

UNITED NATIONS PROTOCOL ON THE PROVISION OF ASSISTANCE TO VICTIMS OF SEXUAL EXPLOITATION AND ABUSE

1. Purpose

1.2 The Protocol aims to elaborate a common set of norms and standards based on existing frameworks to strengthen a coordinated, system-wide approach to the provision of assistance and support, which prioritizes the rights and dignity of victims, regardless of the affiliation of the alleged perpetrator.¹ This approach is aligned with broader United Nations efforts to prevent and respond to sexual exploitation and abuse and takes into account established good practices to address gender-based violence.

1.3 Given the complex field settings in which the United Nations operates, often marked by conflict, violence and insecurity, humanitarian emergencies, human rights deficits and poverty and inequality, the victim-centred and system-wide approach to assistance and support elaborated in the Protocol is intended to be integrated into the Organization's work to promote and protect human rights, contribute to peace and security and realize the 2030 Agenda for Sustainable Development. In particular, implementation of the Protocol is aligned with Sustainable Development Goal 5 on achieving gender equality and the empowerment of women and girls, including the elimination of all forms of violence against women and girls in the public and private spheres. It is also aligned with Sustainable Development Goal 16 to end all forms of violence against children and promote peaceful and inclusive societies, including access to justice for all. The Protocol also contributes to implementation of the Inter-Agency Standing Committee Plan for Accelerating Protection from Sexual Exploitation and Abuse in Humanitarian Response at Country Level, which aims to provide prompt, quality assistance to all victims of sexual exploitation and abuse.²

2. Scope

2.1 This Protocol applies to all United Nations system entities, including offices, agencies, funds and programmes operating at headquarters, in national/regional offices and field locations, and their respective cooperative arrangements.³ It also applies to non-United Nations forces operating under a Security Council mandate.

¹ The mandate for the provision of assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel is derived from the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel adopted by the General Assembly (A/RES/62/214 of 21 December 2007) and the Secretary-General's 2017 strategy to prevent and respond to sexual exploitation and abuse (A/71/818). For the purpose of this Protocol, the provision of assistance and support to victims of sexual exploitation and abuse will go beyond the provisions of General Assembly 62/214, Annex and the distinction between victim and complainant has been removed (see definition of victim).

² See IASC Plan for Accelerating PSEA in Humanitarian Response at Country-Level, endorsed by IASC Principals in December 2018 <https://interagencystandingcommittee.org/iasc-champion-sexual-exploitation-and-abuse-and-sexual-harassment/content/iasc-plan-accelerating>

³ See SGB/2003/13, Section 6.

3. Principles

3.1 The following guiding principles and rights must be respected and carefully monitored at all stages in the provision of assistance and support.

- Assistance and support will be made available to all victims of sexual exploitation and abuse irrespective of whether the victim initiates or cooperates with an investigation or any other accountability procedure.
- Assistance and support shall be provided in a manner that is victim-centred, rights-based, age, disability- and gender sensitive, non-discriminatory and culturally appropriate. The rights and best interests of victims shall guide how assistance and support are designed and provided. Assistance and support to child victims (under age 18) shall be provided in a manner consistent with the rights enshrined in the Convention on the Rights of the Child, in particular the “best interests of the child.”
- Assistance provided to victims shall adhere to the principle of “do no harm” and be provided in a manner which seeks to uphold their rights, dignity and well-being. This may entail provision of safety measures to protect against retaliation, re-victimization and re-traumatization.
- The rights of victims to privacy, confidentiality and informed consent in respect of assistance shall be respected. Victims (or their parents/caregivers where appropriate) have the right to decide on the assistance they need, and information should be provided on the full range of options available. Victims should be informed of the progress and outcomes of actions or processes that concern them.
- Victims are entitled to pursue applicable accountability measures, including legal redress where desired. The United Nations shall cooperate with States on all available measures to hold perpetrators of sexual exploitation and abuse accountable, while respecting due process, confidentiality and the principle of informed consent.

4. Definitions⁴

- **Sexual abuse** is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

⁴ The definitions provided in the Victim Assistance Protocol are based on the United Nations Glossary on Sexual Exploitation and Abuse.

- **Sexual exploitation** is the 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.
- **Victim** is a person who is or has been sexually exploited or abused.⁵
- **Perpetrator** is a person (or group of persons) who commits an act of sexual exploitation or abuse. For the purposes of this Protocol, a perpetrator means a United Nations staff or related personnel or non-United Nations forces acting under a Security Council mandate.
- **Child** is a person under the age of 18, regardless of the age of majority or age of consent in national legal systems.
- **Children born as a result of sexual exploitation and abuse** are children who are found by a competent national authority to have been born as a result of acts of sexual exploitation and abuse by United Nations staff or related personnel or non-United Nations forces acting under a Security Council mandate.
- **United Nations staff and related personnel** are United Nations officials, staff members, consultants, individual contractors, United Nations volunteers, experts on mission, other categories of non-staff personnel and contingent members.
- **Implementing partner** is an entity to which a United Nations office or entity has entrusted the implementation of a programme and/or project, or portion thereof, specified in a signed agreement, that details the assumption of responsibility and accountability for the effective use of resources and the delivery of outputs. Implementing partners may include – but are not limited to - Government institutions, inter-governmental organizations, and civil society organizations, including non-governmental organizations. Implementing partners’ subcontractors are subsumed within this definition.⁶

5. Victim assistance and support

5.1 The responsibility of United Nations entities to provide assistance and support begins as soon as information indicating that an individual may be a victim of sexual exploitation or abuse is received in any way or form. It does not require the receipt of a credible allegation of sexual exploitation or abuse by a United Nations

⁵ For the purpose of the Protocol, the term “victim” (rather than “survivor”) is used to avoid multiple terminology, mindful that different entities use varying terms, and in accordance with the definition in the Glossary. The Protocol covers victims of sexual exploitation and abuse perpetrated by United Nations staff and related personnel, non-United Nations forces operating under a Security Council mandate, and employees or other related personnel of an implementing partner of the United Nations, including employees or related personnel of an implementing partner’s subcontractor(s) as per the United Nations Protocol on Sexual Exploitation and Abuse Allegations involving Implementing Partners.

⁶ See United Nations Protocol on Sexual Exploitation and Abuse Allegations involving Implementing Partners.

staff member or related personnel or a member of non-United Nations forces acting under a Security Council mandate.

5.2 Victims, as well as affected populations more broadly, should be fully informed of the guiding principles on the provision of assistance and support set out in this Protocol. They should also be informed that all United Nations staff and related personnel have an obligation to report allegations of sexual exploitation and abuse.

5.3 The assistance and support provided to victims of sexual exploitation or abuse perpetrated by United Nations staff or related personnel or non-United Nations forces acting under a Security Council mandate should be provided, first and foremost, through existing service providers based on partnerships, bilateral agreements or other arrangements between United Nations entities and service providers. Referrals for assistance should be based on the existing services and programmes, such as the established gender-based violence and child protection referral pathways in-country.

5.4 All United Nations entities and all United Nations implementing partners are responsible for having a defined and articulated procedure for prompt referral to qualified service providers within the programme sites in which they operate and for having personnel trained on the process for referring victims for assistance in a safe and confidential manner.

5.5 Assistance and support for victims of sexual exploitation and abuse should be provided in a holistic, integrated manner with the support of a designated case manager where feasible and/or service provider with the necessary expertise and capacity. Assistance is provided on a case-by-case basis, in accordance with the needs of the victim. Common services for victims of sexual exploitation and abuse include:

- **Safety and protection:** This entails the development of an immediate safety or protection plan to address the risk of retaliation, possible breaches of confidentiality or other further violence against the victim. The safety response should clearly set out roles and responsibilities, as well as capacities of designated or relevant actors. Subject to a risk- assessment, and based on the victims' consent and best interest, the safety or protection plan may include relocation support where necessary and appropriate.
- **Medical care:** Medical care includes the provision of necessary treatment for conditions directly arising from sexual exploitation and abuse. In cases of sexual abuse, this includes informing victims about the importance of seeking medical care within 72 hours and providing the necessary referral to services, including HIV post-exposure treatment, post exposure prophylaxis (PEP), and reproductive and sexual health care as needed and desired. Medical care should be provided by the designated United Nations system organization or relevant partner.
- **Psychosocial support:** This comprises the provision of basic psychosocial support, including psychological first aid, and psychosocial counselling to assist victims, in addition to evidence-based, focused mental health and psychosocial support network (MHPSS) interventions and facilitating referrals to more specialized mental health care, as needed. Support may also include facilitating access to basic services, peer-to-peer support, enhanced social support through reconnecting victims with

family members, friends and neighbours, and/or fostering social connections and interactions through existing community networks.

- **Education, livelihood support and basic material assistance:** This entails the provision of food, clothing, shelter, school re-integration and livelihood support, in particular for victims in the most vulnerable situations to help address their immediate needs. In cases involving children, support and assistance should be provided for children’s families or caregivers when determined to be in the best interests of the child. In such cases, the provision of food to host families, and provision of clothing and hygiene kits to victims may also be included.
- **Legal services:** This entails the referral by the United Nations to providers of legal assistance if desired by the victim. In cases involving alleged perpetrators who are not nationals or permanent residents of the host country, legal service providers should be capable of handling cases that may involve multiple jurisdictions.
- **Support for children born as a result of** sexual exploitation and abuse: The United Nations will facilitate the pursuit of paternity and child support claims for victims, where desired by the victim and legally applicable, in cooperation with the relevant State.

5.5 Where there are gaps in service coverage and needed services are unavailable, assistance and support will be provided to victims using United Nations entities’ internal resources.⁷ Additional resources to address gaps in service coverage may be provided through, for example, the Trust Fund in Support of Victims of Sexual Exploitation and Abuse.

6. Special considerations for children

6.1 Children, including adolescent girls and boys, are particularly vulnerable to sexual exploitation and abuse because of their age, gender, size and dependency on others. In responding to child victims, United Nations entities and their partners shall adopt a child-sensitive approach that takes into account the vulnerabilities and capacities of the child, in a manner consistent with the Convention on the Rights of the Child: non-discrimination; best interests of the child; the right to life, survival and development; the evolving capacity of the child and their right to express one’s views and have them considered.

6.2 As a primary consideration, a determination of the best interests of the child involves an ongoing assessment as to what would best protect a child’s physical, psychological and emotional safety, security and well-being, and applies to decisions which affect the child as an individual, as a member of a specific group, and

⁷ See for example the Report of the Secretary General on Special Measures on Protection from Sexual Exploitation and Abuse (A/70/729, paragraph 77), which states that in the absence of any other immediately available means, timely support in cases of sexual exploitation and abuse will be provided through mission budgets.

in general. In cases involving children, UNICEF should be consulted, and the processes conducted should follow child protection procedures compliant with the United Nations Approach to Justice for Children.⁸

6.3 It is essential that those who interact with child victims have the necessary professional expertise and training. Because child victims of sexual exploitation and abuse may have particular assistance needs, assistance and support should be provided by, or in coordination with, child protection actors. The Protocol recognizes that adults who were victimized as children may also require special attention and appropriate measures will be considered.

6.4 In cases involving children, informed consent includes the informed consent of the child, according to their evolving capacities, and the child’s parent, legal guardian or person acting *in loco parentis*, except when informing the parents or caregivers could put the child at risk (of retaliation, violence, abuse and/or neglect). Consent should be explained at the outset and obtained prior to, or in conjunction, with the provision of assistance to child victims.

6.5 During any investigation or legal process that may ensue, a child victim should be provided with appropriate assistance, which should include the accompaniment by a trained professional throughout the process when it is in the child’s best interests.⁹ As in the case of any victim of sexual exploitation and abuse, children should be informed of the process and provided with clear information as to what to expect. This should include the provision of psychosocial support during information-collection and investigations. Interviews with children should be conducted in a way that is sensitive to the developmental stage and capacities of the child by persons who are properly trained on interviewing in a child-sensitive manner.¹⁰ The views of the child are important in the decision-making process and will be considered a significant factor in the settlement of the issue concerned.

7. Roles and Responsibilities

7.1 Cooperation among all relevant United Nations system organizations is needed to prevent and respond to sexual exploitation and abuse. The following outlines the overall roles and responsibilities of the United Nations system relating to the provision of assistance to victims of sexual exploitation and abuse perpetrated by United Nations staff or related personnel or non-United Nations forces acting under a Security Council mandate. It is also essential to strengthen engagement and cooperation with national authorities, communities and civil society organizations and actors, including national human rights institutions and service providers and humanitarian actors.

Head of Mission	Where there is a peacekeeping operation or special political mission, the Head of Mission (HoM) is the most senior responsible United Nations official for the country, working with the Resident Coordinator and
-----------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁸ Guidance note of the Secretary-General on the United Nations Approach to Justice for Children is available at: https://www.unicef.org/protection/RoL_Guidance_Note_UN_Approach_Justice_for_Children_FINAL.pdf

⁹ United Nations Guidelines on Justice Matters involving Child Victims and Witnesses of Crimes (“UN Guidelines”), para. 30.

¹⁰ For further information, see UNICEF Guidance on child interview monitoring and conducting child interviews.

	Humanitarian Coordinators who lead the United Nations Country Team's (UNCT)/ Humanitarian Country Team's (HCT) work on protection from sexual exploitation and abuse (PSEA) and the overall coordination on PSEA for the humanitarian response respectively. The HoM is supported in this role by the Conduct and Discipline Team (CDT) and the Field Victims' Rights Advocate or Senior Victims' Rights Officer (FVRA/SVRO), where present.
Conduct and Discipline Teams (CDTs)	Responsible for providing/coordinating assistance to any victim of sexual exploitation and abuse perpetrated by United Nations mission personnel. The assistance is usually provided by service providers based on referrals, partnerships, bilateral agreements. The CDT coordinates with the FVRA/SVRO where present.
Resident Coordinator/Humanitarian Coordinator (RC/HC)	Where the RC/HC is the highest United Nations official (meaning in non-mission settings), the RC/HC has the lead role on PSEA for the UNCT/HCT, including the establishment of a PSEA Network (for missions see below). In these settings, overall coordination of the provision of assistance to victims falls under the leadership of the RC/HC, the UNCTs/HCTs are responsible for overseeing implementation of the collective PSEA strategy and action plan. ¹¹ Where the RC is the highest United Nations official, and in coherence with responsibilities of the HC on PSEA, the RC has system-wide responsibility for developing collective PSEA strategies and ensuring that PSEA action plans are implemented, and assisting victims of sexual exploitation and abuse.
United Nations Country Team (UNCT)	The UNCT is responsible for overseeing implementation of the collective PSEA strategy and action plan in-country in settings where there is no HCT. This includes actively addressing PSEA issues, establishing and supporting a PSEA Network and ensuring that there is a strategy to provide assistance and support to victims of sexual exploitation and abuse.
Humanitarian Country Team (HCT)	Responsible for a collective mechanism and approach to PSEA as part of the overall humanitarian response.
Victims' Rights Advocate	The Victims' Rights Advocate has a system-wide role to monitor, oversee and coordinate the strategic vision for victims' assistance and support with all relevant United Nations at Headquarters and in the field. The Victims' Rights Advocate will provide policy support and advice to relevant United Nations system organizations and coordination mechanisms with responsibilities for the provision of assistance and support to victims.
Field Victims' Rights Advocate/Senior Victims' Rights Officer (FVRA/SVRO)	Where present, the FVRA/SVRO supports the monitoring and coordination of the provision of assistance and support to ensure that victims' rights are upheld, in conjunction with the RC/HC, or HoM.

¹¹ Management and Accountability Framework of the UN Development and Resident Coordinator System (MAF)

United Nations agencies, funds, programmes	Responsible for providing assistance to any victim of sexual exploitation and abuse perpetrated by personnel of their respective agency, fund or programme and, where appropriate, by personnel of implementing partners. Assistance is provided in accordance with the referral pathways at country-level; assistance may be provided directly by the United Nations agency, fund or programme, through contractual partnerships, and/or through collaboration with appropriate service providers at country-level. Upon referral, UNICEF is the provider of last resort vis-à-vis the United Nations system with regard to the provision of assistance to child victims of sexual exploitation and abuse. ¹²
Office of the High Commissioner for Human Rights	Responsible for advising on rights-based victims' support and assistance and protection assessments and measures, and for referral of victims, including victims of non-United Nations forces operating under a Security Council mandate, to appropriate service providers and coordination with FVRA/SVRO where present.
Co-Chairs of the PSEA Network	Responsible for co-chairing the PSEA Network on behalf of the HCT or UNCT, including supporting the PSEA Coordinator and Network to address any gaps in assistance coverage, in coordination with relevant gender-based violence and child protection actors.
PSEA Coordinator	Coordinates the PSEA Network and is responsible for ensuring effective coordination with the Gender-Based Violence Sub-Cluster (or similar) and the Child Protection Working Group (or similar) on the provision of assistance to victims of sexual exploitation and abuse, and for overseeing the training of all PSEA Network members on the procedures for safely and confidentially referring victims for assistance.
PSEA Network	Responsible for a) integrating the existing gender-based violence and child protection referral pathways into the overall standard operating procedures that govern the receipt and referral of allegations of sexual exploitation and abuse; b) ensuring that all PSEA Network members are trained on the procedures for safely and confidentially referring victims for assistance; c) monitoring any gaps in assistance-coverage and working with relevant actors to mobilize resources to address them.

¹² As the designated Focal Point Agency, UNICEF coordinates the Child Protection Area of Responsibility and is also the provider of last resort. For guidance on the principle of the provider of last resort, see: <https://www.humanitarianresponse.info/en/coordination/clusters/document/iasc-guidance-provider-last-resort>

8. The Trust Fund in Support of Victims of Sexual Exploitation and Abuse

8.1 The Trust Fund in Support of Victims of Sexual Exploitation and Abuse,¹³ was established by the Secretary-General in 2016. The Trust Fund provides financial support to approved projects developed by United Nations and non-United Nations entities assisting victims of sexual exploitation and abuse.

8.2 The Trust Fund does not provide financial compensation to victims and has been used to support: specialized services required by victims and children born as a result of sexual exploitation and abuse (medical, psychosocial, legal, etc.); engagement in community outreach; addressing service gaps in the provision of assistance and support; communications on reporting and referral pathways for services; and seed projects for livelihood support for victims and communities who are at high risk for sexual exploitation and abuse.

References

General Assembly Resolution 62/214, annexing the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, 7 March 2008.

United Nations Glossary on Sexual Exploitation and Abuse, Second edition 2017:

https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

Report of the Secretary General on Special Measures for Protection from Sexual Exploitation and Abuse: A New Approach, A/71/818, 28 February 2017: <https://undocs.org/A/71/818>

Inter-Agency Standing Committee Plan for Accelerating Protection from Sexual Exploitation and Abuse in Humanitarian Response at Country-Level (IASC, 2018): <https://interagencystandingcommittee.org/iasc-champion-sexual-exploitation-and-abuse-and-sexual-harassment/content/iasc-plan-accelerating>

The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming, GBV Area of Responsibility, UNFPA, 2019: <https://www.unfpa.org/minimum-standards>

Caring for Child Survivors of Sexual Abuse: Guidelines for health and psychosocial service providers in humanitarian settings, International Rescue Committee and UNICEF, 2012: <https://www.refworld.org/docid/532aa6834.html>

UNHCR Guidelines on Assessing and Determining the Best Interests of the Child, 2018 Provisional Release: <https://www.refworld.org/pdfid/5c18d7254.pdf>

¹³ For further details on the Trust Fund and terms of reference <https://conduct.unmissions.org/remedial-trust-fund>

Inter-Agency Gender-Based Violence Case Management Guidelines, First Edition, 2017:
https://reliefweb.int/sites/reliefweb.int/files/resources/interagency-gbv-case-management-guidelines_final_2017_low-res.pdf

Inter-Agency Guidelines for Case Management and Child Protection: A Guide for Policy and Programme Managers and Case Workers, Global Protection Cluster: Child Protection, January 2014:
http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf

UNICEF Gender-Based Violence in Emergencies Operational Guide (2019)

Uniform policy on balancing the disclosure of information to national authorities with principles of confidentiality when receiving and handling allegations of sexual exploitation and abuse by persons acting under a United Nations mandate, United Nations, 2016.

Terms of Reference for Implementation of the Trust Fund in Support of Victims of Sexual Exploitation and Abuse: <https://conduct.unmissions.org/remedial-trust-fund>

The Guidance Note of the Secretary-General on the United Nations Approach to Justice for Children, September 2018: https://www.un.org/ruleoflaw/files/RoL_Guidance_Note_UN_Approach_Justice_for_Children_FINAL.pdf