

Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel

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INSPECTION AND EVALUATION DIVISION

Function *“The Office shall evaluate the efficiency and effectiveness of the implementation of the programmes and legislative mandates of the Organization. It shall conduct programme evaluations with the purpose of establishing analytical and critical evaluations of the implementation of programmes and legislative mandates, examining whether changes therein require review of the methods of delivery, the continued relevance of administrative procedures and whether the activities correspond to the mandates as they may be reflected in the approved budgets and the medium-term plan of the Organization;”* (General Assembly Resolution 48/218 B).

Project team members:

RAHUL SUR, Chief, Peacekeeping Evaluation Section

RAKIB HOSSAIN, Team Leader

PANKAJ VERMA, Team Member

HANIFE CAKICI, Team Member

FAZLIDDIN SAMANDAROV, Team Member

DANIELA HERNANDEZ SALAZAR, Team Member

REMI BRENDA VESPI, Team Member

CYNTHIA LAMPTEY, Team Member

Contact Information **OIOS-IED Contact Information:**
phone: +1 212-963-8148; fax: +1 212-963-1211; email: ied@un.org

Rahul Sur, Chief of Section

Tel: +1 212-963-8148, e-mail: sur@un.org

Yee Woo Guo, Director

Tel: +1 917-367-3674, e-mail: guoy@un.org

Table of Contents

	Page
Summary	5
I. Introduction and Objective	7
II. Background	7
III. Scope and Methodology	9
IV. Evaluation Results	10
SECTION ONE: PREVENTION	
A. Prevention efforts in peace operations were constant and given the highest priority, but implementation of policies and measures varied widely across the Secretariat	10
B. Prevention efforts in non-peace and non-humanitarian operations context did not adequately address the risks of SEA	16
SECTION TWO: RESPONSE	
C. Despite their small sizes, the recently established Offices of the Special Coordinator and Victims’ Rights Advocate have been effective champions in reprioritizing SEA across the Organization, but their activities have faced several challenges	18
D. There has been a significant increase in initiatives and actors and establishment of a stricter policy on SEA. However, varying interpretation of the policy, and persisting issues linked to the outdated ST/SGB/2003/13, hampered the Organization’s response to SEA	22
E. There was some improvement in the SEA allegation processing cycle; however, every step took longer than stipulated	27
F. Administrative accountability imposed by the UN demonstrated the zero-tolerance policy at work but had marked variations among T/PCCs	32
G. Criminal accountability for sex crimes remained largely unachieved with some success regarding uniformed personnel but none regarding civilian and experts on mission	35
H. Efforts were underway to increase awareness and accountability for SEA by non-UN forces, but accountability was not fully realized for the reported cases	38
SECTION THREE: VICTIM SUPPORT	
I. The victims’ rights approach in addressing SEA was regarded as highly relevant, and while progress has been made in one peacekeeping mission, it was yet to be fully operationalized	39
V. Conclusion	42
VI. Recommendations	43
Annex I: Comments from entities on the draft report	46
Annex II: Recommendation action plans from entities	60
Annex III: OIOS response to formal comments from DMSPC, OSC, OVRA, DPO, DPPA, UNDOF, UNODC, UNON, UNVMC, UNDSS, ESCAP and UN-Habitat	79

Acronyms

ABA	American Bar Association
ACABQ	Advisory Committee on Administrative and Budgetary Questions
ALWOP	Administrative Leave Without Pay
AMISOM	African Union Mission in Somalia
AFPs	Agencies, funds and programmes
CAR	Central African Republic
CBCN	Community-Based Complaint Network
CDS	Conduct and Discipline Service
CDT	Conduct and Discipline Team
DFS	Department of Field Support
DMSPC	Department of Management Strategy, Policy and Compliance
DOS	Department of Operational Support
DPA	Department of Political Affairs
DPO	Department of Peace Operations
DPKO	Department of Peacekeeping Operations
DPPA	Department of Political and Peacebuilding Affairs
DRC	Democratic Republic of Congo
ECA	Economic Commission for Africa
ECLAC	Economic Commission for Latin America and the Caribbean
EOSG	Executive Office of the Secretary-General
ESCAP	Economic and Social Commission for Asia and the Pacific
EUFOR-RCA	European Union Force in the Central African Republic
FC	Force Commander
FGD	Focus Group Discussion
FPM	Force Provost Marshal
FPU	Formed Police Unit
FVRA	Field Victims' Rights Advocate
GA	General Assembly
HQ	Headquarters
IASC	Inter-Agency Standing Committee
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
OIOS-ID	Investigations Division of OIOS
IDP	Internally Displaced People
OIOS-IED	Inspection and Evaluation Division of OIOS
IOM	International Organization for Migration
IP	Implementing Partner
IRC	International Rescue Committee
IRF	Incident Reporting Form
IRMCT	International Residual Mechanism for Criminal Tribunals
IRT	Immediate Response Team
ITC	International Trade Centre
MICT	Mechanism for International Criminal Tribunals
MINUJUSTH	United Nations Mission for Justice Support in Haiti
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSTAH	United Nations Stabilisation Mission in Haiti
MINURSO	United Nations Mission for the Referendum in Western Sahara

MISCA	International Support Mission to the Central African Republic
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
NIOs	National Investigation Officer
OAH	Offices Away from Headquarters
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of Human Resources (of DMSPC)
OIOS	Office of Internal Oversight Services
OLA	Office of Legal Affairs
OSC	Office of the Special Coordinator on improving the UN response to SEA
OVRA	Office of the Victims' Rights Advocate
PCC	Police Contributing Country
PKO	Peacekeeping Operation
PO	Peace Operation
PSEA	Protection from Sexual Exploitation and Abuse
RSCE	Regional Service Centre in Entebbe
SEA	Sexual Exploitation and Abuse
SG	Secretary-General
SGB	Secretary-General's Bulletin
SIU	Special Investigations Unit
SPM	Special Political Mission
SMRs	Special Measures Reports
SRC	Standing Review Committee
TCCs	Troop-contributing-countries
T/PCCs	Troop- and police-contributing-countries
UN	United Nations
UNAMID	United Nations–African Union Hybrid Operation in Darfur
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNEG	United Nations Evaluation Group
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCC	United Nations Framework Convention on Climate Change
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlement Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Force in Lebanon
UNIOGBIS	United Nations Integrated Peacebuilding Office in Guinea-Bissau
UNITAR	United Nations Institute for Training and Research
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in South Sudan
UNODC	United Nations Office on Drugs and Crime
UNON	United Nations Office at Nairobi
UNPOL	United Nations Police
UNV	United Nations Volunteer
UNVMC	United Nations Verification Mission in Colombia
USG	Under-Secretary-General
WFP	World Food Programme

Summary

The Office of Internal Oversight Services (OIOS) assessed the relevance and effectiveness of the prevention, response and victim support efforts against sexual exploitation and abuse (SEA) by UN Secretariat staff and related personnel covering the 2015-2018 period.

SEA prevention efforts in peace operations were constant and given highest priority, but the implementation of policies and measures varied widely across the Secretariat. Prevention efforts in entities other than those in peace and humanitarian context did not adequately address the risks of SEA. The Offices of the Special Coordinator on SEA and Victims' Rights Advocate, established during the period under review, were effective champions in reprioritizing SEA across the Organization and contributed to the visible progress and commitment across the UN System to address SEA, though their activities faced several challenges.

There was an increase in initiatives and actors accompanied by stricter policy on SEA but varying interpretation and persisting issues linked to the outdated 2003 Secretary-General's Bulletin (ST/SGB/2003/13) affected the Organization's response. Additionally, public reporting on allegations against Secretariat personnel in non-peace and non-humanitarian contexts, which are not included in the Special Measures reports, would strengthen consistent application of the zero-tolerance policy on SEA.

Despite some improvement, every step of SEA allegation processing took longer than stipulated. While initial review and referral of allegations took three times longer than the stipulated ten days, investigations, when done, were completed in 7.3 months against the six-month stipulated timeline, with 16 per cent of the allegations pending completion of investigations for 21 months on average. The largest number of cases pending completion of investigations were with the troop-contributing-countries (TCCs) (32), followed by 12 cases jointly investigated by TCCs and OIOS, ten investigated by OIOS and three by missions.

Administrative accountability imposed by the UN demonstrated the Secretary-General's zero-tolerance policy at work, with sanctions imposed on 85 per cent of substantiated cases as of this review, with the remaining cases pending sanctions. The administrative measure of repatriation effected, or deemed effected, on disciplinary grounds was the most frequent sanction against uniformed personnel, while the disciplinary sanction of dismissal was most frequent for staff. In addition, a total of USD600,000 was withheld from troop- and police-contributing-countries (T/PCCs) for substantiated SEA cases during 2016-2019. Sanctions imposed by T/PCCs had marked variations and ranged from demotion to five-years imprisonment, with half the cases pending sanctions. Furthermore, follow-up with Member States generally improved with the Security Council Resolution 2272 (2016) providing impetus in enhancing accountability and responsibility of T/PCCs and their partnership with the Secretariat in addressing SEA.

Criminal accountability for crimes of SEA (e.g. rape, sexual activity with minor and sexual assault) for UN officials and experts on mission through UN referral was mostly unsuccessful. Out of the 33 such referrals made by the UN during 2008-2019, only in one case was criminal proceedings initiated by the relevant Member State and the case was expected to go to trial. For uniformed personnel, in ten out of 22 cases that amounted to criminal behaviour, sanctions were imposed by T/PCCs ranging from 40 days to five-years imprisonment. With regards to non-UN forces, OHCHR persistently followed up with the six relevant Member States but none of the national proceedings for the 23 reported cases led to any sanctions.

The victims' rights approach in addressing SEA was regarded as highly relevant by stakeholders and made progress in one mission, but it was yet to be fully operationalized. Overall, information and support provided to victims was insufficient or non-existent, except for the mission in Haiti, which implemented a successful project in supporting victims by providing approximately \$4,000 per victim for meals, school fees, accommodation and income generation activities. Transparency in the operation of the Trust Fund in Support

of Victims of SEA (the Trust Fund) improved and its impact was visible in MONUSCO. However, most projects it funded were delayed, focused largely on community outreach and were not directly related to the 'individual needs' of actual SEA victims. Additionally, the \$600,000 payment withheld from T/PCCs for substantiated SEA in line with General Assembly resolution 70/286 was yet to be transferred to the Trust Fund.

OIOS made 17 important recommendations.

I. Introduction and Objective

1. The evaluation objective was to determine, as systematically and objectively as possible, the relevance and effectiveness of the prevention, response and victim support efforts against sexual exploitation and abuse (SEA) by UN Secretariat staff and related personnel. Due to the high risk posed to the victims and the Organization's credibility and reputation by repeated incidents of SEA, this topic was included in the OIOS-IED 2019 workplan. The evaluation focus emerged from a risk assessment and scoping exercise described in the evaluation inception paper.¹ The evaluation was conducted in conformity with norms and standards for evaluation in the UN System.²
2. Comments from relevant Secretariat entities were sought on the draft report and considered in the final report. The formal management responses are attached as per General Assembly resolution 64/263.

II. Background

Key Institutional Developments on SEA

3. The Organization's efforts to prevent and respond to SEA have evolved, expanded and become increasingly institutionalized over the past two decades. In 2003, the Organization defined SEA in ST/SGB/2003/13 and made it applicable to all UN personnel, which remains the principal policy on the issue. The UN Staff Rule 1.2(e) also prohibit SEA.
4. While responding to SEA has been a longstanding priority in peacekeeping operations (PKOs), two successive Secretaries-General took decisive actions to make it a System-wide priority following the findings of an external panel in December 2015 indicating that the manner in which UN agencies responded to the allegations of sexual abuse by foreign military forces in Central African Republic "was seriously flawed".³
5. Several high-level initiatives that followed included the appointment of the Special Coordinator, an Under-Secretary-General, to improve the UN response to SEA in February 2016 (hereafter the Office of the Special Coordinator or OSC). A high-level steering group (HLSG) headed by the Chef de Cabinet was also established in 2016.
6. The Trust Fund in Support of Victims of Sexual Exploitation and Abuse (the Trust Fund) was established in 2016 to provide support for victims of SEA with voluntary contributions by Member States and transfer of withheld payments for substantiated SEA from civilian, military and police personnel. In resolution 2272 (2016), the Security Council endorsed the Secretary-General's decision to repatriate units of contingents in case of credible evidence of widespread or systematic SEA.⁴
7. In February 2017, the Secretary-General issued a 'New Approach' to improve the UN System-wide efforts to prevent and respond to SEA, including 49 new initiatives under a four-part strategy: (a) putting the rights and dignity of victims first; (b) ending impunity; (c) engagement with Member States and civil society; and (d) improving strategic communications for education and transparency.⁵

¹ Internal OIOS report IED-004-2019

² United Nations Evaluation Group (UNEG), 2005

³ The CAR Panel concluded that UN response was fragmented, bureaucratic and failed to satisfy the core mandate of the UN to address human rights violations. See A/71/99.

⁴ See A/70/729. Such repatriation had been done before the adoption of the Security Council resolution.

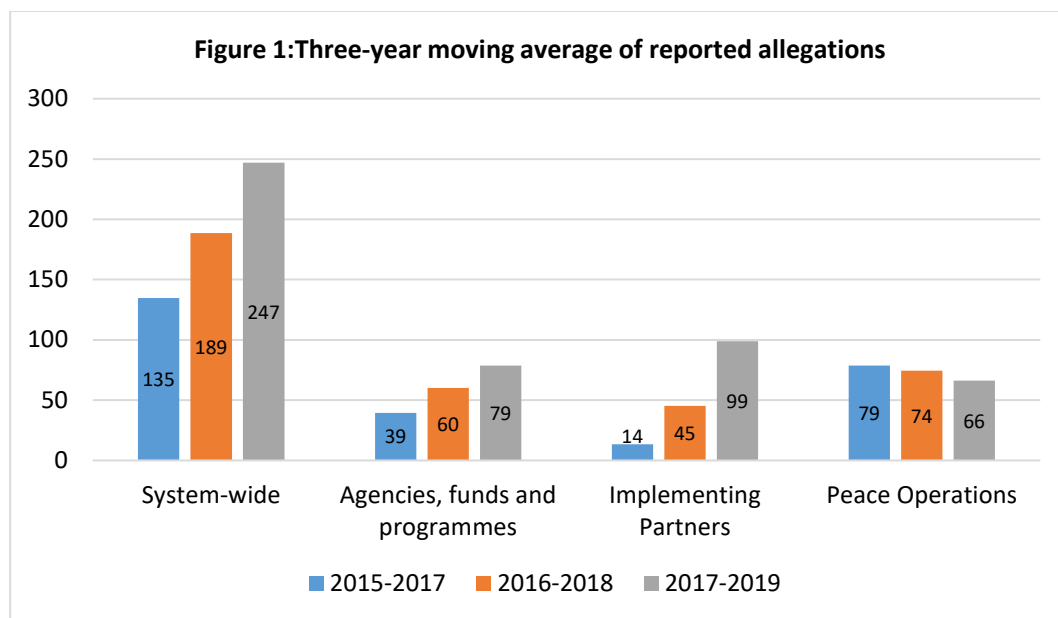
⁵ A/71/818

8. Subsequently, in August 2017, the first UN Victims' Rights Advocate (VRA), an Assistant Secretary-General, was appointed to support victims of SEA and ensure a victim-rights based approach to prevention, response and access to justice. To bolster victims support and work of the Office of the VRA (OVRA), Field Victims' Rights Advocates (FVRAs) were designated in four PKOs (MINUSCA, MONUSCO, MINUJUSTH and UNMISS) from existing mission personnel. These were subsequently established as full-time Senior Victims' Rights Advocates (SVRO) positions.

9. In 2017, a high-level meeting on SEA with Member States represented by Heads of State/Government, ministers and ambassadors was organized and the Secretary-General's Circle of Leadership, made up of global leaders, was created to support the prevention and response efforts on SEA in UN operations. The Secretary-General also proposed a voluntary compact, signed by 103 individual Member States as of 24 September 2019, to eliminate SEA.⁶ The General Assembly decided to include a separate agenda item on SEA in 2017.⁷

Reported Allegations of SEA

10. The number of SEA allegations reported across the UN System rose 164 per cent from 99 in 2015 to 261 in 2018 due to increased reporting by agencies, funds and programmes (AFPs), especially on allegations involving their implementing partners (IPs). During the same period, allegations pertaining to Secretariat entities fell 19 per cent from 69 to 56.⁸ However, year-over-year, allegations reported in 2019 across the System increased by 31 per cent to 341, involving increases of 50 per cent in IPs (164), 43 per cent in peace operations (POs)⁹ (80) and 3 per cent in AFPs (95). Despite the annual fluctuations, a three-year moving average analysis since 2015 showed consistent increases in allegations reported System-wide and those involving personnel of AFPs and IPs but a decline in POs (Figure 1).



11. Within the Secretariat, SEA remained primarily a PKOs issue accounting for 95 per cent (281) of the 296 reported allegations for 2015-2018. Four PKOs (MINUSCA, MONUSCO, MINUSTAH/MINUJUSTH and UNMIL)

⁶ As of 24 September 2019.

⁷ A/Res/71/278

⁸ Data on allegations in this section were compiled from A/70/729, A/71/818, A/72/751, A/73/744 and A/74/705. Additional information on perpetrators and victims were compiled from publicly available UN database on SEA available at: <https://conduct.unmissions.org/sea-data-introduction>.

⁹ Peace operations (POs) include both PKOs and SPMs.

accounted for 76 per cent (224) of all reported allegations. It also primarily affected uniformed personnel as they accounted for 77 per cent of the allegations (65% for military and 12% for police) while civilian personnel accounted for 23 percent.¹⁰ Special political missions (SPMs) and non-peacekeeping entities accounted for the remaining five per cent of the allegations (15). The allegations were reported against approximately 600 victims (women and children) by 566 men.

12. Additionally, pursuant to General Assembly resolution 70/286, OHCHR reported 23 allegations of SEA against four non-UN security forces operating under Security Council mandates from 2015-2018. Most (20) of these were reported in 2016, and largely took place in the Central African Republic (19), involving force members of SANGARIS, EUFOR-RCA and MISCA, and the rest in Somalia, involving AMISOM force members.¹¹

Resources for Addressing SEA

13. Staffing resources within the Secretariat to address SEA, most of whom work on SEA-related issues along with other conduct and discipline matters, comprised approximately 112 staff, 80 per cent of which (90) were in the conduct and discipline teams (CDTs) of POs. In addition to dedicated resources of four staff each in OSC and OVRA, resources existed generally within all departments and offices (as part of human resources, administration and focal point roles) and specifically in DMSPC, OIOS and OLA within multi-functional units responsible for SEA among other misconduct related issues.¹²

III. Scope and Methodology

Evaluation Questions

14. The evaluation sought to answer three key questions: (i) how relevant and effective have prevention measures been in the Secretariat?; (ii) how effectively have allegations of SEA been responded to and perpetrators of SEA for substantiated cases been held accountable; and (iii) how relevant and effective has the victim-centered approach been, and to what extent have the victims of SEA been provided with assistance and services?

Evaluation Scope

15. The evaluation covered the 2015-2018 period. However, information from prior periods and up-to-date data, when available and relevant, were included to support the evaluation results. While SEA cases from all Secretariat entities were within the scope, based on an entity-level risk assessment for SEA, case studies were focused on six POs (MINUSCA, MONUSCO, MINUSTAH/MINUJUSTH, UNIFIL, UNFICYP and UNVMC) and eight non-PO entities (OCHA, OHCHR, UN-Habitat, UNODC, UNEP, ESCAP, DSS and UNON). OHCHR was included to examine SEA allegations against non-UN forces operating under Security Council mandates.

16. The Investigations Division of OIOS (OIOS-ID) was excluded from the scope due to the potential conflict of interest posed by intra-Office assessment. Data on issues touching upon OIOS-ID work was collected from non-OIOS or public sources to the extent possible. Where needed, data obtained from OIOS-ID has been included as self-reported data without verification.

¹⁰ The number of uniformed personnel deployed was approximately 100,000; number of staff in field operations as at 31 December 2018 was 17,407 (A/74/82); and related personnel (e.g. consultants, contractors, interns, experts, etc. as provided in A/73/79) in field operations during 2016-2017 period was about 18,200.

¹¹ A/71/818, A/72/751 and A/73/744.

¹² See A/74/705 (paragraph 7) for more information on resources for addressing SEA.

17. The evaluation scope did not include non-Secretariat AFPs. Although consultations and interviews with representatives of such AFPs in Headquarters and in the field were conducted on relevant aspects given the System-wide response, these entities' efforts in addressing SEA were not assessed. Troop- and police-contributing-countries (T/PCCs) were also outside the scope; however, their representatives were consulted on relevant aspects of SEA response by the Organization and their views incorporated in the evaluation results.

Methodology

18. The evaluation used a mixed methods approach including desk review and analysis of qualitative and quantitative data. During seven field visits and in Headquarters, 263 semi-structured interviews and 53 focus group discussions (FGDs) covering approximately 50 entities and 22 Member States were conducted. These included representatives of 21 Secretariat departments and offices, six POs, nine agencies, funds and programmes (AFPs), 12 non-governmental organizations, five community-based complaint networks (CBCNs) and victims of SEA. Overall, 46 per cent of interview and FGD participants were female and 54 per cent were male.

19. Projects funded by the Trust Fund were reviewed and three annual surveys conducted by OSC were analyzed.¹³ Data for 356 SEA allegations for 2015-2018 were also analyzed.

20. Key limitations of the evaluation included: (i) scope exclusion of OIOS-ID, AFPs and T/PCCs, all of which play essential roles in the Secretariat's response and victim support mechanisms; (ii) logistical and ethical challenges limiting number of interviews with victims of SEA;¹⁴ and (iii) unavailability of some T/PCCs' representatives for interview.

IV. Evaluation Results

21. The evaluation results are reported in three sections: (i) prevention in POs and non-PO Secretariat entities; (ii) response including overall progress and policy issues, reporting on, and investigations of, allegations, administrative and criminal accountability; and (iii) victim support. Data presented throughout the report pertains to 2015-2018 period unless specified otherwise.

SECTION ONE: PREVENTION

A. Prevention efforts in peace operations were constant and given the highest priority, but implementation of policies and measures varied widely across the Secretariat

Wide-ranging prevention efforts in POs resulted in significant improvements in awareness and behavioural changes of personnel

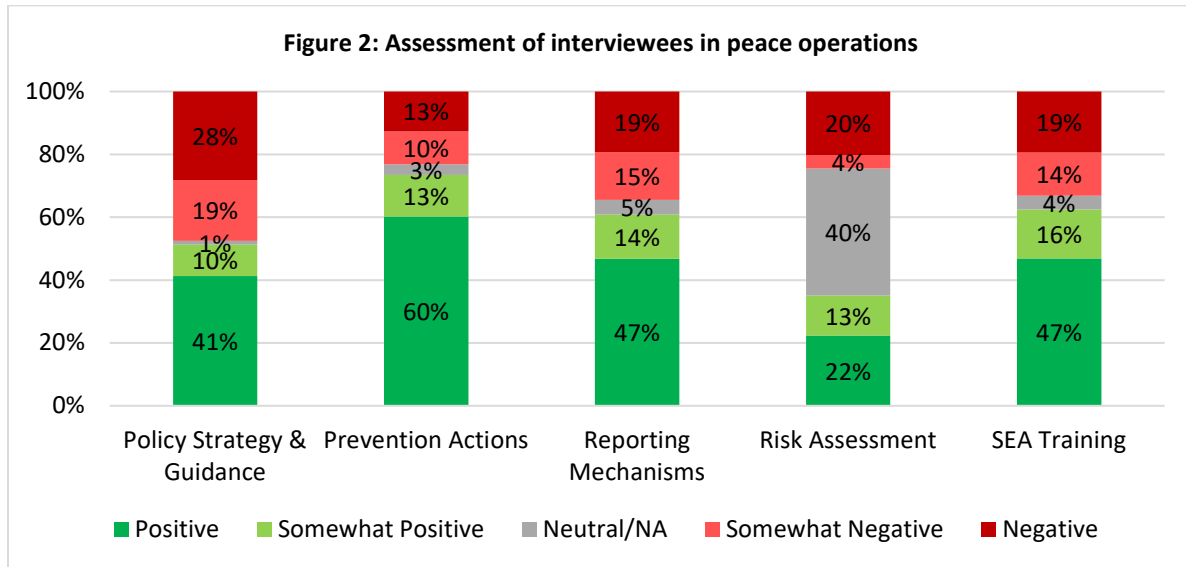
22. Prevention of SEA was among the highest priorities in POs. Emphasis on SEA was constant, starting from pre-deployment training, to written undertaking upon arrival in mission for some personnel, induction and refresher training, messages from leadership, campaigns such as posters and pocket cards, as well as a variety of prevention and deterrence measures such as curfews and out-of-bound areas. Consequently, SEA was

¹³ OSC conducts annual System-wide surveys on SEA but for this study, data pertaining to only Secretariat entities were analyzed. Average Secretariat responses to the 2019 and 2018 surveys were approximately 2,200 or about two per cent of Secretariat personnel.

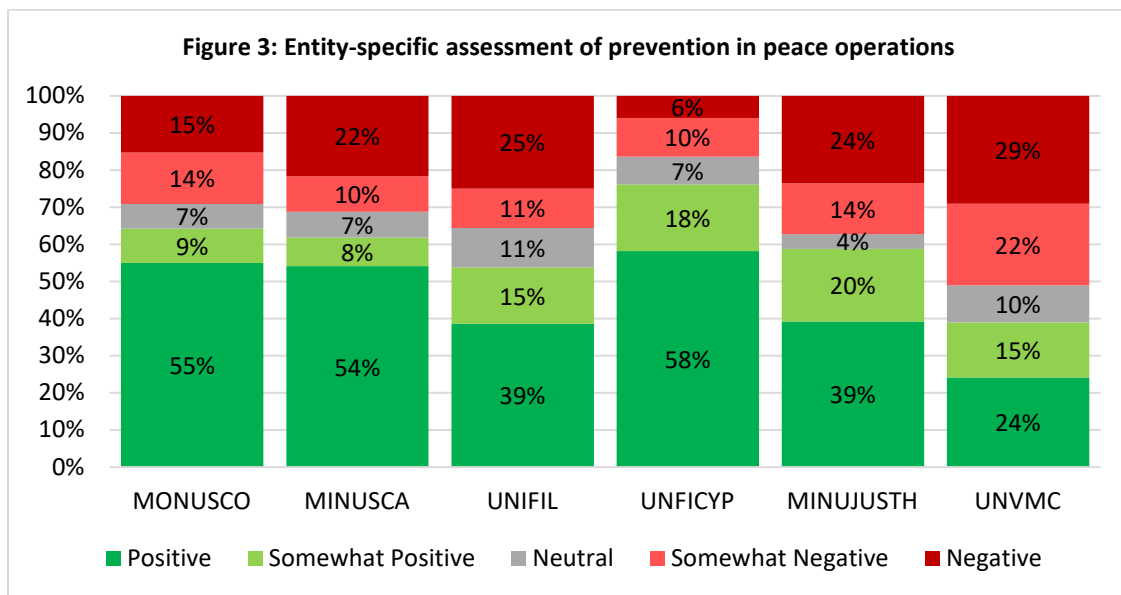
¹⁴ Ethical challenges arose because of the possible stigma and trauma that could arise due to visits by external parties and the victims having to recount their stories. Such visits could also raise expectations of material support whereas none could be provided by the evaluation team. Appropriate measures were taken to address these challenges with support from FVRAs and CDT focal points.

perceived to be the most frequently discussed subject, especially among uniformed personnel. Behavioral changes reported included higher level of vigilance in interactions with local population, avoidance of going to bars alone at night and adherence to curfew hours.

23. Interviewees in POs had mostly positive assessments of efforts to prevent SEA, except for risk assessment on SEA (Figure 2).



24. In a composite score on prevention (Figure 3), among the POs, UNFICYP had the highest positive assessments. Interviewees in the two missions most affected by SEA (i.e. MINUSCA and MONUSCO) scored the missions' prevention efforts well. The assessments in UNIFIL and UNVMC were mixed as interviewees in both missions referred to the prevailing social and cultural contexts as well as their proximity to areas that were outside the missions' area of operations but posed higher risk for SEA.



Increased prevention also had unintended consequences

25. This high prioritization of SEA, however, has resulted in some unintended consequences. Some interviewees, especially members of uniformed components, reported reluctance to engage with women and children, at times ordered by their superiors to avoid any engagement with them, as an effort to minimize risks of SEA. It also had consequences on operations, which missions may have determined necessary as SEA risk mitigation measures. A few senior military leaderships provided examples including one where one mission moved a tactically well-located temporary base with a village nearby to a less suitable location due to fear of SEA. To these few interviewees, the mission considered prevention of SEA as more important than effective military operations. Most military and police interviewees indicated that they discussed SEA more frequently than operational issues. Higher priority on SEA was also considered by some interviewees as potentially undermining attention and resources devoted to other forms of misconduct as well as the broader issue of sexual and gender-based violence. Interviewees in MONUSCO and MINUSCA also reported fear of false allegations and attempted blackmail by local population, assisted by corrupt local officials, targeting UN personnel. These unintended consequences indicated the need to consider more effective and strategic communication and guidance for implementation of SEA policies and efforts, to avoid undermining the effort.

Risk assessments on SEA, where done, were largely focused on contingents

26. Risk assessments have long been considered an essential element of SEA prevention in POs. In 2017, the Secretary-General asked all System-wide entities to conduct and issue results of risk assessment for field deployments. The Security Council and the General Assembly also emphasized their importance.

27. A SEA risk management framework was introduced in 2014 and further revised in June 2018 as a toolkit.¹⁵ CDTs in PKOs routinely conducted contingent-level SEA risk assessments. Examples of risks identified in MONUSCO and MINUSCA included: proximity to local population and IDP camps, presence of minors and vendors around camps, poor living conditions and welfare, water points both inside and outside camps facilitating interactions with local population, absence of access control and poor lighting. Mitigation measures identified appeared to be given high priority by missions; for example, the risk related to water points in MINUSCA was being addressed by the mission. However, the extent to which all mitigation measures were implemented was not clear due to lack of systemic monitoring by missions.

28. Comprehensive country-level risk assessments with participation of all UN entities were not done. PKOs completed draft mission-level SEA risk assessments in MINUSCA, MONUSCO and UNIFIL. Non-PO Secretariat entities did not conduct any risk assessment on SEA although a few entities (e.g. OCHA and UNDSS) identified SEA as a risk in their respective overall enterprise risk assessments. Interviewees in both PO and non-PO entities were largely unaware about risk assessments for SEA but considered it an important prevention measure.¹⁶ DMSPC indicated that the SEA Risk Management Toolkit has been made available to all System-wide entities and has been adapted by some entities for their own use. DMSPC also launched the Misconduct Risk Management Tool in 2019 and provided training to relevant personnel from across the Secretariat entities to strengthen risk management efforts. OSC further added that since August 2020, 112 comprehensive country-level SEA action plans have been submitted by the Resident Coordinators on behalf of their respective country teams.

Screening and vetting of personnel made headway

29. Pre-deployment screening of uniformed personnel formed units relied upon self-certification from the contributing countries. T/PCCs interviewees attested to the high importance given to screening by the

¹⁵ https://conduct.unmissions.org/sites/default/files/dpko-dfs_sea_risk_toolkit_28_june_2018_modified.pdf

¹⁶ Refer to Figure 2, 64% interviewees in POs rated effectiveness of risk assessment as neutral to negative and Figure 6 where 78% in non-PO entities had similar rating.

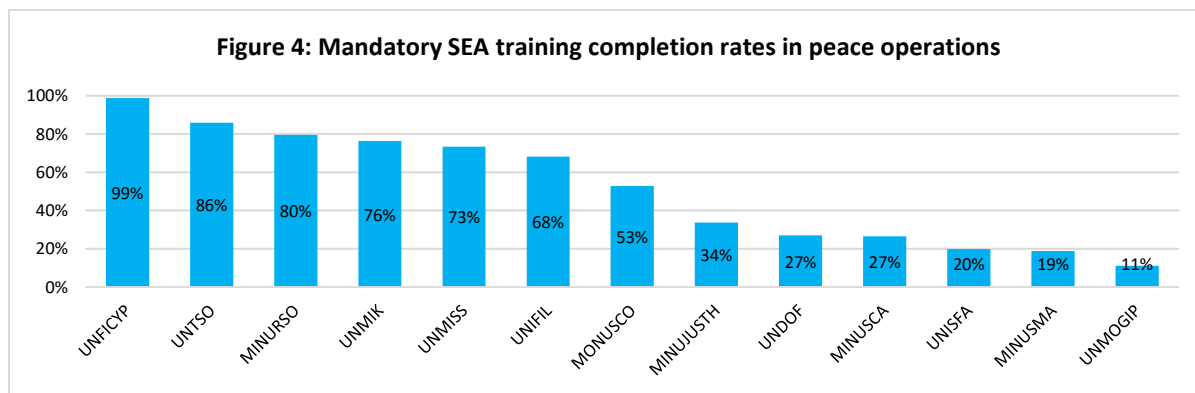
Secretariat and Member States. As of August 2019, 96 per cent of military units complied with the self-certification requirements. The Organization’s vetting of individual military, police and civilian personnel prior to deployment was also strengthened through a combination of manual and automated checks against records in the Misconduct Tracking System (MTS) for any prior SEA allegations.

30. Since April 2018, job applicants to Secretariat posts were required to provide self-certification on SEA and consent to provide access to their past employment records with other UN entities as proposed in the New Approach.¹⁷ Job openings also included UN standards of conduct on SEA. However, implementation of the proposal on annual written attestation requirement for all staff members was pending.¹⁸ In MONUSCO and MINUSCA, individual military and police officers were required to sign an undertaking on SEA on arrival.

31. In June 2018, the ‘Clear Check’ online tool was launched to prevent former UN personnel who were dismissed or resigned while an investigation/disciplinary process for SEA was pending from being re-employed within the System. Fourteen of the 25 UN entities that committed to participate had entered 210 SEA records (75% pertained to the Secretariat) and 19 entities were using the list for screening candidates as of January 2021.

SEA training was inadequate

32. SEA training in PKOs included the pre-deployment training, induction and refresher trainings and the mandatory online training for all Secretariat staff. However, completion rates for the mandatory training were unsatisfactory with around half completing it across the Secretariat, including in missions most affected by SEA (Figures 4 and 5).¹⁹ Furthermore, 123 staff members in leadership positions in POs, including in CDTs, had not completed the training.

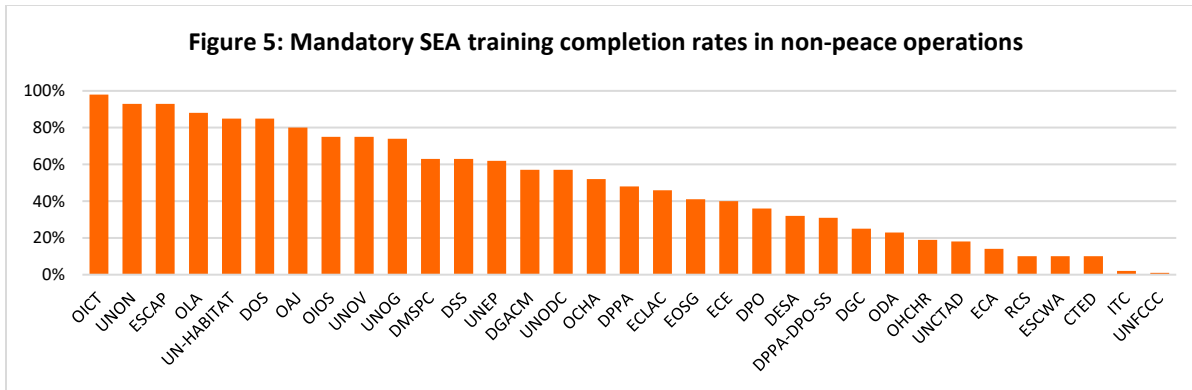


33. Overall completion rate in non-PO entities was also around 50 per cent.

¹⁷ A/71/718 (para 16).

¹⁸ Proposals in A/71/818 (initiative #27, page 22) included: “Develop an annual written attestation that every staff member must undertake to affirm that they have read and understood the United Nations code of conduct and consequences of failing to abide by the rules and regulations”.

¹⁹ Training completion data was extracted from Inspira as of 26 November 2019.



34. Factors raised by interviewees affecting completion rates of the SEA e-learning programme included connectivity, difficulty in monitoring completion rates through Inspira, insufficient follow-up and absence of consequences for non-completion. The Secretariat continued efforts to improve access to the programme, including by releasing a French version in early 2018. Some entities with higher completion rates made completion of the mandatory training as prerequisite for contract renewal and any official travel for training. Several missions’ human resources and training sections did not have data on mandatory training completion rates. For uniformed personnel, whose training data is not kept in Inspira, CDTs provided induction and refresher training and maintained manual records of completion.

35. Over 400 POs respondents (20%) to the 2019 OSC survey indicated that they had not received any training on SEA while nearly half did not receive induction (45%) or refresher (44%) courses.

36. Interviewees assessed the training more positively in POs than in non-PO entities as the latter considered it too peacekeeping-centric, which reflects the fact that the training was developed for PKOs. The online SEA training was considered by some to be outdated, a ‘check-the-box’ exercise and contributing to training fatigue. Interviewees and managers wanted more context-specific, engaging and interactive training, with periodic refreshers. DMSPC indicated that content updates for the training was under review.

A variety of reporting and deterrence mechanisms existed in POs, but underreporting remained a serious concern

37. POs established deterrence and reporting mechanisms for SEA, which were observed to be the most extensive in MINUSCA and MONUSCO. These included hotlines, OIOS and mission websites, PSEA networks, CBCNs established by missions, drop boxes, focal points, patrolling, curfew, out of bound areas, ‘shark watch’²⁰, broadcasts, leadership messages, SEA campaigns (posters, pocket cards, etc.) and physical infrastructure. Members of five CBCNs visited in MINUSCA and MONUSCO attested to increased awareness about SEA and rights of the local population. They had ongoing contacts with mission CDTs, received training and communication materials from the missions, were aware of the reporting mechanism (e.g. hotline 4044) in case of allegations and named contingents they saw as more implicated in SEA. They also observed reduced presence of peacekeepers in bars.

38. There was consistent evidence of high-level emphasis and monitoring of SEA issues among the uniformed components, such as weekly reporting and discussions by unit commanders on actions taken to prevent SEA. Sustained focus helped create effective deterrence of SEA among uniformed personnel.

²⁰ Whenever troops go out, one in every seven is appointed ‘shark watch’ with the responsibility to ensure the group is safe and behaves appropriately.

39. However, work remained to be done as 41 per cent of all POs respondents to the 2019 OSC survey reported having no curfew in their mission, 32 per cent reported not having any off-limits areas and 58 per cent reported not being issued a 'no excuse' card. Similar rates were observed in the 2018 survey. In the five largest PKOs combined (MONUSCO, MINUSCA, UNMISS, MINUSMA and UNAMID), the rates were 23 per cent (no curfew), 17 per cent (no off-limit areas) and 57 per cent (no excuse card).

40. An issue of concern was the lack of clarity between non-fraternization and SEA. Some allegations of sexual relationships against uniformed personnel, which the Organization considered SEA, were classified by CDTs as violation of non-fraternization policy and were not included in the annual Special Measures reports (SMRs).²¹ There were examples of allegations in MONUSCO, MINUSCA and MINUJUSTH which were considered a violation of the non-fraternization policy after 'fact-checking' by the components themselves and not reported as SEA as required. The CDT in MINUJUSTH took nearly a month to vet four SEA allegations involving paternity without notifying Headquarters or OIOS as required.²² Interviewees considered that the allegations did not receive the level of urgency given to SEA allegations, which could contribute to a perception of underreporting and cover-up. Consultations between OSC, DMSPC and OIOS-ID led to further clarity on the issue and an assessment of whether the sexual relationship has exploitative elements now determines if it is classified as SEA and included in the SMRs. However, the risk remains of mission personnel incorrectly classifying potential SEA allegations as violation of non-fraternization policy and not reporting these as SEA.

41. Another concern was that information on allegations of SEA was not shared across the System in country operations as UN entities reported allegations only to their respective Headquarters, often leaving the Country Teams/Resident Coordinators unaware of the extent of the problem.

42. In non-PO entities, reporting mechanisms remained limited to OIOS reporting and local human resources staff with no externally focused reporting mechanism or community outreach. Based on interviews and FGDs, reasons undermining willingness to report included: lack of trust in the system, prevailing conservative cultural norms, relativism, fear of retaliation, notions of privacy and loyalty to co-workers, lack of awareness of reporting mechanism and lack of clarity on what constituted SEA. DMSPC indicated that since management reform in January 2019, non-PO entities in the Secretariat have received guidance on conduct and discipline, including on how to establish and strengthen reporting mechanisms and community outreach.

43. Notably, 1 in 5 (20%) OSC 2019 survey respondents feared retaliation in reporting SEA. And while 13 per cent of respondents reported having knowledge of SEA, only 3.5 per cent reported (i.e. 9.5% had knowledge but did not report). The gap was even wider in the 2018 survey (11% had knowledge but did not report). Overall, in 2019 and 2018 surveys, this corresponded to 216 and 243 respondents, respectively, that had knowledge of SEA occurring in their duty station but did not report.

Focal points in non-PO entities were not consistently appointed

44. ST/SGB/2003/13 required entities to appoint SEA focal points for receiving complaints and informing staff and local population in missions of the existence, role and contact details of the focal points. In missions, components appointed focal points in addition to the CDTs as the overall focal points. In non-PO entities, however, focal points were not consistently appointed or, when appointed, not communicated with staff. Challenges reported by focal points included lack of understanding of SEA policy vis-à-vis their roles without clear terms of reference and lack of training. DMSPC indicated that following the management reform in January 2019, all Secretariat entities have appointed conduct and discipline focal points and DMSPC supported them in all aspects of the conduct and discipline function.

²¹ See A/73/744, footnote 24 and A/72/751 footnote 11.

²² Missions are required to assess and report on SEA allegations within seven days. See paragraph 95.

There was increased focus on SEA by implementing partners with most cases reported by AFPs, but the risk of underreporting persisted

45. In March 2018, the protocol on allegations of SEA involving IPs was adopted, which resulted in a greater recognition of the issue and inclusion and accountability for SEA by IPs. Additionally, pursuant to the New Approach initiative, reporting on SEA allegations involving IPs started since 2017 and increased from 3 in 2016 to 109 in 2018 (an increase of 3,633%) across the System. Year-over-year, reported allegations involving IPs increased 54% and 33% in 2019 (174) and 2020 (232), respectively.²³ With over 99 per cent of these allegations reported by AFPs during 2015-2018 (UNHCR accounted for 76%),²⁴ it was noteworthy that Secretariat entities, such as OCHA, which engaged extensively with IPs reported only a single allegation in 2018.²⁵ Despite consistent media reports in early 2019 suggesting incidents of SEA by IPs in Mozambique following cyclones, particularly those implicating public sector workers, no allegation was reported by OCHA. While it was possible that allegations pertained to IPs of AFPs and were handled by the relevant AFPs, OCHA and its Humanitarian Coordinators needed to strengthen measures to ensure systemic reporting of allegations for operations it funded.²⁶ There was also a lack of clarity on reporting and attribution of allegations in instances where an IP received funding from several UN agencies, creating the possibility of multiple counting of allegations.²⁷

46. Interviewees raised concern on the sensitivities surrounding the reporting and accountability of SEA allegations committed by IPs who were government institutions/officials. One country office reported concerns about government officials receiving UN funds for project activities in rural areas while allegedly engaging in sexual relations with local women. Several key UN interviewees expressed lack of clarity about their responsibility and anxiety about their relationship with the government in reporting on incidents.

47. In several POs, personnel of IPs and vendors operating within missions were not briefed nor trained on PSEA. Additionally, in non-peacekeeping settings, not all contractual agreements with IPs and vendors, particularly those with IPs, included reference to SEA. The UN General Conditions of Contract included a specific provision on SEA (Article 28) which was a standard part of procurement contract. But it was not consistent in the case of agreements with IPs (e.g. UN-Habitat contracts with its IPs had SEA provision but UNODC did not).

48. In June 2018, OCHA established a one-million-dollar fund to provide rapid grants to IASC members for SEA investigations, which was little known in country operations and had little uptake with two investigations funded with \$52,000 as of December 2019.

B. Prevention efforts in non-peace and non-humanitarian operations context did not adequately address the risks of SEA

49. While risk of SEA was higher in PO settings, as the ST/SGB/2003/13 was applicable Secretariat-wide, prevention efforts had to be tailored to risks of SEA in the non-PO context, which in some instances was similar to the PO context. Field visits and interviews with non-PO Secretariat entities (UNDSS, UNODC, OCHA, ESCAP, UNON, UNEP and UN-HABITAT) identified specific risks of SEA within those entities and in duty stations where they operated. While the nature of the contacts between the entities and the local population varied considerably, with some directly involved in delivering services to beneficiaries while others (e.g. with

²³ <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>

²⁴ Data compiled from A/71/818, A/72/751 and A/73/744.

²⁵ In 2018, OCHA disbursed nearly \$1 billion grants through 18 country-based funds mostly to NGOs and about \$500 million to UN entities.

²⁶ OCHA reported eight allegations against its IPs in 2020.

²⁷ For example, allegations reported under identification number 1220 (UNICEF), 1352 (WFP) and 1282 (UNHCR) in the allegation database were related to a single case involving one IP that was also an IP of OCHA.

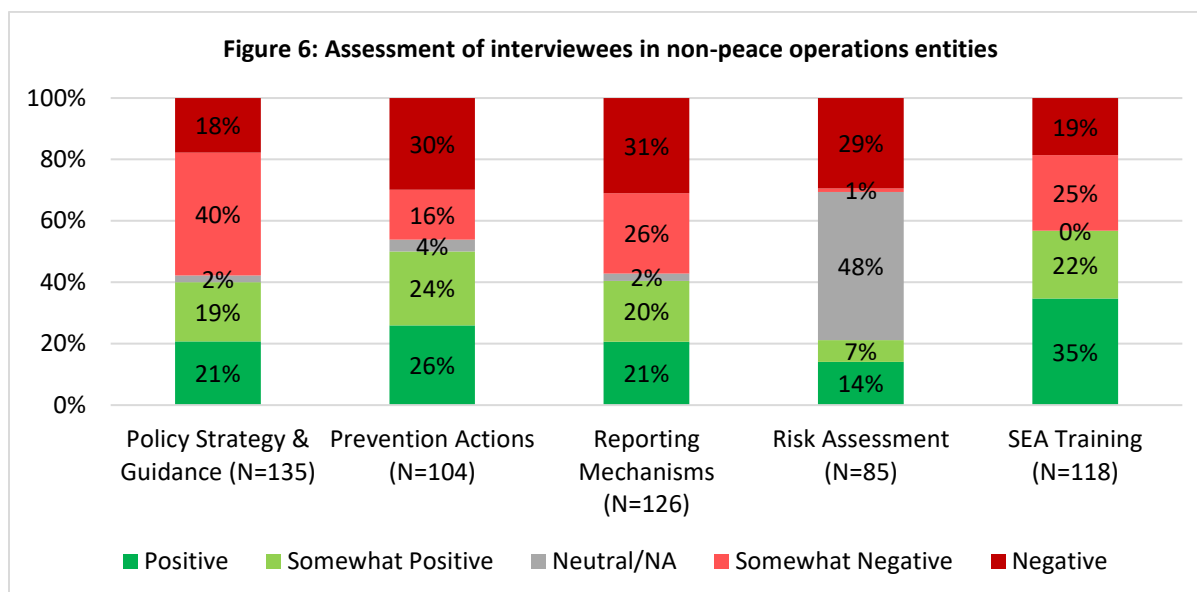
normative functions) had limited interactions with local populations, local contexts in these non-PO settings posed varying risks of SEA.

50. Risk factors varied according to levels of poverty in Host Country populations, the relative power differential of UN personnel with much higher incomes, prevailing social and cultural norms that allowed or tolerated prostitution, differential age of consent, existence of platforms for prostitution (such as ‘super nightclubs’ in one duty station) and transactional sexual activity (e.g. the concept of ‘sponsors’ in another duty station whereby men engaged in transactional relationship with younger women). Key interviewees reported particularly higher risks in at least five non-PO duty stations where levels of poverty and/or easy availability of transactional sex were contributory factors. There were also risks of UN personnel committing SEA with victims of trafficking in those contexts. New ways of accessing easy and anonymous transactional sex through the internet (e.g. dating apps) were also SEA risks.

51. Additionally, there were SEA risks posed by the large number of UN associated personnel and meeting/conference participants visiting UN offices in these locations for short periods.

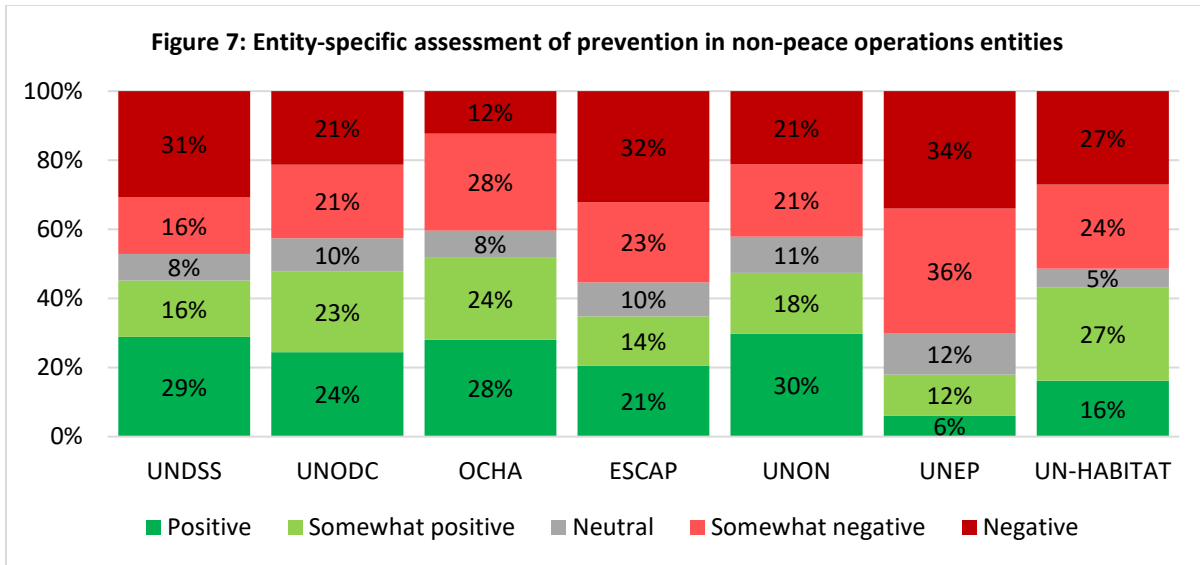
52. Prevention measures to address these risks were generally inadequate. Existing measures were largely Headquarters prescribed, including the mandatory training, the 2017 leadership dialogue and occasional messages from leadership, which did not address the context-specific risks. There were no posters or signs visible in offices visited to inform and educate about SEA. Meeting participants were also not informed about the UN standard of conduct. In one city, one senior leader considered the subject too sensitive to have a poster within the office compound fearing that the very mention of the subject implied the acknowledgment of the problem.

53. In terms of prevention, interviewees in non-POs overall had mixed assessments with 57 percent assessing mandatory training as positive followed by general prevention actions within their entities (50%) and reporting mechanisms (41%) (Figure 6).



54. Entity-wide assessments by interviewees of prevention efforts by their respective entities are in Figure 7.²⁸

²⁸ Composite scores per entity in prevention was calculated by averaging the individual assessments under the broad category.



55. The most common misunderstanding among non-PO interviewees was the difference between sexual harassment and SEA, which were frequently conflated. There was also a shared belief among some national staff and contractors that SEA rules did not apply to their private behaviors. Lastly, there was a common perception among those who did not complete the mandatory training that procurement of sexual services in countries where prostitution is legal did not constitute SEA.

SECTION TWO: RESPONSE

C. Despite their small sizes, the recently established Offices of the Special Coordinator and Victims’ Rights Advocate have been effective champions in reprioritizing SEA across the Organization, though their activities have faced several challenges

There was clear commitment and visible progress in efforts to address SEA across the UN System

56. The CAR Panel report had galvanized efforts to address SEA in peacekeeping and the resulting institutional developments within the UN (see Background section) provided OSC and OVRA with System-wide mandates to support the implementation of the Secretary-General’s New Approach.²⁹ Similarly, the serious SEA allegations that rocked the humanitarian sector, particularly those concerning Oxfam operations in Haiti in 2018,³⁰ along with persistent media coverage and the global #MeToo movement during the 2017-2018 period also served as watershed moments for renewed attention to addressing SEA. Donors put strong pressure on UN agencies as they wrote letters to heads of UN entities and demanded further strengthening of protection from SEA (PSEA) efforts in the humanitarian sector. High-level commitments were also reflected in a series of international declarations in 2018.³¹

²⁹ See A/71/818

³⁰<https://www.parliament.uk/business/committees/committees-a-z/commons-select/international-development-committee/inquiries/parliament-2017/sexual-exploitation-in-aid-sector/>

³¹ Such as the Whistler declaration by G7 countries, the Tidewater joint statement of OECD countries as well as the commitments made at the U.K. Safeguarding Summit, available at: <https://www.mofa.go.jp/mofaj/files/000369555.pdf>, <https://www.oecd.org/dac/Tidewater-Joint-Statement-on-Combating-Sexual-Exploitation-and-Abuse.pdf>, and <https://www.gov.uk/government/topical-events/safeguarding-summit-2018>

57. Subsequently, and partly as a result of the establishment of the OSC, AFPs in the humanitarian and development sectors ramped up their efforts to address SEA. The Inter-Agency Standing Committee (IASC) endorsed its Champions' strategy and plan for accelerating PSEA at the country-level in 2018. These led to increased reporting, resource allocation and country-level PSEA activities.³²

58. Overall, while reporting on allegations across the System increased by 162 per cent between 2015 and 2018 (from 99 to 259), AFPs registered 567 per cent increase in reporting on allegations against their personnel and IPs (from 30 in 2015 to 200 in 2018). Capacities and resources also dramatically increased. For example, UNICEF committed \$21.6 million during 2018-2019 to scale up efforts for PSEA in 32 countries facing humanitarian emergencies. Several others including UNDP, UNFPA, UNHCR, IOM and WFP committed to filling gaps in resources to address SEA in those countries.³³ UNHCR established an emergency task force of senior managers and a dedicated team of six staff to address both SEA and sexual harassment.

59. At the Headquarters-level, representatives of ten AFPs consulted for this evaluation attested to greater attention on SEA than ever before in their entities in terms of management priority, staff awareness, risk mitigation in planning and programme delivery and engagement with implementing partners and beneficiaries. In the field, AFPs in country based PSEA Task Forces also generally demonstrated heightened awareness on SEA in all the eight countries included in this evaluation.

OSC contributed to sustaining high-level attention to SEA and unifying and consolidating efforts across the System

60. With a 'time-bound mandate', the OSC was established to support implementation of the CAR Panel's recommendations, and to organize, unify and prioritize System-wide measures, including coordinating the implementation of the New Approach to address SEA.³⁴ Supported by extrabudgetary funding of approximately \$3.3 million from seven countries during 2016-2019, the appointment of the Special Coordinator was initially for 11 months, and has been extended annually, transitioning from a full-time to a 'when-actually-employed' contractual arrangement in May 2017.

61. Stakeholders described the OSC as an effective mechanism that improved coherence, coordination, knowledge sharing, and dissemination across the System with 46 per cent of 87 interviewees³⁵ rating its effectiveness positively (24%) and somewhat positively (22%) (Figure 8). It brought together and consolidated efforts of various UN entities who had been dealing with SEA in their own ways. Interviewees particularly found the SEA working group, factsheet, SEA glossary,³⁶ and the no excuse cards as useful and informative tools. Having the Special Coordinator at the USG level was also viewed as a reflection of the Secretary-General's commitment on SEA as it gave the Office more clout.

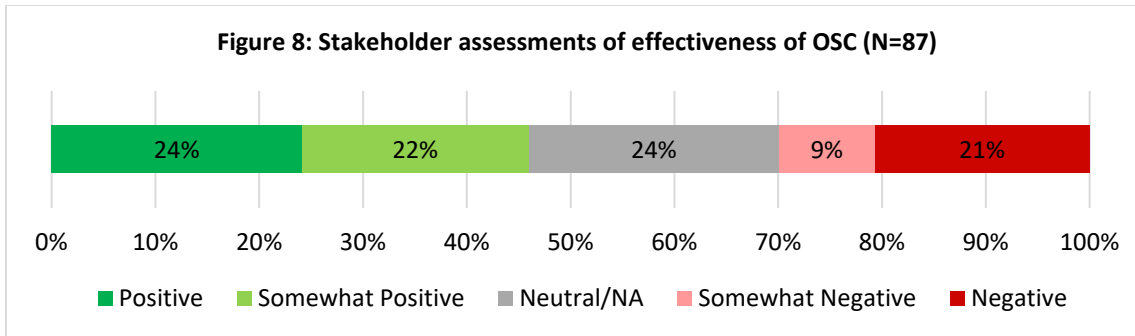
³² <https://interagencystandingcommittee.org/iasc-champion-protection-sexual-exploitation-and-abuse-and-sexual-harassment/iasc-plan-accelerating>

³³ UNICEF IASC Championship 2018-2019 Report on Protection from SEA, October 2019, available at: <https://interagencystandingcommittee.org/system/files/2019-12/IASC%20Championship%202018-2019%20v11%20WEB.pdf>

³⁴ A/70/729 (para 87), A/71/97 (para 11) and A/71/818.

³⁵ These included representatives from 27 Secretariat entities (including six POs) and nine AFPs who were PSEA practitioners or OSC WG members and 22 Member States representatives.

³⁶ <https://hr.un.org/materials/un-glossary-sexual-exploitation-and-abuse-english>



Source: Coded analyses of OIOS interviews

62. Key initiatives undertaken and coordinated by OSC included: the development and launch of the ‘Clear Check’ screening tool to prevent the rehiring of staff with substantiated allegations of SEA; the Protocol on allegations of SEA involving implementing partners; the Circle of Leadership; annual System-wide survey; the 2017 high-level meeting on SEA; the fortnightly working group meetings; “no excuse card”; incident reporting form (IRF); and annual letters and action plans of UN entities. The Office also maintained a fact sheet on the status of various initiatives underway across the System.³⁷

OSC work was affected by perceived overemphasis on peacekeeping and low visibility of the Special Coordinator

63. A minority of stakeholders (30%) perceived OSC effectiveness somewhat negatively (9%) or negatively (21%). Two-thirds of AFPs representatives interviewed considered policies and tools advocated by OSC to be overly peacekeeping focused and, at times, unrealistic in the field for non-peacekeeping entities (e.g. IRF, costing exercise on SEA).³⁸ This could be due to the fact POs accounted for the majority of reported SEA until 2018 and most missions had dedicated capacity supported by a well-established Secretariat policy and practice to address SEA, which the OSC sought to build on and adapt across the System so as to ensure prevention and response were aligned. There was some perception that the Office strongly pushed these policies without being open to feedback, with a few attesting to having discussions on how to pushback on some OSC requests.

64. About a quarter of interviewees identified the need for strengthening awareness about the work of the Office. Although the OSC was a coordination role, and not necessarily the ‘face’ of the issue, interviewees expressed expectations of greater visibility and approachability of the Special Coordinator, as well as of her actual presence at SEA workgroup meetings where she was officially the chair. The double-hatting of the Special Coordinator was perceived by some to have contributed to lower visibility of the Office and further diminishing of its resources.³⁹

65. Amongst Member States’ representatives interviewed, the majority were aware and appreciative of the work of the office, though some were critical, and about a quarter was unaware of its work. Representatives of three Member States that provided funding to OSC raised concerns about the quality of work of the Office, its cost compared to outcome, and lack of understanding of its activities in general.

OVRA provided a platform to keep victims’ rights high on the agenda

³⁷ For full list of OSC activities, visit: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/un-special-coordinator-0>

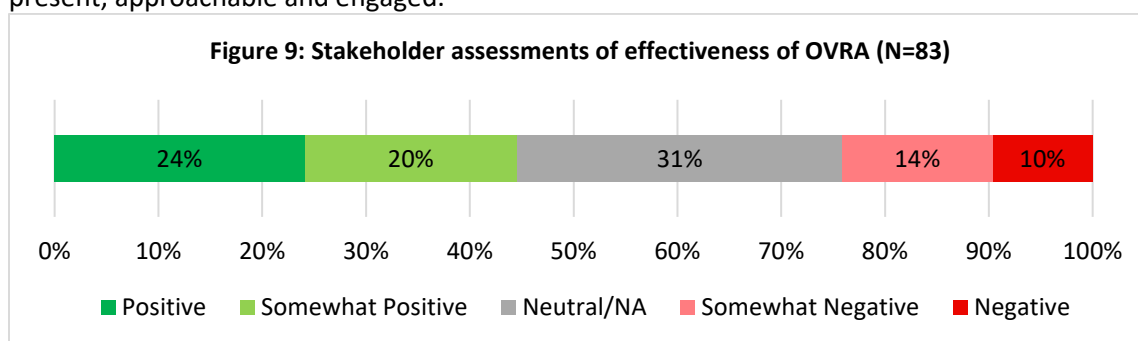
³⁸ See paragraph 77 on IRF.

³⁹ In July 2018, the Special Coordinator was also appointed as the UN Consultant on Cyprus to conduct in-depth consultations on the way forward (<https://www.un.org/press/en/2018/sc13434.doc.htm>).⁴⁰ See paragraph 141.

66. As a System-wide entity established in August 2017 with a budget of \$1.3 million in 2018-2019 under the regular budget, OVRA responsibilities included supporting an integrated, strategic response to victim assistance and ensuring a victim-centred approach to address SEA. This included ensuring reliable and gender-sensitive pathways to file complaints; providing appropriate personal care, follow-up and feedback on case status; and supporting access to appropriate and timely judicial redress and remedies for victims.

67. Ongoing initiatives undertaken by OVRA included advocacy and awareness raising on victims’ rights and support, mapping of victim assistance in eight countries, support to development of policies and tools, declaration on victims’ rights and resolution of outstanding paternity/child support claims.

68. Forty-four per cent of 83 interviewees assessed the work of OVRA as positive (24%) or somewhat positive (20%) (Figure 9). They credited it as an effective platform for raising awareness and creating pressure, allowing for better understanding of the concept of victims’ rights as a crosscutting element of the Secretary-General’s strategy. Its efforts to operationalize a cultural shift in the Organization in preventing and responding to SEA that placed victims at the center was also identified as a positive aspect. Additionally, the VRA was viewed as present, approachable and engaged.



Source: Coded analyses of OIOS interviews

69. The remaining interviewees identified the need for greater awareness on the work of the office (31%) while some assessed its contribution negatively (24%) (Figure 9). With majority of its initiatives under progress,⁴⁰ and limited contribution in the actual day-to-day assistance to victims, the Office’s impact was not perceived by these interviewees to be visible.

70. Most of the Member States representatives interviewed were aware of the Office’s work, of which more than half had concerns about the Office’s contribution, with reference to the cost of the Office and the lack of information and outreach on tangible results achieved. Furthermore, the OVRA work was hampered by the delayed recruitment of SVROs with only one out of the four planned recruitment completed as of December 2019.

The necessity for two separate offices to address SEA needed reconsideration

71. Overall, with four staff each to cover PSEA and VRA work for the whole UN system, both OSC and OVRA were considered under-resourced by stakeholders to adequately fulfill their roles, considering the numerous initiatives to be undertaken or coordinated by them. The establishment of two separate offices to address SEA, although with separate but related roles, was perceived by some stakeholders to be unnecessary especially due to their very small sizes, and to have resulted in fragmentation and lack of clarity of roles.

⁴⁰ See paragraph 141.

- D. There has been a significant increase in initiatives and actors and establishment of a stricter policy on SEA. However, varying interpretation of the policy, and persisting issues linked to the outdated ST/SGB/2003/13, hampered the Organization's response to SEA

Multiplicity of initiatives led to confusion, lack of prioritization and follow-up

72. Over the years, the number of initiatives to address SEA have multiplied as “an ebb and flow of crisis and response has marked the evolution of PSEA policies and responses at the UN”.⁴¹ For example, the 2017 New Approach report included 49 new initiatives, in addition to the 55 prior initiatives that were carried forward, for a total of 104. The OSC factsheet provided a list of 97 initiatives with their status, which ranged considerably in focus and ambition, enumerating all the initiatives by System-wide entities. Policies were spread across many documents as advisories and guidance were issued to POs to respond to evolving issues or the implementation of various Secretary-General's initiatives. However, several key initiatives remained pending for several years; for example, procedures for handling paternity claims and communicating with victims pending since 2015; development of a System-wide manual on SEA and uniform standards of investigating SEA pending since 2016. In addition, no progress has been made with regards to several measures proposed in the New Approach, including the proposal to establish a System-wide consolidated confidential repository of case information.⁴²

73. The routine and effective use of code cables to provide guidance on SEA to POs that responds to events or new initiatives, have created the perception among some as “policy by code cables”. There were 59 such code cables issued to POs in four years. However, key operational guidance, including processes and benchmarks, remained scattered and not easily accessible to practitioners, especially given the frequent turnover of uniformed personnel.

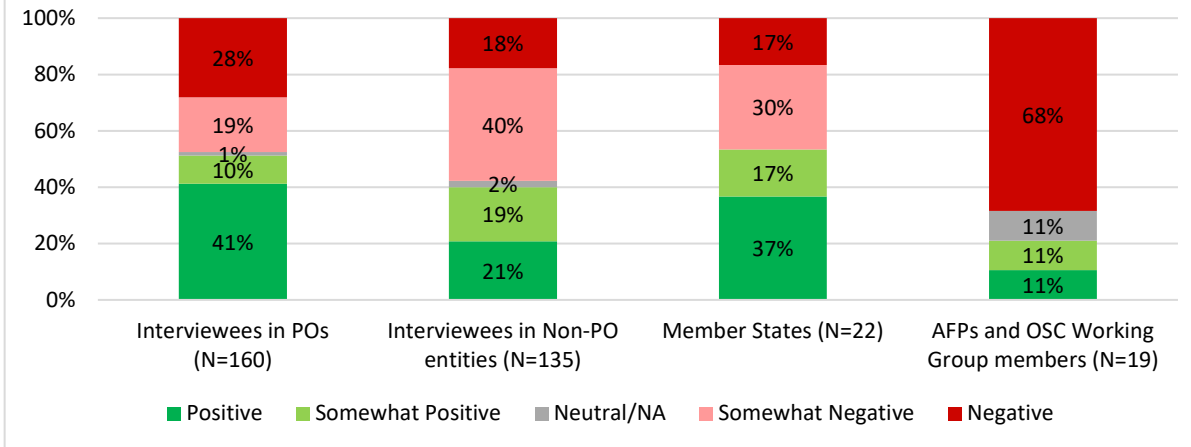
74. Interviewees' assessment (Figure 10) on the coherence and consistency of SEA policy and guidance was mixed, with POs having the most positive assessments (51%) and OSC working group participants from AFPs the least (22%).

75. Interviewees with positive assessments (36%) mentioned that SEA policies and guidelines were clear, adequate, comprehensive and well-understood, with appreciation for supporting policy documents and outreach materials (e.g. posters, brochures, pocket cards, computer messages) distributed in different languages.

⁴¹ Independent Panel Review of the UNICEF Response to PSEA, page 18.

⁴² All UN system-wide data on allegations were posted quarterly on the public OSC PSEA website since 2017 and near real time since March 2019. See: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>.

Figure 10: Assessment of SEA Strategy, Policy, and Guidelines



76. Interviewees with negative assessments (41%), despite their entities formally involved in (a) the development of policies and guidelines at the working level and (b) their endorsement by inter-agency senior officials at the HLSG, found these to be unclear, complex, overwhelming and overly focused on peacekeeping. They perceived that SEA policies and tools had been developed with a top down approach without consultation, did not account for differences across AFPs and were difficult to implement in certain contexts.

77. One example was the IRF – a key Secretary-General’s initiative to ensure a standard intake reporting form across the System. Proposed in 2016 and developed through the SEA working group, the form was intended for use by all UN entities to ensure that all parts of the system gather the same information and present it in the same way.⁴³ However, AFP interviewees considered the form too complicated for an intake form as it was seven pages long, with 31 pages of instructions (along with a two-page quick guide). Furthermore, the form could be used only by designated UN persons. Implementing partners were not intended to use it even though most allegations for some AFPs were reported through them, thereby requiring the victims or declarers to be spoken to again by an authorized UN person. The completed IRFs were expected to be shared with OSC and OIOS, in a redacted form, but some AFPs did not agree as they considered it violative of the victims’ privacy. The form also required the complainant to consent to a possible disclosure of personal information to, inter alia, the International Criminal Court or other international tribunal even though SEA by peacekeepers or UN civilian and related personnel was unlikely to be prosecuted by an international tribunal. This contrasted with what some AFPs interviewees considered a much simpler intake form adopted by the IASC. While the IRF was embraced and used by CDTs in POs, AFPs did not use it.

78. OSC considered that the form was not complicated but designed to ensure adequate rigor in the intake process and to ensure informed consent. In its view, the issue was not the form but the extremely high turnover in the majority of the AFPs and the lack of appropriate personnel or mechanism. OSC further added that the form was developed through a heavily consulted process and endorsed by the HLSG in July 2017 but never used by non-Secretariat entities. Nevertheless, the initiative fell short in achieving the Secretary-General’s objective of a standard intake reporting form across the System.

Multiple actors in missions were perceived to have duplicative roles and responsibilities

⁴³ See A/71/97, paragraph 28. IRF was rolled out in four countries (DRC, Jordan, CAR and South Sudan) and an electronic version was launched in 2020.

79. There were several actors at PKOs dealing with SEA, including CDTs, OIOS-ID, SIU, NIOs where relevant, Force Provost Marshal, UNPOL internal oversight, FVRAs, immediate response teams (IRTs) and focal points within each component. The specific roles of each of these actors were not well understood, and tensions were sometimes reported. For example, the FC and the FPM in one mission voiced strong concern that allegations related to members of the Force were not shared with them. In another example, UNPOL conducted its own investigations into an allegation of SEA without reporting to CDTs and HQ as required. Concerns were also raised with regards to IRTs collecting evidence and conducting initial fact-finding, and FVRAs' role in assessing SEA allegations were also not clear.

Divergent points of view prevented the revision of the outdated ST/SGB/2003/13

80. The need for revising the ST/SGB/2003/13 became apparent over the years due to its several shortcomings and given the improvement in the Organization's understanding of SEA since its issuance. The core dispute was related to its provision that 'strongly discouraged' sexual relations between UN staff and 'beneficiaries of assistance'. The 2015 OIOS evaluation report recommendation to clarify this provision was accepted by the Secretary-General. Additionally, the Secretary-General in 2015 proposed revisions to the ST/SGB/2003/13 to reflect significant changes over time to the Organization's policy on SEA.⁴⁴ However, the SGB remained unchanged.

81. There was a lack of consensus on whether to completely prohibit sexual relationships between UN personnel and local population, particularly given the large number of national staff, the capacity needed and practicality of such prohibition, concerns about invasion of privacy, as well as lack of clarity about who exactly were beneficiaries of assistance. Practitioners repeatedly pointed out that the UN was not the sex police when it came to relationships between UN staff and the local population.

82. Efforts were made to clarify this in an October 2017 code cable,⁴⁵ which stated that a "consensual sexual relationship cannot reasonably exist" in circumstances of imbalance of power between UN personnel and refugees, internally displaced persons (IDPs) and similarly situated vulnerable individuals who were under the UN protection mandates. It thus imposed prohibition to all categories of POs personnel from having sexual relations with refugees, IDPs and similarly vulnerable populations. However, this prohibition did not apply to AFPs personnel for whom relationships with beneficiaries of assistance remained 'strongly discouraged' as per the ST/SGB/2003/13, resulting in dual policies for UN personnel in the same countries.

83. A specific attempt to completely ban sexual relations between UN persons and local population was made in South Sudan which generated strong resistance. In response to heightened risk of SEA, the Chef de Cabinet issued a memo in April 2018 imposing "the complete prohibition of sexual relations between [UN] personnel and any members of the local population in South Sudan". It allowed national staff to have sexual relationships in exceptional cases of "established relationship", which had to be disclosed to the CDT/focal points. While the memo assisted in developing a three-year System-wide strategy on PSEA in South Sudan, the mission considered the prohibition 'unenforceable' and that it had "angered and deeply upset" national staff.⁴⁶ Concerns were also raised on whether such prohibition could be legally implemented since a memo could not prevail over the ST/SGB/2003/13. This was also considered as an example by the CDT and mission leadership of the gap between the policies issued from Headquarters and the realities of the field.

⁴⁴ See in A/69/779 (para 75) and A/71/818 (Annex III, item 11, page 33).

⁴⁵ Code Cable #2029 from USG/DFS to all heads of UN missions, 23 October 2017.

⁴⁶ Memorandum of 30 August 2018 from the CDC to USG UNMISS.

84. Despite efforts at the Headquarters led by the OSC to find common ground among UN entities, there has been no headway. There were prevailing views among some stakeholders that non-exploitative sexual relationships with some beneficiaries of assistance could exist.

85. It is noteworthy that the IASC revised its Principle 4 ‘prohibiting’ sexual relationship between humanitarian workers and beneficiaries of assistance when it involved improper use of rank or position.⁴⁷ Although considered a move in the right direction, the revision did not fully satisfy some stakeholders’ expectations; they considered the policy still ambiguous and falling short of a complete prohibition.

Allegations against Secretariat personnel in contexts other than peace and humanitarian operations were not publicly reported

86. Policies and practices regarding reporting on SEA in the Organization have evolved and expanded over the years, become more stringent, transparent and immediate. General Assembly resolution 57/306 in 2003 provided for clear and consistent reporting on SEA in all UN “peacekeeping missions and humanitarian operations”.⁴⁸ Accordingly, information on all allegations of SEA against UN personnel in POs and humanitarian context are reported in the annual SMRs. Details included in such reporting were: entity and type of personnel involved, type of allegation and location, age of victim, status and duration of investigations, status of disciplinary actions, etc.⁴⁹

87. Since 2016, the Secretary-General started including country-specific information identifying nationality of uniformed personnel for SEA allegations (A/70/729). Allegations of SEA involving non-UN forces operating under a Security Council mandate as well as IPs and vendors were also included in the SMRs since 2017.⁵⁰ Data on allegations was also reported quarterly and uploaded immediately on websites.⁵¹

88. In its deliberation on peacekeeping operations, the General Assembly in resolution 70/286 requested reporting on SEA “... for all United Nations uniformed and civilian personnel” and prescribed the methodology and template for such reporting.⁵² General Assembly resolution 71/297 reaffirmed “that all personnel across the United Nations system must be held to the same standard of conduct so as to preserve the image, credibility, impartiality and integrity of the United Nations, and remains committed to further consideration of ways of ensuring managerial, command and individual accountability.”⁵³

89. While the reporting on SEA in the SMRs remained limited to peacekeeping and humanitarian operations in line with General Assembly resolutions, the ST/SGB/2003/13—also titled “Special measures for protection from sexual exploitation and sexual abuse”—applied to all UN personnel, everywhere. Furthermore, the Secretary-General’s New Approach—outlined in an SMR— also focused on all UN personnel, not only in peacekeeping and humanitarian operations, considering that SEA “is not a problem of peacekeeping, it is a problem of the entire United Nations”.⁵⁴ Consequently, since 2017, the Secretary-General asked all Secretariat entities annually to prepare strategies and action plans for preventing SEA and submit annual certification that all SEA allegations had been reported. Twenty-eight Secretariat entities (including HQ departments and offices,

⁴⁷ IASC Six Core Principles Relating to Sexual Exploitation and Abuse, September 2019.

⁴⁸ A/RES/57/306, paragraph 7.

⁴⁹ For example, see A/70/729, Annex I to V.

⁵⁰ See A/71/818 for information on allegations. Reporting on non-UN forces was pursuant to General Assembly resolution 70/286 and those involving IPs and vendors was proposed by the Secretary-General in A/71/818, paragraph 51.

⁵¹ See <https://conduct.unmissions.org/table-of-allegations> and <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>

⁵² See A/RES/70/286, paragraph 83 where reporting methodology and template in the annex I and III of A/70/729 was prescribed for reporting on SEA for all UN personnel.

⁵³ A/RES/71/297 (paragraph 17).

⁵⁴ See A/71/818 and <https://www.un.org/sg/en/content/sg/speeches/2017-09-18/secretary-generals-sea-address-high-level-meeting>

OAHs, regional commissions) prepared such action plans in 2018 and provided the annual certification. Across the System, a total of 50 and 204 action plans were received by OSC in 2019 and 2020 respectively. The Organization-wide application of the SEA policies was also reconfirmed in the SEA online training, which was mandatory for all Secretariat staff irrespective of their duty station.

90. However, despite the above changes and stated intentions, and the wider applicability of the ST/SGB/2003/13 and the Secretary-General’s New Approach, allegations of SEA involving Secretariat personnel in entities other than peace and humanitarian operations such as Headquarters, departments and offices, offices away from Headquarters, regional commissions and criminal tribunals were not systematically reported in the same manner.

91. OIOS annual reports concerning non-PO entities showed a total of 51 SEA matters for the period from July 2015 to June 2019 (Table 1).⁵⁵ However, only four of these allegations were reported in the SMRs (one each for OCHA, UN-Habitat, UNODC and MICT). Therefore, approximately 47 SEA allegations involving these entities were not publicly reported during the four years because they were outside the purview of the General Assembly resolution 57/306.⁵⁶

Table 1: Non-peacekeeping caseload on SEA

Document number	Period	Investigation reports issued	Predicated investigations	Referrals	Total
A/74/305 (Part I)	July 2018 – June 2019	3	7	9	19
A/73/324 (Part I)	July 2017 – June 2018	3	4	11	18
A/72/330 (Part I)	July 2016 – June 2017	1	5	3	9
A/71/337 (Part I)	July 2015 – June 2016	1	2	2	5
Total		8	18	25	51

92. The cases were treated as violations of the ST/SGB/2003/13 and staff rule 1.2 (e) - the same legal framework applied for all SEA allegations - irrespective of whether they are included in the SMRs. Furthermore, 16 of the 18 cases predicated for investigation⁵⁷ pertained to 11 Secretariat entities (DSS, ECA, ESCAP, ITC, MICT, OCHA, RSCE, UN Habitat, UNITAR, UNODC and UNON) with the alleged incidents taking place in 13 countries (Afghanistan, Austria, Colombia, Ethiopia, India, Kenya, Pakistan, Sri Lanka, Switzerland, Tanzania, Thailand, Uganda and USA).⁵⁸ Some of these allegations took place in environments where there was a high likelihood of ‘differential power’ between UN personnel and local population,⁵⁹ including three countries that were hosting a UN peace operation.⁶⁰ Had these allegations been against POs personnel, they would have been

⁵⁵ OIOS annual reports on regular budget activities cover July – June period, therefore, exact data for the 2015-2018 calendar years was not available. Although not matching exactly with the period under the evaluation scope, this July 2015 to June 2019 data represents the closest available to the evaluation scope.

⁵⁶ The standard for public reporting of SEA is for all UN entities to report “any allegations where there is sufficient information to identify a possible act of sexual exploitation or abuse involving an identified or identifiable victim or perpetrator.” See A/73/744 (paragraph 44) and <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>.

⁵⁷ OIOS-ID manual provides: “The predication process includes formal registration, evaluation and decision on appropriate disposition of the matter.” For the 18 cases, the disposition was to undertake investigations. https://oios.un.org/sites/oios.un.org/files/id_manual.pdf, page 39.

⁵⁸ Data provided by OIOS-ID.

⁵⁹ ST/SGB/2003/13 defines sexual exploitation 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.”

⁶⁰ Afghanistan, Colombia and the Democratic Republic of Congo (DRC).

included in the Organization's public reports.⁶¹ To be consistent with the intentions of the General Assembly resolution 71/297 (paragraph 17) and due to the applicability of the ST/SGB/2003/13 and the Secretary-General's New Approach for all UN personnel, allegations concerning non-POs personnel should be reported publicly as well, as done in the SMRs for personnel in peacekeeping and humanitarian operations, so as to maintain the same standard for all UN personnel.

E. There was some improvement in the processing of SEA allegations; however, every step took longer than stipulated

93. The Secretary-General and Member States laid greater emphasis on timely processing of SEA allegations, which could only begin after receipt of a complaint. However, complaints were generally lodged long after the alleged incidents took place. Data for the 2015-2018 period showed that complaints were reported to the UN approximately 159 and 293 days, on average, after the alleged date of incidents of sexual abuse and sexual exploitation cases, respectively.⁶² Exploitation cases comprised of incidents and relationships that were usually spread over a few months and sometimes years. While the reasons for such delays in lodging complaints were many, they could be linked to the nature of the relationship, victims' awareness and willingness to report, and stigma, as well as attempts by perpetrators to keep victims from complaining. Such delays had implications for evidence gathering and effectiveness of investigations, which could only begin after receipt of allegations.

94. Critical stipulated timelines for processing of allegations included seven days to assess and report allegations; three days for referral for investigation; 10 days (5 days for serious cases) for TCCs to inform UN whether they will appoint National Investigation Officer (NIO) for cases involving military personnel; six months for investigations (three months for serious cases); and 15 days for submission of investigation report for further action.⁶³

Initial screening and referral of allegations took too long

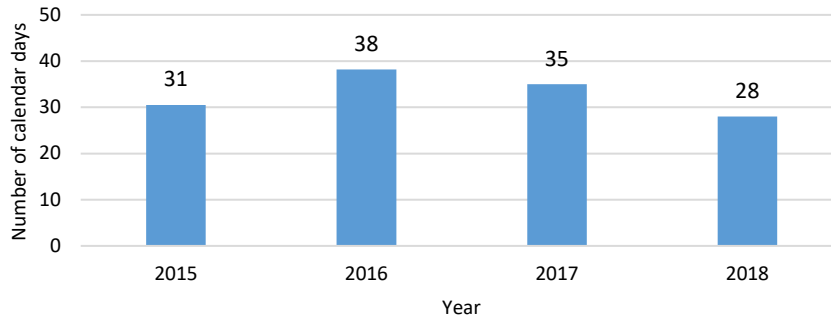
95. Analysis of 356 allegations in POs during 2015-2018 showed that the average time taken for initial review, reporting and referral for investigations improved from 38 days in 2016 to 28 in 2018. However, it was more than three times higher (34 days) than the stipulated ten days overall. For serious allegations, it was 32 days. The delays appeared to have been caused by the missions undertaking preliminary fact-finding and attempting to rule out unfounded allegations although allegations were required to be assessed and recorded within seven days (Figure 11).

⁶¹ For example, a 2018 substantiated allegation of sexual abuse against a UN-Habitat staff in DRC was not included in the SMR. A/73/744, in footnote 24, in explaining the variance between OIOS data and the allegations reported indicated that "one allegation involved a member of United Nations personnel not associated with a peacekeeping mission".

⁶² Average length was the duration between the date of reporting and estimated incident date. In the case of unspecified incidents date, it was assumed to be the last day of the period in which the incidents took place.

⁶³ These stipulated timeliness for processing of SEA allegations are provided in several Secretary-General's reports, such as A/67/766 (paragraph 26), A/69/779 (para 48) and A/70/729 (para 53). They were also provided in a code cable, number 1612 of 10 July 2014 (Accountability Measurement Framework & Reporting, page 6) to all heads of PKOs.

Figure 11: Average duration for review and referral

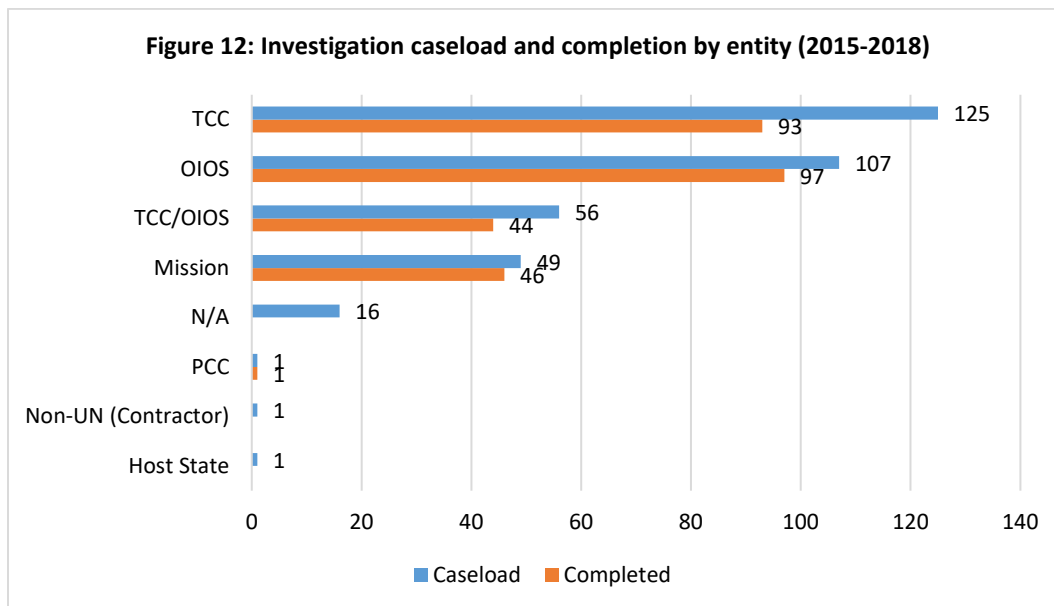


Appointment of NIOs, when done, was generally timely

96. Based on data provided by DMSPC/CDS, also publicly available on its website,⁶⁴ out of the 230 relevant cases, NIOs were appointed by TCCs in 170 (74%) cases within an average of 10 days but ranged between two to 41 days. For the remaining 60 cases, ten TCCs provided no response to requests for appointment of NIOs in 57 cases and three TCCs declined to appoint NIOs for three cases. These cases were investigated largely by OIOS (39), followed by mission SIUs (10), TCCs (8) and TCC/OIOS jointly (3).

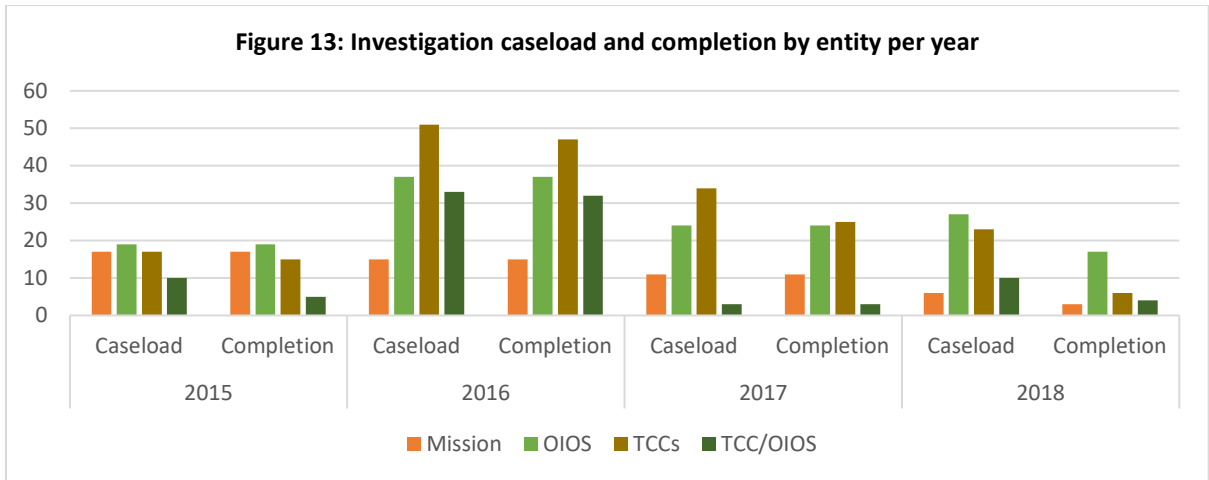
Investigations overall took longer with half completed within the six-months stipulated time

97. The 356 allegations were investigated by various entities with TCCs conducting the largest number of investigations, with 281 (79%) completed (Figure 12).

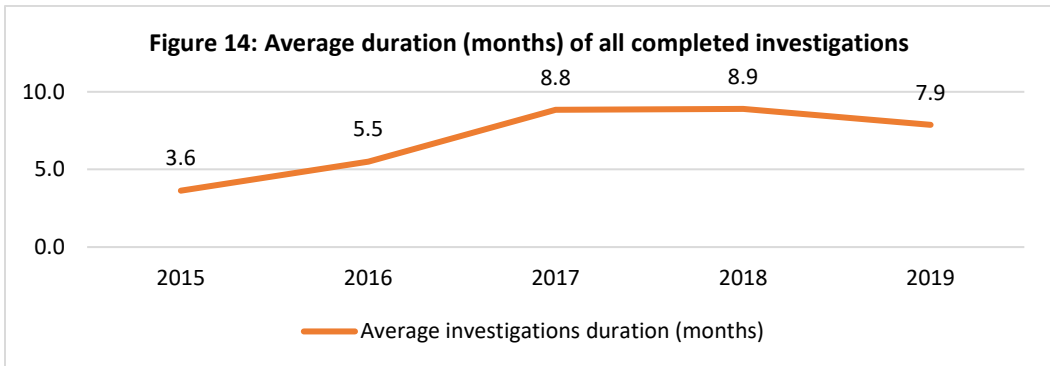


98. Investigation caseload and completions more than doubled from 2015 to 2016 (103% and 130% increases in caseload and completions respectively) but returned to the level similar to 2015 in 2017 and 2018 (for caseload only) (Figure 13).

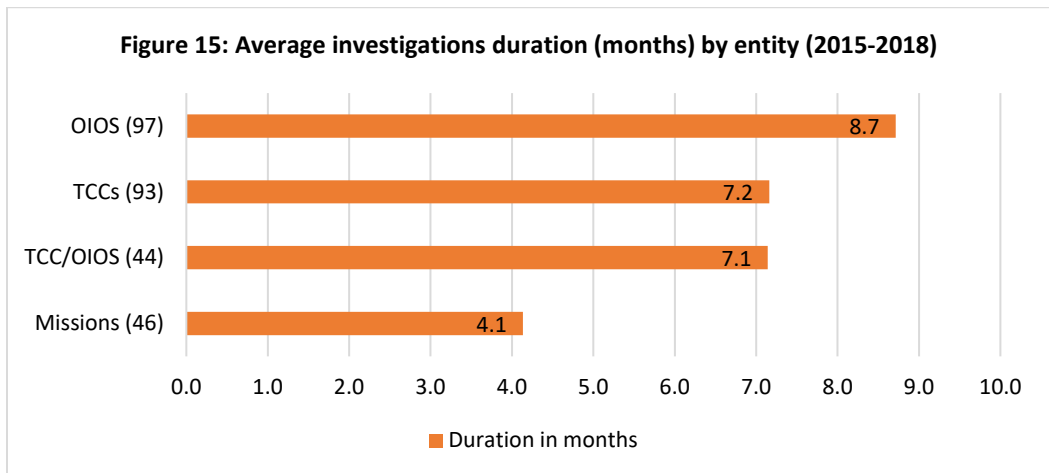
⁶⁴ <https://conduct.unmissions.org/table-of-allegations>



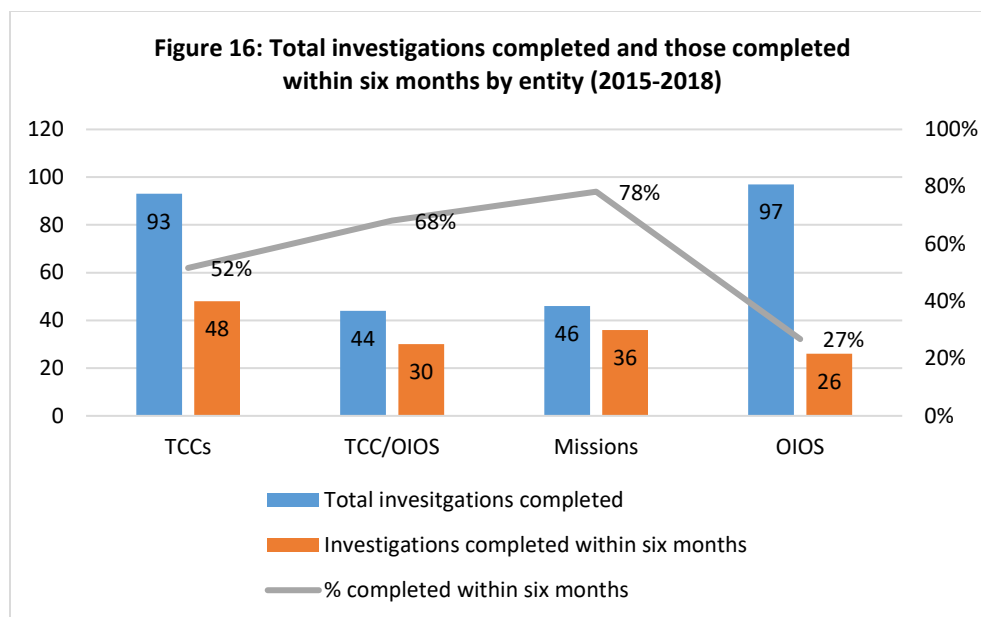
99. The average duration of the 281 investigations completed was 7.3 months with recent completions taking longer (Figure 14).



100. Investigations by missions were the fastest (Figure 15) as they mostly investigated the least complex cases.



101. Overall, half of the total completed investigations were completed within the stipulated six months (Figure 16). The average duration for abuse cases was 7.8 months with 23 investigations (18%) completed within three months.



Mission SIUs continued to investigate SEA cases although outside their remit

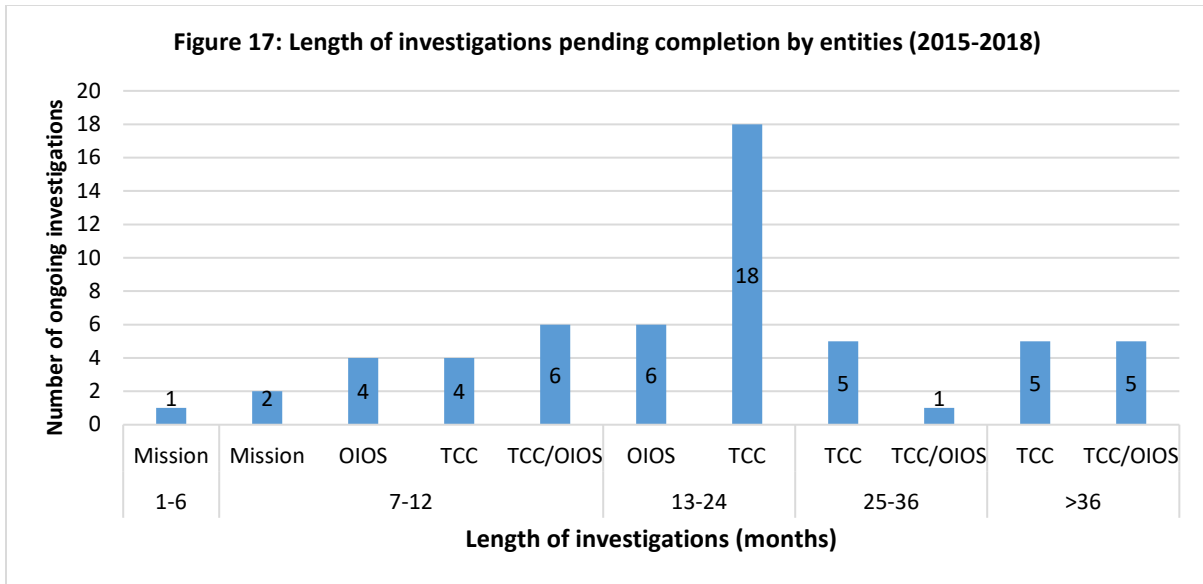
102. ‘Serious misconduct’, SEA investigations were by policy considered appropriate if handled by OIOS due to the professional expertise and independence needed for investigating such complex matters.⁶⁵ However, due to capacity constraints, OIOS selectively refers cases that can be handled by POs. Accordingly, 49 (14%) investigations were handled by special investigations units (SIUs) in 11 missions during 2015-2018, which included three rape, six sexual assault/abuse and one case of sexual activity with a minor. SIU investigators interviewed expressed concern about the lack of requisite expertise to conduct such complex and serious investigations. They also reported challenges resulting from delays, sometimes as long as four months, associated with time taken in referrals from CDTs to OIOS, and then returned to missions for SIU investigation, leading to loss of evidence. Furthermore, SIU investigations of 11 cases involving military contingent members in four missions did not fall within established protocols as those cases generally fell under the jurisdiction of the TCCs and were to be investigated by the respective TCCs.

Investigations were pending completion for 16 per cent of cases for an average of 21 months

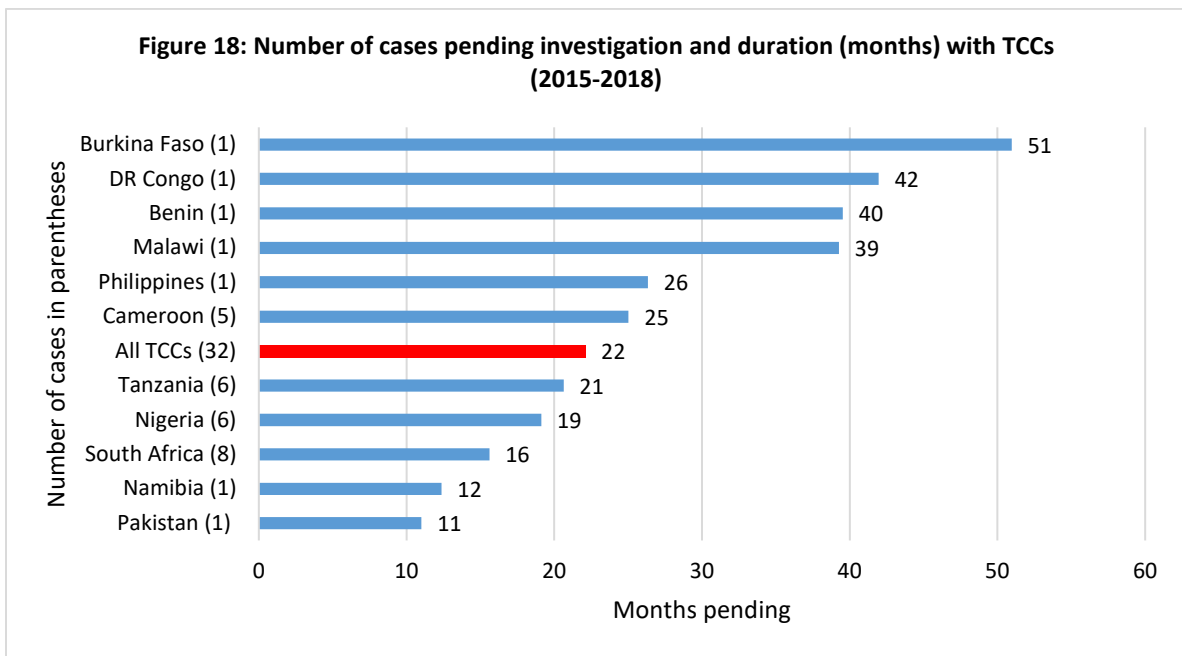
103. A total of 57 cases (16% of total) involving 237 victims and 212 perpetrators were pending completion of investigations as of 25 July 2019 for an average duration of 21 months (Figure 17).⁶⁶ Nearly 40 percent of these cases were rape, sexual assault and sexual activity with minors while the rest related to exploitative relationship and transactional sex.

⁶⁵ Except for cases falling under the jurisdiction of TCCs.

⁶⁶ 18 of the 356 cases were not investigated by the UN or TCCs, 15 were listed as ‘for information or review’ and three were investigated by third parties.



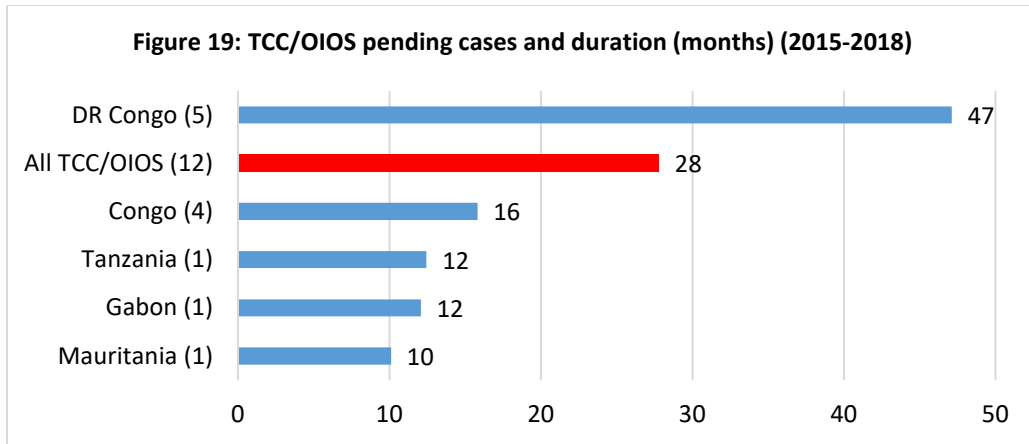
104. TCCs had the highest number of cases (32) pending completion of investigations with an average duration of 22 months (Figure 18), of which nearly 80 per cent were with four TCCs (South Africa, Tanzania, Nigeria and Cameroon).⁶⁷



Source: Analysis of data provided by DMSPC.

105. Twelve cases jointly investigated by five TCCs and OIOS were pending completion of investigations for an average duration of 28 months (Figure 19).

⁶⁷ For latest country-specific information, see: <https://conduct.unmissions.org/sea-investigations>.



106. During 2015-2018, ten cases were pending completion of investigations with OIOS for an average duration of 14 months including eight cases related to five TCCs (Cameroon, Burundi, DR Congo, Niger and Congo) and two cases related to civilian personnel.

107. During the same period, three cases were pending investigations by SIU for an average duration of 8 months, including two cases pertaining to military contingent members from Malawi and Niger and one case related to a UNV.

Investigation of SEA cases for non-PO Secretariat entities by OIOS-ID took an average of 10.8 months

108. During 2015-2018, OIOS-ID handled 29 cases of SEA concerning 13 non-PO Secretariat entities, of which it investigated ten cases that resulted in five substantiated and five unsubstantiated allegations.⁶⁸ The average duration of these ten investigations was 10.8 months ranging between three to 16.8 months.

109. The remaining nine cases included: six where the matters were either being investigated elsewhere, or the allegations did not provide enough information to warrant action; two referrals; and one closed after preliminary inquiries. The outcomes of the cases that were referred or investigated elsewhere were not known as there was no central follow-up and monitoring of these referred cases.

F. Administrative accountability imposed by the UN demonstrated the zero-tolerance policy at work but had marked variations among T/PCCs

110. Accountability for SEA included administrative sanctions for all substantiated cases and criminal accountability for SEA of criminal nature.⁶⁹ Administrative accountability imposed by the UN for civilians included sanctions provided for in the staff rules. For uniformed personnel, it included repatriation, withholding of payments and ineligibility for future deployment in peacekeeping. It also included sanctions imposed by T/PCCs on their personnel.

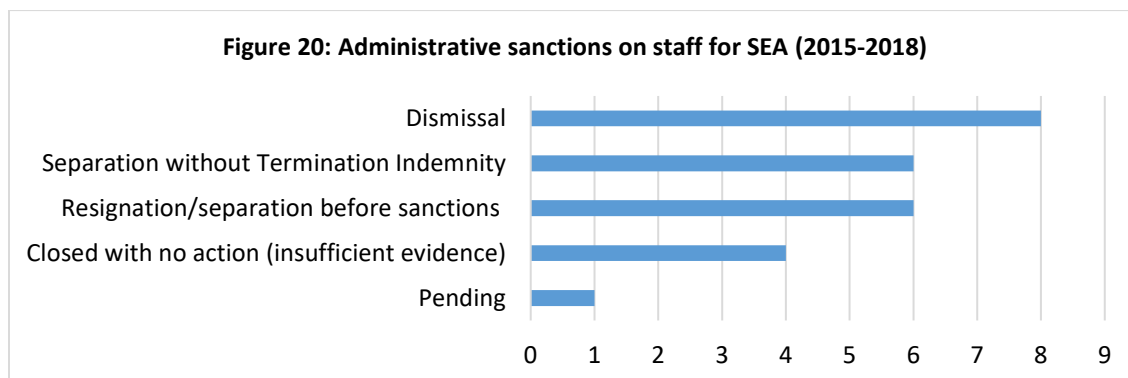
Administrative sanctions against UN staff for SEA

111. During January 2015 to September 2019, 14 staff were dismissed or separated for substantiated SEA (Figure 20). Furthermore, 15 staff were placed on administrative leave without pay in line with staff rule 10.4

⁶⁸ The 20 cases included the 17 cases mentioned in paragraph 91, one investigation report concerning a UN-Habitat staff (the case mentioned in paragraph 96) and two closure reports (one each for UN-Habitat and OCHA).

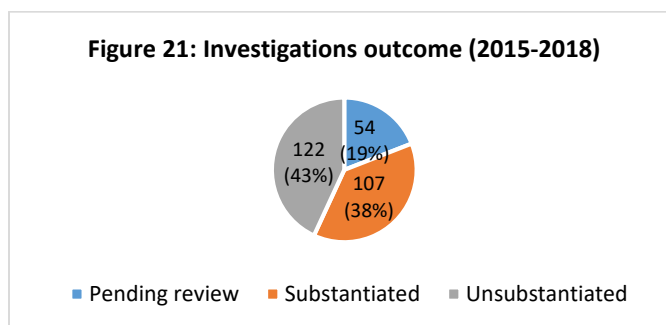
⁶⁹ Criminal accountability lies within the jurisdiction of concerned Member States and the UN role is limited to referral to and cooperation with national authorities as needed.

(c) for an average of seven months. All sanctions were imposed on staff in POs except one for OCHA. From the completion of investigations, the duration to impose administrative sanctions ranged between one to 16 months, with an average of 6.7 months.⁷⁰

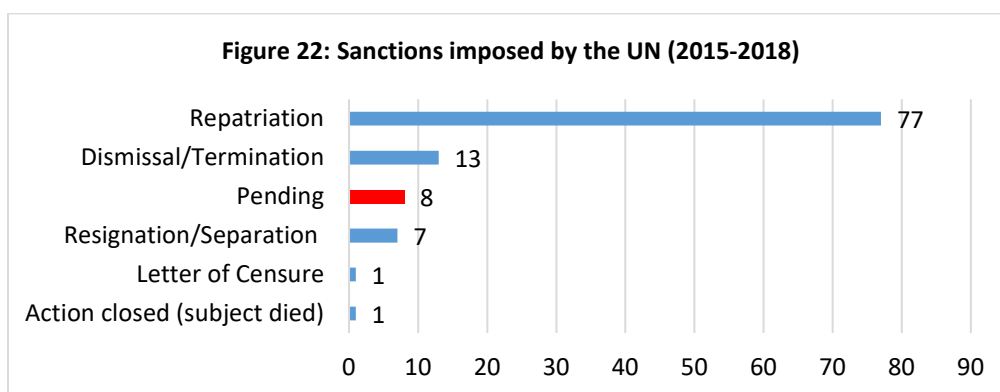


Administrative sanctions for substantiated cases reported in the SMRs

112. Out of the 283 completed investigations pertaining to cases reported in the SMRs, 38 per cent had findings of SEA (Figure 21).⁷¹



113. Sanctions were imposed in 91 out of the 107 cases with findings of SEA (85%) comprising of both civilian and uniformed personnel. In the remaining 16 cases, UN sanctions were pending in eight and perpetrators resigned/separated in seven (Figure 22).⁷²



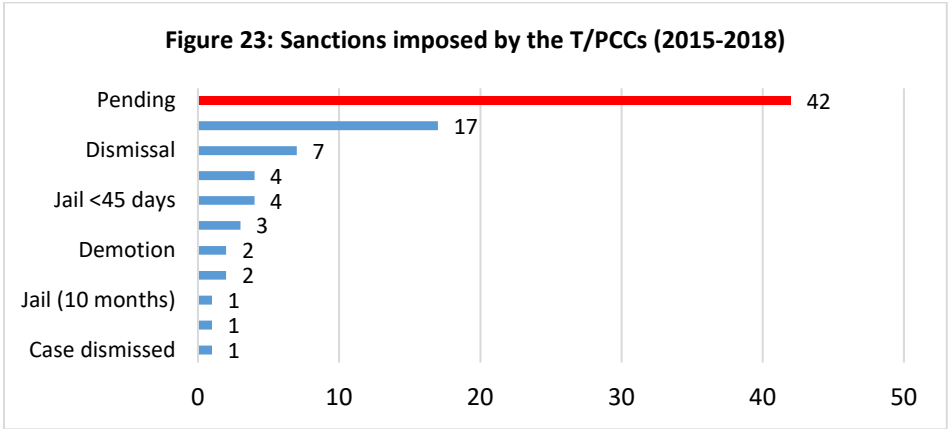
⁷⁰ Data compiled from the Secretary-General's reports on disciplinary matters (See A/70/252, A/71/186, A/72/209, A/73/71 and A/74/64) and also provided by DMSPC/ALD.

⁷¹ Outcome was listed as substantiated in two cases, but investigation completion dates were not included.

⁷² Data provided by DMSPC. Information on sanctions imposed by the UN and T/PCCs are publicly available on the UN conduct and discipline website, available at: <https://conduct.unmissions.org/sea-actions>

114. Disciplinary sanctions for staff members ranged in their severity from a letter of censure to dismissal. For uniformed personnel, who are not employed by the UN, the administrative sanction of repatriation and barring from participation in future UN operations was the single highest used sanction with 77 out of 84 SEA cases, with disciplinary sanctions left to contributing Member States. In addition, a total of USD600,000 was withheld by the UN for substantiated SEA cases during 2016-2019 in line with General Assembly resolution 70/286.

115. Sanctions imposed by T/PCCs on their personnel varied widely depending on the type of SEA and national laws.⁷³ This included jail term for 25 out of 84 perpetrators (4 for less than 45 days, 17 for 45-60 days, 1 for 10 months and 3 for more than 1 year). Overall, sanctions in half of the cases were pending with the T/PCCs (Figure 23).



116. Interviewees largely considered the disciplinary process lengthy and lacking in transparency, which remained pending in Headquarters for long period of time. The timeline for administrative sanctions was not kept, thus limiting the Organization’s ability to measure the full cycle of response to allegations.

117. Majority of interviewees were not aware of the disciplinary sanctions that were imposed for SEA, which contributed to a perception of impunity. The Secretary-General publishes an annual report on disciplinary measures but the practice of issuing those reports as an information circular was discontinued making it less easily accessible by staff. Additionally, there was no proactive campaign to publicize the sanctions imposed for SEA among personnel.

Follow-up with Member States generally improved with the Security Council Resolution 2272 (2016) enabling high-level engagement with TCCs

118. Member States interviewed reported strengthened engagement by the Secretariat, which majority of T/PCC representatives considered ‘intense’. Member States’ response rates to Secretariat follow-ups had also significantly increased. Two of the TCCs accounting for the third and fourth highest number of SEA allegations among TCCs were repatriated from UN peacekeeping. These resulted in the highest political level attention to SEA in some TCCs. For example, one TCC reported breaking its domestic laws to compel a soldier to provide DNA samples to ensure accountability and avoid any potential troop repatriation.

119. The Security Council resolution 2272 (2016) provided further impetus on accountability and responsibility of T/PCCs to investigate and hold their personnel accountable. A Standing Review Committee (SRC) was

⁷³ See Table 2 showing the variation in sanctions for SEA of criminal nature in the different TCCs.

established and detailed guidance was issued to operationalize the resolution. The SRC has met regularly since 2017 with its work supported by a dedicated database, developed during 2018-2019 and launched in 2020.

120. This had a marked effect on the Secretariat's engagement with TCCs whose contingents posed a high-risk of SEA. Specific measures adopted by one TCC under the SRC review included strategies to pay 50 per cent cash allowance to troops instead of full payment; appointment of the country's Surgeon General as paternity focal point; commitment to impose mandatory DNA collection before deployment; and establishment of a dedicated fund for child maintenance. Another TCC established a DNA bank. The resolution's deterrent effect percolated down to the soldier-level as was evident during FGDs. The SRC observations and recommendations were also regularly communicated to leadership, including the Secretary-General and the Security Council.

121. However, while two contingents were repatriated prior to the adoption of the resolution (see paragraph 119), no repatriation occurred after its adoption although the SRC had found 'credible evidence' of one contingent to be implicated in 'widespread and systemic SEA' – the criteria for repatriation as provided for in the resolution.⁷⁴ The SRC recommended repatriation of 400 troops of the contingent in July 2018, which was endorsed by the leadership of the relevant departments. However, the repatriation did not take place due to political and operational factors including consideration of the corrective actions taken by the TCC. Intense engagement by the Secretariat led to adoption of an action plan by the TCC that included several good practices, enhanced communication with the Secretariat and swift enforcement actions resulting in a reduction of allegations of SEA in subsequent years. Although the contingent accounted for one of the highest numbers of SEA allegations against troops from a single TCC during 2015-2018, it had fewer allegations in 2019 and 2020, including a 70% reduction in allegation from 2018 to 2020.

122. Focus group discussions with soldiers of the contingent found that they saw themselves as 'victims' of false complaints, 'targeted' by desperate population motivated by money, faced with presumption of guilt instead of innocence and subject to incessant pressure from their government to eliminate SEA.

G. Criminal accountability for sex crimes remained largely unachieved with some success regarding uniformed personnel but none regarding civilian and experts on mission

123. Criminal accountability for credible allegations of SEA that amounted to crimes was pursued by the UN in three main ways depending on the type of personnel. TCCs had exclusive jurisdiction over crimes by members of their military contingents. OLA made criminal referrals to Member States for UN officials and experts on mission in line with the General Assembly resolution 62/63 as well as for other related personnel (e.g. consultants, contractors' personnel, UNVs).⁷⁵

124. Member States also initiated their own investigations into allegations of such crimes by UN personnel without first obtaining a referral from the UN.

There was some success in achieving criminal accountability against uniformed personnel, but most cases remained pending

125. Concerning uniformed personnel, 22 of the 84 substantiated cases indicated criminal conduct (e.g. rape, sexual activity with minor and sexual assault). However, criminal sanctions varied; they were imposed in ten

⁷⁴ S/RES/2272 (2016) "1. Endorses the decision of the Secretary-General to repatriate a particular military unit or formed police unit of a contingent when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit and requests the Secretary-General to give immediate and ongoing effect to this decision, including by urgently finalising his guidance to United Nations peacekeeping operations to implement this decision;"

⁷⁵ Officials refer to UN staff (both national and international). Experts on mission include military observer, individual police officers, members of Formed Police Unit (FPU) and other Government Provided Personnel.

cases, pending for another ten for an average of two years, and resulted in demotion for two cases of attempted sexual assault (Table 2).

Table 2: Criminal accountability for substantiated SEA by uniformed personnel (2015-2018) ⁷⁶

Type of allegation and countries	Action	Duration pending
Rape		
Bangladesh	Imprisonment for 1 year	
<i>Burundi</i>	<i>Pending</i>	<i>9 months</i>
<i>Cameroon</i>	<i>Pending</i>	<i>1 year and 3 months</i>
<i>Congo (the)</i>	<i>Pending</i>	<i>2 years and 4 months</i>
Gabon	Imprisonment for 45 days	
Mauritania	Imprisonment for 60 days	
Morocco	Imprisonment for 1 year	
<i>Niger (the)</i>	<i>Pending</i>	<i>1 year and 7 months</i>
<i>Romania</i>	<i>Pending</i>	<i>1 year and 7 months</i>
<i>Tanzania, United Republic of</i>	<i>Pending</i>	<i>3 years</i>
Sexual assault/abuse		
<i>Bangladesh</i>	<i>Pending</i>	<i>1 year and 4 months</i>
Morocco	Imprisonment for 40 days	
Senegal	Arrest for 45 days	
<i>South Africa</i>	<i>Pending</i>	<i>1 year</i>
<i>South Africa</i>	<i>Pending</i>	<i>2 years</i>
Sexual activity with minor		
Benin	Imprisonment for 45 days	
Congo (the)	Detention for 45 days	
Attempted sexual assault		
<i>Congo (the Democratic Republic of the)</i>	<i>Pending</i>	<i>4 years</i>
Egypt	Imprisonment for 5 years	
Moldova (the Republic of)	Demotion	
Nepal	Demotion	
Sexual relationship under coercive conditions		
Paraguay	Imprisonment (unknown period)	
<i>Average duration pending for the 10 cases</i>		<i>2 years</i>

Source: Analysis of data provided by DMSPC.

UN referrals had not resulted in any successful case of criminal accountability for officials and experts on mission

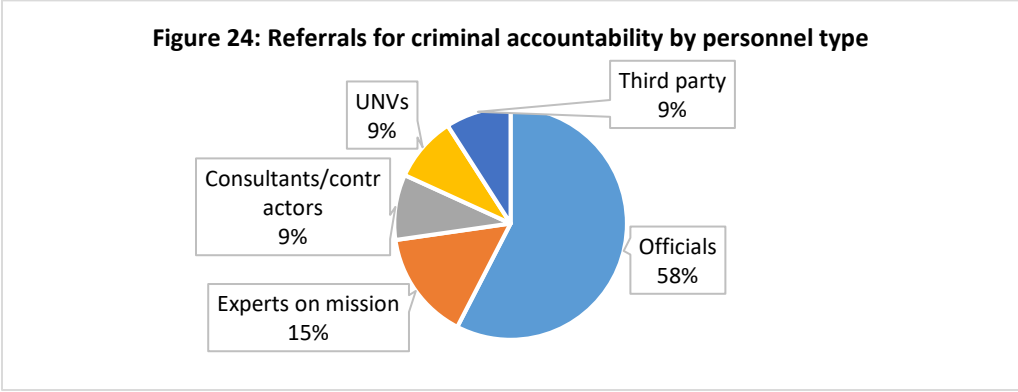
126. Concerning officials and experts on missions, 20 out of the 55 substantiated cases indicated criminal conduct. However, none had criminal sanctions and were pending sanctions with the Member States for an average of 630 days since the completion of the investigations by the UN.

Cases were not systematically forwarded to OLA for criminal referral

⁷⁶ Duration pending since completion of investigations up to 25 July 2019. For latest country-specific information, see: <https://conduct.unmissions.org/sea-actions>.

127. Cases related to sexual abuse that involved civilians must be referred to OLA for further action.⁷⁷ However, six out of the 17 applicable cases pertaining to substantiated allegations of sexual assault, rape and sexual activity with minor were not forwarded to OLA for referral by DMSPC.

128. Since the adoption of the General Assembly resolution 62/63 in 2008, OLA referred a total of 33 cases of SEA involving possible criminal behaviour pertaining to officials and experts on mission to 23 Member States for criminal accountability during 2008-2019. Most of the cases pertained to Secretariat (26 cases, 79%) and were against officials (19 cases, 58%) (Figure 24). While OLA followed-up with the relevant Member States on the status of the cases involving officials and experts on missions, no such follow-ups were done with regards to the nine (9) cases related to UNVs, contractors and third parties as they were outside the purview of the resolution 62/63.



129. There has been no case resulting in a criminal sanction for these referred cases (Table 3) and only in one case criminal proceedings were initiated by the Member State and the case was expected to go to trial.

Table 3: Status of cases referred by UN for criminal accountability

Status	Count	Percent
No Update	22	67%
Some Updates	8	24%
Initial Assessment/ Communications	2	6%
Case Dismissed	1	3%
Total	33	100%

Four out of nine investigations initiated by Member States were concluded

130. During July 2016 to June 2019, Member States initiated a total of ten criminal cases of SEA involving Secretariat personnel, of which two resulted in conviction and sentencing and three were concluded with no charges (Table 4).

⁷⁷ General Assembly resolution 62/63 and subsequent annual resolutions on criminal accountability of UN officials and experts on missions requested the Secretary-General “to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made”. Accordingly, the Secretary-General reminds all heads of UN entities, through annual notes, the requirement to forward relevant findings by investigative entities to OLA for pursuing criminal accountability.

Table 4: Criminal accountability for SEA cases initiated by Member States

UN entity	Summary of allegations	Status
UN-Habitat	Alleged SEA of minors	Investigation concluded with no charges
UNVMC	Alleged sexual harassment of adult who rejected solicitation of sexual favours	Investigation concluded with no charges
UNIOGBIS	Alleged sexual assault and rape of minor	Investigation and/or prosecution ongoing
UNDSS	Alleged sexual abuse of minor	Investigation ongoing
IRMCT	Alleged sexual abuse of minors	Investigation concluded with no charges
UNFCCC	Alleged rape of an adult	Convicted and sentenced
MONUSCO	Alleged rape of minor	Investigation ongoing
UNMISS	Alleged sexual exploitation of an adult	No information received; case considered inactive
MINURSO	Alleged sexual assault of an adult	Investigation ongoing
UNAMID	Alleged rape of a minor	Convicted and sentenced

Source: A/74/145, Annex II

Several factors contributed to the lack of criminal accountability

131. There were multiple reasons for the lack of criminal accountability. Member States reported that they lacked extraterritorial jurisdiction and other challenges related to availability of resources, competing priorities and cooperation between States.

132. The issue of an international convention related to crimes committed in PKOs was raised more than a decade ago and remains under deliberations.⁷⁸ This report does not include a recommendation on this issue as success of criminal accountability process depended largely on Member States.

H. Efforts were underway to increase awareness and accountability for SEA by non-UN forces, but accountability was not fully realized for the reported cases

133. OHCHR persistently followed up with the six Member States for the 23 reported cases of sexual abuse by non-UN forces. However, only two countries provided updates and in none of cases national proceedings led to any sanctions for perpetrators (Table 5).

Table 5: Status of reported cases against non-UN forces

Case status	AMISOM	EUFOR	MISCA	SANGARIS	Total
Board of Inquiry	1				1
Investigation closed	1	1			2
Investigation incomplete	2				2
Investigation ongoing				11	11
Investigation status unknown		3			3
Investigative judges dismissed				2	2
Pending			1	1	2
Total	4	4	1	14	23

Source: OHCHR

⁷⁸ A/60/980

134. In MINUSCA, human rights staff who were mandated for monitoring, reporting and follow-up on SEA by non-UN forces demonstrated heightened awareness on the issue.

SECTION THREE: VICTIM SUPPORT

I. The victims' rights approach in addressing SEA was regarded as highly relevant, and while progress has been made in one peacekeeping mission, it was yet to be fully operationalized

135. The victims' rights approach, spearheaded by the OVRA, was highly valued by interviewees and resulted in increased awareness about the rights and needs of victims in addressing SEA. It provided a platform to keep victims' rights high on the agenda as a crosscutting element in addressing SEA across the System.⁷⁹ However, operationalization of the approach was affected by lack of resources, perceived duplication, restricted access to victims' information and lack of awareness. There was no overall normative guidance on the victim-centred approach, specifically what it entailed for investigations, and a common understanding of the term was yet to be reached. Over one-fifth of interviewees in POs lacked awareness of the approach.

136. Nevertheless, key initiatives were underway. This included developing the victims' rights statement, comprehensive mapping of victims' rights approaches and services available System-wide and the deployment of the victims assistance tracking system (VATS) in POs. Mapping of victims' services was proposed to be built on the similar work previously completed in twelve missions in 2012 but had to be initiated anew by OVRA as it was not able to access the 2012 mapping.⁸⁰ However, a harmonized procedure for handling paternity claims, proposed prior to the establishment of the OVRA, was also pending for over five years.⁸¹ A full-time SVRO was deployed in one out of four missions proposed while in the other three they were double-hatted with varying degree of involvement. A System-wide protocol on assistance to victims was endorsed by the HLSG in late 2019.

137. The multiplicity of actors was also considered at odds with the victim-centred approach as victims were engaged and spoken to multiple times for fact-finding/investigations, and a mechanism to systematically update victims on their cases was lacking. DMSPC indicated that the VATS system, operational as of end-2019, included functionality for ongoing feedback to victims on their cases.

Information and support provided to victims was insufficient, and in many cases, there was no record of assistance provided

138. The 2008 UN comprehensive strategy focused on 'individual needs' of victims through medical, legal, psychological and immediate material care (e.g. food, clothing, safe shelter) to complainants, victims and children born as a result of SEA.⁸² The strategy was not funded and support to victims provided by missions were in an *ad hoc* manner from their budgets and by referral to UNICEF and UNFPA.

139. Data provided by DMSPC showed that between 2015-2018, 37 per cent of victims who made allegations (133 out of 356) received no assistance. DMSPC also noted that in some circumstances, victims either declined support or could not be located, which may partly account for this. Among those receiving support, medical, psychosocial and legal services were the most common (Figure 25). However, available data was insufficient to ascertain the quality and relevance of the services provided as the VATS was not fully functional. Members of CBCNs and victims interviewed in DRC and CAR stated that UN support for victims was inadequate,

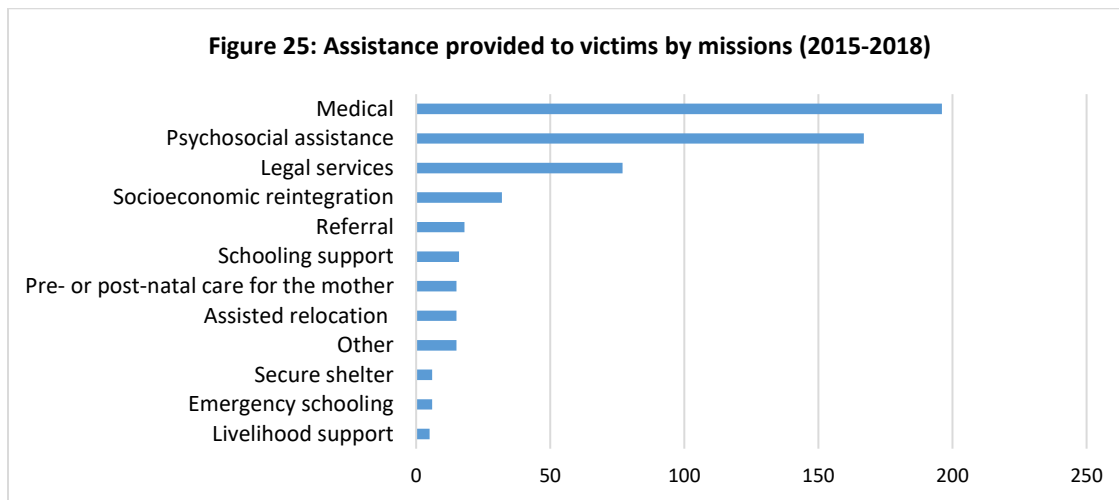
⁷⁹ See paragraphs 66 to 70.

⁸⁰ See A/72/751 (paragraph 28) and A/67/766 (paragraph 46).

⁸¹ A/69/779, paragraph 72.

⁸² General Assembly resolution 62/214.

unpredictable and severely lacking in cases involving paternity. DMSPC indicated that the VATS would enable better tracking of assistance provided to individual victim and support in addressing paternity claims.



140. Victims interviewed in Haiti stated that after many years of silence, they had started receiving material support and updates on their cases since the appointment of the FVRA and following a visit by the VRA in 2018. The mission implemented a victim support project with a budget of \$140,000 from its programmatic resources through an implementing partner. The project provided cash to 25 victims and their children, approximately \$4,000 per victim, for meals, school fees, accommodation and income generation activities. The mission also informally engaged with embassies of the countries of the alleged fathers for assistance in resolving paternity cases. Overall, the effects of the victims’ rights approach were evident in Haiti. Additionally, as a result of engagement by the then DFS during 2014-2016, the Government of Sri Lanka gave an ex-gratia payment of \$45,000 to a victim for child support in a case in which the alleged father was no longer traceable.

141. Legal issues were the central challenge in the facilitation of paternity and child support claims in all field missions. In 2015, the Secretary-General proposed for a review to develop a proposal for consideration by the General Assembly to strengthen the Organization’s response to paternity and child support claims,⁸³ which was yet to be implemented. A senior UN interviewee was of the view that, with regards to paternity and child support, the UN had responsibility but no accountability or liability as they were individual acts.

142. In the CAR and DRC, improvements were attributed to the CBCNs and projects funded by the trust fund, respectively. In both missions, evidence suggested ad hoc payments were made to victims from the missions’ petty cash, in line with A/70/729 (paragraph 77), for expenses such as medical, transportation, accommodation, etc. Individuals working in CDT also made personal cash contributions as assistance in the absence of petty cash. Two TCCs also provided child support payments to two victims in DRC (Bangladesh \$9,000 to a victim and South Africa \$4,000 to another).

143. The work of the FVRAs, however, faced significant challenges in all missions as they raised expectations among victims but did not have any operational budget to support them. They did not have access to resources from the Trust Fund, which was disbursed through projects implemented by partners in the provision of services needed by victims. Therefore, when confronted with victims requiring urgent assistance (e.g. for medical emergency, legal fees in the country of the father) FVRAs had limited means to support such needs except those available from the mission budget as discussed above.

⁸³ A/69/779 (paragraph 72).

Transparency in the operation of the Trust Fund for victim support improved with its impact visible primarily in MONUSCO

144. The Trust Fund was established in 2016 to provide services to complainants, victims and children born as a result of SEA, including medical, psychosocial and legal services. The fund held over \$2 million in voluntary contributions from 19 Member States as well as nearly \$400,000 withheld payments for substantiated SEA as of end 2018.⁸⁴ As of December 2019, the total revenue of the Trust Fund was over \$2.5 million including \$600,000 withheld from T/PCCs for substantiated SEA cases.⁸⁵ Meetings with Member States by DMSPC and OVRA and publication of the annual report and related outreach materials on the fund had helped improve understanding on the Trust Fund among stakeholders.

145. However, as of May 2020, the withheld amount was not transferred into the trust fund and it was unclear as to where the withheld amounts were accounted under each mission. DMSPC Finance Division indicated that efforts for the settlement and transfer of \$437,219 withheld for all substantiated cases as of 31 December 2019 were underway with the relevant PKOs as of end of 2020.

Table 6: Projects funded by the trust fund for victims of SEA

Country	Project (Implementing Partner)	Budget	Notes
CAR	Programme of Assistance for Victims of SEA (IRC)	\$211,215	<ul style="list-style-type: none"> • Long delay in implementation • No demonstrable support to victims thus far • Mission CDT was not involved as of June 2019
	Legal support and assistance to victims of SEA (ABA)	\$339,000	<ul style="list-style-type: none"> • Long delay in finalization of the project agreement, no implementation yet
Liberia	Adult Literacy Programme for Eight Communities in the Montserrado County (UNESCO)	\$113,000	<ul style="list-style-type: none"> • Not yet implemented • Mission closed • Indirectly relevant to SEA victims • Not targeting direct victims
DRC	2018 (3 projects): Victim Assistance and Support to Community-Based Networks in the Communities of Bujovu/Munigi, Kavumu, and Sake (SYAM)	\$264,703	<ul style="list-style-type: none"> • Visible results of training and capacity building of CBCNs • Income generating activities by victims • Vulnerable communities sensitized on SEA. • Included actual and 'potential' victims of SEA
	2019 (6 projects): Victim Assistance and Support to CBCNs in Beni, Bunia, Kalemie, Kisangani, Mwenga and Uvira	\$406,800	<ul style="list-style-type: none"> • New projects following the success of similar projects in 2018

⁸⁴ See A/70/729 and A/Res70/286.

⁸⁵ Source for the amount of \$600,000 withheld as of December 2019 was DMSPC/ALD.

Source: OIOS analysis of the trust fund annual report for 2017 and 2018, project documents and summary reports, and trust fund financial reports and statements for 2016-2018.

146. Overall, implementation of the Trust Fund activities was at an early stage. Awareness about the Trust Fund among interviewees was low and its impact limited. The fund had 12 approved projects, of which three were completed and eight underway (Table 6). The 12 projects were focused on outreach and support through income generation activities in vulnerable communities in DRC, CAR and Liberia and none focused on direct support to SEA victims. Out of the \$927,917 allocated to projects as of December 2018, a third (\$303,162) had been spent. In their implementation, challenges were faced; projects in CAR and Liberia were delayed in starting and, other than in MONUSCO, projects were of indirect relevance to individual needs of SEA victims and did not provide visible support to victims.

147. The challenges facing the Organization's efforts to assist victims and in demonstrating concrete results in this area is a cause of concern. Longstanding funding gaps for victims' assistance were meant to be partly met by the Trust Fund. However, the Trust Fund resources were used for community engagement activities while the individual needs of victims remained largely unaddressed.

V. Conclusion

148. The Organization has made visible progress in the fight against SEA and in bringing together different parts of the System in this effort. The Secretary-General's New Approach and the work of OSC and OVRA were highly relevant and helped create significant momentum in addressing this scourge.

149. Measures for prevention and response were also highly relevant and effective as prevention remained as the topmost priority in high-risk missions and leadership at every level was vigilant. However, such measures needed strengthening in non-peacekeeping settings as the recent incident involving UN personnel in a relatively stable duty station demonstrated the need for stronger SEA prevention measures in all settings.⁸⁶ Additionally, for reasons of transparency, accountability, full reporting to Member States and the consistent application of the Secretary-General's zero-tolerance policy on SEA throughout the Secretariat, consideration should be given to public reporting on allegations concerning non-PO Secretariat entities. Such reporting would also help raise awareness about the extent of the problem among staff and managers in non-PO Secretariat entities and duty stations.

150. Administrative sanctions imposed by the Organization for substantiated cases demonstrated the Secretary-General's zero tolerance policy. The Security Council resolution 2272 (2016) also provided impetus in enhancing accountability and responsibility of T/PCCs and their partnership with the Secretariat in addressing SEA.

151. Victim support remains a critical area where some progress has been made but effectiveness of actual direct victim support is still limited. More robust actions are required to further the Secretary-General's victims first approach in addressing SEA, including consideration for the creation of a comprehensive System-wide victims' tracking system following the VATS currently in place for POs, identifying the individual needs of victims and providing support accordingly utilising the Trust Fund resources and other available mechanisms, and reporting on results achieved thereon.

⁸⁶ <https://news.un.org/en/story/2020/06/1067302>

152. Overall, while significant progress has been made, longstanding and systemic issues remained to be addressed, which will require the continued highest-level attention and cooperation of the many stakeholders involved.

VI. Recommendations

153. OIOS-IED made 17 important recommendations, 16 of which have been accepted (Table 7).⁸⁷ By not accepting recommendation 7, DMSPC accepts the risks of inefficiency, inconsistency and ineffectiveness in addressing SEA across the Secretariat that may arise in the absence of consolidated Secretariat operational guidance.

Table 7: Recommendations

#	Recommendation	Type	Indicator	Result(s)
<u>Prevention</u>				
1	DMSPC should enhance monitoring of completion of mandatory online training on SEA across the Secretariat, including through periodic and targeted follow-ups and publication of related dashboards.	Important	Mandatory SEA training completion regularly followed up, progress monitored and internally published	Result A, paragraphs 32-36.
2	DMSPC, in consultation with OSC, should clarify the distinction between SEA and violation of non-fraternization policy against uniformed personnel.	Important	Instruction issued to all missions	Result A, paragraph 40.
3	Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).	Important	Risk assessment done and mitigation measures put in place	Result A, paragraph 26-28.
4	Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.	Important	Specific prevention measures including those mentioned in the recommendation undertaken	Result B, paragraphs 49-55.
<u>Response</u>				
5	EOSG should consider a review of the functions, structure, and interlinkages of OSC and OVRA and determine the continued necessity of two separate offices.	Important	Review conducted and decisions taken	Result C, paragraph 71.

⁸⁷ OIOS classifies its recommendations as 'Critical' or 'Important'. Critical recommendations address risk issues requiring immediate management attention where failure to take action could have a critical or significant adverse impact on the Organization. Important recommendations address risk issues that require timely management attention where failure to take action could have a high or moderate adverse impact on the Organization.

#	Recommendation	Type	Indicator	Result(s)
6	OSC and OVRA, in coordination with DMSPC, should conduct stocktaking of policies and initiatives with a view to prioritize and simplify and specify expected completion dates of longstanding initiatives.	Important	Policies and initiatives reviewed and prioritized along with expected completion dates	Result D, paragraphs 72-79.
7	DMSPC should consolidate scattered operational guidance into a manual outlining key processes and roles and responsibilities in preventing and responding to SEA within the Secretariat which could be done as part of the OSC System-wide SEA manual under development since 2016 or supplementing it with additional guidance for Secretariat entities as needed.	Important	SEA manual for the Secretariat issued either as part of the OSC System-wide SEA manual or separately only for Secretariat entities.	Result D, paragraphs 72-79.
8	OSC, in consultation with the SEA Working Group and considering the lessons gathered from pilot implementation, should revisit the incident reporting form and make necessary adjustments to ensure that it is used as a standard SEA intake and reporting form across the UN System as envisioned by the Secretary-General.	Important	IRF form revised and reissued that is used by all System-wide entities as proposed by the Secretary-General.	Result D, paragraphs 77-78.
9	Given the System-wide relevance of ST/SGB/2003/13, OSC and DMSPC should jointly seek consensus with stakeholders on clarifying its provisions that strongly discourage sexual relations between UN personnel and beneficiaries of assistance and update the Bulletin accordingly.	Important	Provisions that strongly discourage sexual relations between UN personnel and beneficiaries of assistance are clarified and ST/SGB/2003/13 revised.	Result D, paragraphs 80-85.
10	OSC, in consultation with DMSPC and OLA, should develop a mechanism for public reporting on SEA allegations against Secretariat personnel in context other than peace and humanitarian that are not included in the Secretary-General's Special Measures reports.	Important	Mechanism developed and implemented	Result D, paragraphs 86-92.
11	DMSPC, in collaboration with OSC, DPO and DPPA, should: (i) remind missions of the requirement of reporting and referring SEA allegations to Headquarters, OIOS and troop-contributing-countries as stipulated; and (ii) require heads of all Secretariat entities to certify in annual management letter that all allegations of SEA have been accurately and fully reported, as proposed by the Secretary-General in paragraph 50 of A/71/818. This requirement should also be clearly incorporated in the manual mentioned in recommendation 7.	Important	Reminder sent to all missions and annual certifications by heads of entities	Result E, paragraph 95 and Result A paragraph 40.

#	Recommendation	Type	Indicator	Result(s)
12	DMSPC and missions should maintain timelines of administrative sanctions imposed for SEA cases by incorporating relevant data fields for capturing dates of such sanctions in the Misconduct Tracking System to monitor and improve effectiveness of enforcement measures.	Important	Timeline for administrative sanctions recorded in misconduct tracking system	Result F, paragraph 116.
13	DPO and DMSPC should ensure that in its engagement with Member States to seek accountability for SEA in line with the Security Council resolution 2272 (2016), the Standing Review Committee considers repatriation or other measures, as appropriate, based on comprehensive and objective reviews while also keeping such measures consistent with criteria used in past examples of repatriation for SEA.	Important	Evidence of corrective actions taken by T/PCCs and measures taken by the Secretariat, as appropriate, pursuant to the Standing Review Committee recommendations in line with the Security Council resolution 2272 (2016).	Result F, paragraphs 120-121.
14	DMSPC should systematically forward all investigative findings revealing criminal conduct of SEA by Officials or experts on mission to OLA for consideration of referral.	Important	Investigative findings invariably forwarded to OLA for consideration of referral	Result G, paragraph 127.
<u>Victim Support</u>				
15	DMSPC, in collaboration with OVRA and missions, should prioritize supporting individual victims of SEA, including through the Trust Fund, with clear reporting on number of victims supported and the type of support provided.	Important	Reports on number of victims supported and the type of support provided	Result I, paragraphs 138-147.
16	DMSPC should report on the status of the \$600,000 payment withheld for substantiated SEA and transfer the amount to the trust fund in support of victims of SEA in line with General Assembly resolution A/Res/70/286.	Important	Withheld payment expeditiously transferred to the trust fund and reported in the fund statement	Result I, paragraph 145.
17	OVRA, in collaboration with DMSPC, DPO and missions, should develop the procedure for handling paternity claims, from reporting to outcome, including procedures for communicating with victims and follow-up as envisaged in A/69/779.	Important	Enhanced framework for the just resolution of claims of paternity with the goals being legal recognition of paternity and enforceable orders of child support developed and adopted.	Result C paragraph 67, Result D paragraph 72, Result I paragraphs 141 and 147.

Annex I: Comments from entities on the draft report

In the present annex, OIOS sets out the full text of comments received from entities in line with General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee. The comments have been reproduced as received.

Department of Management Strategy, Policy and Compliance



TO: Ms. Fatoumata Ndiaye, Under-Secretary-General
A: Office of the Internal Oversight Services

DATE: 17 March 2021

REFEREN
CE:

THROUGH:
S/C DE:



FROM: Catherine Pollard, Under-Secretary-General,
DE: DMSPC

SUBJECT: **Response to the Draft Report of the Office of Internal Oversight Services on the Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel**

1. Thank you for your memorandum, dated 2 March 2021, forwarding the draft report of the Office of Internal Oversight Services (OIOS) on the evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel covering the period 2016 -2018 to be transmitted for consideration by the General Assembly and the accompanying full report to be published on the OIOS website.
2. DMSPC are grateful for the opportunity, as we go into the fifth year of the implementation of the Secretary-General's 'new approach' strategy (A/71/818), which built on earlier years of strategic and operational efforts, primarily in the peacekeeping context, to reflect on progress, the impact of the Secretary-General's strategy and the way forward.
3. I request that this memorandum and its annexes¹ be made available to the General Assembly and published in tandem with the full Report, as it will help to provide important contextual information on the three years of continuing evolution of the Secretary-General's efforts since 2018, the end of the period covered by this evaluation. Please note that the Office of the Special Coordinator on improving the United Nations response to sexual exploitation and abuse, the Office of the Victims' Rights Advocate, the Department of Peace Operations and the Department of Political and Peacebuilding Affairs have been consulted and endorse the comments to the Recommendations to this report.²

¹ Annex A provides an update and broader perspective of progress to date in the Secretary-General's efforts for the eradication of sexual exploitation and abuse in areas led by DMSPC in cooperation with partners. Annex B contains comments from the responsible entities noted on the recommendations to the present Report. Annex C contains comments from DMSPC to the full Report.

² See Annex B.

cc: Ms. Rosemary A. DiCarlo
Mr. Jean Pierre Lacroix
Ms. Jane Lute
Ms. Jane Connors
Mr. David Kanja
Ms. Martha Helena Lopez
Ms. Aruna Thanabalasingham
Ms. Fatemeh Ziai
Ms. Mercedes Gervilla
Mr. (Eddie) Yee Woo Guo
Mr. David Nyskohus
Ms. Maria Elena Munoz
Ms. Beth Asher
Ms. Lynne Goldberg
Mr. Sofian Mossallam

Annex A: DMSPC's progress on the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel

Strengthened Accountability

1. Progress has been significant in the strengthening of accountability: prior to 2016 only heads of peace missions submitted annual action plans. As a result of the implementation of management reform, in 2020, reflective of the understanding that sexual exploitation and abuse is a system-wide concern, affecting the humanitarian, development and peace pillars of our Organization, 207 action plans were submitted from entities across the UN system. As part of this expansion, DMSPC supported Secretariat entities, including peace operations, in the preparation of the 2020 Action Plans by developing comprehensive responses applicable to all Secretariat entities as baseline indicators of action being taken on the zero-tolerance policy.
2. Action plans indicate that all entities have a policy on the prohibition of sexual exploitation and abuse and related work-plans; have certified through a management letter, or via their compact, that all allegations have been reported and addressed; complaint and reporting mechanisms are in place; and there is mandatory training for all personnel to prevent sexual exploitation and abuse.
3. In 2020 DMSPC reviewed the Compacts between Heads of Entities, including Special Representatives of the Secretary-General, to strengthen its approach to the strategic leadership role on conduct and discipline. This has: (i) increased consistency in administrative process and Compact document content/format across the Secretariat, including same managerial performance measures; (ii) enhanced the understanding of leadership accountability for all personnel, with focused performance expectations; and (iii) improved perception about the effectiveness of the organization's performance management system.
4. DMSPC is also working toward integrating accountability for conduct and discipline, including protection from sexual exploitation and abuse, into its new competency framework.

Enhanced initiatives, including for recording and reporting of allegations of sexual exploitation and abuse

5. Over the last four years, measures have been developed and/or enhanced to screen potential personnel, strengthen complaint mechanisms and increase tools for recording allegations and enhance transparency in reporting allegations. These include the 'Case Management Tracking System' (CMTS), which builds on DMSPC's Misconduct Tracking System which provides a single repository for the Secretariat of misconduct and disciplinary records, and uniform processes for reporting, recording and tracking sexual exploitation and abuse and other misconduct for the Secretariat; Clear Check, the screening tool, now used by 25 United Nations entities, directed to preventing United Nations personnel dismissed following substantiated allegations of sexual exploitation and abuse or sexual harassment, or those who leave the organization during an investigation, from being rehired in the United Nations; and the DMSPC Conduct and Discipline website, which includes a live database of allegations, an online reporting form and a subscription service for database updates.
6. In 2019, DMSPC launched the Misconduct Risk Management Tool which provides a systematic process for managing risks of all types of misconduct across the global Secretariat including peace operations. The Tool builds on the methodology used in the 2018 dedicated SEA Risk Management Toolkit. In 2019 and 2020, DMSPC provided capacity-building opportunities for Conduct and Discipline Teams and Focal Points in peace operations to support the most effective use of the Misconduct Risk Management Tools. The Tools, which include templates and examples, have allowed entities to take a practical approach to understanding and mitigating their risks. The tools have been shared with Member States for use in their national training programmes, been made available publicly for broader use, and served as a baseline for other United Nations system entities which have developed sexual exploitation and abuse risk management tools.
7. In October 2019, DMSPC established the first United Nations Secretariat Administrative Law Division network to support greater accountability for conduct and discipline throughout the global Secretariat. Through this initiative, ALD Connect, DMSPC disseminates knowledge, builds expertise and provides real time advice, in a practical manner, to help conduct and discipline focal points be successful in their role, including in addressing issues related to sexual exploitation and abuse. For example, in partnership with the Victims' Rights Advocate, an information session was organized, for all UN Secretariat entities, on assistance to victims of sexual exploitation and abuse, to inform conduct and discipline focal points of their responsibilities and resources at their disposal.
8. All peace operations conduct outreach activities to inform communities of the risks of sexual exploitation and abuse and about the reporting mechanisms, using theatre, radio, television programming and text-based and social media campaigns, as well as outreach to local media. The extensive communications efforts made in the context of peace operations are generally planned in cooperation with other United Nations system entities on the ground with the aim of greater integration in communication response.

Support to victims of sexual exploitation and abuse

9. The Uniform Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, which was developed and field-tested by the Conduct and Discipline Service and UNICEF has been an important tool in setting out the principles underpinning the role of the United Nations to provide assistance and support to victims of sexual exploitation and abuse and some guidance on the roles and responsibilities of United Nations actors in the field to ensure coordinated and immediate victim assistance.

10. DMSPC developed a Victims' Assistance Tracking System (VATS) for peace operations providing a confidential tool to track assistance and support provided to victims of sexual exploitation and abuse which has been in use since 2019. A training package for users is being developed.
11. DMSPC continues to manage the Trust Fund in Support of Victims of Sexual Exploitation and Abuse which, since 2016, has served to provide resources to victim assistance services and projects. The Trust Fund has supported projects in the Central African Republic, the Democratic Republic of the Congo and Liberia, making use of approximately \$2.5 million from voluntary donations by Member States and withheld funds from personnel found to have engaged in sexual exploitation and abuse.
12. DMSPC, in cooperation with the Victims' Rights Advocate, continues to engage with Member States in facilitating resolution of paternity and child support claims, bearing in mind that paternity recognition and obligations for child support are usually settled pursuant to the national laws of the member state of the nationality of the father and/or mother, through court proceedings or agreements between the parents. The role of the United Nations in facilitating and supporting realization of the parental responsibility of the father is delineated in the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/RES/62/214, Annex).

Engagement with Member States

13. There is growing appreciation that collective action and coordination, including at the bilateral and multilateral levels, and exchange of experience and learning, are essential if the international community is to be successful in eliminating sexual exploitation and abuse. Member States are indispensable partners in this and have strengthened their engagement and advocacy. To date, 103 MS have signed onto the Voluntary Compact, launched in 2017, which sets out commitments of the United Nations and signatory Member States which go beyond their existing legal obligations, and demonstrates the political will to prevent sexual exploitation and abuse, realize accountability and provide support to victims.
14. DMSPC continues to collaborate regularly with regional organizations, including NATO and EU/EEAS, in their efforts at protection from sexual exploitation and abuse and maintains a significant partnership with the African Union on the implementation of its compliance framework on conduct and discipline.
15. Security Council resolution 2272, issued in March 2016, was an important mechanism in support of the Secretary-General's efforts in the area of accountability for sexual exploitation and abuse by Member States that contribute troops and police to peace operations. Since its issuance, a Standing Review Committee for the implementation of Security Council resolution 2272 (2016) has established, along with supporting implementation guidelines and a dedicated database and serves as the mechanism for the implementation of the Resolution. DMSPC serves as the Secretariat for the Standing Review Committee.

DMSPC Comments on the Draft Report (Annex C of DMSPC memorandum)

DMSPC Comment	Paragraph
<p>The summary situates the evaluation at the outset as looking at the Secretariat response to SEA during the period 2015-2018. While it is understood that OIOS looked at progress during a set period of time, we are now 3 years further on in our efforts from the end of that period. Notably there have been additional significant changes to the implementation of the conduct and discipline function, including on SEA, in the Secretariat since management reform in January 2019 and the establishment of the Administrative Law Division, Conduct and Discipline Service as part of DMSPC. While the scope of this evaluation ends in 2018, it is critical to include some further information on the Secretariat's efforts since 2018 so that the evaluation report provides a bigger picture view for the reader. While it is understood that there is always a scope and time period for an evaluation, this area is so important to the Organization that the reader of the report should have some information to bridge the static period of review with efforts made since that time and strengthen the relevance and effectiveness of the report.</p> <p>Please see Annex A of the DMSPC memorandum.</p>	<p>Summary</p>
<p>There is a record of assistance and support of victims maintained in the Victim Assistance Tracking System (VATS) for peacekeeping missions and, prior to the existence of VATS, in excel reports. Most projects were not on community outreach. As per the Trust Fund annual reports, projects span from psychosocial support to income-generating activities and victims and the community were involved in project ideas, planning approaches and activities. It is also noted that withheld funds have been transferred to the Trust Fund and are available; this reference should be removed for the sake of accuracy.</p>	<p>Summary: paragraph 7</p>
<p>Information presented in this paragraph for peacekeeping operations is unclear, particularly in connection with the table presented under it, which shows a continued decrease in allegations over aggregated period. It should be clarified if the increase reported here only between 2018 to 2019.</p>	<p>Paragraph 10</p>
<p>The SEA risk management framework is applicable to all categories of civilian and uniformed personnel. Conduct and Discipline Teams in peacekeeping operations use the SEA risk management approach to develop risk registers and workplans, which include risk assessment exercises, which are implemented in relation to all categories of personnel.</p>	<p>Paragraph 27</p>
<p>The reference to the SEA risk assessment exercises undertaken in MINUSCA, MONUSCO and UNIFIL suggests that this may not have been the case in other peace operations. For clarity, the report should specify that this refers to those missions surveyed as part of the evaluation.</p>	<p>Paragraph 28</p>
<p>Work has been done since the end of the evaluation period to clarify that allegations of non-fraternization, when involving sexual activity, should be assessed as possible sexual exploitation and abuse. The last sentence of paragraph 41 states that "However, the risk remains of mission personnel incorrectly classifying potential SEA allegations as violation of non-fraternization policy and not reporting these as SEA." This sentence does not recognize that information regarding reports indicating non-fraternization would be reviewed when received by DMSPC and reassessed.</p>	<p>Paragraph 40</p>

DMSPC Comment	Paragraph
<p>The first sentence of paragraph 47 text gives the impression that personnel of Implementing Partners and vendors working for peacekeeping operations do not have the required contractual arrangement, which in fact the rest of the sentence indicate is a problem outside of peacekeeping missions.</p>	<p>Paragraph 47</p>
<p>This paragraph fails to recognize the Policy on Accountability for conduct and discipline and Standard Operating Procedures on implementation of amendments on conduct and discipline, both key documents providing guidance on responsibilities and processes.</p>	<p>Paragraph 73</p>
<p>The last sentence is misleading in that it does not recognize that the troop-contributing countries involved with these cases would have been asked to investigate and, not having responded (at all or in time), that the missions then conducted the United Nations investigation, upon referral from OIOS. [reference is made to: "Furthermore, SIU investigations of 11 cases involving military contingent members in four missions did not fall within established protocols as those cases generally fell under the jurisdiction of the TCCs and were to be investigated by the respective TCCs."]</p>	<p>Paragraph 102</p>
<p>The data provided in these two paragraphs appears incorrect. For one example, the data provided indicates that investigations would be pending between OIOS and the TCC for 6 cases involving DRC, whereas there are a total of 27 cases from DRC for which the status of the investigation remains pending any results of investigations or additional information on results of investigations.</p>	<p>Paragraphs 104 and 105</p>
<p>There is no protocol or procedure that requires a formal referral by DMSPC before OLA can take action on a referral for criminal accountability.</p> <p>When OLA is aware of a matter, it should take action where warranted as per GA Resolution 62/63. Where an OIOS/ID investigation report includes a finding of possible criminal conduct, the current process is for OIOS/ID to include OLA as a recipient. In this way, information about possible criminal accountability is shared directly with OLA for its action. Where an investigation has been conducted by a mission investigative body, however, DMSPC will refer a matter to OLA for criminal accountability where warranted.</p> <p>In connection with the cases referred to in the Report, please take note of the following:</p> <p>0399/15 – This matter involved a United Nations Volunteer, who was prosecuted and acquitted by the Host State. This matter was also brought to OLA’s attention by DMSPC in November 2019.</p> <p>0427/15 – This matter was brought to OLA’s attention by DMSPC in November 2019 and OLA is seized of this matter.</p> <p>0475/15 – The investigation into this matter established sexual exploitations while other elements established criminal conduct that were not related to the sexual exploitation. These elements were referred to the state of nationality through the Permanent Mission and the individual was prosecuted.</p>	<p>Paragraph 127</p>

DMSPC Comment	Paragraph
<p>0514/16 – This matter involved a UN staff member. OIOS/ID did not recommend referral for criminal prosecution as the conduct established by the investigation amounted to attempt to engage in sexual exploitation. The staff member was subject to disciplinary action and was separated, which would have included review by OLA as with all cases of separation.</p> <p>0272/17 – OIOS/ID investigation report did not recommend referral for criminal prosecution. DMSPC referred the matter to the authorities of the state of nationality and the individual was prosecuted.</p> <p>0790/18 - This matter was reported to DMSPC in June 2019 upon receipt of the OIOS/ID investigation report. The allegation involved a UN staff member who was subject of a disciplinary action and OLA was consulted as part of this process.</p>	
<p>Paragraph 143 indicates that the FVRAs don't have access to the resources from Trust Fund and have limited means when confronted by victims with urgent needs. This suggests that the issue is the lack of FVRA access to the Trust Fund, but the purpose of the Trust Fund is to support projects and it does not provide direct payments to victims.</p>	Paragraph 143
<p>It is to be noted that, as of 1 March 2021, just under \$600,000 is now available in the Trust Fund as result of transfers of withheld funds following substantiated SEA allegations. This is now ongoing.</p>	Paragraph 145
<p>It is to be noted that and the Conduct and Discipline Team MINUSCA was instrumental in connecting victims of SEA with IRC, saying that they worked with IRC on mobile services and awareness-raising activities. IRC has provided direct support to 62 victims as per the 2019 report of the Trust Fund. The project started November 2018 and was completed November 2019. For the project in Liberia, improving the literacy of victims is clearly relevant to their potential for improvement in their living conditions, including improved chances of employment.</p>	Table 6
<p>As noted in the comment to para 147 and Table 6, the Trust Fund projects have shown themselves to provide support to individual victims of SEA. The language of this paragraph should be adjusted to acknowledge that projects have been of direct relevant to the individual needs of victims of SEA. The paragraphs describe some challenges in CAR, Liberia and MONUSCO. However, the report is not clear about the issues and how to resolve them without any recommendation on this matter. We must consider that the main individual need for all the victims is money. So, the projects aim to provide support indirectly because giving money to the victims could not be the way to resolve the issue. The MONUSCO and past Haiti models are being used as much as possible depending on the needs and context of victims in respective locations.</p>	Paragraph 150

Office of the Victims' Rights Advocate for the United Nations and Office of the Special Coordinator on improving UN response to sexual exploitation and abuse



Office of the Special Coordinator on improving UN response to sexual exploitation and abuse


TO: Ms. Fatoumata Ndiaye, Under-Secretary-General
A: Office of the Internal Oversight Services


DATE: 17 March 2021

REFERENCE:

THROUGH:

S/C DE:

FROM: Jane Holl Lute, Under-Secretary-General 
DE: Special Coordinator


Jane Connors, Assistant Secretary-General
Victims' Rights Advocate

SUBJECT: **Response to the Draft Report of the Office of Internal Oversight Services on the Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel**

1. Many thanks for your memorandum, dated 2 March 2021, transmitting the draft report of the Office of Internal Oversight Services (OIOS) on the evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel covering the period of 2016 -2018 to be transmitted for consideration by the General Assembly and the accompanying full report to be published on the OIOS website.
2. We are grateful for the opportunity, as we go into the fifth year of the implementation of the Secretary-General's 'new approach strategy (A/71/818) to reflect, with the benefit of these documents, on progress, the impact of the Secretary-General's strategy and the way forward. We request that this memorandum and its annexes ¹be made available to the General Assembly and published in tandem with the full Report.
3. From the outset of his tenure, the Secretary-General prioritized the eradication of sexual exploitation and abuse, introducing a four-pronged strategy shifting the paradigm by placing the rights and dignity of victims at the centre; ending impunity; building a multi-stakeholder approach, and reorienting communications for transparency. Importantly, he also institutionalized mechanisms, within his authority, to ensure personal accountability of senior leaders and United Nations personnel.

¹ Annex A contains DMSPC, OVRA and OSC consolidated comments on the recommendations to the present Report.

4. The Secretary-General updates on progress made in implementation of his strategy in his annual special measures reports on protection from sexual exploitation and abuse transmitted to the General Assembly. These delineate initiatives to address the risks of these misconducts, prevention measures and steps taken to provide a timely, compassionate, consistent and effective response.
5. Taken together these constitute an accountability framework. Recognizing that constant vigilance is required, he institutionalized mechanisms to ensure continuous engagement and cohesion across the United Nations system. These include the High-Level Steering Group on Preventing Sexual Exploitation and Abuse (HLSG), chaired by the Chef de Cabinet, providing strategic direction; and the Sexual Exploitation and Abuse Working Group (SEA WG), chaired by the Special Coordinator, consisting of representatives of Members of the HLSG.
6. His prioritization of the personal accountability of leadership is reflected in his mandatory requirement that the heads of United Nations entities at headquarters and the field submit annual action plans, identifying risks of sexual exploitation and abuse and mitigation measures, and providing annual certifications that all allegations that have come to their attention are reported. Progress has been significant: prior to 2016 only heads of peace missions submitted annual action plans. In 2020, reflective of the understanding that sexual exploitation and abuse are system-wide concerns affecting the humanitarian, development and peace pillars of our Organization, 207 action plans were submitted from entities across the UN system.
7. Action plans indicate that all entities have a policy on the prohibition of sexual exploitation and abuse and related work-plans, and have certified through a management letter, or via their compact, that all allegations have been reported and addressed; complaint and reporting mechanisms are in place; and there is mandatory training for all personnel to prevent sexual exploitation and abuse.
8. We are grateful that your reports acknowledge the traction gained by the Secretary-General's elevation of the rights of dignity and victims in United Nations initiatives to prevent and respond to sexual exploitation and abuse, although most developments are outside the mandated timespan of the evaluation. The first Victims' Rights Advocate, appointed to lead on this aspect of his strategy has been in post for three-and-a-half years, and along with the Field Victims' Rights Advocates in four countries, has encouraged the implementation of victims' rights approaches across the system. Their work has shown that very practical measures are required to realize individual victim's rights and in the absence of these, they are unlikely to report sexual exploitation and abuse. These measures must also be developed and supported collaboratively across the system. In light of the impact on the ground, including during current COVID-19 pandemic, entities are exploring the possibility of nominating victims' rights focal points or including victims' rights

functions in the workplans of existing staff in other contexts, while the addition of resources to help them assist victims would be desirable.

9. The Uniform Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse has been an important tool in setting out the principles underpinning the role of the United Nations to provide assistance and support to victims of sexual exploitation and abuse and some guidance on the roles and responsibilities of United Nations actors in the field to ensure coordinated and immediate victim assistance.
10. We have been heartened by the growing appreciation that collective action and coordination, including at the bilateral and multilateral levels, and exchange of experience and learning, are essential if we, as the international community, are to be successful in eliminating sexual exploitation and abuse. Member States have become solid partners and have strengthened their engagement and advocacy. Many participate the two initiatives for Member States launched in 2017-- the Voluntary Compact, setting out commitments of the United Nations and signatory Member States which go beyond their existing legal obligations, and demonstrates the political will to prevent sexual exploitation and abuse, realize accountability and provide support to victims and the Secretary-General's Circle of leadership on prevention of and response to sexual exploitation and abuse in United Nations operations which testifies to the individual commitment of heads of State and Government to strengthen these measures. Intergovernmental organizations, such as the OECD/DAC and NATO have also stepped up to this agenda, and created new standards based on those of the United Nations, with the former adopting its Recommendation on Ending Sexual Exploitation and Abuse and Harassment in Development Cooperation and Humanitarian Assistance in 2019, and the latter its first policy on preventing and responding sexual exploitation and abuse in 2020.
11. Civil society has also been critical in the global efforts on sexual exploitation and abuse, with the Secretary-General's Civil Society Board promoting alignment the work of civil society actors on good practices to strengthen prevention and response to sexual exploitation since 2019. United Nations humanitarian actors and NGO partners are increasingly collaborating and modelling their policies and practices on those of the United Nations. Since 2017 also civil society engagement has been significantly strengthened through the work of the Inter-Agency Standing Committee, whose membership comprises UN agencies funds and programmes and civil society humanitarian actors.
12. On a final note, missing from the evaluation is the important progress that has been made in the strengthening of accountability resulting from the ongoing commitment and leadership and of OIOS Investigations. The Secretary-General called for this in his 2017 report (A/71/818) and there is an urgent need to create a system-wide investigative capacity. We use this occasion to reiterate this call.

13. In sum, we have seen good progress in entrenching a vibrant system-wide approach to prevention and response to sexual exploitation and abuse across the United Nations in the four years since the introduction of the Secretary-General's new strategy. But we are not complacent and recognize that constant vigilance and engagement of senior leadership, mainstreaming of awareness-raising, training and accountability mechanisms are required. We know also that it is essential to prioritize efforts to change the culture of our Organization so that the effects of power and inequality are understood. We are grateful that the United Nations Ethics Office instituted a series of leadership dialogues focusing on sexual exploitation and abuse, including its underlying factors, including inequality, discrimination, power differentials and tolerance of abuse of authority. IASC Principals and Members of the CEB Task Force on addressing sexual harassment in the organizations of the UN system have also participated in dialogues, spearheaded by UNHCR, as a respectful workplace based on non-discrimination on gender-, race-, disability, other grounds, as well as appreciation of the effects of intersectional discrimination, is crucial for the elimination of sexual exploitation and abuse and implementation of a victim-centred response.

cc: Ms. Catherine Pollard, DMSPC
Ms. Aruna Thanabalasingam, DMSPC
Mr. David Kanja, OIOS
Mr. Ben Swanson, OIOS
Mr. (Eddie) Yee Woo Guo, OIOS
Ms. Maria Elena Munoz, OIOS
Mr. David Nyskohus, OIOS
Ms. Beth Asher, DMSPC
Ms. Mercedes Gervilla, DMSPC
Ms. Wendy Cue, OCHA
Ms. Francesca Marotta, OHCHR
Ms. Amy Wood, UNHABITAT
Mr. Saidou N'Dow UNHABITAT
Ms. Ingeborg Daamen, UNOV
Ms. Sonja Leighton-Kone, UNEP
Ms. Anne Matthews, ESCAP
Ms. Nicole Eggers-Westermann, ESCAP
Ms. Elena Rice-Howell, UNDSS
Ms. Laragh McAuley, UNDSS
Mr. Chris Kirkcaldy, UNON
Ms. Beatrice Marguerite Rossi-y-Costa, UNON
Mr. Innocent Zahinda, MINUSCA
Mr. Andrew Awuah, MONUSCO
Ms. Adama Ndao, UNIFIL
Ms. Carmen Perez-Salas Gimeno, UNVMC
Ms. Frederic Renoux, DPO/DPPA
Mr. Shezaad Dastoor, DPO/DPPA
Ms. Stephanie Cartier, OLA

United Nations Disengagement Observer Force

This refers to the email subject of your below email and memorandum from Mr. (Eddie) Yee Woo Guo, (Director, Inspection and Evaluation Division, Office of Internal Oversight Services). UNDOF under the esteemed and able leadership of our HOM/FC and CMS, the mission has now achieved 97% versus 27 % as per the memorandum of Mr. (Eddie) Yee Woo Guo. The mission CHRO and training staff ensured the achieved mentioned percentage by constantly requesting and monitoring with mission personnel on Prevention of Sexual Exploitation and Abuse by UN Personnel (LMS-2398-5). The mission will keep an eye in future to achieve all such goals timely. This is for your kind information.

United Nations Office on Drugs and Crime

1. Reference is made to the request from the Office of Internal Oversight Services dated 2 March 2021 to provide a formal response to the draft report of the Office of Internal Oversight Services (OIOS) on the Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel.
2. We appreciate the opportunity to review and provide our comment on the aforementioned report as well as voice our position on findings related to UNODC. We are also pleased to note that UNODC's suggestion for an additional recommendation on development of SEA Risk registry for non-PO Secretariat entities was taken into consideration in the report.
3. UNODC remains committed to the Organization's efforts to prevent and respond to SEA matters and will closely consider results of the present evaluation, overall progress made in addressing SEA and key policy issues highlighted in the draft report.
4. Having assessed the draft report as well as the findings related to UNODC, we have the following comment with the corresponding information for your consideration.
 - Paragraph 47 of the draft report contains a statement that UNODC does not have a SEA provision in its agreements with Implementing Partners. Please be informed that UNODC has introduced through the United Nations Office of Legal Affairs a clause "Miscellaneous provisions" which covered SEA matter in its agreements with Implementing Partners in August 2018. In August 2020, the agreement was further revised to include a specific Article with a separate clause covering SEA. The agreements with IPs that do not contain a SEA provision were prior to August 2018 and effective Sept 1, 2018 all agreements with Implementing partners contained the SEA provisions. There was a delay in amending the clause in the agreements with end beneficiaries but was eventually implemented with the effect from Dec 1, 2018.

For ease of reference, I am sharing a short overview of the UNODC agreements with a SEA provision below:

Implementing Partners		End Beneficiaries	
	total IP agreements		total grant agreements
no provision (01/01/2018-31/08/2018)	121	no provision (01/01/2018-30/11/2018)	46
paragraph as part of 'miscellaneous provisions' (01/09/2018-31/08/2020)	188	paragraph as part of 'miscellaneous provisions' (01/12/2018-31/08/2020)	45
Separate article (01/09/2020-date)	15	Separate article (01/09/2020-date)	57

Notwithstanding with the foregoing, please note that the UN to UN Agency template has not been updated to include a SEA provision. It is our understanding that there are on-going discussions at the United Nations Secretariat level to review and update the template. Thus, since 1 January 2018, UNODC has signed 20 agreements with other United Nations entities which did not contain a SEA provision. Based on the aforementioned information, we would therefore be very grateful if the reference concerned in paragraph 47 could be adjusted accordingly to reflect the aforementioned facts.

5. As regards the mandatory training on the Prevention of Sexual Exploitation and Abuse by UN Personnel training course for UNODC, the completion rate as of today (as reflected in Dashboard) is 81% (5% have not completed the course and 14% have not initiated the course yet).
6. With reference to paragraph 40 in the report, it is noted that OIOS through its evaluation identified specific risks for UNODC through the interviews they conducted, we would appreciate to obtain these results from OIOS for our consideration and inclusion in the risk-registry.
7. Lastly, we share the recommendation action plan template with our inputs concerning recommendations applicable for UNODC.
8. Thank you for your attention.

United Nations Office at Nairobi

On behalf of the Director-General, UNON, please find attached and below, feedback from UNON on the draft report of 'OIOS on Evaluation of the prevention, response and victim support efforts against SEA by UN Secretariat staff and related personnel.' Kindly note the following:

On the PSEA Action Plan:

- The PSEA action plan that UNON adopts is coordinated by the Interagency Task Force under the Resident Coordinator Office in Kenya.
- The PSEA 2020 Action Plan was sent by our Legal Officer, Nisha Valabhji, in July 2020 to UNHQ. Please see attached email for your information.
- The draft 2021 PSEA Network Action Plan is attached.

On the OIOS Reports & Recommendations:

- UNON has no objections to the full report, the report for the GA, or the recommendations.
- Consolidated feedback is available in the attached spreadsheet as follows:

- Tab 1: Key messages.
- Tab 2: Report review where UNON is mentioned, and areas that focus on non-Peace Operations locations that are relevant to UNON.
- Tab 3: Recommendations. The recommendations are all relevant. UNON may not be the owner, but stands ready to support the recommendations in as far as they remain relevant to us.

United Nations Verification Mission in Colombia

The paragraph (24) seems to only consider the external prevention activities. The size of the Mission, the limited presence in the territory together with the social, cultural and legal context should be taken into consideration to evaluate the assessment of prevention. In addition, UNVMC, a political mission, do not have the resources and capacity of peacekeeping operations. Furthermore, the interaction with actors of the peace process and communities affected by the conflict together with the verification role of the Mission makes difficult to conduct external awareness raising activities on its own. Only joined efforts Mission-UNCT, could have a positive impact regarding external prevention activities. It should also be considered that the UNCT (95% national staff) is been operating in Colombia for a long time without any SEA prevention activities, so dynamics in this regard were difficult to change. Additionally, it should be taken into account that Colombian population look at the UN as a whole, with no differences between Agencies, Funds and Programmes and the Mission. In this regard, a PSEA TF composed by UNCT-Mission was established at the end of 2018 to coordinate efforts to prevent and response to SEA. Internally, the Mission continues efforts in this regard, by using the resources available to ensure personnel of all categories is aware of the prohibited conduct and consequences of SEA actions. Awareness raising material as posters, leaflets, and pocket cards were distributed all around 2019 in Bogota and regional offices. SRSG messages through broadcast and interventions in meetings were also important tools used by the Mission to remind personnel of the SEA prohibited conduct. This was particularly important during the confinement because the pandemic when physical interactions were limited. The establishment of a very active welfare committee in 2020 was very positive as a preventive measure, to keep regular contact with staff, improve their moral and avoid isolation. This 2021, the prevention strategy started by distributing a survey with specific questions on SEA prohibited conduct to analyze the responses and identify gaps in the Mission prevention strategy to SEA. Regarding external awareness raising activities, the Mission is in the process of distributing a leaflet to communities where the Mission operates. Through this document, the Mission informs the local population of the SEA prohibited conduct and other misconduct, as well as reporting lines including a hot line telephone 24/7 operational. The document was shared with the UNCT through the PSEA TF. Particular attention is also given to victims' assistance mechanisms available at the country level.

Annex II: Recommendation action plans from entities

Recommendation Action Plan of DMSPC DPO, DPPA, OVRA and OSC (Annex B of DMSPC memorandum and Annex A of OSC/OVRA memorandum)

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 1</u> DMSPC should enhance monitoring of completion of mandatory online training on SEA across the Secretariat, including through periodic and targeted follow-ups and publication of related dashboards.</p>	<p>Information on completion of mandatory training is available to Heads of Entities on management dashboards and it is within their responsibility to monitor the information accordingly also given delegation of authority.</p> <p>DMSPC considers this recommendation to be implemented.</p>		N/A
<p><u>Recommendation 2</u> DMSPC, in consultation with OSC, should clarify the distinction between SEA and violation of non-fraternization policy against uniformed personnel.</p>	<p>It is recalled that uniformed personnel must respect Mission rules related to non-fraternization with the local population which are an important element of the maintenance of discipline and the chain of command of uniformed personnel. However, the concept of fraternization in the context of United Nations peace operations, taken by itself, cannot reasonably be understood to extend to sexual contact or sexual relations with the local population.</p> <p>On this basis, any allegations involving sexual contact or sexual relations with the local population by uniformed personnel are assessed and referred to Member States as allegations of SEA.</p> <p>Given actions already taken DMSPC, in consultation with OSC, considers the recommendation to have been implemented.</p>	<p>DMSPC OSC</p>	N/A
<p><u>Recommendation 3</u> Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).</p>	<p>Following the Secretary-General’s management reform in January 2019, DMSPC requested all Secretariat entities to appoint Conduct and Discipline Focal Points (CDFPs) and, through the ALD Connect platform, have worked with them since then to provide guidance, advisory support and capacity-building on prevention of misconduct, including SEA, enforcement of violations of the UN standards of conduct and support and assistance to victims of SEA.</p>	<p>DMSPC</p>	N/A

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
	<p>More specifically, DMSPC has provided non-peacekeeping Secretariat entities with guidance and support in the area of misconduct risk management, which includes the development of risk registers and related workplans. Risk assessment exercises are but one part of this broader risk management exercise as outlined in the SEA Risk Management Toolkit. DMSPC has also supported the development of SEA Action Plans, which includes awareness-raising for personnel as a means of prevention.</p> <p>DMSPC will continue its ongoing activities in conducting capacity-building exercises for CDFPs on the development and implementation of their entities' SEA risk registers and workplans. DMSPC considers this recommendation to be implemented.</p>		
<p>Recommendation 4 Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<p>In 2019, DMSPC established the first UN Secretariat administrative law division network as a tool to support greater accountability for conduct and discipline throughout the global Secretariat, drawing on best practices, and building on the structure already in place for peace operations. Through this initiative, called ALD Connect, DMSPC disseminates knowledge, builds expertise and provides real time advice, in a practical manner, to help conduct and discipline focal points (CDFPs) be successful in their role, including in addressing issues related to sexual exploitation and abuse.</p> <p>As part of its capacity-building efforts with CDFPs, DMSPC has conducted in-depth workshops on the use of the misconduct risk managements approach, which includes contextual analysis and risk identification, risk assessment and treatment. This process includes consideration of appropriate prevention measures, such as awareness-raising of personnel, including through the use of tools and materials that are appropriate for each entity, noting that Secretariat entities vary widely in terms of size and nature of deployment.</p>	<p>DMSPC Individual non-peacekeeping Secretariat entities</p>	<p>N/A</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
	<p>DMSPC therefore considers that this recommendation is unnecessarily prescriptive in terms of the specific prevention measures cited. DMSPC continues to provide ongoing support and capacity-building across the global Secretariat on a strategic and programmatic level. and considers this recommendation to be implemented.</p>		
<p><u>Recommendation 5</u> EOSG should consider a review of the functions, structure, and interlinkages of OSC and OVRA and determine the continued necessity of two separate offices.</p>	<p>This recommendation will be reviewed in the context of the reports of the Secretary-General (A/73/412) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/73/649), which endorsed the conclusions and recommendations contained in the report of the Advisory Committee, approving the conversion of the four positions of the OVRA to posts for the biennium 2018-2019 and the structure of the Office (A/RES/73/279). This structure provides a framework to sustain the necessary linkages with the Office of the Special Coordinator, while maintaining the distinct focus and mandate of OVRA.</p>	<p>EOSG OSC OVRA</p>	<p>June 2021</p>
<p><u>Recommendation 6</u> OSC and OVRA, in coordination with DMSPC, should conduct stocktaking of policies and initiatives with a view to prioritize and simplify and specify expected completion dates of longstanding initiatives.</p>	<p>This is under implementation Noting their defined and separate mandates, OSC and OVRA, in coordination with DMSPC, and other stakeholders, regularly review the impact of the policies and initiatives underway and examine the possible operational gaps on a continuous basis. OSC makes publicly available a system-wide factsheet that is updated regularly to reflect all initiatives' status underway. Timeline and status of the initiatives are provided. DMSPC agrees to support the above-noted efforts of the OSC and OVRA.</p>	<p>OSC OVRA DMSPC</p>	
<p><u>Recommendation 7</u> DMSPC should consolidate scattered operational guidance into a manual outlining key processes and roles and responsibilities in preventing and</p>	<p>DMSPC does not accept this recommendation, noting that the OSC has engaged in producing a system-wide SEA Manual. DMSPC has provided input as requested to the OSC SEA Manual, which will contain information also applicable to the Secretariat.</p>		<p>N/A</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>responding to SEA within the Secretariat which could be done as part of the OSC System-wide SEA manual under development since 2016 or supplementing it with additional guidance for Secretariat entities as needed.</p>			
<p><u>Recommendation 8</u> OSC, in consultation with the SEA Working Group and considering the lessons gathered from pilot implementation, should revisit the incident reporting form and make necessary adjustments to ensure that it is used as a standard SEA intake and reporting form across the UN System as envisioned by the Secretary-General.</p>	<p>The scope of this report (2016 to 2018) does not reflect the evolution of the IRF.</p> <p>Since its endorsement in 2017, the incident reporting form is piloted in four locations and our next step is to have it field tested system-wide to inform the subsequent steps.</p>	<p>OSC</p>	
<p><u>Recommendation 9</u> Given the System-wide relevance of ST/SGB/2003/13, OSC and DMSPC should jointly seek consensus with stakeholders on clarifying its provisions that strongly discourage sexual relations between UN personnel and beneficiaries of assistance and update the Bulletin accordingly.</p>	<p>OSC continues, together with DMSPC and other members of the system-wide SEA Working Group, to enable discussion and seek understanding of the provisions of the ST/SGB/2003/13 in various areas and their appropriate application. DMSPC will continue to support OSC in this process, along with all other entities.</p> <p>It should be noted that this substantive exercise is distinct from the role of DMSPC in supporting “business owners” with the issuance of respective policies and bulletins.</p>		
<p><u>Recommendation 10</u> OSC, in consultation with DMSPC and OLA, should develop a mechanism for public reporting on SEA allegations against Secretariat personnel in context other than peace and</p>	<p>The scope of this report (2016 to 2018) does not reflect the evolution of the public reporting.</p>	<p>OSC DMSPC OLA</p>	

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>humanitarian that are not included in the Secretary-General's Special Measures reports.</p>	<p>Since 2017, all UN system-wide data on allegations of SEA that fall within SGB/2003/13⁸⁸ are reported publicly on the internet at https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide and the reporting mechanism is not limited to peace operations but includes humanitarian and development settings.</p> <p>Since March 2019, this public reporting is shared in real time⁸⁹, as agreed with donors.</p>		
<p>Recommendation 11 DMSPC, in collaboration with OSC, DPO and DPPA, should: (i) remind missions of the requirement of reporting and referring SEA allegations to Headquarters, OIOS and troop-contributing-countries as stipulated; and (ii) require heads of all Secretariat entities to certify in annual management letter that all allegations of SEA have been accurately and fully reported, as proposed by the Secretary-General in paragraph 50 of A/71/818. This requirement should also be clearly incorporated in the manual mentioned in recommendation 7.</p>	<p>The scope of this report (2016 to 2018) does not reflect the progress made since then.</p> <p>The leadership accountability for prevention of, and timely response to, reports of sexual exploitation and abuse has been continuously prioritized and require mandatory action plans and annual certifications from senior leadership.</p> <p>Hence, the sustained leadership accountability which shows alignment of development, humanitarian and peace pillars across system, increased buy-in and institutionalization is expressed by 207 action plans submitted in 2020 vs. 37 in 2018 from AFPs, HC/RCs on behalf of UNCT, and by over 43 certification letters from agencies, funds and programs and residents coordinators we have received so far.</p> <p>DMSPC agrees that communicating to POs on SEA is not a one-time activity. HQ must remain in ongoing discussion with POs to provide guidance based on policy changes or evolving situations, which must regularly include information regarding the obligation to report SEA and how to do so. DMSPC, and previously DFS, have sent periodic</p>	<p>DMSPC OSC DPO DPPA</p>	<p>June 2021</p>

⁸⁸ Available at: <https://undocs.org/ST/SGB/2003/13>

⁸⁹ Available at <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
	<p>reminders to Heads of Missions of this obligation regularly and asks that they raise awareness with mission personnel and provides examples of communication activities (such as broadcasts, townhalls, posters etc.) and key messages.</p> <p>Raising awareness is an ongoing activity and DMSPC, in consultation with DPO and DPPA, considers this recommendation as having and continuing to be implemented, noting however that DMSPC, in collaboration with DPO will issue a message to Secretariat entities following the issuance of the Secretary-General’s report on Special Measures for Sexual Exploitation and Sexual Abuse to raise awareness and share key messages for further communications.</p> <p>DMSPC notes in connection with part ii of this recommendation that it supports the OSC lead on the issue of certification of annual management letters by heads of entities.</p>		
<p><u>Recommendation 12</u> DMSPC and missions should maintain timelines of administrative sanctions imposed for SEA cases by incorporating relevant data fields for capturing dates of such sanctions in the Misconduct Tracking System to monitor and improve effectiveness of enforcement measures.</p>	<p>The enhanced Misconduct Tracking System module of the new Case Management Tracking System record interim measures and administrative sanctions taken either by the UN or Member States, capturing dates of such sanctions.</p> <p>DMSPC considers this recommendation to be implemented.</p>	DMSPC	N/A
<p><u>Recommendation 13</u> DPO and DMSPC should ensure that in its engagement with Member States to seek accountability for SEA in line with the Security Council resolution 2272 (2016), the Standing Review Committee considers repatriation or other measures, as appropriate, based on comprehensive and</p>	<p>DMSPC and DPO will continue to actively engage with Member States to seek accountability for SEA in line with Security Council resolution 2272 (2016). The Standing Review Committee meets regularly to consider all appropriate measures, including repatriation, based on comprehensive and objective reviews, and will continue to do so.</p>	DPO and DMSPC	ongoing

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>objective reviews while also keeping such measures consistent with criteria used in past examples of repatriation for SEA.</p>	<p>DMSPC and DPO note, however, that the Standing Review Committee’s consideration of comprehensive and broad reviews will result in the most appropriate measures for a specific situation, which could present a solution that may be different from past examples. It is important that each situation is considered on its own facts and merits in light of the provisions of Security Council 2272 (2016).</p> <p>DMSPC considers this recommendation to be implemented.</p>		
<p>Recommendation 14 DMSPC should systematically forward all investigative findings revealing criminal conduct of SEA by Officials or experts on mission to OLA for consideration of referral.</p>	<p>Taking note that not all forms of sexual exploitation and abuse amount to crimes under national laws, DMSPC notes the practice of OIOS to now directly refer to OLA findings of investigations in instances where acts of SEA could amount to crimes by Officials and experts on mission, for those investigations conducted by OIOS, for investigations not conducted by OIOS but by other UN investigation entities, DMSPC has long had the practice of referring to OLA findings of investigations in instances where acts of SEA could amount to crimes.</p> <p>DMSPC considers this recommendation to be implemented.</p>		N/A
<p>Recommendation 15 DMSPC, in collaboration with OVRA and missions, should prioritize supporting individual victims of SEA, including through the Trust Fund, with clear reporting on number of victims supported and the type of support provided.</p>	<p>DMSPC works closely with OVRA on support and assistance to victims of SEA. DMSPC provides an annual report on the activities and finances of the Trust Fund. The Trust Fund supports projects which support activities for victims and members of local populations in vulnerable situations who are at risk of SEA based on the locations’ context. The efforts are underway and will continue.</p> <p>DMSPC prioritizes all victims of SEA. In terms of individual tracking and reporting, it should be noted DMSPC does not provide direct support; rather DMSPC refers victims to service providers. In peace operations, the Victim Assistance Tracking System is in place but tracking and reporting on all individual victims would require a system-wide system, which is not now in place.</p>		N/A

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
	<p>It is recalled that the Trust Fund was intended to address gaps in victim services and was not meant to be a system of direct support.</p> <p>DMSPC considers that this recommendation has been implemented.</p>		
<p>Recommendation 16 DMSPC should report in the Trust Fund statement on the status of the \$600,000 payment withheld for substantiated SEA and transfer the amount to the trust fund in support of victims of SEA in line with General Assembly resolution A/Res/70/286.</p>	<p>DMSPC can confirm that the approximately \$600,000 in payment withheld for substantiated SEA is available in the Trust Fund. The mechanisms to regularly transfer withheld funds to the Trust Fund are in place and will remain.</p> <p>See the Annual Report of the Trust Fund for Victims of Sexual Exploitation and Abuse, 2019 at https://www.un.org/preventing-sexual-exploitation-and-abuse/content/projects-and-reports</p> <p>DMSPC considers this recommendation to be implemented.</p>		
<p>Recommendation 17 OVRA, in collaboration with DMSPC, DPO and missions, should develop the procedure for handling paternity claims, from reporting to outcome, including procedures for communicating with victims and follow-up as envisaged in A/69/779.</p>	<p>DMSPC will work in collaboration with the OVRA as requested. It is important to clarify, however, that the core issues affecting the resolution of paternity claims is not primarily one of the need for greater internal procedures. The challenges we are encountering lie primarily on the need for Member States to action their accountabilities in ensuring that the rights of children born out of instances of sexual exploitation and abuse are realized.</p> <p>Under the Model Memorandum Of Understandings for TCCs and PCCs, Member States are expected to work with the United Nations to facilitate claims of paternity and child support irrespective of whether they have resulted from sexual exploitation and abuse. In practice, this obligation has been extended to matters involving non-MOU personnel such as individually deployed police officers.</p>		ongoing

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
	<p>The Model MOUs do not specify how a Member State is to facilitate claims. Presently, there is no consistent process or practice uniformly taken by Member States to meet their obligations. Paternity recognition and obligations for child support are pursuant to the national laws of the Member State of the nationality of the father and/or mother, whether through national courts or other judicial fora, in judgments, agreements, or other legal decisions. The UN's present role is limited to facilitating and supporting a process of individual accountability (the purported father, normally) in accordance with the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/RES/62/214, Annex) and national structures, laws, and related institutions of the Member State.</p> <p>In light of the above, DMSPC, in consultation with DPO, takes the view that the Secretariat should work with Member States to establish an enhanced framework of action, rather than a set of procedures, for the just resolution of claims of paternity, the goals being legal recognition of paternity and enforceable orders of child support.</p> <p>OVRA accepts this recommendation on the basis that work is ongoing and requires consultation with Member States.</p>		

Department of Safety and Security

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Recommendation 3 Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).</p>	<p>UNDSS accepts the recommendation to conduct SEA risk assessments as provided in the tool kit and in A/71/818.</p>	<p>UNDSS</p>	<p>Dec 2022</p>
<p>Recommendation 4 Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<p>UNDSS accepts this recommendation as awareness and messaging activities are ongoing.</p>	<p>UNDSS</p>	<p>Dec 2021</p>

Economic and Social Commission for Asia and the Pacific

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Recommendation 3 Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).</p>	<p>ESCAP accepts this recommendation and will seek to conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit, preferably in collaboration with the Resident Coordinator's office for a duty station 'One UN' response.</p>	<p>ESCAP</p>	<p>2022</p>
<p>Recommendation 4 Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<p>ESCAP accepts this recommendation, and will strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites. In this regard, ESCAP requests support and guidance from DMSPC, OSC and OVRA on capacity building tailored to non-peacekeeping entities.</p>	<p>ESCAP</p>	<p>Spring 2022</p>

United Nations Human Settlements Programme

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 1</u> DMSPC should enhance monitoring of completion of mandatory online training on SEA across the Secretariat, including through periodic and targeted follow-ups and publication of related dashboards.</p>	<p>UN-Habitat as a Secretariat entity makes use of the management dashboards established by DMSPC on completion of mandatory training.</p>	<p>DMSPC UN-Habitat</p>	<p>Ongoing</p>
<p><u>Recommendation 3</u> Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).</p>	<p>The Executive Director UN-Habitat in 2019 appointed a Conduct and Discipline Focal Points (CDFP) following the request from DMSPC that all Secretariat entities appoint CDFPs.</p> <p>The UN-Habitat CDFP avails themselves of the learning opportunities and support provided by the ALD Connect platform on prevention of misconduct, including SEA, enforcement of violations of the UN standards of conduct and support and assistance to victims of SEA.</p> <p>UN-Habitat staff responsible for risk management, with support from ALD with guidance and support in misconduct risk management, are developing internal risk registers and related workplans.</p>	<p>DMSPC UN-Habitat</p>	<p>N/A</p>
<p><u>Recommendation 4</u> Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<p>With support from ALD Connect, UN-Habitat disseminates knowledge and messaging and provides advice to staff and non-staff personnel on issues related to sexual exploitation and abuse.</p>	<p>DMSPC UN-Habitat</p>	<p>N/A</p>
<p><u>Recommendation 11</u></p>	<p>UN-Habitat provides any/all mandatory action plans and annual certifications from senior leadership</p>	<p>DMSPC UN-Habitat</p>	<p>Ongoing</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>DMSPC, in collaboration with OSC, DPO and DPPA, should: (i) remind missions of the requirement of reporting and referring SEA allegations to Headquarters, OIOS and troop-contributing-countries as stipulated; and (ii) require heads of all Secretariat entities to certify in annual management letter that all allegations of SEA have been accurately and fully reported, as proposed by the Secretary-General in paragraph 50 of A/71/818. This requirement should also be clearly incorporated in the manual mentioned in recommendation 7.</p>			
<p>Recommendation 12 DMSPC and missions should maintain timelines of administrative sanctions imposed for SEA cases by incorporating relevant data fields for capturing dates of such sanctions in the Misconduct Tracking System to monitor and improve effectiveness of enforcement measures.</p>	<p>UN-Habitat utilizes the Misconduct Tracking System module of the new Case Management Tracking System to record interim measures and administrative sanctions taken in respect of cases.</p>	<p>DMSPC UN-Habitat</p>	<p>Ongoing</p>

United Nations Office on Drugs and Crime

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Recommendation 1 DMSPC should enhance monitoring of completion of mandatory online training on SEA across the Secretariat, including through periodic and targeted follow-ups and publication of related dashboards.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p>Recommendation 2 DMSPC, in consultation with OSC, should clarify the distinction between SEA and violation of non-fraternization policy against uniformed personnel.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Recommendation 3 Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).</p>	<p>Accepted</p> <p>While country-level UNCT Action Plans for 2020 included carrying out risk assessments and developing mitigation measures, repeated lockdowns due to the COVID-19 pandemic has delayed the related activities. They are expected to take place in the coming months.</p>	<p>UNODC</p>	<p>December 2021</p>
<p>Recommendation 4 Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<p>Accepted</p> <p>Key messages have been conveyed and communication materials have been shared with the field offices. PSEA focal points were designated to coordinate with the respective UNCTs. In Thailand, “no excuses” card has been translated into Thai and distributed in two language throughout UNODC Regional Office for Southeast Asia and the Pacific. In the Regional Office for Central Asia, key PSEA principles are reiterated during periodic meetings of the office, and newly recruited personnel are requested to complete the mandatory PSEA course within the initial three-month period.</p> <p>All field offices will continue to strengthen prevention measures, including through periodic messages to personnel and display of SEA visibility materials.</p> <p>As regards inclusion of information on PSEA and reporting mechanisms on websites, HRMS/UNODC has a dedicated page on I-Seek.</p>	<p>UNODC</p>	<p>December 2021</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 6</u> OSC and OVRA, in coordination with DMSPC, should conduct stocktaking of policies and initiatives with a view to prioritize and simplify and specify expected completion dates of longstanding initiatives.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p><u>Recommendation 7</u> DMSPC should consolidate scattered operational guidance into a manual outlining key processes and roles and responsibilities in preventing and responding to SEA within the Secretariat which could be done as part of the OSC System-wide SEA manual under development since 2016 or supplementing it with additional guidance for Secretariat entities as needed.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p><u>Recommendation 8</u> OSC, in consultation with the SEA Working Group and considering the lessons gathered from pilot implementation, should revisit the incident reporting form and make necessary adjustments to ensure that it is used as a standard SEA intake and reporting form across the UN System as envisioned by the Secretary-General.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p><u>Recommendation 9</u> Given the System-wide relevance of ST/SGB/2003/13, OSC and DMSPC should jointly seek consensus with stakeholders on clarifying its provisions that strongly discourage sexual relations between UN personnel and beneficiaries of assistance and update the Bulletin accordingly.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p><u>Recommendation 10</u> OSC, in consultation with DMSPC and OLA, should develop a mechanism for public reporting on SEA allegations against Secretariat personnel in context other than peace and humanitarian that are not included in the Secretary-General's Special Measures reports.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Recommendation 11 DMSPC, in collaboration with OSC, DPO and DPPA, should: (i) remind missions of the requirement of reporting and referring SEA allegations to Headquarters, OIOS and troop-contributing-countries as stipulated; and (ii) require heads of all Secretariat entities to certify in annual management letter that all allegations of SEA have been accurately and fully reported, as proposed by the Secretary-General in paragraph 50 of A/71/818. This requirement should also be clearly incorporated in the manual mentioned in recommendation 7.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p>Recommendation 12 DMSPC and missions should maintain timelines of administrative sanctions imposed for SEA cases by incorporating relevant data fields for capturing dates of such sanctions in the Misconduct Tracking System to monitor and improve effectiveness of enforcement measures.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p>Recommendation 13 DPO and DMSPC should ensure that in its engagement with Member States to seek accountability for SEA in line with the Security Council resolution 2272 (2016), the Standing Review Committee considers repatriation or other measures, as appropriate, based on comprehensive and objective reviews while also keeping such measures consistent with criteria used in past examples of repatriation for SEA.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p>Recommendation 14 DMSPC should systematically forward all investigative findings revealing criminal conduct of SEA by Officials or experts on mission to OLA for consideration of referral.</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>
<p>Recommendation 15 DMSPC, in collaboration with OVRA and missions, should prioritize supporting individual victims of SEA, including</p>	<p>As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC</p>	<p>N/A</p>	<p>N/A</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
through the Trust Fund, with clear reporting on number of victims supported and the type of support provided.			
Recommendation 16 DMSPC should report in the Trust Fund statement on the status of the \$600,000 payment withheld for substantiated SEA and transfer the amount to the trust fund in support of victims of SEA in line with General Assembly resolution A/Res/70/286.	As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC	N/A	N/A
Recommendation 17 OVRA, in collaboration with DMSPC, DPO and missions, should develop the procedure for handling paternity claims, from reporting to outcome, including procedures for communicating with victims and follow-up as envisaged in A/69/779.	As part of the United Nations Secretariat, UNODC will be attentive to changes and initiatives proposed by DMSPC	N/A	N/A

United Nations Office at Nairobi

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
Recommendation 1 DMSPC should enhance monitoring of completion of mandatory online training on SEA across the Secretariat, including through periodic and targeted follow-ups and publication of related dashboards.	UNON monitors compliance on a quarterly basis and broadcast completion rates.	DMSPC	31 December 2021
Recommendation 2 DMSPC, in consultation with OSC, should clarify the distinction between SEA and violation of non-fraternization policy against uniformed personnel.	UNON in agreement.	DMSPC	31 December 2021
Recommendation 3 Non-peacekeeping Secretariat entities, especially those with field operations, should conduct SEA risk assessment in line	UNON to work with the Inter-agency PSEA group and conduct SEA Risk Assessments - possible role for UNDSS.	UNON	31 December 2021

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
with the DMSPC SEA Risk Management Toolkit and as provided in A/71/818 (paragraph 23).			
<p>Recommendation 4 Non-peacekeeping Secretariat entities should strengthen prevention measures for SEA, including through periodic messages to personnel, display of SEA visibility materials and inclusion of SEA standard of conduct and reporting mechanisms on websites.</p>	<ol style="list-style-type: none"> 1. UNON to work with the Inter-agency PSEA group to create communication collateral on PSEA. 2. UNON has created a SEAA card, phase two is its dissemination 3. SEA is often included in UNDSS weekly Security updates 4. JMS send broadcast on their services 5. UNON has created a Gender webpage with links to UN-Women / SEA etc gender pages - awaiting approval 6. UN-Women are planning on delivering a TOT on SEA to gender focal points 	UNON	31 December 2021
<p>Recommendation 5 EOSG should consider a review of the functions, structure, and interlinkages of OSC and OVRA and determine the continued necessity of two separate offices.</p>	UNON in agreement.	EOSG	31 December 2021
<p>Recommendation 6 OSC and OVRA, in coordination with DMSPC, should conduct stocktaking of policies and initiatives with a view to prioritize and simplify and specify expected completion dates of longstanding initiatives.</p>	If working group formed than UNON could participate.	OSC OVRA DMSPC	31 December 2021
<p>Recommendation 7 DMSPC should consolidate scattered operational guidance into a manual outlining key processes and roles and responsibilities in preventing and responding to SEA within the Secretariat which could be done as part of the OSC System-wide SEA manual under development since 2016 or supplementing it with additional guidance for Secretariat entities as needed.</p>	If working group formed than UNON could participate.	DMSPC	31 December 2021
<p>Recommendation 8</p>	If working group formed than UNON could participate.	OSC	31 December 2021

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>OSC, in consultation with the SEA Working Group and considering the lessons gathered from pilot implementation, should revisit the incident reporting form and make necessary adjustments to ensure that it is used as a standard SEA intake and reporting form across the UN System as envisioned by the Secretary-General.</p>			
<p><u>Recommendation 9</u> Given the System-wide relevance of ST/SGB/2003/13, OSC and DMSPC should jointly seek consensus with stakeholders on clarifying its provisions that strongly discourage sexual relations between UN personnel and beneficiaries of assistance and update the Bulletin accordingly.</p>	<p>If working group formed than UNON could participate.</p>	<p>OSC DMSPC</p>	<p>31 December 2021</p>
<p><u>Recommendation 10</u> OSC, in consultation with DMSPC and OLA, should develop a mechanism for public reporting on SEA allegations against Secretariat personnel in context other than peace and humanitarian that are not included in the Secretary-General's Special Measures reports.</p>	<p>If working group formed than UNON could participate.</p>	<p>OSC</p>	<p>31 December 2021</p>
<p><u>Recommendation 11</u> DMSPC, in collaboration with OSC, DPO and DPPA, should: (i) remind missions of the requirement of reporting and referring SEA allegations to Headquarters, OIOS and troop-contributing-countries as stipulated; and (ii) require heads of all Secretariat entities to certify in annual management letter that all allegations of SEA have been accurately and fully reported, as proposed by the Secretary-General in paragraph 50 of A/71/818. This requirement should also be clearly incorporated in the manual mentioned in recommendation 7.</p>	<p>UNON supports this initiative</p>	<p>DMSPC</p>	<p>31 December 2021</p>
<p><u>Recommendation 12</u> DMSPC and missions should maintain timelines of administrative sanctions imposed for SEA cases by incorporating relevant data fields for capturing dates of such</p>	<p>UNON supports this initiative</p>	<p>DMSPC</p>	<p>31 December 2021</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
sanctions in the Misconduct Tracking System to monitor and improve effectiveness of enforcement measures.			
<p>Recommendation 13 DPO and DMSPC should ensure that in its engagement with Member States to seek accountability for SEA in line with the Security Council resolution 2272 (2016), the Standing Review Committee considers repatriation or other measures, as appropriate, based on comprehensive and objective reviews while also keeping such measures consistent with criteria used in past examples of repatriation for SEA.</p>	UNON in agreement.	DPO DMSPC	31 December 2021
<p>Recommendation 14 DMSPC should systematically forward all investigative findings revealing criminal conduct of SEA by Officials or experts on mission to OLA for consideration of referral.</p>	UNON in agreement.	DMSPC	31 December 2021
<p>Recommendation 15 DMSPC, in collaboration with OVRA and missions, should prioritize supporting individual victims of SEA, including through the Trust Fund, with clear reporting on number of victims supported and the type of support provided.</p>	This should apply to all UN Sec entities, not solely PO.	DMSPC	31 December 2021
<p>Recommendation 16 DMSPC should report in the Trust Fund statement on the status of the \$600,000 payment withheld for substantiated SEA and transfer the amount to the trust fund in support of victims of SEA in line with General Assembly resolution A/Res/70/286.</p>	UNON in agreement.	DMSPC	31 December 2021
<p>Recommendation 17 OVRA, in collaboration with DMSPC, DPO and missions, should develop the procedure for handling paternity claims, from reporting to outcome, including procedures for communicating with victims and follow-up as envisaged in A/69/779.</p>	This should apply to all UN Sec entities, not solely PO.	OVRA	31 December 2021

Annex III: OIOS response to formal comments from DMSPC, OSC, OVRA, DPO, DPPA, UNDOF, UNODC, UNON, UNVMC, UNDSS, ESCAP and UN-Habitat

1. OIOS thanks and appreciates all the entities for their valuable comments made on the draft evaluation report and the action plans to implement the recommendations.
2. OIOS acknowledges the evolution that has taken place in the Organization's efforts to address SEA since the period covered by the evaluation. Matters highlighted by the evaluation will be reviewed as appropriate during future relevant assignments.
3. The progress made on the implementation of the recommendations will be monitored by OIOS through existing procedures.