victim-centred approach is streamlined in all UNHCR practices and procedures concerning sexual misconduct; 2. Equip and empower UNHCR and partner personnel to prevent, identify and respond to sexual misconduct; 3. Uphold organizational accountability in tackling sexual misconduct; and 4. Maintain UNHCR's role as a key stakeholder engaging in interagency efforts.
45. The strategy contains 12 priority areas of action to achieve the objectives. These include a continued commitment to enhancing processes and procedures for the handling of sexual misconduct cases to ensure a systematic, coordinated, and victim-centred approach; the strengthening of internal and interagency guidance on addressing sexual misconduct; conducting training and awareness-raising on sexual misconduct; investing in organizational culture change efforts; strengthening outreach to communities and community-based feedback mechanisms to facilitate and improve SEA reporting and community engagement; strengthening UNHCR's existing global network of PSEA Focal Points; enhancing mechanisms to ensure PSEA and SH mainstreaming in all efforts to address sexual misconduct; reinforcing vetting and reference-checking mechanisms in the context of recruitment; strengthening external and internal communications and advocacy efforts on addressing sexual misconduct; strengthening UNHCR's Speak Up Helpline, and expanding further UNHCR's substantive engagement with partners and in interagency fora.
46. Whilst a lot has been achieved over the years, UNHCR is conscious that a lot more remains to be done. UNHCR cannot and will not be complacent and remains fully committed to tackling SEA and SH. UNHCR will continue to engage with the IDC and will work with DFID and the future FCDO in efforts to eradicate sexual exploitation, abuse and harassment.