

## Frequently Asked Questions

### UNHCR Policy on Addressing Sexual Misconduct

#### I. What are the top 3 things I need to know about the new UNHCR Policy on Addressing Sexual Misconduct?

- The primary objective of the Policy is to define sexual exploitation and abuse (SEA) and sexual harassment (SH) and to clarify the roles and responsibilities of all UNHCR personnel in maintaining a workplace that is free from sexual misconduct. It also outlines the accountabilities and authorities for key stakeholders in combatting sexual misconduct across the organization, seeking to ensure that all personnel are held to a common standard of conduct in preventing and addressing sexual exploitation and abuse and sexual harassment.
- The Policy outlines the different reporting requirements for sexual exploitation and abuse and sexual harassment and explains how the Organization responds to allegations of sexual misconduct in a safe and confidential manner. This includes mandatory reporting of SEA against forcibly displaced, stateless persons and members of host communities, and sexual harassment, where reporting is at the discretion of the member of personnel who is a victim and she/he can decide on the preferred resolution pathway.
- To ensure a consistent global approach, the Policy codifies existing good practices already taking place at the field level. This includes, for example, the mandatory appointment of [PSEA Focal Points](#) in each operation and the application of UNHCR's existing [Policy on a Victim-Centred Approach](#).

#### II. Why was there a need for a Policy on Sexual Misconduct in UNHCR?

This is UNHCR's first Policy on sexual misconduct addressing both SEA and SH under one umbrella. It responds to operational requests for clarification on definitions, roles and responsibilities, and reporting requirements. The Policy replaces the aspects of the **2014 Policy on Discrimination, Harassment, Sexual Harassment and Abuse of Authority** that cover sexual harassment.

#### III. What are my responsibilities if I become aware of or suspect an incident of Sexual Exploitation and Abuse?

Reporting SEA is mandatory. Direct reporting to the Inspector General's Office is the primary reporting channel. Alternatively, SEA allegations can be reported through a manager, or the PSEA Focal Point. Both are required, in turn, to report to the IGO. The SpeakUp Helpline is also available to receive reports.

You do not need to have any "proof" or evidence to report. It's enough that there is a concern or suspicion.

Make sure to refer a victim/survivor to the PSEA focal point in your operation to ensure access to assistance and support available.

Failing to report SEA may constitute misconduct.

#### IV. What are my responsibilities if I become aware of or suspect an incident of Sexual Harassment?

If you are a manager and someone discloses an incident of sexual harassment to you, you do not have an obligation to report if the affected individual (victim) does not want you to do so. Reporting an incident of sexual harassment is at the discretion of the victim. However, you are advised to reach out to the Victim Care Officer (VCO) for guidance. Managers have a responsibility to promote a respectful and inclusive environment that mitigates the risks of and prevents the risk of sexual harassment.

If you become aware that sexual harassment may be taking place, you should contact the VCO or the IGO for more advice.

If you have experienced sexual harassment, please refer to **Question IX**.

**V. The Policy states there are certain situations where SH may constitute SEA. What are those situations?**

Unwelcome conduct of a sexual nature that includes actual or threatened physical intrusion (e.g. unwanted kissing, grabbing, touching, rubbing, rape) of a colleague or a staff from a partner organization may constitute both sexual harassment and sexual abuse.

**VI. How does the Policy protect UNHCR personnel against false allegations?**

While false allegations of sexual misconduct are not common, making a malicious report or providing information to the IGO that is intentionally false or misleading may constitute misconduct, as provided in paragraph 15 of the Administrative Instruction on Conducting Investigation in UNHCR (UNHCR/AI/2019/15).

**VII. What mechanisms does UNHCR have in place for protection against retaliation?**

UNHCR has a whistleblower policy which protects against retaliation for protected activities such as for example reporting an SEA or SH incident to the IGO or seeking informal resolution with the Ombudsman's Office for SH.

UNHCR has recently strengthened its protection from retaliation mechanisms to specifically meet the needs of survivors of sexual harassment. Recognizing that survivors need protection from retaliation both before and after they have spoken up (as retaliation is often an inherent feature of the experience of sexual harassment), UNHCR took steps to expand on its protection against retaliation to ensure that preventative and protected measures can be taken to support victims of sexual harassment whether or not they have engaged in what is referred to as a "protected activity", triggering the protections afforded in the policy. This enables a range of preventative and protection measures to be put in place to avoid the threat of negative impact on the victim.

These changes were based on commitments outlined in UNHCR's Policy on a Victim-Centred Approach in Response to Sexual Misconduct. Under this Policy, victims of sexual harassment have a right to be protected from retaliation (principle 1) and victims are entitled to assistance and support irrespective of whether they engage in a resolution process (principle 2).

**VIII. What support is available for victims of SEA?**

Victims of SEA who are forcibly displaced or stateless persons or members of host communities are entitled to immediate multi-sectoral assistance and support, based on existing services available in the

operation or through partners. The provision of victim assistance does not depend on whether the victim makes a formal report. The duration of the assistance and support should be determined in accordance with individual needs. PSEA FPs should facilitate and support this overall approach in their respective operations, working closely with relevant protection colleagues.

#### **IX. What support is available for victims of SH?**

Victims of sexual harassment in UNHCR can receive support from a dedicated service, the Victim Care Team, who work in the Office of the Principal Advisor on protection from sexual exploitation and abuse (SEA) and sexual harassment (SH).

Dr Zuhura Mahamed (Senior Victim Care Officer) and Dr Sofia Gerbase (Victim Care Officer) are licensed clinical psychologists who provide psychosocial support, accompaniment through whatever steps you decide to take (or not to take), and work with you to find the best way forward, all in complete confidence. They also support witnesses to sexual harassment and managers dealing with incidents of sexual harassment.

If you think you might have experienced sexual harassment, or if you have any questions, please contact the [Victim Care Team](#) at [vco@unhcr.org](mailto:vco@unhcr.org) Victims can also directly message the Victim Care Team anonymously through [NotOnlyMe.org](https://www.notonlyme.org).

The Victim Care Team can also facilitate and arrange for additional support from within UNHCR on a victim's behalf.

For other options for support, a victim can:

- Be referred for medical treatment if they have been sexually assaulted or hurt;
- Be referred to the [Ethics Office](#) for retaliation concerns. The Ethics office can provide advice on protection against retaliation, and recommend protective measures in certain instances.
- Be referred to Psychosocial Wellbeing Section (PWS) for counselling if there are additional mental health needs.
- Be referred to security for security concerns.

Victims may also speak with a Peer Advisor in their operation, who should then connect them to the Victim Care Team.

#### **X. What happens after I report an incident of SEA?**

*For UNHCR personnel*, the IGO will inform you once your report is received and an IGO Intake Officer will assess the complaint and decide, based on set criteria and analysis of the available information, whether an investigation should be opened. Not all complaints result in the opening of an investigation.

You may be contacted for more information by the Intake Officer and must maintain strict confidentiality throughout the process.

*For victims of SEA*, the IGO will contact the victim to provide a detailed explanation of the investigation process and confidentiality parameters, and to request consent for the investigation process.

The IGO will then conduct an investigation in accordance with UNHCR's victim-centered approach.

In some instances, the case will be closed at the intake level and not investigated, for example, when a victim provides an explicit request not to proceed with an investigation or is not contactable. To ensure accountability, in exceptional cases the IGO may decide to open an investigation without the victim's consent where it is possible to do so without putting the victim at risk.

#### **XI. What happens after I report an incident of SH?**

If you report to your manager, your manager should let you know about the different reporting options and put you in touch with the Victim Care Officers for support and accompaniment.

If you choose to engage in the formal process, the IGO will explain the formal process to you and they will carry out an investigation with your consent.

If you choose to engage in a resolution outside the formal process, the Office of the Ombudsman can support you with this. Alternatively, you can also choose to resolve the situation informally with the support of your manager.

You can be accompanied and supported through either process, and will be kept updated.

If you have retaliation concerns, the Ethics Office can provide advice on protection against retaliation, and recommend protective measures in certain instances.

#### **XII. In which situation would UNHCR refer a case of SH or SEA to national law enforcement?**

In accordance with its resolution 67/88 on *Criminal accountability of United Nations officials and experts on mission*, the General Assembly requested the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made. Referrals are not made directly by UNHCR. Rather, when sexual misconduct may constitute criminal conduct, the Legal Affairs Service submits the case to the UN Office of Legal Affairs in New York, which reviews them and decides whether to refer or not. Referrals are done with the victims' consent and following an assessment of risks to the victims and witnesses as well as possible mitigatory actions. The UN cooperates with criminal investigations and proceedings in a manner consistent with UN privileges and immunities.

#### **XIII. Where can I get more information on this Policy?**

If you have questions relating to the Policy, your obligations and responsibilities, or how to report or seek support, please contact [HQPSEASH@unhcr.org](mailto:HQPSEASH@unhcr.org).

**For more information on UNHCR's work on addressing sexual misconduct, please see [UNHCR's 2023-2025 Strategy and Action Plan](#).**

*\*\*\*This document will be continuously updated to address further questions and needs for clarifications as they arise.*