Training module on the Rights and Dignity of Victims of Sexual Exploitation and Abuse and Sexual Harassment:

Facilitator Notes

The training module provides a broad framework on the victim-centred approach.

The facilitator notes have been prepared to guide facilitators as they present the training content and lead the participant activities. The notes include general background information that may be useful during the delivery of the training and may be read out or paraphrased.

Facilitators are encouraged to tailor the delivery of the training module to the training needs of the participants and their entities.

If you have any questions about preparing for the training, contact <u>ovra@un.org</u>.

Slide 2: Training overview

Slide 3: I have the right film (2:40) (targeted duration: ±3 min.)

This film was developed to be included in the training module. It portrays the perspectives of victims of sexual misconduct by United Nations personnel and highlights the United Nations' victim-centred approach

Slide 4: Training overview

(targeted duration: ± 3 min.)

1. Describe the learning objective of the training and note the topics that will be explored. The list on the slide is a thematic overview of what the training will focus on.

The term victim-centred approach is familiar to many colleagues, yet, there is widespread uncertainty about what it means in practice. A number of entities have developed excellent trainings, yet these are often technical and tailored for practitioners who are working to prevent and respond to sexual misconduct (i.e., investigators and PSEA/GBV/CP coordinators).

The learning objective of the training is to provide all United Nations staff and non-staff (including implementing partners) with a clear and practical understanding of what a victim-centred approach means so they will know what steps to take as soon as they become aware of an allegation of sexual misconduct, irrespective of whether they are providing direct assistance to victims.

The training also seeks to challenge the misconception that sexual misconduct can only be addressed by those with a specialist background. We all have a responsibility to prevent and respond to sexual misconduct, including through speaking up and reporting.

To achieve this objective, the training will highlight:

- staff rules, standards, terminology and definitions;
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- 2. General guidelines for the training
 - Confidentiality. An environment for open discussion is the objective. Participants should be requested not to disclose the personal details of, or information, provided by participants during the training to ensure that they feel free to engage in discussions. Sessions should not be recorded.
 - Respect. We will listen to each other and recognize that different perspectives can broaden our understanding.
 - Challenge. We will strive to challenge our biases. We will challenge ideas, not the individual who is speaking.
 - Speak up. If something is bothering you, please inform the group. Others may have similar feelings.
 - Be inclusive. We want to ensure that everyone feels comfortable in participating and has the opportunity to contribute.

Slide 6: Foundations – Sexual exploitation and abuse and sexual harassment (targeted duration: ±4 min.)

The United Nations Secretariat has a general framework that includes rules and policies that are accepted by all United Nations agencies, funds and programmes, however, many entities have customized them in light of the specificities of their mandates. In particular, the Secretary-General's Bulletin on Staff Regulations and Rules of the Uni

Slide 7: Definitions – Sexual exploitation

(targeted duration: ±4 min.)

Show each definition slide to ensure there is a common understanding among participants.

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Sexual exploitation and abuse and sexual harassment are forms of sexual misconduct. Sexual misconduct is used in this training to refer to all three forms of misconduct.

- Sexual exploitation and abuse and sexual harassment are all forms of misconduct and gender-based violence, however, there are differences in accountability processes and disciplinary consequences, depending on the status and Organization of the perpetrator/offender.
- The root causes of sexual exploitation and abuse and sexual harassment are similar and include a culture of discrimination and privilege/power, a tolerance of abuse based on unequal gender relations, other power dynamics and a related expectation of impunity.
- Negative and discriminatory legislative and policy frameworks, as well as harmful practices, enabasloition and buse ndharassment.

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Slide 8: Definitions – Sexual abuse

(targeted duration: ±4 min.)

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Additional information

- All sexual activity with a person under the age of 18 is considered to be sexual abuse. Any • person under the age of 18 is considered a child, regardless of the age of consent or majority in national legal systems. Believing or saying that a person appeared to be older than they are is not a valid excuse.
- Sexual abuse is a broad term that includes rape, attempted rape, sexual assault, unwanted •

Case examples

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The following are cases where a disciplined United Nations staff or non-staff member or the Secretary-General appealed the imposed sanction.

• An employee was alleged to have had sexual relations with a girl from a local community who was under 18 years of age. He was dismissed from service and submitted an application to challenge the decision. The United Nations Dispute Tribunal concluded that the employee had breached his terms of contract and appointment by engaging in serious acts of misconduct and dismissed the

Slide 9: Definitions – Sexual harassment (targeted duration: ±4 min.)

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Additional information

Sexual harassment may involve any conduct of a verbal, non-Terbal or physical nature, including written and electronic communications. Examples include: sexual or inappropriate stories or jokes or speaking inappropriately to a colleague at work; deliberate and unsolicited physical contact/proximity, such as pelvic thrusts, brushing up against another person, unwelcome touching, kissing, pinching, patting or rubbing; staring at a person in a sexually suggestive manner; persistent and unwelcome invitations to social activities or asking for sex; repeated comments of a sexual nature about a person's personal appearance, clothing or body parts; rating a person's sexuality; making insulting or negative comments about someone's sexual orientation or gender identity or using sexist or demeaning language about sexual stereotypes; and r-206 (pep) 1 (ea) 1 (t) -1(ed) 1 ()]TJ ET Qq 0.24 () -116 (i) -1 (ns(-1 (t)4upep) 1 -1 (nsh-1 c 46 0 09)-1

 An employee was alleged to have sexually harassed at least three colleagues on a number of occasions, including by hugging and touching the colleagues during workplace social events and work-related travel. The employee was dismissed from service. The United Nations Dispute Tribunal concluded that repeated sexual conduct was correctly sanctioned by separation without termination indemnity.

Other cases are compiled in the United Nations System Administration of Justice Jurisprudence Database available at:!<u>https://www.un.org/internaljustice/oaj/en</u>"!

Sexual exploitation and abuse and sexual harassment

• Cases of sexual harassment that involve abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature would also be

Slide 10: Core documents – United Nations framework related to sexual exploitation and abuse (targeted duration: ±3 min.)

1. Explain that the following documents constitute the United Nations framework related to sexual exploitation and abuse.

As noted, there is a wide variety of United Nations policies and documents related to sexual misconduct. The documents listed on this slide are the system-wide and entity-specific documents that outline and elaborate on the victim-centred approach in rela

Slide 12: The victim-centred approach – Inter-Agency Standing Committee Six Core Principles (targeted duration: ±3 min.)

The Inter-Agency Standing Committee Six Core Principles were adopted in 2002 and revised in 2019.

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.

2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.

4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian an aid work.

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploita-

Slide 13: The victim-centred approach – Victims have the right (targeted duration: ±3 min.)

1. Present the rights of victims.

Only the rights need to be identified. More detail will be provided in the context of the case studies.

<u>Right to be treated with respect</u> (Every victim has the right to be treated with respect and dignity (including for their culture, values

<u>Right to be heard</u> (Victims are entitled to express their views on any issue relating to these rights and to be listened to and heard. They are also entitled to advocate on their own behalf and to identify their needs and be accompanied by a trusted person during interviews and proceedings).

<u>Right to get information</u> (Victims have the right to receive timely information about the progress and outcomes of any investigative processes and procedures related to reported incidents of sexual misconduct, including about their role and available options for participation).

<u>Right to justice and accountability</u> (Victims have the right to seek justice and accountability for the harm that they suffered through criminal

Slide 14: The victim-centred approach – Guiding principles (targeted duration: ±3 min.)

The rights of victims are underpinned by guiding principles that are key to operationalizing a victim-centred approach. You may recognize these from a document issued by the CEB Task Force on Advancing a Common Understanding of a Victim-centred Approach to Sexual Harassment. Note that the following is background information. Only the guiding principles need to be highlighted. More detail will be elaborated in the context of the case studies.

Guiding principles

<u>Respect</u>: In accordance with the victim-centred approach, the right of victims to be treated with respect and dignity and non-discrimination is prioritized. They have the right not to be judged, blamed or held responsible for the harm (i.e., asked what they were wearing) that they suffered as a result of sexual exploitation or abuse or sexual harassment. No assumptions should be made about guilt or innocence. Victims need to feel that they are believed. The process should begin from the possibility that what is being reported may have happened.

<u>Non-discrimination</u>: In accordance with the victim-centred approach, the right of victims to non-discrimination is also prioritized. Victims should never be discriminated against due to their race, skin tone, ethnicity, national or social origin, class, caste, religion, belief, political opinion, sex, language, sexual orientation, gender identity, age, disability, residence, property, birth, health or other status or any other ground.

<u>Safety and do-no-harm</u>: Before taking any action, carefully consider (in close consultation with the victim) if proposed actions could jeopardize their safety and physical and/or emotional well-being or that of their family or community members). Steps must be taken to ensure they are protected from stigmatization and discrimination. Security measures may be needed to protect against retaliation, re-victimization and re-traumatization. In some cases, it is necessary to strike a balance between upholding th

<u>Coordinated and holistic victim-centred support and assistance</u>: The objective is to provide coordinated and consistent victim-centred support and assistance that begins as soon as an allegation is brought to the attention of the United Nations and is maintained for as long as required, in accordance with the policies and mandate of the entity. In some situations, this may be beyond the conclusion of an investigation or accountability process/procedure. For more information, see the Frequently Asked Questions on the scope and duration of assistance for victims of sexual exploitation and abuse by United Nation staff and non-staff personnel.

<u>Prevention</u>: Organizations are obligated to adopt policies, procedures and practices to prevent, mitigate and respond to sexual exploitation and abuse, including programming and case management to effectively assist victims by creating and maintaining an environment and culture that prevents sexual exploitation and abuse, upholds the standards of conduct and ensures that all staff and related personnel act responsibly towards the communities that they serve. They are also obligated to promote a harmonious work environment that is free of discrimination, harassment, including sexual harassment and abuse of authority, in which all people are treated with dignity and respect.

Slide 15: Commitment across the United Nations system – Videotaped statements from United Nations leaders about the victim-centred approach (targeted duration: ±8 min.)

Facilitators should screen one or two of the seven recorded statements of the senior leader(s) of their choice. The video statements are available at: https://www.un.org/en/victims-rights-first under the Training Module tab. They can be downloaded in advance. One or more videos can also be integrated into the Powerpoint presentation for online trainings.

Slide 16: Applying the victim-centred approach – Case studies (targeted duration: ±45 min. per case study: 20-25 minutes in groups, 25 minutes in plenary)

The heart of the training is a ser

• Group 1 will review and report on the right to be treated with respect. Group 2 will review and report on the right to receive assistance and support. Group 3 will review and report on the right to privacy and confidentiality. Group 4 will review and report on the right to be heard. Group 5 will review and report on the right to be protected. Group 6 will review and report on

Slide 17: Sarita's, Eloise's and Amelia's rights – Sexual exploitation and abuse case studies debrief

(targeted duration: ±45 min. per case study: 20-25 minutes in groups, 25 minutes in plenary)

1. Refer to the answer chart and ask the spokesperson of each group to summarize what should and could have been done to uphold the rights of Sarita/Eloise/Amelia under each of the rights identified in the answer chart.

• The rights assigned to each group can be changed for each case study.

2. Use the facilitator answer chart to highlight points that were not raised (as relevant) to further explore the victim-centred approach and address any misconceptions, questions or concerns.

- The "Questions to ask yourself" and "How to reinforce this right" sections of the document can be used to guide the discussion.
- The discussion can be tailored to the roles and responsibilities of the participants.
- Give participants an opportunity to raise questions and concerns.

Facilitator's Tip:

Some information in the answer chart may not be relevant for all participants. Knowing what not to do can be as important as knowing what to do in order to prevent re-traumatization and re-victimization. For instance, unqualified colleagues should not be conducting "investigations." There are many resources available and support offices and services should be contacted

Facilitators may decide to change the names, professions and locations of the case scenarios to ensure relevance for participants. However, the structure of the scenarios and answer charts should be retained. The case studies and answer charts were designed to demonstrate that there is a clear rights-based framework that is needed to guide the implementation of the victim-centred approach. Slide 18: Farah's and Sam's rights – Sexual harassment case studies debrief (targeted duration: ±45 min. per case study: 20-25 minutes in groups, 25 minutes in plenary)

1. Refer to the answer chart and ask the spokesperson of each group to summarize what should and could have been done to uphold the rights of Farah/Sam under each of the rights identified in the answer chart.

• The rights assigned too

Slide 20: Sexual harassment reporting channels – United Nations resources (targeted duration: ±5 min.)

A variety of offices and support services is in place for staff of the Secretariat and UN entities to provide guidance on informal and formal resolution options related to sexual harassment, including what can happen after a report is made, the availability of interim measures and potential consequences for the alleged offender.

1. OIOS Report Wrongdoing hotline/web-based reporting form (+1 212 963 1111 (automated); <u>https://oios.un.org/report-wrongdoing</u>)

- For Secretariat staff. Complaints from staff/personnel from other entities are referred to the relevant office.
- OIOS can provide information on options for informal and formal resolution. No action is taken without the express consent of the victim.

2. Speak Up Helpline/email (+1 917 367 8910 or from a mission 1212 78910 (automated); <u>speakup@un.org</u>)

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<u>Formal complaints</u>: May be made through the reporting channel of your Organization or to OIOS. Anonymous complaints may be made using a free Internet-based email. Suf Slide 21: Bystander intervention – Taking action against sexual harassment (targeted duration: ±5 min.)

The 5 Ds of bystander intervention (from The Right to Be's 5Ds of Bystander Intervention)

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- Distract. If the situation is safe, distract attention away from the offender, affected person and situation.
- Delegate. Contact the appropriate office or support services of your Organization for guidance on available informal and formal options to address the behaviour.
- Document. If another person is intervening, document the situation with video/photos or by writing notes. This information should never be shared without the express consent of the affected person.
- Direct. If the situation is safe, directly intervene to stop the behaviour.
- Delay (Discuss). Follow-up with the affected person after the incident(s).

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Speaking up (as a victim of sexual harassment, bystander or witness)

• If someone has behaved inappropriately towards you or one of your colleagues, or if you are

Slide 22: Prevention initiatives

(targeted duration: ±5 min.)

- 1. ClearCheck (2018)
 - ClearCheck is a secure online platform of a centralized database designed to prevent the deployment or re-employment of UN personnel who were dismissed for substantiated allegations of sexual exploitation and abuse or sexual harassment and/or left the Organization while an investigation was pending.

- Maintaining an open-door policy and environment in which staff members feel comfortable speaking openly about inappropriate and prohibited behaviour and feel supported and protected from retaliation;
- Respecting confidentiality;
- Contributing to system-wide assessments and data collection, such as annual surveys and questionnaires; and
- Collaborating with inter-agency efforts and initiatives, such as outreach, capacitybuilding events and community consultations.

Slide 23: Commitment to act – Looking ahead (targeted duration: ±5 min.)

1. Ask participants to highlight good practices or suggest ideas of how they and their entities can better apply the victim-centred approach. Discuss ideas as a group.

Facilitators should record good practices mentioned during the training and email these to the Office of the Victims' Rights Advocate at <u>ovra@un.org</u>. These good practices will be posted at <u>https://www.un.org/en/victims-rights-first</u>.

2. Key messages.

Slide 24: Closing slide

TOGETHER, WE WILL MAKE A DIFFERENCE.

If you have any questions, contact <u>ovra@un.org</u>. Thank you for your participation.