



HIGH-LEVEL COMMITTEE ON MANAGEMENT (HLCM)

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**CEB Task Force on Addressing Sexual Harassment
within the Organizations of the UN System**

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Annex 1

Terms of Reference of the CEB Task Force on Addressing Sexual Harassment within the Organizations of the UN System

Background

At the second regular session for 2017 of the United Nations System Chief Executives Board (CEB), the Secretary-General emphasized that addressing Sexual Harassment is a growing concern of the international community, which deserves maximum attention and commitment from the entire United Nations leadership, and that it is essential for the United Nations system to be exemplary in addressing it.

The Secretary-General proposed and the CEB agreed to establish a Task Force on Addressing Sexual Harassment (“Task Force”) within the organizations of the United Nations system, under the leadership of Ms. Jan Beagle, Under-Secretary-General for Management, as Chair of the High-Level Committee on Management (HLCM).

Terms of reference

1. The Task Force shall be comprised of representatives from the organizations represented in the CEB. Representatives should be at a senior level, preferably at the level of Assistant Secretary-General.
2. The Task Force will focus on reviewing organizations’ policies to address Sexual Harassment, capacities for investigation of allegations and support to victims, mechanisms in place to ensure implementation of the policies and to create workplace environments free from Sexual discrimination, Harassment and abuse, and awareness training and communication; and, on identifying gaps and inconsistencies as well as best practices, including from outside the UN System, with a view to developing a common UN system approach.
3. In particular, the Task Force will undertake the following:

Phase I.

- (a) Collect, consolidate and analyse information on case reporting, as well as on the existing legal and policy frameworks currently applicable in each organization, as well as in relevant organizations outside the UN System, with respect to the prohibition of Sexual Harassment, including relevant staff rules, administrative issuances and general policy documents;
- (b) Review organizations’ capacities to address allegations of Sexual Harassment (with particular attention to investigative capacities, but also HR, legal, ethics and other relevant organizational units);
- (c) Review organizations’ approaches to support complainants in cases where there is insufficient evidence for formal legal resolution, i.e. human resources measures such as ability to remove the victim from the hostile environment;

- (d) Review organizations' capacities regarding the protection of victims of Sexual Harassment, as well as their emotional and psychological support, and of those who report cases (considering relevant existing procedures applying to protection from retaliation);
- (e) Identify any gaps, shortfalls, inconsistencies in the organizations' approaches towards Sexual Harassment - involving all categories of personnel - as well as best practices;
- (f) Propose immediate measures - particularly towards victim protection -including through interim measures until full-fledged recommendations are formulated and formal measures are adopted.

Phase II.

- (g) Confirm the principles applying to the organizations' approaches to Sexual Harassment, including clarifying the definition and scope of the prohibited conduct on a system-wide basis, with a view to arrive at a common approach;
- (h) Propose measures to ensure an enabling environment and accountability of managers for the implementation of the policies against Sexual Harassment, including undertaking mandatory training and demonstrating ability to set the tone on zero tolerance and to swiftly take appropriate action;
- (i) Propose measures to improve case reporting, protection of victims, and complainants' awareness and experience of the recourse, including making recommendations on any changes needed to policy frameworks, staff regulations, staff rules and other administrative issuances, and permitting consideration of structural and context-driven solutions;
- (j) Formulate recommendations on relevant aspects related to communication, including on top management support for a zero-tolerance approach, on information-sharing between organizations, on balancing the need for public disclosure, respect of confidentiality and due process in cases of Sexual Harassment; and
- (k) Identify risks, propose prevention, communication and awareness raising measures, with particular focus on sexual harassment prevention and support for groups which may be most at risk, such as young professionals and interns.

4. Timeline:

The Task Force shall present a first progress report on its work to the HLCM at its spring 2018 session. Completion of work is expected by the fall 2018 session of HLCM.

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CEB Task Force on Addressing Sexual Harassment within the Organizations of the UN System

Chair: Ms. Jan Beagle, Chair, High-Level Committee on Management
Under-Secretary-General for Management

List of Members

FAO	Ms. Dikel Macit Assistant Director-General, Corporate Services (CS)
IAEA	Ms. Peri Lynne Johnson Director and Legal Advisor, Office of Legal Affairs
ICAO	Ms. Leanne Kinsella Ethics Officer
IFAD	Ms. Sylvie Martin Director of Ethics
ILO	Mr. Mark Levin HR Director
IMF	Ms. Olivia Graham Ethics Advisor
IMO	Mrs. Linda Ryan Director, Administrative Division
IOM	Mr. William Swing Director-General
ITU	Ms. Doreen Bogdan-Martin Chief, Strategic Policy and Membership Department
OHCHR	Ms. Kate Gilmore Deputy High Commissioner for Human Rights
UNAIDS	Ms. Gunilla Carlsson Deputy Executive Director, Management and Governance
UNDP	Ms. Susan McDade Assistant Administrator and Director, Bureau for Management Services
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UNESCO	Mr. Hong Kwon Directeur, Bureau of Human Resources
UNFCCC	Mr. Ovais Sarmad Deputy Executive Secretary
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UN-HABITAT	Mr. Victor Kisob Deputy Executive Director

UNHCR	Ms. Kelly T. Clements Deputy High Commissioner for Refugees
UNICEF	Ms. Fatoumata Ndiaye Deputy Executive Director, Management
UNIDO	Ms. Fatou Haidara Managing Director of the UNIDO Policy and Programme Support
UNOPS	Ms. Tina Friis Hansen Director, People and Change Group
UNODC	Mr. Dennis Thatchaichawalit Deputy Director-General of UNOV
UNRWA	Ms. Rachel Evers Director of Legal Affairs
UNWOMEN	Ms. Purna Sen Director, Policy Division and Senior Adviser to the Executive Director on addressing sexual harassment
	Ms. Katja Pehrman Senior Adviser, Focal Point for Women in the UN System
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UN-DFS	Ms. Lisa Buttenheim Assistant Secretary-General
UN-DPA	Mr. Miroslav Jenca Assistant Secretary-General
UN-DPKO	Mr. Alexandre Zouev Assistant Secretary-General, Rule of Law and Security Institutions
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UN-ESCWA	Ms. Khawla Matar Deputy Executive Secretary for Programme Support
UN-OCHA	Ms. Ursula Mueller Assistant Secretary-General and Deputy Emergency Relief Coordinator
UN-OCT	Mr. Jehangir Khan Director, UN Office of Counter-Terrorism
UN-ODA	Mr. Thomas Markram Director and Deputy to the High Representative for Disarmament Affairs
UN-OLA	Mr. Stephen Mathias Assistant Secretary-General for Legal Affairs
UN-DESA	Mr. Charles Katoanga Executive Officer

Annex 3

**CEB Task Force on Addressing Sexual Harassment
within the Organizations of the UN System**

List of Sub-groups

UN-SYSTEM SEXUAL HARASSMENT POLICY REFERENCE MODEL (co-lead: UN Secretariat (OHRM) and UNWOMEN, members: DFS/CDU, WBG, UNICEF, UNHCR, IAEA, ILO, OLA, UNESCO, UNDP, UNFPA, ITU, DSS, UNRWA, WFP, WHO, OHCHR, FAO)	
Org	Name
UN-OHRM	Mr. Matthew Sanidas Chief, Human Resources Policy Services
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	Mr. Matthias Schuster Legal Officer
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	Ms. Dina Deligiorgis Knowledge Management Specialist
	Ms. Estefania Guallar Policy Analyst
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OHCHR	Ms. Veronica Birga Chief, Women Rights and Gender Section
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	Ms. Vittoria Vecchione Human Resources Specialist

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DEVELOPMENT OF GUIDELINES FOR MANAGERS/IDENTIFICATION OF RED LINES (lead: UNHCR, members: OCHA, ILO, IAEA, UNDP, ICAO, UN-HABITAT, UNRWA, WFP, FAO)	
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HELPLINES/HOTLINES (<u>lead</u> : WHO; <u>members</u> : WBG, IOM, UNWOMEN, UNDP, UNHCR, OHRM, ITU, FAO, WFP, OHCHR)	
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CODE OF CONDUCT AT UN EVENTS (lead: ITU and UNFCCC; members: ILO, OCT, WFP, OHCHR, FAO)	
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ILO	Ms. Faith O’Neill Senior HR Legal and Policy Specialist
UN-OCT	Ms. Valeria de Campos Mello Chief, Integrated Assistance for Countering Terrorism
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Annex 4

CEB Model Policy on Sexual Harassment

Sexual harassment “offends the principles of what we stand for as an organization and undermines our core values and our work”.¹

I. Uniform definition

Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.

Explanatory notes

Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics. Sexual harassment may involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications. Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the targets or the perpetrators. Sexual harassment may occur outside the workplace and outside working hours, including during official travel or social functions related to work. Sexual harassment may be perpetrated by any colleague, including a supervisor, peer or a subordinate. A perpetrator’s status as a supervisor or a senior official may be treated as an aggravating circumstance.

Sexual harassment can take a variety of forms – from looks and words though to physical contact of a sexual nature. Examples of sexual harassment (non-exhaustive list) include:

- *Attempted or actual sexual assault, including rape*
- *Sharing or displaying sexually inappropriate images or videos in any format;*
- *Sending sexually suggestive communications in any format*
- *Sharing sexual or lewd anecdotes or jokes*
- *Making inappropriate sexual gestures, such as pelvic thrusts*
- *Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person*
- *Staring in a sexually suggestive manner*
- *Repeatedly asking a person for dates or asking for sex*
- *Rating a person’s sexuality*

¹ From CEB statement on Addressing Sexual Harassment within the Organizations of the UN System, May 2018 (‘CEB Statement’) – <https://www.un.org/sg/en/content/sg/note-correspondents/2018-05-04/note-correspondents-recent-chief-executives-boards-session>

- *Making sexual comments about appearance, clothing, or body parts*
- *Name-calling or using slurs with a gender/sexual connotation,*
- *Making derogatory or demeaning comments about someone's sexual orientation or gender identity*

II. Policy Statement

1. Sexual harassment results from a culture of discrimination and privilege, based on unequal gender relations and power dynamics.² It creates hostile workplaces, which limit the target/victim/affected individual's ability to thrive. Sexual harassment has no place in the [entity].
2. This policy reflects the [entity's] principles and practices taken in pursuit of [development, peace and human rights]³ and applies it to conduct in the workplace.
3. The entity has an obligation to take all appropriate steps to prevent and respond to sexual harassment in the [entity's] workplace. All forms and expressions of sexual harassment are prohibited in the [the entity], regardless of national criminal or other provisions where any behaviour or actions occur.
4. Power and seniority will not confer impunity. Any staff member who engages in sexual harassment will be subject to proportionate disciplinary sanctions, up to and including [summary] dismissal; non-staff personnel shall be covered to the extent applicable under the entity's policies and practices.
5. Offenders and targets/victims/affected individuals can be any gender, and "[s]exual harassment, like sexual abuse and sexual violence, is rooted in historic power imbalances and the male-dominated culture that permeates governments, the private sector, international organizations and civil society."⁴ Power imbalances based on gender, workplace or educational status, racial or ethnic backgrounds, age, disability, sexual orientation or economic class could impact on sexual harassment and violate the human right of equality.
6. This policy document reflects a system-wide common approach and understanding both to support those who report or witness sexual harassment to ensure accountability of those who perpetrate it. The entity's goal in this policy is to strengthen victim-centred efforts and foster safe, equal and inclusive working environments. This policy will support efforts to create workplaces that are free of sexual harassment and all gender inequalities.
7. In this policy the following terms have the following meanings:

"target/victim/affected individual⁵" is the person or persons in the workplace or in connection with work towards whom the conduct constituting possible sexual harassment is directed;

"offender/alleged offender" is the person or persons in the workplace or in connection with work whose conduct constitutes sexual harassment, if established under applicable policies, or possible sexual harassment;

² CEB Statement May 2018.

³ Refer to applicable principles relevant to the entity in question.

⁴ CEB Statement May 2018.

⁵ Each entity should make use of the term most appropriate for its policies and practices.

“impacted individuals” may include the target/victim/affected individual as well as witnesses and persons who intervene in the situation involving inappropriate behaviour and possible sexual harassment; and

“report” refers to formal and/or informal reporting unless otherwise specified.

Explanatory notes

References to target/victim/affected individual and offender/alleged offender shall refer to non-staff personnel to the extent applicable under the entity’s policy.

III. Scope of policy

1. Reports of sexual harassment in the workplace or in connection with work can be made by any person and against any person irrespective of whether such persons have any contractual status with an entity.
2. Staff members who are alleged to have committed sexual harassment will be subject to possible disciplinary or other administrative action. Non-staff personnel⁶ who are alleged to have committed sexual harassment will be subject to action in accordance with the terms and conditions of their contract and of other applicable policies regarding such non-staff personnel. Action of the reports will depend on the status of the alleged offender.

Explanatory notes

The specific contractual status of a target/victim/affected individual should not constitute a barrier to filing a complaint. The policies applicable to staff members as well as the legal instruments establishing the terms of reference for non-staff personnel should all include a specific prohibition on sexual harassment and measures to enforce this prohibition. Where policies on sexual harassment do not apply to non-staff personnel, the legal instruments establishing the terms of reference for such personnel should be reviewed with reasonable efforts being taken to ensure that they incorporate a specific prohibition on sexual harassment and measures to enforce this prohibition. While an entity may not have jurisdiction to discipline certain non-staff personnel, it should do its utmost to allow for other forms of intervention proportionate to the transgression, such as termination or non-renewal of individual contracts, prohibition on rehiring, or exclusion from procurement processes.

⁶ Each entity shall determine in accordance with its policies and practices categories of non-staff personnel. This could include United Nations Volunteers (UNVs), individual consultants or contractors, interns, contractors under arrangements with the United Nations Office for Project Services (UNOPS), and other persons with contractual arrangements with the respective entity.

IV. Early intervention and receipt and handling of informal reports of sexual harassment

Early direct action

1. Targets/victims/affected individuals may on a voluntary basis, if they feel comfortable and safe doing so, approach alleged offenders about inappropriate behaviour or instances of possible sexual harassment and ask for such behaviour or instances to stop as the alleged offenders may not be aware of the negative impact of their behaviour on others. However, disparity in power or status, fear of retaliation or the nature of the behaviour and/or instances of possible sexual harassment may make direct confrontation difficult, and there is therefore no requirement for such action to be taken.

Managerial intervention

2. Targets/victims/affected individuals who believe they may have been subject to inappropriate behaviour or instances of possible sexual harassment may raise this with their supervisor or other officials in their workplace hierarchies if the situation allows and they feel comfortable doing so. Any manager approached by a target /victim/affected individual shall inform that person that confidential advice, assistance and information about the options available under the entity's legal framework to address such possible conduct may be obtained from [office that provides confidential advice/assistance and support such as the ombudsman/staff counsellor, helpline or other trusted point of contact].
3. Managers should provide advice, assistance and/or information in a timely, sensitive and impartial manner by [list possible avenues provided in the entity's policies for managerial intervention such as providing an opportunity for facilitated discussion among colleagues about the conduct in question; also refer to the possibility of enlisting support from offices providing advice/assistance on such matters]. The intervention may allow for the matter to be addressed promptly at the managerial level. A record will be maintained consistent with and as specified in the entity's policy about the matter and any managerial intervention taken.
4. Any manager who has been informed about inappropriate behaviour or instances of possible sexual harassment shall provide support to targets/victims/affected individuals in a sensitive and impartial manner. If a manager cannot perform this role for any reason, the manager shall, in consultation with [entity's HR Office or other relevant office within an entity] refer the colleague to another trained and trusted point of contact within the entity.

Confidential advice

5. Targets/victims/affected individuals may prefer and are encouraged to discuss their situation with a confidential informal resource, such as [ombudsman or other confidential provider of advice/assistance] who can assist the targets/victims/affected individuals by explaining the applicable legal framework and the options available under an entity's policies and practices and indicate resources available for support purposes.

Informal resolution

6. Targets/victims/affected individuals may, on a voluntary basis, wish to deal with the situation of possible sexual harassment in an informal manner.
7. Targets/victims/affected individuals may ask for assistance from [ombudsman/ mediation/ internal conflict resolution resource] in seeking informal resolution.
8. With the consent of the target /victim/affected individual, [ombudsman/ mediation/ internal conflict resolution resource] may meet informally with the alleged offender to provide information about the situation and discuss the manner in which it might be resolved.
9. An unsuccessful attempt to resolve the matter informally does not preclude it from being formally reported.

Explanatory notes

While not an obligation, any target/victim/affected individual should retain the opportunity to seek advice and/or attempt an informal resolution of the matter with the alleged offender. Staff should have a number of options in this regard, including seeking managerial intervention or accessing the service of the ombudsman. Ultimately, it is the target/victim/affected individual's choice on whether a formal report of misconduct that does not emanate from the target/victim/affected individual proceeds through a formal process, unless there is a conflict with an entity's duty of care. Attempts at informal resolution do not preclude formal reporting of the matter.

Entities may also wish to specify in the context of its policies and practices on informal resolution the extent to which a matter that has been informally resolved may be reopened or taken into account in light of a new instance of possible sexual harassment by an alleged offender.

Training shall be developed and provided by the entities to ensure the ombudsman/other officials providing early confidential advice are aware of the legal framework available to address reports of possible sexual harassment. Training shall also be developed and provided to support the role of managers in early intervention in matters of possible sexual harassment.

If informal reporting of possible sexual harassment is not covered under that entity's policy on protection against retaliation, the target/victim/affected individual should be informed of this position. This information should be included in the training provided to managers and the ombudsman/other officials providing early confidential advice.

Best practices shall be shared among the entities to the extent possible.

V. Receipt and handling of formal reports of sexual harassment

1. Formal reports of possible sexual harassment may be made by persons who consider that they were the targets /victims/affected individuals or by persons who have direct knowledge of possible harassment or by any third-party. Formal reports may be made anonymously and are not subject to deadlines. The anonymity of reports and/or the passage of time may result in reports of sexual harassment that may be more difficult to investigate and pursue through internal disciplinary proceedings. In such cases, it will be for the responsible authorities at each stage of the process to determine whether there is a sufficient basis to move forward.
2. A formal report of sexual harassment shall, to the extent possible, describe specific incident(s) of possible sexual harassment or a pattern of possible sexual harassment. The formal report should include as much detail as possible. For example, the report could include the following:
 - Name of the alleged offender
 - Name of alleged target/victim/affected individual, if the report is made by a third party
 - Date(s) and location(s) of incidents
 - Description of incident(s)/patterns
 - Names of witnesses, if any
 - Any other relevant information, including documentary evidence, if available.
 - Date of the submission of the report and name of person making the report, unless the report is made anonymously.
 - If the person making the report chooses to report on an anonymous basis, the reporter must provide sufficient information concerning the basis of the allegations and sufficient detail or supporting factual basis that the matter can be pursued responsibly. Otherwise the matter typically cannot be pursued further.
3. The [relevant official/office within entity charged with assessing formal reports of sexual harassment] will promptly assess the report in accordance with the entity's applicable policies and practices to decide if the entity will initiate an investigation.
4. The [relevant official/office within entity charged with assessing formal reports of sexual harassment] may refer a report to [other appropriate office/official charged with investigating possible misconduct/professional investigating entity] or, with the consent of the target /victim/affected individual, to another appropriate official charged with resolving the matter informally for assessment and action.
5. In cases where the formal report of possible sexual harassment is submitted by a person other than the target/victim/affected individual, the investigative body should consider the views or the situation of the target /victim/affected individual before deciding on whether to proceed with an investigation.

6. The entity is committed to ensuring that allegations of sexual harassment are investigated in an impartial, thorough and timely manner with any conflicts of interest appropriately addressed; that investigations are conducted with fairness to all parties concerned; and that the rights of all parties are fully protected. Investigations are conducted in line with the entity's [procedure governing conduct of investigations] and any subsequent disciplinary process shall be conducted in line with the entity's policy governing that process.
7. Any formal report of possible sexual harassment should be acknowledged by the [receiving official/investigative entity]. The target/victim/affected individual shall be informed as appropriate of the status of any investigation and outcome of the report. The alleged offender will also be informed of the outcome of the report. The provision of any such information shall respect the regulations and rules on confidentiality as applicable to the alleged offender and to the targets/victims/affected individuals.
8. If, following an investigation, the entity concludes that there are credible allegations of possible criminal conduct, the underlying matter shall be treated in accordance with the applicable legal framework or practices of the entity concerned, including possible disciplinary/administrative action and referral of the allegations to national authorities. The entity recognizes that the target/victim/affected or impacted individual can always choose to report possible criminal conduct directly to national authorities.

Explanatory notes

Formal reports of possible sexual harassment may be made by the targets/victims/affected individuals or any third party who may have knowledge of the matter. There is a duty under most entities' staff rules for staff members to report misconduct. Complaints by an identified complainant should be encouraged as this typically permits more efficient action and adequate interim measures, if necessary. However, formal reports may also be made anonymously. There are circumstances where the entity's duty of care may require it to investigate or to otherwise take action.

The entity may also have policies regarding the conduct of visitors to the entity's premises.

Cases of sexual harassment should be investigated by an entity's professional investigative entity. Cases considered to be of lesser severity may be referred by that office to other appropriate officials charged with investigating and/or resolving/addressing possible misconduct for investigation by trained individuals. Within the UN Secretariat, OIOS has agreed to review all allegations of sexual harassment for possible investigation by OIOS. With due regard for the operational independence of investigative bodies, the entities of the UN system are encouraged to move towards empowering their investigative bodies to conduct investigations of sexual harassment and to develop mechanisms to share investigative capacity, including in cases that give rise to perceptions of conflict of interest. Where appropriate in cases of a conflict of interest or perceived conflict of interest, consideration may be given to requesting an investigation into possible sexual harassment be undertaken by the investigating entity in another CEB entity.

Investigations respect the rights of the alleged offender and targets/victims/affected individuals and are carried out in line with the entity's relevant legal framework for investigations of possible misconduct. The role of legal advisers to an alleged offender or target/victim/affected individual of sexual harassment in the formal process is governed by each entity's policies and practices and typically is restricted to the formal disciplinary process involving an alleged offender. Any abuse of authority by an alleged offender to solicit support from other staff members through, inter alia, letters, statements and petitions should be addressed in accordance with the entity's policies and practices. Reference may also be made to the section on support regarding any support available to the target/victim/affected individual during and following an investigation.

The development of a common approach to the imposition of disciplinary sanctions for sexual harassment across the CEB entities will be important in light of the establishment of the CEB screening database for sexual harassment. Moving towards a common approach would be without prejudice to the recognition that the executive heads of the CEB entities enjoy discretion in disciplinary matters, that certain entities have advisory bodies with independent roles in recommending sanctions to the executive head, and that decisions on disciplinary sanctions depend on the particular facts of each case.

VI. Prevention

1. [Organization] is committed to promoting a working environment free of sexual harassment in which all people are treated with respect.

Obligations of [Organization]

2. [Organization] will:
 - a. take appropriate measures to promote a harmonious working environment and protect personnel from sexual harassment through preventive measures and, if such conduct has occurred, through action under [insert relevant policy para numbers here];
 - b. screen candidates using the "clear check" database during recruitment processes;
 - c. undertake diligent reference checks of external candidates during recruitment processes to ensure that individuals who have a documented history of sexual harassment are not hired;
 - d. request that contractors, suppliers, partners adhere to zero-tolerance for sexual harassment and commit to taking adequate action if faced with sexual harassment allegations, in the absence of which, contractual arrangements can be terminated;
 - e. provide targeted, preferably, in-person trainings for managers and personnel designated to provide support on sexual harassment under an entity's policy on the prevention of sexual harassment, building the skills necessary to effectively communicate with targets/victims/affected individuals of sexual harassment and to respond appropriately;

- f. provide ongoing, preferably, in-person training, awareness-raising and skill-building for staff-at-large on diversity, respect, equality and bystander techniques for intervening in situations of sexual harassment and discrimination; and
- g. ensure information and mechanisms are accessible to all staff, as well as, to the extent possible and taking into account the terms and conditions of the contracts with non-staff personnel and other applicable policies, consultants, other personnel, interns and beneficiaries of [the entity's] activities in all locations.

Obligations of senior officials and senior managers⁷

- 3. Senior leaders and senior managers shall, in addition to their obligations as staff members:
 - a. demonstrate their commitment to the prevention of and response to sexual harassment, educate themselves about the issue, act as role models by maintaining a high standard of personal conduct with consciousness of the power their position holds, and treat all colleagues with courtesy and respect;
 - b. respond promptly to complaints, take them seriously and ensure that the necessary actions for which they are responsible are taken with respect to the affected individual (e.g. support, interim measures, etc.);
 - c. maintain open dialogues within their units to promote a harmonious working environment and be aware of inappropriate behaviours and conduct that may be in violation of this policy;
 - d. monitor their work units for conduct that may be in violation of this policy and endeavour to promote a harmonious working environment;
 - e. communicate the sexual harassment policies and procedures to their [team/work unit] on a yearly basis through a dedicated in-person staff meeting⁸ and draw attention to any published information available about the consequences of violating sexual harassment policies; and
 - f. endeavour to create an atmosphere in which staff feel free to express concerns about inappropriate behaviours and encourage staff to use, without fear of reprisal, the informal and formal mechanisms and all services and recourse mechanisms available to them through the [entity]⁹.

⁷ Senior managers are persons with substantial supervisory obligations such as professional level chiefs of work units but may include other officials who act as leaders or managers consistent with an entity's policies and practices.

⁸ This task cannot be delegated.

⁹ Refer to CEB-endorsed "Guide for Managers" on prevention and responses to sexual harassment.

Obligations of staff

4. Staff members shall:
 - a. undertake mandatory training, including during induction or the onboarding process to set the behavioural expectations and familiarize themselves with this policy and related policies and procedures, including [insert references to the entity's policy on protection from retaliation];
 - b. attend other training opportunities related to sexual harassment to the extent possible;
 - c. demonstrate commitment to zero-tolerance for sexual harassment and treat all people in the workplace with courtesy and respect with an awareness of their own behaviour and how it may be perceived and/or received by others;
 - d. refrain from encouraging other staff members and non-staff personnel to engage in sexually harassing or abusive behaviour;
 - e. raise their awareness through available training about the very specific harassment threats that trans and gender non-conforming individuals can face;
 - f. be encouraged to take action where appropriate and where they feel comfortable and where possible after consulting with the target/victim/affected individual if they witness sexually harassing or discriminatory conduct, and support those impacted as appropriate and to the best of their ability; and
 - g. report possible misconduct and cooperate with investigations, audits and reviews.
5. Adherence by all staff to their obligations under the entity's sexual harassment policy shall be reflected in workplans and performance evaluations or otherwise periodically reviewed with staff in accordance with an entity's policy and practice [including through 360 reviews, where possible, especially in the cases of those with managerial responsibilities]. Failure to adhere to the policy on sexual harassment by any staff member constitutes possible misconduct [or other violation of the applicable provisions of the entity's policies and practices].

Explanatory notes

Sexual harassment, including denigrating or mocking a person because of the person's gender identity or expression, results from a culture of discrimination and privilege, based on unequal gender relations and power dynamics. This creates obstacles to upholding zero tolerance policies. As such, any organizational measures dedicated to preventing sexual harassment should be accompanied by broader codes of ethics, gender equality and anti-discrimination measures to support the structural institutional change that is necessary to address these inequalities. The equality of all staff is a fundamental obligation under staff regulation 1.2(a) and is captured under the provisions dealing with discrimination in ST/SGB/2008/5 as well as in the SG's gender parity strategy.

Managers, as front line to their staff, must have the knowledge, tools, and commitment to set an example; to do ongoing, often informal, education of their staff; and to respond quickly, fairly, and effectively when they receive a report of harassment or witness behaviour that they think is inappropriate. Managers need the practical skills and tools to effectively respond to the spectrum of behaviours that may be inappropriate and to restore harmony in the workplace. Training with managers should be done separately and first. This training can be stand-alone or incorporated in the broader management and leadership training of the organization. Such training is 'best practice'.

Preventing sexual harassment requires both explicit rules and a common understanding of what is valued and what is expected by leaders and peers, so that individuals are conscientious in their positions, behaviours and interactions. Initiatives that engage staff on an ongoing basis through empathy-based direct participation approaches are more effective than one-off and online trainings. Addressing gender-based violence, together with non-discrimination, equality, diversity and masculinities has greater potential for impacting the values of the organization, how people conduct their work and how they treat each other. Such training is 'best practice'.

A bystander approach is used to promote victim empathy and notions of how the workplace community is responsible for preventing sexual harassment. An empowered bystander is somebody who observes an act of violence, discrimination or other unacceptable or offensive behaviour and takes action (e.g. speak out against sexual harassment; intervene to support a colleague being targeted; talking privately to a colleague exhibiting offensive behaviour or making remarks with a demeaning sexual/gender connotation). Approaches to preventing sexual harassment are directed at encouraging individuals not directly involved as a target/victim/affected individual or alleged offender to identify, speak out about or seek to engage others in responding to specific incidents of harassment and/or behaviours, attitudes and practices that contribute to harassment. In practice, this may mean workplaces develop prevention materials, messages and direct participation workshops in consultation with gender-based violence experts or organizations.

Staff who observe or become aware of inappropriate behaviour or a situation of possible harassment should, with training, ideally be able to support the affected individual with unbiased listening, information and referrals; confidentially report the incident or incidents to [insert resources for entity such as, the Division for Human Resources, the Staff Counsellor, the Staff Council, the Ombudsman, offices mandated to work on codes of ethics/conduct and policies on protection against retaliation, OIOS, etc.] as part of the record keeping of the organization; and take other actions that could help mitigate hostility in the environment or harm to individuals.

VII. Support

Support to targets/victims/affected individuals of sexual harassment¹⁰

Confidential guidance and support

1. The entity acknowledges that guidance and support to the target/victim/affected individual may be required at different stages, including:
 - a. Before making a complaint regarding options to address the matter;
 - b. During any formal or informal process;
 - c. Managing confidentiality requirements;
 - d. At and following the conclusion of any formal or informal process or investigation.

2. The following confidential guidance and support is available for targets/victims/affected individuals or other impacted individuals through [ombudsman or other officials designated to provide confidential information directly and/or make referrals to the appropriate services which can provide the following types of support].

3. The following types of support may be available in the entity for staff members and/or non-staff personnel:
 - a. information and advice on the informal and formal reporting options which are available within the entity,
 - b. information on hotlines/helplines
 - c. staff counsellors
 - d. psycho-social counselling, preferably identified within the country of duty station
 - e. advice from the ethics office or ombudsman
 - f. information on low-cost health insurance applicable for the duty station for personnel who do not have insurance
 - g. advice and referral to internal and external local services specializing in sexual harassment, violence against women, violence against LGBTIQ+ individuals, including gender non-conforming individuals or support for men who experience violence, to the extent available (this support may be available via UN Women country offices)
 - h. support and guidance on how to report to and what to expect from the local authorities, particularly if the alleged behaviour constitutes a crime;
 - i. stress counsellors [available within the Department of Safety and Security in the event of a critical incident to provide psycho-social support to staff and their dependents. They are also available to coordinate and/or provide referrals to stress counselling resources within the UN system];
 - j. medical support may be available from the Medical Service [and if entity has separate medical service add applicable information here]
 - k. support from gender focal points/focal points for women system-wide
 - l. others as appropriate for the entity

¹⁰ There may be a distinction as to the support available to different categories of persons impacted by sexual harassment and the support available to non-UN personnel such as candidates for a job opening or visitors to the UN entity's premises.

4. The support listed in this section [may/shall] remain available for the duration that the target/victim/affected individual continues in service with the entity. [Thereafter, the following continued support [if any] [may] remain available for persons who have left the service of the relevant entity]: [list applicable support]
 - a. right to health coverage/after service health care, where available in accordance with an entity's policy.
 - b. Compensation for workplace related injuries, where available in accordance with an entity's policy.
5. Where appropriate and available under the entity's policy, the support listed in this section on support to targets/victims/affected individuals is available to non-staff personnel who are witnesses of sexual harassment.

Right to be accompanied by a support person

6. The target/victim/affected individual has the right to be accompanied by a staff member or other third party in accordance with the entity's policy during the formal or informal processes provided such person is reasonably available for the provision of support to the target/victim/affected individual. Support may include emotional support but may not extend to legal representation or legal advocacy. During any formal process such support shall be subject to the entity's policy.
 - a. The third party should be chosen by the target/victim/affected individual. This could include a [victim's right advocate/other official designated as support person to target/victim/affected individual under an entity's policies or practices], a colleague, a family member or friend¹¹.
 - b. The entity may provide reasonable objection, during any stage of the process, to a particular individual being present if it has reason to believe that their presence would jeopardize the process. In such cases, the target/victim/affected individual of sexual harassment may choose an alternative individual to accompany them.
7. The third-party individual may also be personnel of a different agency, fund, programme or subsidiary organ represented in the UN Country Team/UN system to the extent applicable under the entity's policy.
8. The third-party individual should fully familiarize themselves with this current policy. They should always act in the best interests of the target/victim/affected individual.
9. The third-party individual shall immediately disclose any conflict of interest to [include person or section within entity who is responsible for overseeing sexual harassment reporting processes, e.g. HR].
 - a. The third-party individual should not be a witness (direct or corroborative) to the sexual harassment allegation – this would amount to a conflict of interest.
10. The third-party individual should keep information relating to, or arising out of, the allegation of sexual harassment confidential except as may be appropriately disclosed during an investigation or in compliance with any required disclosure to ethics or medical offices.

¹¹ CEB Sexual Harassment Task Force Update, May 2018

Work Performance

11. At the point when [the entity] becomes aware that a person is a target/victim/affected individual the entity has an obligation to check if the individual's work performance or conduct has been impacted. The entity will offer support to the colleague and work in collaboration with them to address the issues impacted including, by being mindful of the applicable circumstances in performance reviews but subject to the need to take appropriate management action in the circumstances.
12. Accommodations which may be considered to respond to related work performance issues include:
 - a. new work plan for the target/victim/affected individual,
 - b. provide leave and/or other working arrangements,
13. Due regard to confidentiality must be given when communicating accommodations to supervisors or colleagues, as appropriate.

Interim measures

14. The entity recognizes that interim measures may be required to provide support to the target/victim/affected individual to ensure the integrity of the investigation and any evidence and/or to prevent the occurrence/repetition of prohibited conduct. Interim measures may also be necessary to protect the interests of the entity, including the effective functioning of an office. Such measures may include:
 - a. measures to physically separate the alleged offender and the target/victim/affected individual
 - b. reassignment of either the alleged offender or the target/victim/affected individual with the consent of the alleged offender or target/victim/affected individual,
 - c. the consideration of special leave for either the alleged offender or the target/victim/affected individual,
 - d. temporary changes in reporting lines,
 - e. the alleged offender being placed on administrative leave, or
 - f. any other appropriate measure or combination of measures to the extent consistent with an entity's policies and practices.

Post-investigation review

15. Once any investigation has been completed and a decision taken on the outcome, appropriate measures shall be taken by [responsible department in the entity] to keep the situation under review. These measures may include, but are not limited to, the following:
 - a. Monitoring the status of the target/victim/affected individual of sexual harassment, the offender and the work unit(s) concerned at regular intervals in order to ensure that no party is subjected to retaliation as a consequence of the investigation, its findings or the outcome. Where retaliation is detected, [the entity's section responsible for monitoring retaliation, e.g. HR//other relevant official under an entity's policies and practices] shall be promptly notified, with specific attention given to performance evaluation;
 - b. Ensuring that any administrative or disciplinary measures taken as a result of the fact-finding investigation have been duly implemented.

VIII. Protection against retaliation

1. Protection from retaliation available to a person formally reporting possible sexual harassment shall be in accordance with the entity's protection from retaliation policy irrespective of the outcome of the report of sexual harassment.
2. Anyone formally reporting sexual harassment should be informed about rights under the [entity's] [relevant protection from retaliation policy], as applicable to them.
3. The [entity's professional investigation office] will, to the extent provided by an entity's policies and practices, inform the [relevant office/Ethics Office] of any report of sexual harassment received that the [entity's professional investigation office] identifies as posing a retaliation risk with the consent of the person who made the report.
4. Any form of retaliation may entail disciplinary sanctions. Managerial, administrative and/or disciplinary measures consistent with each entity's policies shall be pursued.

Explanatory notes

As with any formal reports of possible misconduct, those who formally report sexual harassment or who cooperate with or provide information in connection with any investigation of sexual harassment should be protected by an entity's protection from retaliation policy. The policies should provide for timely and appropriate measures to protect staff/personnel from retaliation and provide for specific protections for persons who report possible misconduct. To enhance deterrence and accountability, any proven retaliation established may be treated as possible misconduct with respect to the retaliator and may entail disciplinary sanctions.

5. *It may be noted that some entities have extended protection from retaliation policies to persons who informally report misconduct in certain circumstances, e.g. reports to the ombudsman.*

IX. Data collection

1. The modalities of the entry of information into, the administration and access to the confidential [CEB system-wide screening database] are to be set out in [guidelines].
2. To the extent provided in the entity's policy or practice, anonymized data and information for internal monitoring and analysis of sexual harassment will be maintained within [human resources/other applicable office consistent with the entity's policy or practice].

Explanatory notes

A CEB-wide central data base on sexual harassment ("clear check") has been created. Information entered will allow for better reporting and to prevent the re-hiring of alleged offenders in circumstances specified in the guidelines.

Data and information may include: all allegations, including those made through anonymous and/or third-party reports to a formal or informal process and by type (verbal, non-verbal, physical); information on the target/victim/affected individual and alleged offender disaggregated by level/contract type, nationality, sex, age, race/ethnicity, sexual orientation and/or gender identity and duty station/department, among other relevant characteristics of identity or context; and outcomes of processes.

X. Implementation

1. The [insert head of agency title] is accountable for ensuring implementation of this policy on an ongoing basis, including by working with key stakeholders and pursuing solutions to ensure financial resources are available and allocated to support affected individuals, ensure quality investigation and timely outcomes, collect data, monitor the efficacy of the policy and undertake prevention efforts. [Entity] will designate a member of the [Senior Management Team] as responsible for this policy. The designated person will provide an annual report to the [insert relevant oversight body] and communicate the results to staff (ensuring personal and/or identifying information remains confidential).
2. This policy will be reviewed periodically with any revisions identified on an as needed basis, but minimally every 3 years, taking into account learnings from monitoring of the policy and any changes in the structures, complementary policies and context of [insert entity] that would impact the implementation of this policy.

Explanatory notes

Monitoring is an essential part of policy implementation and should be undertaken on an ongoing basis with yearly analysis of findings. In this context, it can include: analysing data collected through formal and informal mechanisms; undertaking dedicated staff assessments or through questions on sexual harassment within existing staff surveys; conducting exit interviews (when staff leave the organization and with impacted individuals when cases are concluded); monitoring staff absenteeism; among other methods that can enable [insert entity name] to better understand workplace culture and the institutional responses to sexual harassment. Assessment should consider the overall impact and efficacy of the policy, in addition to more granular analysis of the reporting procedures, support provided to targets/victims/affected individuals, disciplinary actions taken, preventive measures employed and procedural safeguards taken to ensure due process for targets/victims/affected individuals and alleged offenders.

Transparency and regular communication to staff of the monitoring results is critical to building staff trust in the policies and procedures; improving reporting; demonstrating a commitment to high standards of conduct based on human rights, respect and equality; and enhancing the institution's overall credibility. Reporting back to staff should minimally include the number and nature of the complaints received; the number of complaints disposed of; the number of cases pending beyond [insert duration of investigation/resolution specified in policy]; the number and types of workshops and awareness-raising programmes conducted; and the nature of resolutions/actions taken by [insert entity's name].

Annex 5

Expanded Guidelines on Sexual Harassment Screening Database

1. Purpose

The purpose of these Guidelines is to establish procedures and standards governing the establishment, maintenance, and use of a UN system-wide electronic database that will ensure that individuals with a record of Sexual Harassment are not hired or re-hired by an Entity that is part of the Organization. The Guidelines facilitate the establishment and operation of this centralized Screening Database, and address the collection, maintenance, confidentiality, security, access and disclosure of information relating to Final Determinations of Sexual Harassment and Pending Allegations of Sexual Harassment (as both defined below).

2. Scope

These Guidelines supplement other provisions in the regulatory framework of the Entities of the Organization regarding disclosure of information obtained during an investigation. The Guidelines implement the objective identified by the Chief Executives Board for Coordination Task Force on Addressing Sexual Harassment within the Organizations of the UN System, to create and maintain a Screening Database accessible across the Organization, containing records of individuals against whom allegations of Sexual Harassment, while in service of an Entity, were substantiated by a Final Determination of Sexual Harassment and whose working relationship was terminated by that Entity as a result (i.e. Final Determinations of Sexual Harassment).

Moreover, each Entity may also **opt** to provide information relating to Pending Allegations of Sexual Harassment (please refer to Section 7 below).¹²

The Screening Database would serve to pool information from records available in the participating Entities of the Organization, rather than prescribe what records each Entity must maintain. Thus, if an Entity collects relevant records concerning non-staff or other personnel, that information would be included in the database. If the Entity does not collect such records, it would not be required to do so as a result of these Guidelines.

3. Definitions

For the purposes of these Guidelines:

3.1 Entity: An organ or body of the Organization.

3.2 Final Determination of Sexual Harassment: A determination, made after an investigation, that an individual perpetrated Sexual Harassment, resulting in termination of the individual's working relationship on this basis. A Final Determination of Sexual Harassment can constitute a basis to include an individual in the Screening Database, unless and until it has been rescinded by a binding decision or a final and enforceable

¹² An updated list of Entities participating in the portion of the database addressing Pending Allegations of Sexual Harassment will be visible to all users of the Screening Database.

ruling of the Entity's administrative tribunal or adjudicating authority for disputes, as applicable.

- 3.3** Organization: All of the Entities with membership in the UN System Chief Executives Board for Coordination, being the UN Secretariat, the UN Funds and Programmes, the UN Specialized Agencies (including the Bretton Woods Institutions), and related organizations (including the WTO, UNOPS and IAEA).
- 3.4** Pending Allegation of Sexual Harassment: An allegation of Sexual Harassment against Personnel whose working relationship with the Entity ended before the investigation and/or disciplinary process was completed.
- 3.5** Personnel: Includes any individual who has a working relationship with an Entity, including staff members as well as any other person in respect of whom that Entity, in accordance with its policies, would maintain records of misconduct or particular kinds of misconduct.¹³
- 3.6** Record of Sexual Harassment: A record of a Final Determination of Sexual Harassment and/or a Pending Allegation of Sexual Harassment maintained in an official file held by an Entity.
- 3.7** Screening Database: A searchable database containing information on Personnel who have a Record of Sexual Harassment.
- 3.8** Sexual Harassment: Sexual harassment is:
- 3.8.1.** any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered; or
- 3.8.2** any other prohibited conduct defined as sexual harassment within an applicable policy of the Entity.

¹³ In respect of any personnel contributed by a troop- or police-contributing country, a "Pending Allegation of Sexual Harassment" record shall only be made for any unresolved allegation of Sexual Harassment for which an investigation and/or sanction was pending with the contributing Member State at the time the implicated personnel initiated their formal separation from their national service or from another employing entity in which they served at the time of their deployment (e.g. retirement), or otherwise informally ceased working for their national service or another employing entity in which they served at the time of their deployment, or the Member State has indicated that the investigation and/or sanction process cannot be completed due to applicable policy or legal consideration, such as the existence of statutory limitations, the retirement of the implicated personnel or similar situations. On this basis, section 7, which sets out the methodology for placing pending allegations of sexual harassment into the database, shall not be applicable to uniformed personnel.

4. Record of Sexual Harassment

Each Entity is responsible for ensuring that adverse material concerning its Personnel and former Personnel, including a Record of Sexual Harassment, is promptly recorded in official files in accordance with its applicable procedures regulating the filing of adverse material.

5. Screening Database

5.1 As an initial step, the Screening Database will be managed by the UN Secretariat, Office of Human Resources Management (OHRM) and operated and maintained by the Office of Information and Communications Technology (OICT) of the Department of Management (DM).

5.2 The following personal identifying information, to the extent it is available, will be stored in the Screening Database for each individual included therein: Full Name, Category of Personnel, Index Number, Date of Birth, Last Known Address and Contact Details, Nationality, Gender, the employing Entity, date of separation from service with the Entity, and the policy pursuant to which the Final Determination of Sexual Harassment and/or the recording of the Pending Allegation of Sexual Harassment was made. In addition, the contact information of the office and individual authorized to access and share information concerning the Record of Sexual Harassment, and the name of the individual who entered the data into the Screening Database, will be recorded and kept updated.

5.3 Each entity will notify OHRM whether it intends to participate in the Screening Database only with respect to Final Determinations of Sexual Harassment, or also in respect of Pending Allegations of Sexual Harassment. Each Entity will designate a reasonable number of individuals to access the Screening Database and promptly inform OHRM over time of any changes in these designations. Prior to being granted access to the Screening Database in accordance with paragraph 5.5 below, each designated individual must read and sign the confidentiality notice and undertaking appended as Annex B.

5.4 The operator of the Screening Database (presently, OICT) will grant access to the Screening Database to individuals who have been designated by each Entity and who have signed the required confidentiality notice in accordance with paragraph 5.3 above.

5.5 Each individual granted access to the Screening Database will be assigned an individual login and password. The operator of the Screening Database will take all usual security measures to ensure the security of the Screening Database, including the confidentiality and integrity of the users' access information.

6. Final Determinations of Sexual Harassment

Upon conclusion of an investigation/disciplinary process resulting in a Final Determination of Sexual Harassment, an Entity must promptly insert the information referred to in paragraph 5.2 above in the Screening Database, and no later than 30 days after the individual has been notified of the confirmation of the allegations of Sexual Harassment. The respective individual should be notified of the fact that their details have been included into the database.

7. Pending Allegations of Sexual Harassment (participating entities)

7.1 When an Entity has a Pending Allegation of Sexual Harassment against its Personnel or former Personnel, and it unilaterally decides not to initiate or continue an investigation against a subject, or the conditions set out in paragraph 7.2 below are not fulfilled, it shall not include information in the Screening Database.

7.2 When an Entity has a Pending Allegation of Sexual Harassment against its Personnel or former Personnel, and it decides to initiate or continue an investigation against a subject, it shall:

7.2.1 Consider whether the allegations of Sexual Harassment, if confirmed, would have warranted the termination of the working relationship with the individual; and, if so,

7.2.2 Provide the separating individual with a Notification Letter (see template at Annex A). The Notification Letter will encourage the individual to cooperate with the investigation and/or disciplinary process to allow for it to be concluded. The notification shall state that if the individual declines in writing to cooperate, or fails to respond in writing within 10 calendar days of the date of receipt of the Notification Letter, or agrees to cooperate but at any time fails to do so as instructed by the Entity, their name will be placed in the Screening Database indicating that there is a Pending Allegation of Sexual Harassment; and

7.2.3 If, after 10 calendar days, the individual does not respond to the Notification Letter; or does not confirm the intention to cooperate with the investigation/disciplinary process; or - at any time - is considered by the Entity to be failing to do so, include the individual's name in the Screening Database as having a Pending Allegation of Sexual Harassment and inform the individual accordingly.

8. Populating and maintaining the Screening Database

8.1 Each Entity shall ensure that the Screening Database accurately reflects the official files for its Personnel and former Personnel, including by:

8.1.1 Promptly entering the information detailed in paragraph 5.2 based: (i) upon the last 10 years¹⁴ of existing Records of Sexual Harassment in its official files; and (ii) upon the inclusion of any new Record of Sexual Harassment in its official files;

8.1.2 Removing entries where an investigation and/or disciplinary process regarding a Pending Allegation of Sexual Harassment concludes with no finding of Sexual Harassment.

¹⁴ As of the date of CEB endorsement of these Guidelines. Entities shall share these past existing Records of Sexual Harassment only if considered compatible with their applicable framework and/or the circumstances of the case, including due process requirements.

8.1.3 Removing entries where an Entity's Final Determination of Sexual Harassment, or the Entity's decision to list a Pending Allegation of Sexual Harassment, has been rescinded by a binding decision or a final and enforceable ruling of the Entity's applicable administrative tribunal or adjudicating entity; and

8.1.4 Correcting any other errors or omissions in the data input by the Entity.

8.2 Where an individual working for the Organization or the subject of the Record of Sexual Harassment has reason to believe that there was an error made in information in the Screening Database, s/he may contact the Chief of Human Resources Management of the Entity to verify whether or not the information stored in the Screening Database is accurate. If it is confirmed that an error was made, the office of Human Resources Management in the Entity will ensure that the error is corrected in the Screening Database, through the Entity's designated focal point for the Screening Database, and – in case of substantial errors – also ensure that all concerned parties are informed accordingly.

8.3 If an individual is entitled to any recourse, including judicial review, in respect of a listing in the Screening Database, such recourse shall be taken against the Entity who listed the individual in the Screening Database, in accordance with any rules of recourse provided for that Entity.

9. Vetting using the Screening Database

9.1 Before employing an individual, each Entity shall search the Screening Database to determine whether the individual has Record of Sexual Harassment.

9.2 Where there is a possible match between a name in the Screening Database and an individual who applies for a position with an Entity, the hiring Entity may communicate bilaterally with the Entity which entered the name in the Screening Database to verify if the individual is the same. The information set out in paragraph 5.2 shall be the basis for this verification.

9.3 Should it be determined that the individual applying for the position is the same person as the individual listed in the Screening Database for a Final Determination of Sexual Harassment, the individual will be excluded from further consideration for the position with the Entity.

9.4 (For participating Entities) Should it be determined that the individual applying for the position is the same person as the individual listed in the Screening Database for a Pending Allegation of Sexual Harassment, the individual may be excluded from further consideration for the position with the Entity. If the individual is recruited notwithstanding his/her listing for Pending Allegation of Sexual Harassment, the hiring Entity is encouraged to include a comment, in an appropriate field in the Screening Database, justifying why the individual was hired.

ANNEX A

Dear [NAME],

You [have ended/you are scheduled to end] your working relationship with [ENTITY] on [DATE].

As there is a pending allegation of sexual harassment against you, which is currently under [INVESTIGATION/REVIEW], your name may be included in an electronic database (“Screening Database”) that is accessible by other entities participating in the with membership in the United Nations (UN) System Chief Executives Board for Coordination for recruitment purposes, noting the pending allegation, should you fail to cooperate with the ongoing process. Inclusion in the list may accordingly affect future employment with the UN Secretariat, UN Funds and Programmes, UN Specialized Agencies (including the Bretton Woods Institutions), and related organizations (including the WTO, UNOPS and IAEA).

You are encouraged to cooperate with the [INVESTIGATION/REVIEW]. You must inform me within 10 calendar days of the date of receipt of the present notification as to whether you intend to cooperate with the pending [INVESTIGATION/REVIEW]. Should you decline in writing to cooperate, or should you fail to respond in writing within 10 calendar days of the date of receipt of the present notification, your name will be placed in the Screening Database indicating that there is a “Pending Allegation of Sexual Harassment” against you.

Should you indicate in writing that you intend to cooperate with the pending [INVESTIGATION/REVIEW], but fail to do so as instructed by [ENTITY], this will result in your name being placed in the Screening Database with an indication that there is a “Pending Allegation of Sexual Harassment” against you. The listing may preclude future employment within the UN, its funds, programmes, specialized agencies and related organizations.

Should the [INVESTIGATION/DISCIPLINARY PROCESS] ultimately find that the allegations were unsubstantiated, we will remove this letter from your file and any reference to your name from the Screening Database. Should the allegations be substantiated, your name will remain in the Screening Database as having a Final Determination of Sexual Harassment.

Please advise as to whether you will cooperate with the pending [INVESTIGATION/REVIEW] within 10 calendar days of receipt of this letter. Additionally, you may provide any comments you have in response to this letter.

Yours sincerely,

[CHIEF OF HUMAN RESOURCES]

ANNEX B

Confidentiality Undertaking

I, [NAME], [OFFICIAL TITLE] make the following confidentiality undertaking:

1. For the purpose of vetting candidates for positions with the [ENTITY], I am required to access the Sexual Harassment database (Sexual Harassment Database).
2. I understand that:
 - a. All information contained in the Sexual Harassment Database is strictly confidential; and
 - b. Except for the purpose of vetting candidates, I have no authority to access the Sexual Harassment Database.
3. Upon identifying that a candidate for a position is named in the Sexual Harassment Database, I will communicate this information, on a confidential basis, to the Hiring Manager of the recruitment exercise.
4. Except for the limited exception in paragraph 3 above, I undertake to maintain the strictest confidentiality of all information I obtain from the Sexual Harassment Database.

Signed

Dated

RESULTS FROM THE SYSTEM-WIDE SURVEY ON CASES OF SEXUAL HARASSMENT IN THE UN SYSTEM

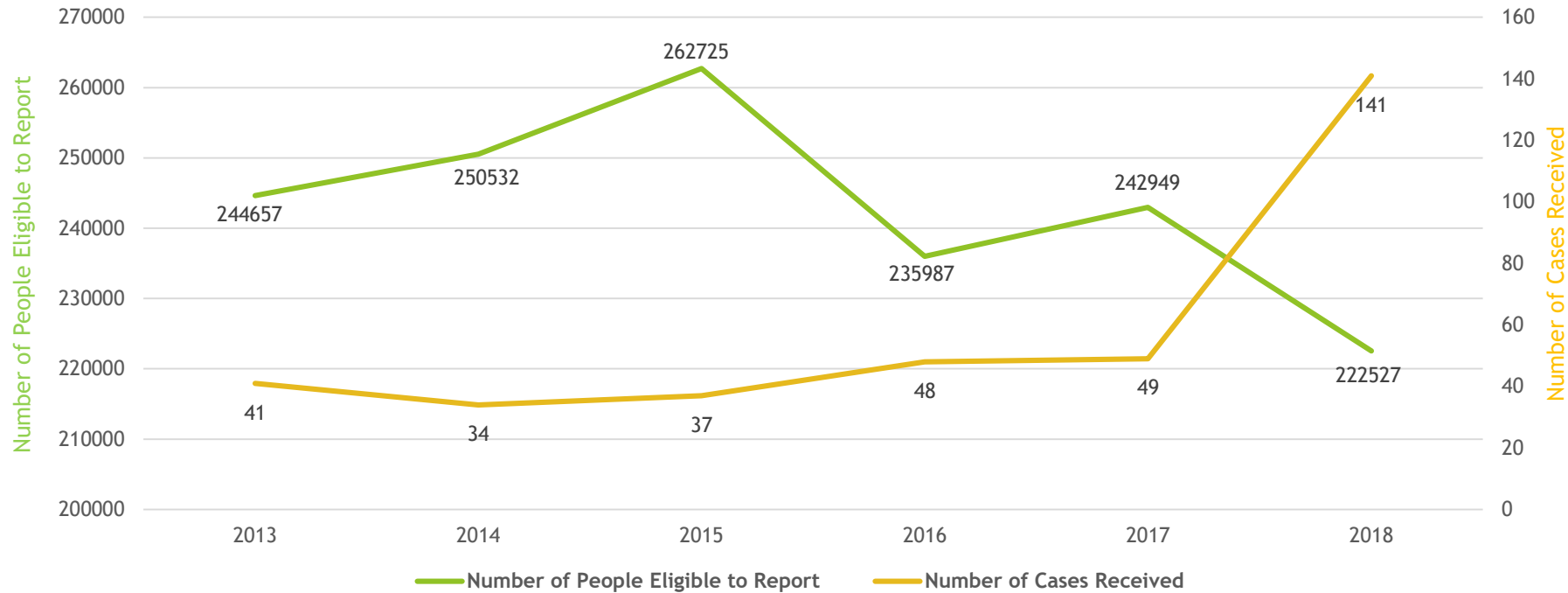
Technical Working Group of the CEB Task Force on Addressing
Sexual Harassment within the Organizations of the UN System

25 Organizations Responded

- FAO
- IAEA
- ICAO
- ILO
- IMO
- IOM
- ITU
- UN Secretariat
- UNAIDS
- UNDP
- UNESCO
- UNFCCC
- UNFPA
- UN-Habitat
- UNHCR
- UNICEF
- UNOPS
- UNRWA
- UN Women
- UPU
- WBG
- WFP
- WHO
- WIPO
- WTO

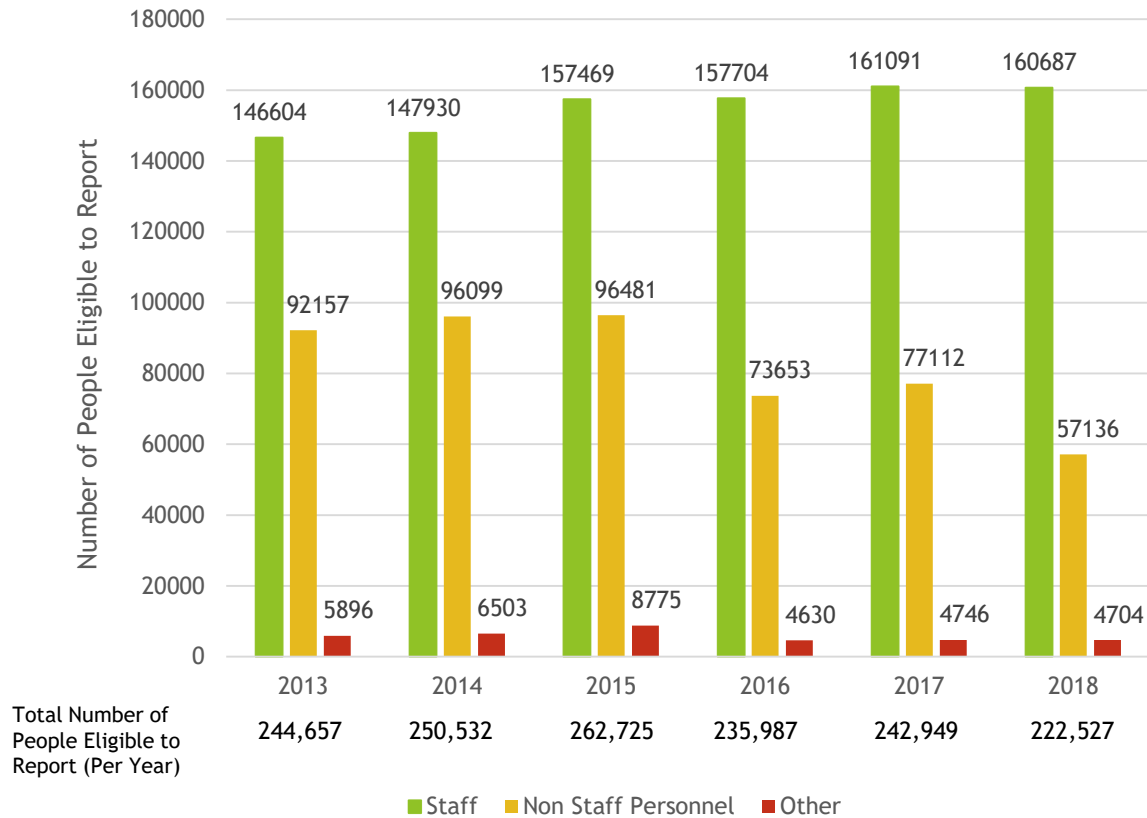
HOW MANY PERSONS ELIGIBLE TO USE AT LEAST ONE SEXUAL HARASSMENT RECOURSE MECHANISM IN THE RESPONDING ENTITIES

Formal Complaints versus Number of Employees



- Total number of people eligible across the 25 responding organizations is: at least 222,527.
- These figures include staff/non-staff (defined as “any person employed by the organization, including international professional staff members, general service staff members, locally recruited staff members, short term personnel, volunteers, interns, persons recruited on special service agreements and service contract”) and, for the majority of organizations, independent consultants/contractors.
- The figures also include a limited number of former employees and other persons, who are also eligible to file a formal complaint in some organizations.
- Data only includes those SHA cases the entity could disaggregate from other categories.

WHO CAN REPORT IN THE RESPONDING ENTITIES

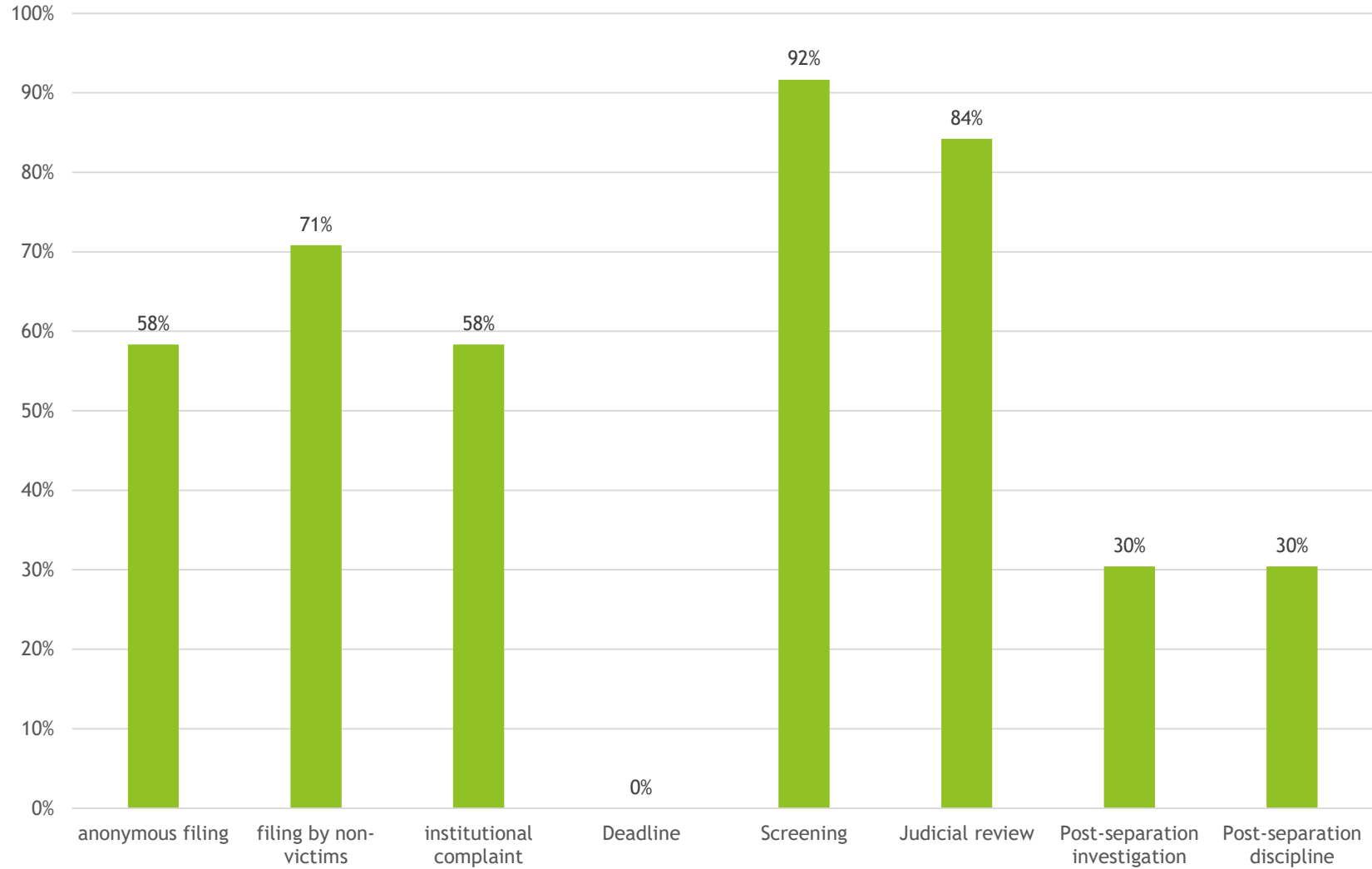


- Total number of eligible people that can report (2018) = 222,527.
- Report: a formal or informal allegation made to the entity/organization, received in the indicated year, about one or more incidents of sexual harassment alleged to have occurred at any time, involving one or more alleged perpetrators and one or more alleged victims, including allegations ultimately found unsubstantiated.

In 2018:

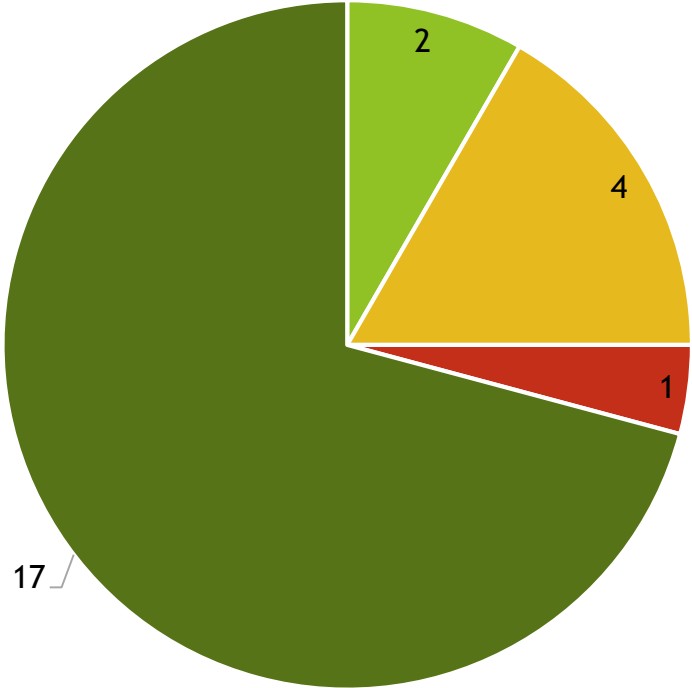
- Staff 72%
- Non-staff 26%
- Other 2%

The Responding Entities Permit or Possess...



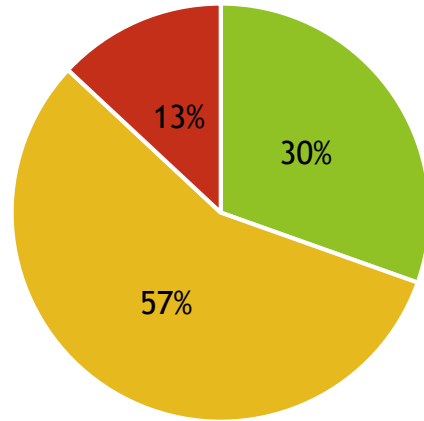
Formal Reports/Case: Official complaints that are filed for investigation and possible discipline

ENTITIES THAT IMPOSE A DEADLINE FOR THE FILING OF FORMAL COMPLAINTS (AFTER AN INCIDENT OCCURS)



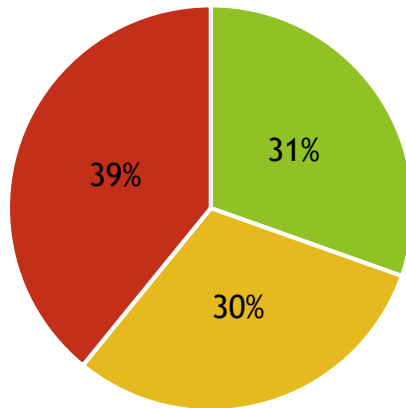
■ More than 6 months & up to 1 year ■ 6 months ■ Less than 6 months ■ No deadline

ENTITIES THAT CONTINUE AN INVESTIGATION WHEN SUBJECT SEPARATES



■ Always ■ Sometimes ■ Never

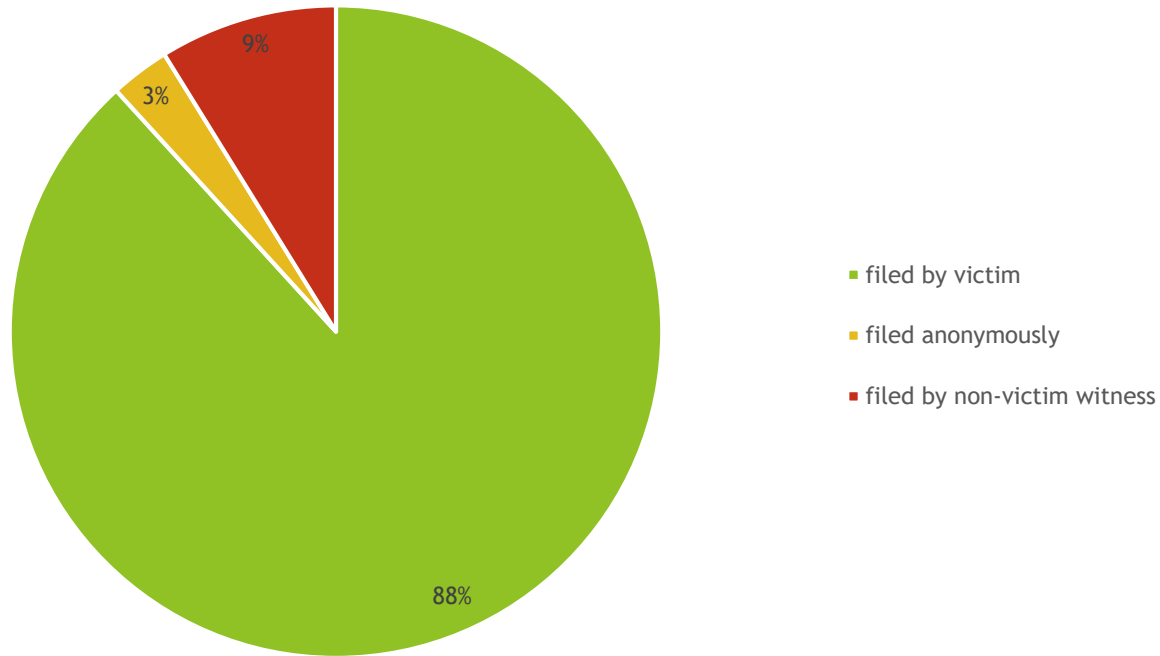
ENTITIES THAT CONTINUE DISCIPLINARY/ADMINISTRATIVE PROCESS WHEN ACCUSED INDIVIDUAL SEPARATES



■ Always ■ Sometimes ■ Never

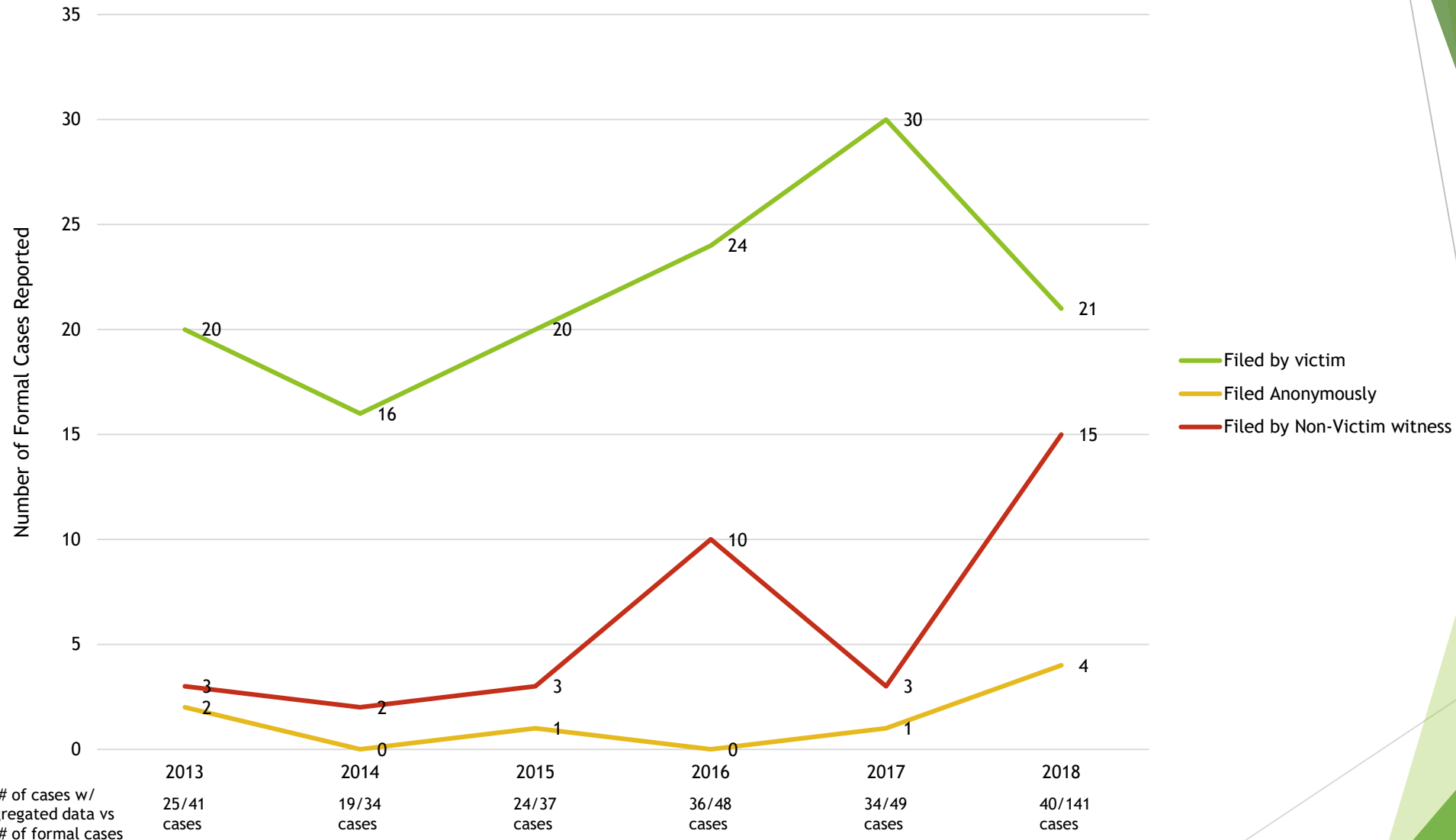
DIS-AGGREGATED INFORMATION ON FORMAL CASES (FOR INVESTIGATION AND POSSIBLE DISCIPLINE) OF SEXUAL HARASSMENT

Number of Total Cases Considered: 34/49 (2017)



NB: Based on responses from some organizations, for the 49 of the formal cases reported in 2017, some entities have either not responded or responded that they do not collect such disaggregated information.

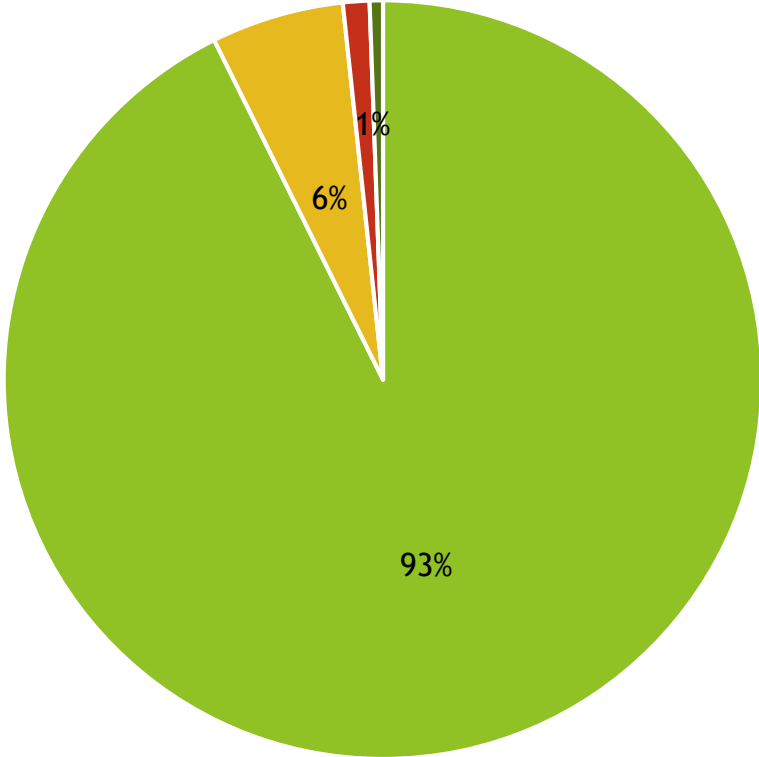
Trend of Formal Reporting (2013-2018)



Total # of cases w/
disaggregated data vs
Total # of formal cases

NB: Breakdown of types of formal cases only refers to the number of formal cases for which disaggregated data was available.

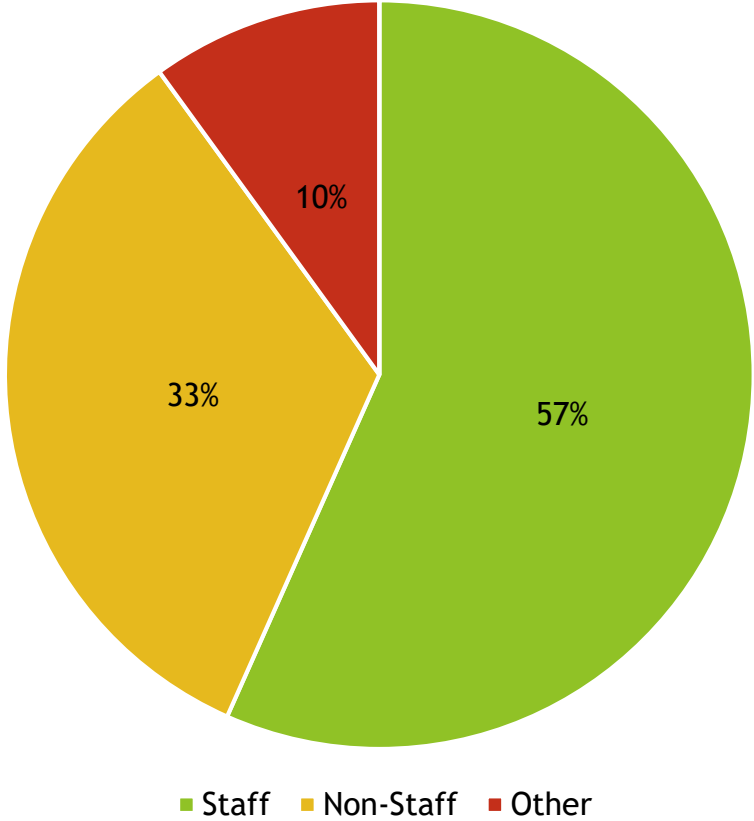
WHO REPORTS?... (2017)



■ Only Female ■ Only Male ■ Do not identify as male or female

NB: this data reflects the number of cases, not the number of alleged victims.

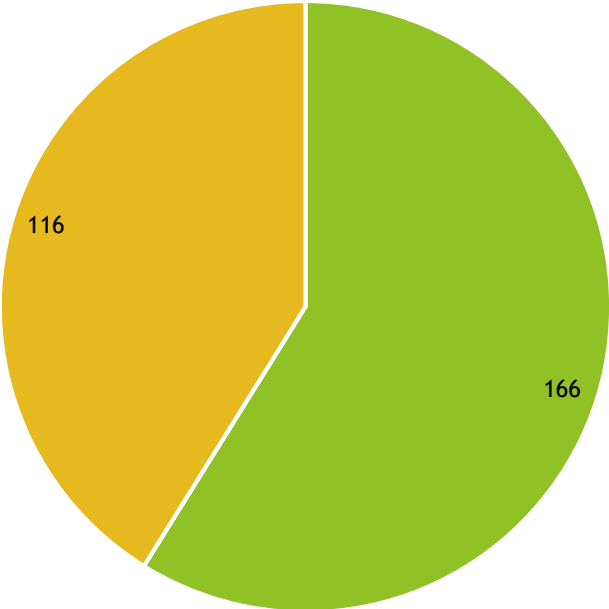
WHO REPORTS?... (2017)



➤ Other (persons having access to formal reporting mechanisms): Volunteers, interns, UNVs, persons working for other entities, retirees, etc.

REPORTS RESULTING IN AN INVESTIGATION BEING OPENED, AND HOW MANY SCREENED OUT (2013–2018)

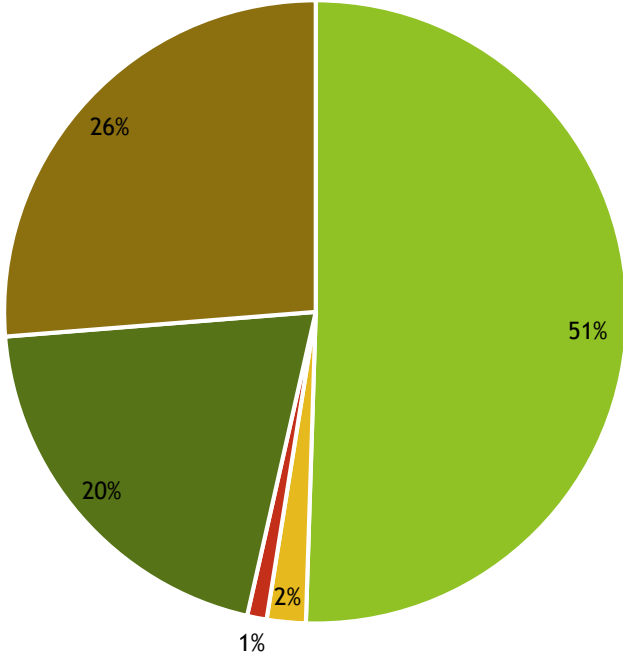
Total Investigations Opened versus Total Cases Screened Out



■ Total Investigations Opened ■ Total Screened out

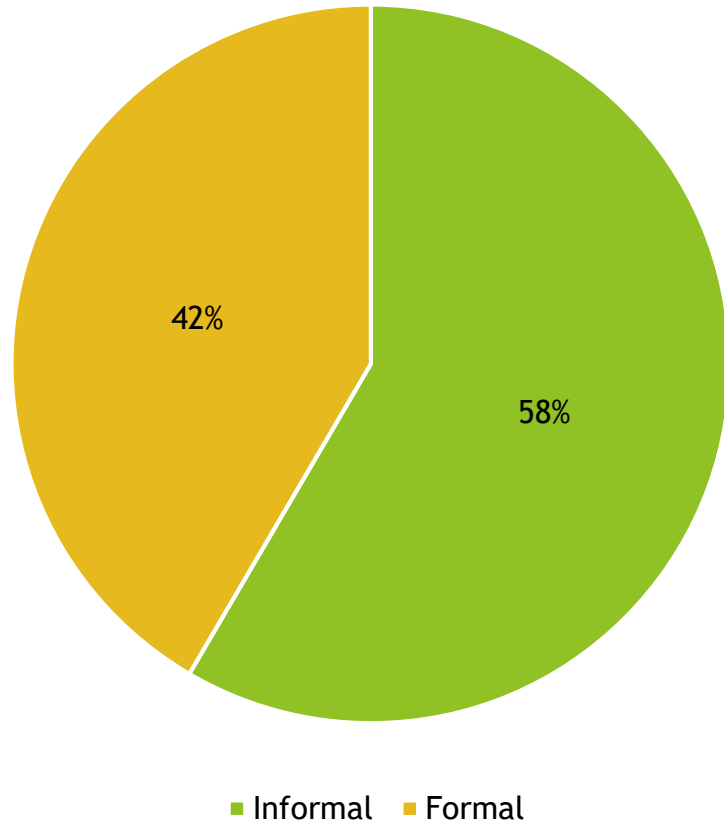
➤ Screened Out: through the formal complaint mechanism *before investigation*

Breakdown of Cases that were Screened Out



■ Not enough info/evidence
 ■ Limited investigation resources/low priority case
 ■ Alleged perpetrator left the organization
 ■ Complaint withdrawn
 ■ Other

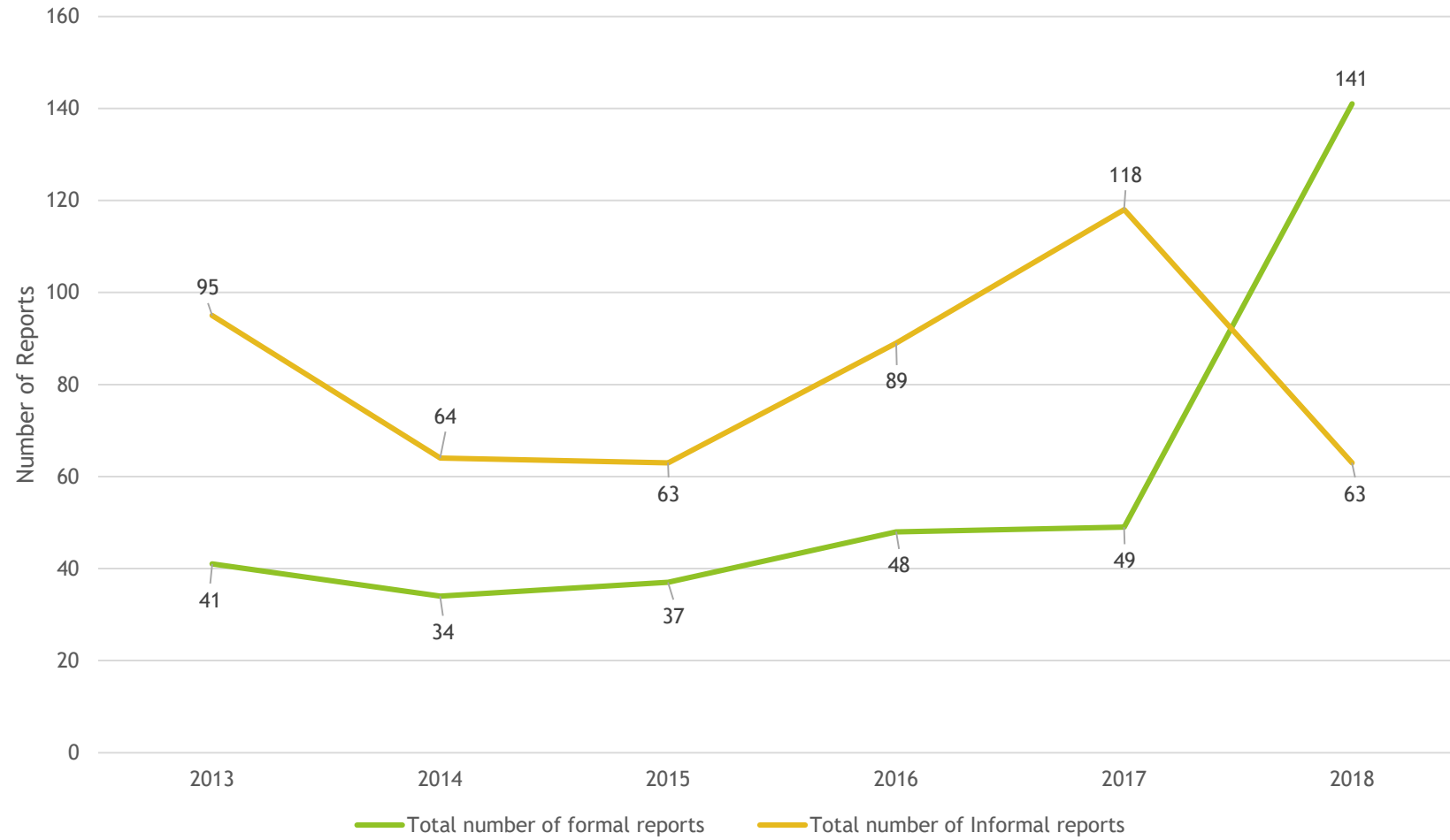
RECOURSE TO FORMAL AND INFORMAL SYSTEMS (2017)



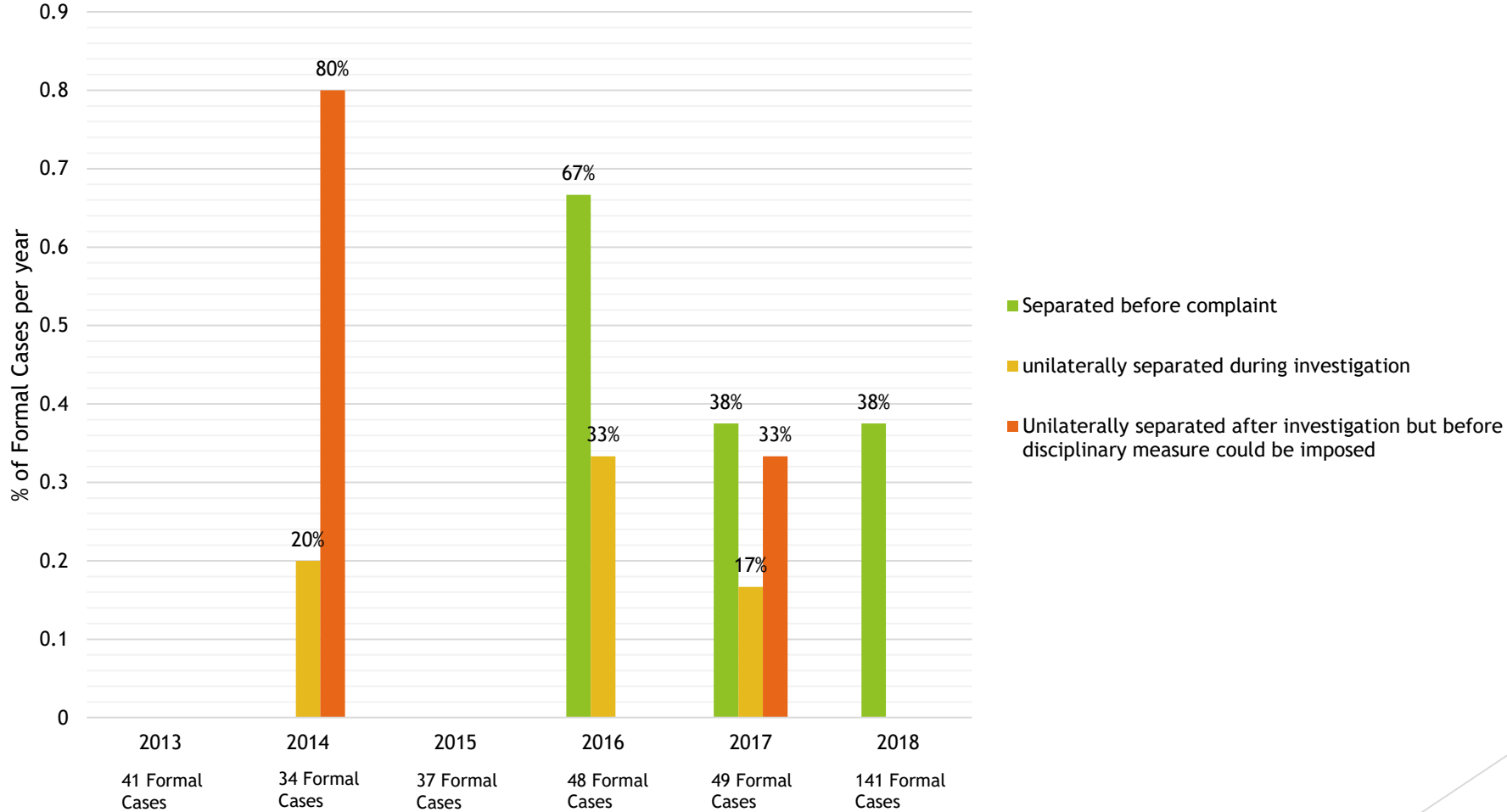
In 2017 there were a total of **49** Formal reports and **118** Informal reports of sexual harassment.

- **Formal reports/complaints**: an official complaint that is filed for investigation and possible disciplinary measures.
- **Informal reporting channel**: a mechanism which allows for reporting a complaint without escalating to a formal complaint for investigation and possible discipline. These reporting channels include options for conflict resolution, such as a facilitated conversation to address the conduct, mediation or reconciliation.

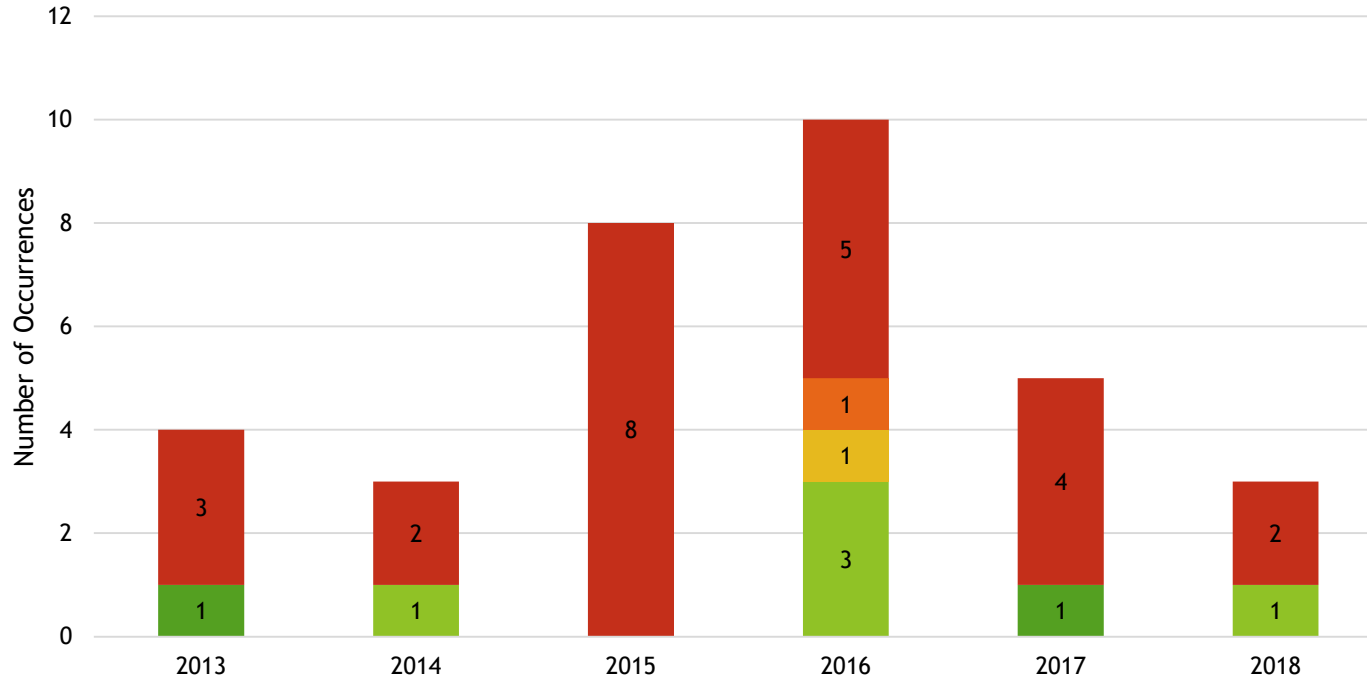
Trend of Formal versus Informal Reports



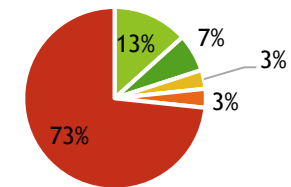
SUBJECT UNILATERALLY SEPARATED PENDING CONCLUSION OF INVESTIGATION OR DISCIPLINARY PROCESS



Disciplinary Measures Imposed (Based on Information Provided by 25 Respondents)



2013-2017

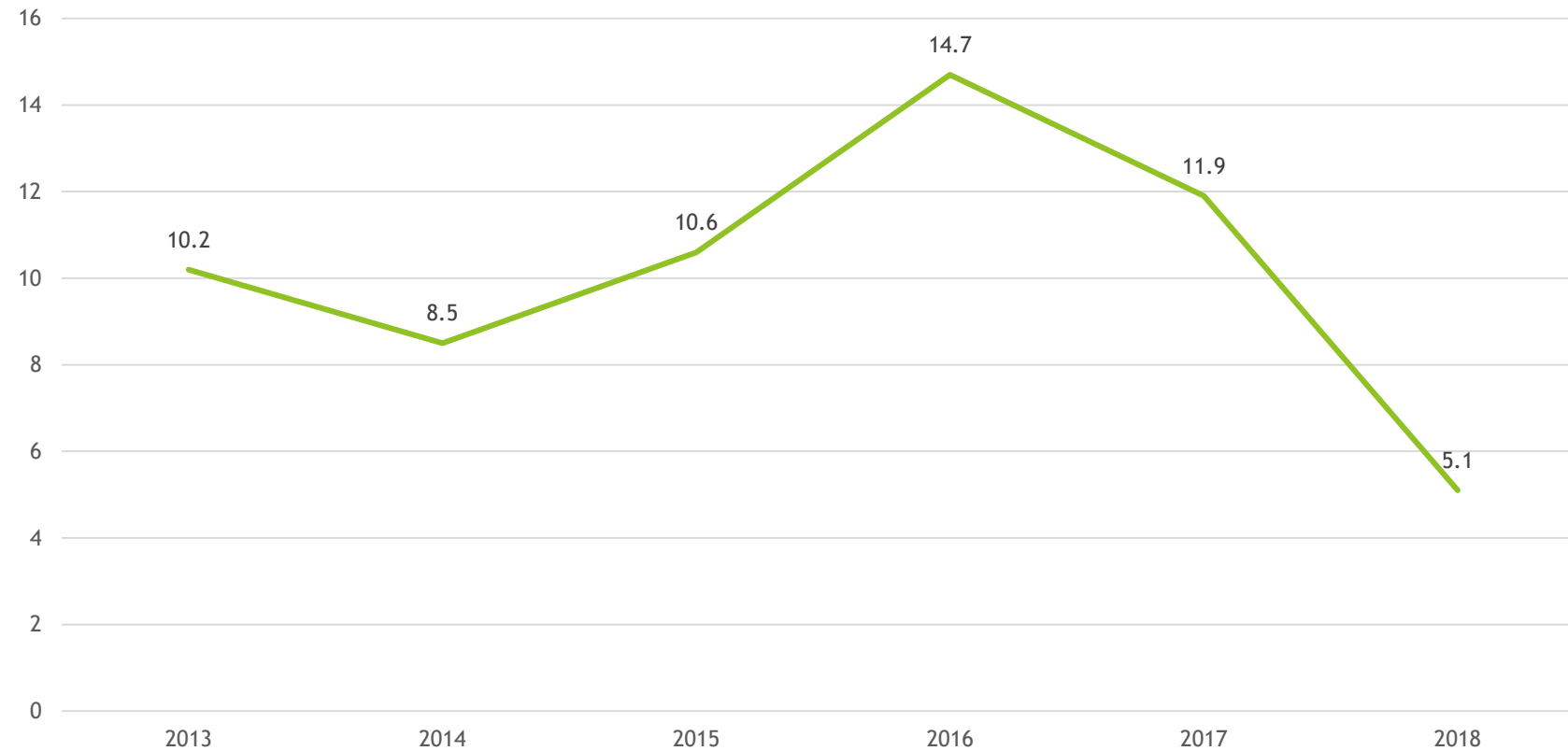


- Written Censures
- Disciplinary Suspension
- Financial Penalty
- Loss in Responsibilities
- Separation from Service

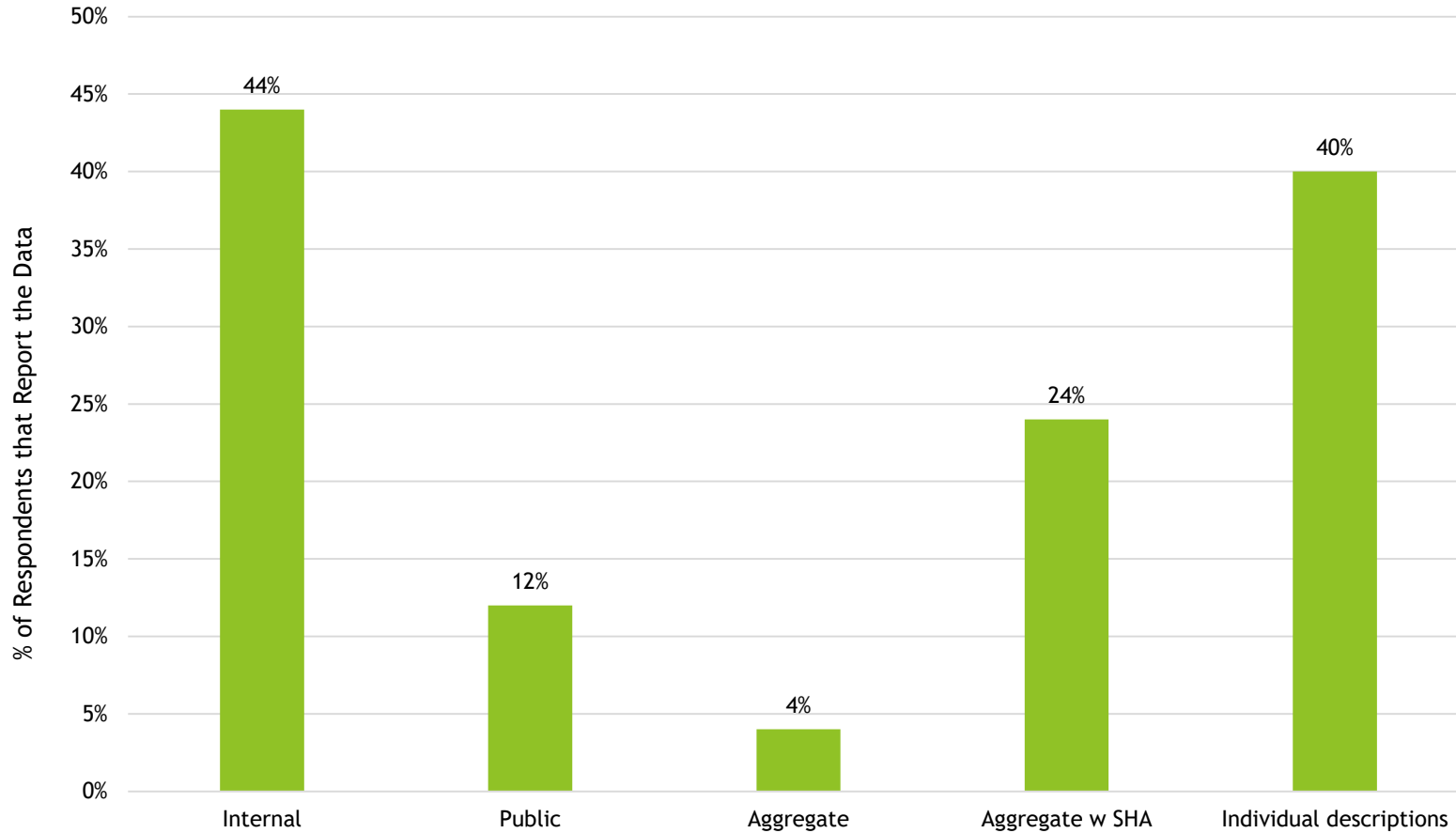
- Separation from service (termination/dismissal)
- Loss in responsibilities (e.g. demotion)
- Financial penalty without change in responsibilities (fine, loss in step(s) in grade, etc.)
- Disciplinary suspension from service (not pending investigation/ disciplinary process)
- Written censure (no immediate consequences)

- Written Censure: no immediate consequences
- Financial Penalty: no change in responsibilities; entails a fine, loss in step(s) in grade, etc.
- Loss in Responsibilities: e.g. demotion
- Separation from Service: i.e. termination or dismissal
- 2018 data incomplete

AVERAGE LENGTH OF TIME TO COMPLETE THE FORMAL INVESTIGATION PROCESS (IN MONTHS)



Does your Organization Report on Disciplinary Measures Imposed for Substantiated Sexual Harassment Cases?



- Aggregate: only in the form of aggregate data, without a category of sexual harassment.
- Aggregate w/ Sha: in the form of aggregate data, *with* a category of sexual harassment.
- Individual Descriptions: in the form of a report with information about each case.

Annex 7

Model Code of Conduct to Prevent Sexual Harassment During or In Relation to UN Events

Draft

Background

United Nations and United Nations entity events¹ are professional, respectful and harassment-free environments for all attendees, regardless of, *inter alia*, gender, gender identity and expression, sexual orientation, disability, physical appearance, ethnicity, race, national origin, age, or religion.

Purpose

The purpose of this code of conduct ('Code') is to communicate that every attendee is expected to conduct themselves in a professional, respectful and responsible manner at all times. Sexual harassment of attendees is not tolerated.

Applicability

The Code applies to all attendees, including media representatives and visitors, of events organised or sponsored by the United Nations or United Nations entity at a duty station or external premises.²

Prohibited conduct under this Code

Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with a person's official activities or work or creates an intimidating, hostile or offensive official or work environment. Sexual harassment may occur in the workplace or in connection with official activities or any event of an official character. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered ('Prohibited Conduct').

Sexual harassment:

- Is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics;
- May involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications;
- May occur between persons of the same or different genders, and individuals of any gender can be either the targets or the perpetrator;
- May occur outside the workplace and outside working hours, including during social functions related to work or any official activities or events of an official character or nature;

¹ The code may be used for any event, including conferences, assemblies, receptions, meetings or any other event organized or sponsored by the United Nations and United Nations entities at a duty station or external premises.

² If a complaint is made against a UN staff member, then relevant United Nations or United Nations entity regulations and rules apply. The Code applies to all CEB entities and applies within the legal framework applicable to the premises in question, including but not limited to, any agreements with the host country concerning such premises

- May be perpetrated by any person, whether or not that person is known to the person being harassed. A perpetrator's status as a senior official may be treated as an aggravating circumstance.

Complaint process

If Prohibited Conduct occurs during or in relation to an event organised or sponsored by the United Nations or United Nations entity, then the person who is the target of possible sexual harassment or any third party who has direct knowledge of the incident should report it as soon as possible, preferably before an event has concluded, to the person(s) or service identified for this purpose by the organiser of the event ('Focal Point').

For this event the Focal Point is [Insert name of Focal Point] and can be contacted on [insert telephone number and/or email address].

While a report may be made at any time, reporting an incident after an event has concluded may limit the options for action that can be taken by the organisers or sponsors of the event.

The Focal Point will gather and record relevant information in a written account of the incident, taking into consideration any applicable United Nations or United Nations entity regulations and rules. If the person who reports the incident is not the target of possible sexual harassment, the views and situation of the person who is the target of possible sexual harassment will be taken into consideration. Due discretion and relevant confidentiality rules apply to this process.

As a guide, the following is the information typically required to commence the preliminary fact-finding process: name or other identifying information of the person being accused of sexual harassment; date and location of the incident; a description of what happened; if there were witnesses, their names.

Response to complaint

Once it is completed, the Focal Point conveys the written account of the incident to the organiser of the event and Chief of Security, if applicable, for such action as may be appropriate in response to a credible complaint, including revocation or suspension of access privileges of the alleged perpetrator to the event or future events organised or sponsored by the United Nations or United Nations entity. If any additional information is required by the organiser of the event or Chief of Security in relation to the Prohibited Conduct, it will be gathered in accordance with United Nations or United Nations entity regulations and rules, as applicable.

The organiser of the event or the Chief of Security, if applicable, will keep the person who has reported the incident reasonably informed of actions taken while applying due discretion and relevant confidentiality rules.

No retaliation

Threats or other intimidation against a person who has made a complaint or provided information in support of a complaint will not be tolerated.

Implementation Guide

Background

As an organizer of conferences, meetings, assemblies and other events, the United Nations has a responsibility to clearly communicate the expectation that such events are safe professional environments for all attendees and are free from sexual harassment.

In general, United Nations policies and regulations do not extend to non-staff. Therefore, to ensure that there is a common understanding among staff and non-staff attendees of what conduct is acceptable at events organized or sponsored by the United Nations, a code of conduct for events can serve as a useful communications and prevention tool. The Code is not binding and may be adapted to each organization and its context.

Consideration could also be given to promulgating the Code in an appropriate administrative issuance. This Guide has been prepared to assist in the administration and implementation of the Code.

Model code of conduct

Applicability: The Code applies to all attendees, with no exceptions. United Nations staff have a responsibility in relation to, and are protected by the Code (i.e. to not harass and not to be harassed including by non-staff attendees). Any complaint made against UN staff would be addressed through relevant United Nations or United Nations entity regulations and rules. It may be applied to any event, including conferences, assemblies, receptions, meetings or any other event organized or sponsored by the United Nations and United Nations entities at a duty station or external premises. The Code applies to all CEB entities and applies within the legal framework applicable to the premises in question, including but not limited to, any agreements with the host country concerning such premises.

Prohibited conduct under this code:³ The Code adapts the agreed definition and explanatory paragraph from the draft UN System Sexual Harassment Policy Reference Model so that it can be logically applied to an event setting, which has attendees that include non-staff e.g. adding the term “official activities” in addition to “work” and removing reference to “condition of employment” and “official travel”.

Complaint process: The Code outlines a process for reporting a complaint that is sufficiently flexible for it to be used in multiple different scenarios, including situations where United Nations Department of Safety and Security (UN DSS) are providing security services to the event, or not, or if the event is at a duty station or external premises. The Focal Point’s role may be undertaken by staff of the United Nations or United Nations entity that is organizing or sponsoring the event, a member or team of UN DSS or other security service that is supporting the event or may include a host country liaison. In practice, the Focal Point should be identified prior to the event and the Code should be made publicly available and clearly displayed, including a telephone number, email address or other contact details of the Focal Point.

³ The Code of Conduct refers specifically to sexual harassment as the mandate of the sub-working group that drafted the code was limited to sexual harassment; it is open to UN entities to include other types of prohibited conduct in their own Code.

The important elements of the complaint process include the preparation of a written account of the incident, which includes the minimum information set out in the Code; ensuring consultation with and taking into consideration the views and situation of the person who is the target of possible sexual harassment (and may include gathering information from the person accused of harassment) in relation to gathering of preliminary facts; and the conveyance of this preliminary information to a designated decision-maker (e.g. Senior most UN official or Chief of Security).

It is noted that if a UN staff member witnesses Prohibited Conduct they are expected to cooperate with the complaint process.

Response to a complaint: Possible responses to a complaint are identified in a manner that gives the decision-maker the discretion on a case-by-case basis to determine how a complaint will be managed depending on the diplomatic or other status of the person who is the target of possible sexual harassment or the person who has been accused of harassment e.g. a Member State delegate and any relevant provisions of e.g. a host country agreement.

No retaliation: This is an important principle to facilitate greater reporting of incidents.

Implementing the Code

To ensure effective implementation, the following key elements should be considered:

Clarifying roles and responsibilities: It is critical to identify the focal point(s) and the decision-maker(s) for each event and provide these individuals or teams with clear roles and responsibilities.⁴

Communication of the Code: As the Code is primarily a communication and prevention tool it needs to be communicated to attendees e.g. at registration, in event publications, through social media or focal points for civil society or non-governmental organisations. Targeted communication to bureau of Governing Bodies could also be considered.

Support services: The Code does not expressly refer to support services for the person who is the target of possible sexual harassment because what can be offered is likely to vary depending on the location of the event and/or the capacity of the organizers. However, support services are critical and should be identified before an event, in consultation with the host country if applicable.⁵

More than one code: In circumstances where an event is hosted by a country or another organization that has its own code of conduct, all efforts should be taken to ensure a coherent application of one or both of the codes. The UN System Code should, whenever possible, be acting as a minimum standard to secure the overall purpose of assuring a sexual harassment-free professional environment for all attendees.

⁴ Organizations should consider the qualification of the Focal Point to adequately handle complaints and where necessary provide training. Organizations should further consider appointing Focal Points of different genders; putting in place a substitute arrangement in case of absence; and ensuring that Focal Points understand their role and the sensitivity and confidentiality required in performing the role.

⁵ Support services may include sexual harassment or assault helplines, emergency or specialised medical services, counselling etc.