

## Key messages:

### Gender-Based Violence (GBV) and Protection from Sexual Exploitation and Abuse (PSEA)

#### GENERAL

- Sexual Exploitation and Abuse (SEA) is a form of GBV that constitutes an abuse of power by aid workers against the affected population. It is based in gender inequality, power imbalance and disrespect of human rights. SEA can happen in any settings against anyone but the risks of SEA increase in emergencies settings. Anyone can commit SEA but those with more power are more likely to perpetrate while those with less power are vulnerable to becoming victims. Aid workers always have more power over those we are there to serve.
- The term PSEA (Protection from Sexual Exploitation and Abuse) is used by the UN and NGO community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their staff and associated personnel,<sup>1</sup> and to ensure adequate response when abuses occur. These measures aim to prevent SEA from occurring in the first place, follow up on the allegation quickly and effectively, *and* to ensure survivors receive appropriate response services<sup>2</sup>.
- It is ALL humanitarian and development actors' responsibility to protect affected people from sexual exploitation and abuse and take action when they have knowledge or suspicion of an incident. The Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse applies to all UN agencies and their personnel, contractors (both institutional and individual) and implementing partners.<sup>3</sup>
- The Inter-Agency Standing Committee (IASC) [Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel](#) (2006) and the subsequent statement in [2015](#) highlights sexual exploitation and abuse as a serious human rights violation and clearly states that all humanitarian organizations have a fundamental responsibility to take action on SEA, regardless of contractual status with UN agencies.

#### DEFINITIONS

- Sexual abuse is an actual or threatened physical intrusion<sup>4</sup> of a sexual nature, whether by force or under unequal or coercive conditions.<sup>5</sup> This means it is not necessary for a sexual act to have occurred, it is sufficient if it has been threatened or an attempt has been made.

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<sup>1</sup> Associated personnel include any individual who is affiliated with provision of humanitarian aid including contractors, volunteers, local partners etc.

<sup>2</sup> "Protection" from SEA encompasses prevention and response. For SEA, "response" means both referral of the survivor for services and ensuring the complaint is followed up on, including investigation if warranted. This, the actors involved, and the mandatory reporting obligation are the key differences between SEA and GBV

<sup>3</sup> [ST/SGB/2003/13](#)

<sup>4</sup> the definition requires some kind of physical element

<sup>5</sup> The definitions of sexual exploitation and sexual abuse are found in the *Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (2003)

- 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. It includes, for instance, the solicitation of a prostitute, and asking a beneficiary to have sex with you in exchange of “promise” of a job in your organization. If someone attempted to sexually exploit others, it is a sexual exploitation even an actual act didn’t happen.
- Both sexual abuse and sexual exploitation can be committed by anyone in the position of power, but the international PSEA policies and frameworks refer specifically to SEA perpetrated by humanitarian/development actors.
- All sexual activity with a child (a person younger than 18) is prohibited regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence.<sup>6</sup> Even if it is not prohibited legally to have a sexual activity with a child (typically person above age of 15 or 16), it is not accepted for UN and humanitarian/ development actors.
- Sexual exploitation and abuse is considered serious misconduct and is therefore grounds for disciplinary measures, including summary dismissal. The abusive or exploitative act is a breach of the Code of Conduct in place in humanitarian and/or UN agencies, as well as implementing partner agreements, for which agencies can hold offenders accountable, even if the act is not a crime in the country where it occurs.

#### **MEASURES TO ADDRESS Sexual Exploitation and Abuse**

- [The IASC Minimum Operating Standard for Protection from Sexual exploitation and Abuse for UN and non-UN staff](#) provides 8 minimum standards which agencies have committed to put in place, summarized as follows:
  1. Developing and implementing effective PSEA policy and procedures.
  2. Implementing PSEA requirements with partners, suppliers and contractors.
  3. Committing and supporting a dedicated department/focal point to PSEA.
  4. Providing clear guidance from HQ to field offices on engaging communities and the affected population to raise awareness on PSEA.
  5. Developing and implementing effective joint community based complaints mechanisms (CBCM), including victim assistance.
  6. Developing and implementing effective recruitment and performance management.
  7. Establishing effective and comprehensive mechanisms to ensure awareness-raising on SEA amongst personnel.
  8. Establish internal complaints and investigation procedures.

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<sup>6</sup> Ibi

- Under the SGB and agency PSEA Policies, all personnel are responsible for knowing and adhering to PSEA policies including reporting SEA allegations to internal reporting mechanisms or a CBCM, but ultimate accountability for PSEA lies with senior managers.
- Under the 2015 IASC Statement on PSEA, the Humanitarian Coordinator<sup>7</sup> has system-wide responsibility to ensure PSEA strategies and action plans are in place within their response, including development of complaints mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, and coordinating inter-agency allegation referrals. Humanitarian Country Teams and PSEA Networks are tasked to oversee and implement such joint activities.
- The complainants<sup>8</sup> or victims<sup>9</sup> of SEA have rights to receive assistance and support according to their individual needs. Such needs will align with those of survivors of other forms of GBV (e.g. medical, psychosocial, safety and security) but may be exacerbated by the particular role of the offender. A complainant does not need to identify the perpetrator or prove that s/he was sexually exploited or abused by an aid worker to receive such assistance.
- The United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (A/RES/62/214) ([UN Victim Assistance Strategy](#)) gives the United Nations an initial 2-year mandate to help victims to access the services they need as a result of the SEA. In addition, the strategy commits the UN to helping children born as a result of SEA.

## **GBV RISK MITIGATION AND PSEA**

- [The IASC Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action](#) fully support the mandate of the SG's Bulletin and provide recommendations within each thematic area of programming to mitigate SEA, including incorporating PSEA strategies into agency policies and community outreach.
- The IASC GBV guidelines help humanitarian actors to make programmes safe and accessible to all i.e. women, girls and other at risk group both for GBV and SEA; to monitor GBV risks; to develop and maintain a safe and ethical feedback mechanism from the affected population, which also provides an additional entry point for SEA reporting by the community; and to provide survivors of SEA the necessary assistance and response services that are safe, accessible and appropriate for the special needs of women, girls and other at risk groups.
- Risks of SEA can be mitigated through mitigating GBV risks in programming, however comprehensive operational, human resources and management measures are also required (see above) to prevent and respond to SEA.
- Though in-country PSEA networks (inter-agency coordination bodies to prevent and respond to SEA) and organizational PSEA focal points are different from GBV coordination mechanisms, it

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<sup>7</sup> This is consistent with the PSEA responsibilities of the Resident Coordinator in a non-humanitarian response

<sup>8</sup> A person who brings an allegation of SEA in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.

<sup>9</sup> A person who is, or has been, sexually exploited or abused.

is important for PSEA actors to link with GBV coordination mechanisms and response plans, especially in the following areas:

- ✓ Victim assistance and Accountability – develop SEA and GBV referral systems, using the GBV referral systems to provide survivor-centred care for SEA victims, and SEA systems to ensure offenders are held accountable.
- ✓ Identifying SEA risks – GBV actors often have information (collected through focus groups, etc.) about SEA risks, such as barriers to services for particular groups, concerns that have been raised by the community, scenarios of concern that could lead to exploitation etc.
- ✓ Community-based complaints mechanisms (CBCMs) – survivor-centred complaint mechanisms that are accessible by all, including the most vulnerable.
- ✓ Awareness raising – develop safe and ethical community outreach strategy. Make use of GBV community outreach opportunities.