



UNHCR
The UN Refugee Agency

Policy on a Victim-Centred Approach in UNHCR's response to Sexual Misconduct

Sexual Exploitation and Abuse
and Sexual Harassment

UNHCR/HCP/2020/04



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I.

PURPOSE

1. This policy (i) clarifies what is meant in UNHCR when referring to a victim-centred approach, (ii) confirms the organization's commitment to apply a victim-centred approach in all (suspected) instances of sexual misconduct (sexual exploitation and abuse and sexual harassment and (iii) spells out which entities are involved in and responsible for operationalizing a victim-centred approach in their work on sexual misconduct.

II.

SCOPE

2. This policy binds the UNHCR entities ([see para. 12](#)) and personnel¹ responsible for responding to sexual misconduct. The policy benefits persons of concern to UNHCR who are victims of sexual exploitation and abuse and UNHCR personnel who are victims of sexual harassment.
3. Compliance with this Policy is mandatory.

¹ For the purpose of this policy, the term personnel encompasses UNHCR staff members, affiliate workforce, interns, as well as other UN staff members on secondment or loan with UNHCR from a releasing organization applying the United Nations Common System of Salaries and allowances (the UN Common System), subject to the provisions of the *Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among Organizations Applying the United Nations Common System of Salaries and allowances*.



RATIONALE

4. Sexual exploitation and abuse represent a grave breach of trust and of the right to safety, security and dignity of others, who are often persons of concern to UNHCR. Sexual harassment undermines the right of personnel to be safe and treated with dignity and respect in the workplace and in connection with work.
5. The United Nations and UNHCR are committed to take all necessary action to prevent sexual misconduct. Within these efforts, the United Nations and UNHCR are committed² to putting the protection, rights and dignity of victims³ at the forefront of all efforts to prevent and respond to sexual exploitation and abuse, ensuring that victims' voices are heard. Similarly, in the context of preventing and responding to sexual harassment, leaders of UN System organizations have expressed firm commitment to strengthen victim-centred prevention and response efforts.⁴ Against the background of this acknowledgement that victims' voices need to inform prevention and response systems and efforts, different UN entities are taking steps to implement a victim-centred approach to prevention and response of sexual misconduct.
6. Through robust internal systems UNHCR strives to provide a diligent, appropriate and sensitive response to all incidents of sexual misconduct, placing victims at the centre of the organization's actions.
7. There are many reasons why, in addition to a coherent organizational approach, tailored, specialized support is required for victims of sexual misconduct, including:
 - a) Sexual misconduct is known to lead to high levels of social stigma and ostracization, which is less pronounced for other forms of misconduct. In addition, societal and culturally sanctioned ideas about gender and sex can exacerbate the risks

² See e.g. the Secretary-General's 2017 report, *Special measures for protection from sexual exploitation and abuse: a new approach*, <https://undocs.org/A/71/818>. As illustrations of UNHCR's commitment to eradicating sexual misconduct, see the [2020-2022 Strategy and Action Plan on tackling SEA and SH, 2018 in review](#) and [2019 in review](#), as well as promising ongoing projects in the context of the High Commissioner's [priorities and initiatives](#) as IASC Champion on Protection from SEA/SH.

³ In line with the current accepted broader UN approach, we are using the term 'victim' in this policy, while acknowledging that the term survivor may also be appropriate and is preferred in certain contexts (e.g. in the context of responding to gender-based violence). As an example of the UN use of the term victim, see e.g. <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/victims-rights-advocate>.

⁴ See e.g. the Executive Summary of the [Progress Report](#), *CEB Task Force on Addressing Sexual Harassment within the Organizations of the UN System*, October 2018.

victims face, including security risks.⁵ These could include, for example, so-called “honour-related crimes”, specific criminal charges and/or punishments.

- b) Sexual misconduct is known to lead to more adverse health outcomes, often in relation to mental health, including the effects of triggering previous traumatic experiences.⁶
- c) Victims of sexual misconduct are less likely to talk about their experiences than victims of other types of misconduct, due to the feelings of shame and guilt associated with the sexual element of the harassment, exploitation and/or abuse. This means that they usually have less family or community support and are more isolated than victims of other types of misconduct, who can often speak more openly about their experiences.⁷

- d) Sexual misconduct perpetrators generally target vulnerable individuals. In addition to struggling with “why me” questions and self-blame, the victim can also face issues of credibility; perpetrators usually pick victims who are isolated or vulnerable for other reasons, because they are more likely to be dismissed as not credible.⁸

⁵ See e.g.: Sable M.R., Danis F., Mauzy D.L., and Gallagher S. K., Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students. *Journal of American College Health*, 2006, *Journal of American College Health*, 55:3, 157-162, and: Deitz M.F., Williams S.L., Rife S.C., Cantrell P., Examining cultural, social, and self-related aspects of stigma in relation to sexual assault and trauma symptoms. *Violence Against Women*, 2015; Volume 21, issue 5, 598-615.

⁶ See e.g.: Thurston R.C., Chang Y., Matthews K.A., von Känel R., Koenen K., Association of Sexual Harassment and Sexual Assault With Midlife Women’s Mental and Physical Health, *JAMA Intern Med.*, 2019, 179(1): 48–53, and: Smith C.P. and Freyd J.J., Dangerous Safe Havens: Institutional Betrayal Exacerbates Sexual Trauma, *Journal of Traumatic Stress*, 2013, Volume 26, Issue 1, 119-124.

⁷ See e.g.: Dhakal G., Women’s Experience of Sexual Harassment in Carpet Factories, *Journal of Nepal Health Research Council*, 2009, Oct 7(15), 98-102, and: Sable M.R., Danis F., Mauzy D.L., and Gallagher S. K., Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students. *Journal of American College Health*, 2006, *Journal of American College Health*, 55:3, 157-162.

⁸ See e.g.: Martin L., Personality characteristics that increase vulnerability to sexual harassment among U.S. Army soldiers, *Mil Med.*, 2000, 165(10): 709-13. and: Maker A.H., Kimmelmeier M., Peterson C., Child sexual abuse, peer sexual abuse, and sexual assault in adulthood: a multi-risk model of revictimization, *Journal of Traumatic Stress*, 2001, Volume 14, Issue 2, 351-368.

IV. DEFINITION

8. A victim-centred approach is defined in different ways by different actors in different contexts, some emphasizing a rights-based approach and others more focusing on the victims' needs and organizational obligations towards victims.
9. UNHCR uses the following definition:

“*In the context of sexual exploitation and abuse and sexual harassment, a victim-centred approach is a way of engaging with victim(s) that prioritizes listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible⁹ and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner.*”

⁹ Regarding the meaning and scope of the phrase “as feasible”, see [paragraph 11.e](#) and [footnote 14](#).

¹⁰ See [paragraph 12](#).

¹¹ These principles take inspiration from the *United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, 2020*, as well as from the “core elements” of a victim-centred approach as described in: UN Women, [What will it take? Promoting cultural change to end sexual harassment](#), 2019.

V. KEY PRINCIPLES

10. In engaging with a victim of sexual misconduct, personnel of UNHCR entities involved in the response to sexual misconduct¹⁰ are expected to be appropriately trained, and to respect key principles¹¹ of a victim-centred approach, in close coordination with other entities involved. Entities should incorporate how they will ensure respect for the principles of a victim-centred approach, articulated below, in Standard Operating Procedures or other internal guidance.
11. In UNHCR, the following are the key principles of a victim-centred approach:
 - a) **Well-being, protection and security first:** assistance provided to victims adheres to the principle of “do no harm” and is provided in a manner which seeks to uphold their rights, dignity and well-being. This may entail the implementation of security measures to protect against retaliation, re-victimization and re-traumatization.

- b) **Assistance and support**¹² are offered to victims of sexual exploitation and abuse or sexual harassment, irrespective of whether the victim initiates or cooperates with an investigation or any other accountability or resolution procedure. Accompaniment for sexual harassment victims is offered through an *opt-out* model.¹³
- c) **Non-discrimination:** in the context of this Policy, non-discrimination means that every victim, irrespective of race, skin colour, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, property, birth, health or other status, or any other characteristic, is entitled to the most appropriate response in accordance with the definition of a victim-centred approach.
- d) **End-to-end, holistic approach:** a victim-centred approach and key principles of a victim-centred approach apply to all engagement with victims, organization-wide, from the moment when UNHCR is made aware of a sexual misconduct disclosure, report, incident or situation. Where UNHCR is providing services to a victim following a disclosure of sexual misconduct, UNHCR will continue to provide these services as long as appropriate and feasible in accordance with its

mandate and policies. Depending on the specific circumstances, services may be provided beyond the conclusion of an investigative or disciplinary process.

- e) **Give (back) a measure of control, to the extent feasible:** the victim has as much control as feasible over sharing of their personally identifiable information and over any actions in the context of assistance, support, processes and procedures. In limited circumstances,¹⁴ UNHCR entities may need to take steps which the victim has not requested, does not agree with or do not meet the victim's expectations. When this occurs, the reasons for the course of action are explained to the victim as clearly and as early as possible.
- f) **Confidentiality and informed consent:** the meaning and scope of these concepts are clarified to the victim in the context of relevant processes or actions as early as possible throughout all process steps and preferably before the victim shares details.

¹² In the context of SEA, such assistance usually covers, depending on the operational environment, the areas of safety, medical, psychosocial, material and legal support. In the context of SH, the assistance and support available to UNHCR personnel includes the services offered by all entities listed in [paragraph 12](#).

¹³ In an opt-out model, services are made available automatically to all potential users, while informing them of their right to opt out of the services and offering them a clear method for actually opting out.

¹⁴ UNHCR entities shall only take actions or steps which the victim has not requested or does not agree with when (a) these steps / actions are in accordance with mandatory policy or guidance, or when (b) the step or action is necessary to address a situation that seriously endangers the life or immediate security of the victim or of other persons.

g) **Ask and listen:** ask questions and listen to the victim without bias or judgement. Show empathy in all interactions with a victim. Make no assumptions of guilt nor of innocence: start from the possibility that what the victim is reporting may have happened.

h) **Information:** keep the victim informed, in a timely and coordinated manner, of the progress and outcomes of actions or processes that concern the victim, throughout any process. If relevant, explain up-front if and why certain information cannot be shared or cannot immediately be shared with the victim. Coordinate with other entities, as appropriate and feasible, to ensure uninterrupted and predictable communication (while maintaining confidentiality and respecting boundaries of consent).

i) **Child victims:** assistance and support to child victims (persons below 18 years of age) of SEA is provided in a manner consistent with the Convention on the Rights of the Child (CRC), in particular the principle of the “best interests of the child”, as per article 3 of the CRC.¹⁵ The child has the right to have her or his best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her. If children are affected by SEA, the child’s best interests must be a primary

consideration in all elements of the response. In addition, children shall be assured the right to express their views freely in all matters affecting them, their views being given due weight in accordance with the child’s age and level of maturity, as per article 12 of the CRC.

j) **Due process:** due process rights of the alleged perpetrator(s) in accountability procedures are explained to the victim at the earliest time possible, allowing the victim to understand how the alleged perpetrator’s due process rights may affect her/him.¹⁶

¹⁵ The term ‘best interests of the child’ broadly describes the well-being of a child. A variety of individual circumstances determine a child’s well-being. These circumstances include age, gender, level of maturity and experiences, as well as other factors such as the presence or absence of parents, the quality of the relationships between the child and family/ caretaker, the physical and psychosocial situation of the child, and her/his protection situation (security, protection risks, etc.).

¹⁶ See [Administrative Instruction on Conducting Investigations in UNHCR](#) and the [Administrative Instruction on Misconduct and the Disciplinary Process](#).

VI.

INVOLVED UNHCR ENTITIES – OPERATIONALIZING THE VICTIM-CENTRED APPROACH

12. In UNHCR, the following Headquarters entities (in alphabetical order) are or can be involved in responding to sexual misconduct or advising field-based colleagues on the response. As such, they are expected to operationalize and integrate the above victim-centred approach principles in their processes and procedures when engaging with victims of sexual misconduct or when advising field-based colleagues who are working directly with victims of sexual misconduct:

a) Division of Human Resources, specifically including:

- Medical Section,
- Psychosocial Case Management Officer (sexual harassment),
- Psychosocial Wellbeing Section;

b) Division of International Protection;

c) Ethics Office;

d) Field Security Service;

e) Inspector General's Office;

f) Legal Affairs Service;

g) Office of the Senior Coordinator on prevention of and response to sexual exploitation and abuse and sexual harassment;

h) Ombudsman's Office;

i) Staff Council.

VII.

MONITORING AND COMPLIANCE

13. Without prejudice to the necessary confidentiality and mandate of the relevant UNHCR entities,
 - the Senior Coordinator (SEA/SH) shall have the overall responsibility to guide, advise and report on the implementation and operationalization of a victim-centred approach in response to sexual misconduct, and thus of this policy.
 - The Psychosocial Case Management Officer (SH), working closely with the Senior coordinator (SEA/SH), is specifically responsible for guiding, advising and reporting on the implementation and operationalization of UNHCR's victim-centred approach by relevant entities **in the context of sexual harassment**.
 - The Division of International Protection, working closely with the Senior Coordinator (SEA/SH), is specifically responsible for guiding and supporting field-based colleagues on the operationalization of UNHCR's victim-centred approach **in the context of sexual exploitation and/or abuse**.

VIII.

DATES

14. This Policy is effective on 01 December 2020. It will be reviewed and updated regularly to reflect major evolutions in United Nations and UNHCR practices. The next scheduled review shall be conducted no later than 01 December 2025 [5 years after date of entry-into-force].

IX.

CONTACT

15. The contact for this policy is the Senior Coordinator (SEA/SH), who can be contacted at: hqpseash@unhcr.org.

X.

HISTORY

16. This is the first approved version of this Policy.



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