

Policy on Integrating a Human Rights-Based Approach to United Nations efforts to Prevent and Respond to Sexual Exploitation and Abuse

I. PURPOSE AND OBJECTIVE

1. This policy guides the United Nations and its personnel on the consistent application of a human rights-based approach to sexual exploitation and abuse, irrespective of the affiliation of the perpetrator. This policy applies to all United Nations system entities, including offices, agencies, funds and programmes operating at headquarters, in national/regional offices and field locations, and their respective cooperative arrangements¹. It also applies to how the United Nations addresses allegations of sexual exploitation and abuse against non-United Nations forces operating under a Security Council mandate. It builds on the findings of the 2015 Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic and the Secretary-General's strategy launched in 2017 to improve the Organization's system-wide approach to preventing and responding to sexual exploitation and abuse ([A/71/818](#)). In this policy, 'human rights-based approach' is used broadly as the Organization's approach to sexual exploitation and abuse which integrates human rights considerations, in accordance with international human rights principles, norms and standards, while fully cognizant of the different roles and mandates of the various United Nations actors. A human rights-based approach to sexual exploitation and abuse offers a complementary legal and policy framework for prevention and response that places victims at the centre of efforts by the United Nations and Member States and guides the United Nations in addressing the root causes and consequences of sexual exploitation and abuse. This framework reinforces the conduct and discipline and criminal accountability approaches by clarifying the responsibilities and obligations of the United Nations and Member States, derived from human rights principles and standards, to address sexual exploitation and abuse.

II. NORMATIVE FRAMEWORKS APPLICABLE TO SEXUAL EXPLOITATION AND ABUSE

2. The Secretary-General's Bulletin on 'Special measures for protection from sexual exploitation and sexual abuse' ([ST/SGB/2003/13](#)) constitutes the legal and policy framework for the United Nations relating to sexual exploitation and abuse used by the United Nations, including by providing definitions of this type of misconduct. All United Nations personnel² are bound by the Bulletin and/or other applicable legal frameworks which incorporate its principles.³ All acts that amount to sexual exploitation and abuse constitute serious misconduct. In addition, some of these acts may amount to crimes under national law and may also constitute violations of international law, including international human rights, humanitarian and criminal law. In some circumstances, some acts may also be defined as conflict-related sexual violence. Often, acts may fall into several of these categories, with each category invoking a tailored response.

A. Sexual exploitation and abuse as a breach of United Nations standards of conduct

¹ Agencies, Funds and Programmes that have joined the High Level Steering Group on Sexual Exploitation and Abuse after 1st January 2020 will be able to opt in with regard to application of the policy in their regard, by communicating their willingness to do so to the High Level Steering Group.

² The categories of United Nations personnel can be summarized as follows: (i) United Nations officials, including United Nations staff members and those assimilated to them such as United Nations Volunteers; (ii) United Nations experts on mission, including individually deployed military experts (UNMEM), individual police officers (UNPOL) and members of formed police units (FPUs); and (iii) members of United Nations military contingents.

³ For example, the [Model Memorandum of Understanding between the United Nations and Troop Contributing Countries](#).

3. Any substantiated act of sexual exploitation or sexual abuse committed by United Nations personnel amounts to serious misconduct, as defined under [ST/SGB/2003/13](#) and/or other applicable frameworks. This provides grounds for disciplinary and other measures, including termination of contract and ineligibility for future recruitment in the United Nations system.

B. Sexual exploitation and abuse as a crime under national law

4. Some acts that are defined as sexual exploitation and abuse under [ST/SGB/2003/13](#), including rape, attempted rape or attempted or actual sexual assault may constitute crimes under national legal frameworks, requiring criminal investigation and prosecution accordingly. In other instances, acts of sexual exploitation and abuse prohibited under [ST/SGB/2003/13](#) may not be categorised as a crime under national law. For example, [ST/SGB/2003/13](#) prohibits sexual activity with children (persons under the age of 18) regardless of the age of majority or consent in national legislation⁴, although in some countries, the age of consent may be lower than 18 years of age. Some acts prohibited in relevant international human rights law instruments, such as child pornography, child marriage or sexual violence against men and boys⁵, may also not be criminalized in some countries.

C. Sexual exploitation and abuse as a violation of international human rights law and, where applicable, international humanitarian law and international criminal law

5. Many of the acts defined as sexual exploitation and abuse under [ST/SGB/2003/13](#) constitute forms of sexual violence prohibited under international human rights law. International human rights law sets out obligations for States to respect, protect and fulfil human rights⁶, that include ensuring investigations, accountability and remedies for victims. Where these obligations are not fulfilled, some forms of sexual violence can amount to human rights violations.⁷

6. Pursuant to international human rights law, all States have an obligation to respect human rights including ensuring that State actors do not perpetrate sexual violence, and exercise due diligence to adequately protect persons from acts of sexual exploitation and abuse that amount to sexual violence. This entails, *inter alia*: criminalizing all forms of sexual violence; establishing effective mechanisms for investigating allegations and prosecuting as appropriate; ensuring that the penalties against those found responsible reflect the gravity of the offence in compliance with international standards of fair trial and due process; and providing reparations for victims. Further, States of nationality of alleged perpetrators must investigate and, where credible evidence exists, prosecute their nationals accused of acts of sexual violence. In addition, to avoid any possible accountability gap, it has

⁴ [ST/SGB/2003/13](#) still carries an exception in para 4.4 with respect to situations where a staff member is legally married to a child (person under 18), and the child is over the age of consent/majority under the laws of the child's country of citizenship. A recommendation has been issued to the UNGA to remove this exception from UN Staff Rule 1.2(e).

⁵ See, for instance, [CRC art.19](#), 24.3, 34; and [Optional Protocol to the Rights of the Child on the sale of children, child prostitution and child pornography](#), art. 1, 2, 3, 4, 10.1.

⁶ These include the right to life; equal protection under the law; protection from torture and cruel, inhuman or degrading treatment or punishment; equal protection according to humanitarian norms in situations of armed conflict; liberty and security of person; rights to physical and mental health; and the right to just and favourable conditions of work. See UN Committee on the Elimination of Discrimination Against Women (CEDAW), [CEDAW General Recommendation No. 19: Violence against women](#), 1992.

⁷ See, for instance, [ICCPR art. 7](#); [ICERD art. 5\(b\)](#); [CAT arts. 1, 16](#); [CRC arts. 19, 37\(a\)](#) and [ICRMW arts. 10, 16\(1\) and 16\(2\)](#). Forms of sexual violence as prohibited in relevant international human rights law instruments may include: rape and attempted rape; trafficking in persons for the purpose of sexual exploitation; forced prostitution; exploitation of prostitution; child pornography and child prostitution; sexual slavery; forced pregnancy; forced abortion; and violent acts against the sexual integrity of a person and other acts of a sexual nature which cause offence or humiliation.

been recommended that States should extend their jurisdiction to acts of sexual violence committed by their nationals abroad, if they have not already done so, and exercise such jurisdiction.⁸ Subject to the exclusive criminal jurisdiction of United Nations troop contributing countries, host States may also investigate, and where credible evidence exists, prosecute those accused of sexual violence committed on their territory.

7. In situations of armed conflict where international humanitarian law applies, certain forms of sexual violence may also amount to a violation of international humanitarian law.⁹ In some cases, sexual violence may also amount to a violation of international criminal law, including war crimes, crimes against humanity and genocide.

D. Sexual exploitation and abuse as conflict-related sexual violence

8. Conflict-related sexual violence, as it is framed conceptually for the purposes of the Security Council agenda, refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity directly or indirectly linked to a conflict. This link between acts of sexual violence and conflict may be evident in the affiliation of the perpetrator, whether with a State or non-State armed group; the profile of the victim, who is frequently a member of a persecuted group; the climate of impunity, which is generally associated with State collapse; cross-border consequences, such as displacement or trafficking; and/or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons for sexual violence or exploitation in situations of conflict.¹⁰ Acts that constitute conflict-related sexual violence may amount to both violations of international law including international human rights law, international humanitarian law and international criminal law, and of domestic law.

9. Acts of sexual abuse as defined in [ST/SGB/2003/13](#), including when committed by international non-United Nations forces under a United Nations mandate, may amount to conflict-related sexual violence, depending on the circumstances, and upon a case-by-case analysis applying the United Nations agreed definition.

III. APPLYING A HUMAN RIGHTS-BASED APPROACH TO SEXUAL EXPLOITATION AND ABUSE

10. A human rights-based approach requires the development of holistic strategies that tackle the occurrence of sexual exploitation and abuse, and the root causes and consequences of such acts. Root causes may include violations of the right to freedom from discrimination and the rights to health, education and an adequate standard of living. It also involves acknowledging the inherent power imbalance that prevails between United Nations personnel and the populations they are to protect and support. Unequal gender relations and gender-based discrimination lie at the heart of sexual exploitation and abuse and create an environment that can facilitate gender-based sexual violence. While women and girls are most often primarily affected by sexual violence due to structural power imbalances, the fact that sexual violence also affects men and boys is increasingly recognised. Individuals who belong to marginalised groups or who are in situations of vulnerability - such as

⁸ [CEDAW General Recommendation No. 35, para. 20](#); [HRC General Comment No. 31](#), paras. 3 and 10; read in conjunction with [CAT General Comment No. 2, para. 16](#); [ICCPR art. 7](#); [CAT arts. 1, 5 and 16](#); [ICERD art 5\(b\)](#); [CRC arts. 19, 37\(a\)](#), [CRC OPSC, arts. 3 and 4](#), and [ICRMW arts. 10, 16\(1\) and 16\(2\)](#).

⁹ Common article 3 to the four Geneva Conventions prohibits “violence to life and person, in particular ... mutilation, cruel treatment and torture” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment”. Customary international humanitarian law also prohibits rape and other forms of sexual violence (see, ICRC Customary International Humanitarian Law database, Rule 93).

¹⁰ [Secretary-General report on conflict-related sexual violence S/2020/487](#), para. 4.

internally displaced persons, national or ethnic, religious and linguistic minorities, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities or older persons - may be at heightened risk of sexual exploitation and abuse and/or may have fewer protection mechanisms accessible to them, and may also face barriers and risks in the form of discriminatory national legislation and policies.

11. In addressing sexual exploitation and abuse committed by its personnel, the United Nations is committed to placing the rights of victims of sexual exploitation and abuse at the centre of prevention and response strategies and actions and to act in accordance with the principles guiding a human rights-based approach, such as 'do no harm' and non-discrimination (see Annex I).

12. Applying a human rights-based approach also entails that the United Nations engages with Member States on, and supports them in, fulfilling their human rights obligations to prevent and protect individuals from sexual exploitation and abuse (see section 4 below). This is a responsibility of all parts of the United Nations system, requiring coordinated action across the full spectrum of United Nations programming and the use of complementary mandates of each United Nations entity.

IV. RESPONSIBILITIES

A. Institutional responsibilities of the United Nations regarding sexual exploitation and abuse

13. Upholding human rights is a founding purpose of the United Nations. According to its Charter, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction.¹¹ In applying a human rights-based approach, actions taken by the United Nations to prevent and respond to sexual exploitation and abuse may include:

14. Prevention. Through active vigilance, take steps to prevent sexual exploitation and abuse by conducting, *inter alia*, regular risk assessments that map risks and outline actionable plans to mitigate the risks identified; human rights screening¹² and screening for prior misconduct, including sexual misconduct; training and awareness-raising of United Nations personnel; raising awareness of relevant policies amongst humanitarian personnel and beneficiaries, including the United Nations' zero tolerance for sexual exploitation and abuse; setting up of oversight mechanisms; and promoting gender-sensitive and coordinated programming across the United Nations system that addresses both the root causes and consequences of sexual exploitation and abuse.

15. Protection. In line with the Secretary-General's strategy as set out in 71/818 and pursuant to General Assembly resolution 62/214, place victims of sexual exploitation and abuse at the centre of United Nations responses as well as prioritize the protection of the rights, dignity and well-being of victims by: ensuring that victims are duly informed of their rights and of the United Nations responsibilities towards them; they are actively involved in processes and decisions affecting them (e.g. regarding the provision of services, avenues for protection, pursuing accountability and accessing remedies) and their views duly considered; and ensuring that all measures taken to support victims take into account their age, gender identity and other factors specific to that individual (e.g., disability, ethnicity, sexual orientation), and thus prioritise actions that are based on a victim's needs. Pursuant to General Assembly resolution 62/214 and the United Nations Comprehensive Strategy, ensure that victims have access to timely and adequate medical, legal and psychosocial assistance, by setting up and/or maintaining or supporting the necessary structures, referral pathways and services to this end, and ensuring that assistance is provided in a manner that avoids re-traumatization or secondary victimization and builds confidence and trust; and make available confidential service provision as

¹¹ [Art. 1 \(3\) and 55 \(c\)](#).

¹² [2012 United Nations Policy on Human Rights Screening of United Nations Personnel](#).

required. In addition, ongoing risks should be carefully assessed in consultation with victims and witnesses, and specific measures put in place to ensure victim and witness protection, including during the process of investigations. The ultimate objective should be to restore the dignity of the victim and to ensure that no victim is left behind.¹³

16. Holding accountable. Pursue prompt and effective administrative investigations of allegations of sexual exploitation and abuse committed by United Nations personnel; apply disciplinary and other measures, as applicable, and refer acts that may constitute crimes to States for investigation while giving due consideration for the confidentiality, safety and well-being of victims; maintain consistent and accessible records of outcomes of United Nations investigations; cooperate with and advocate for prompt and effective national criminal accountability where applicable; and follow-up with Member States on accountability measures, including with regard to access to justice and due process standards, regardless of the level, identity and/or affiliation of the alleged perpetrators.¹⁴ In its work with implementing partners, the UN must take appropriate actions as set forth in the [United Nations Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners](#).¹⁵

17. As per Security Council resolution 2272 (2016), upon decision of the Secretary-General, repatriate individuals involved in sexual exploitation and abuse or, where there is evidence of widespread or systemic sexual exploitation and abuse, the particular unit of a military contingent or formed police unit; replace all military and/or formed police units of the troop or police-contributing countries if the concerned Member State fails to take appropriate steps to investigate and/or to hold perpetrators accountable and/or to inform the Secretary-General of the progress in addressing the allegations.¹⁶ Do not accept for participation in United Nations peace operations State parties that are repeatedly listed in annual reports of the Secretary-General on conflict-related sexual violence and on children and armed conflict.¹⁷

¹³ For additional information on a human rights, victim-centred approach to victims' assistance, refer to the [UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse](#) (2019); and the [Report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse: a New Approach \(2017\)](#).

¹⁴ For example, see United Nations General Assembly Resolution ([A/RES/62/63](#)) of 2007 on Criminal accountability of United Nations officials and experts on mission. See also Reports of the Secretary-General on Special measures for protection from sexual exploitation and abuse ([A/71/818](#), para. 54 and [A/72/751](#), para. 46-47).

¹⁵ The [UN Implementing Partner Protection from Sexual Exploitation and Abuse Capacity Assessment](#) is a publicly available tool for UN entities to assess their partners' organizational capacities on protection from sexual exploitation and abuse; determine monitoring and support activities; and serve as a baseline for tracking progress, in line with minimum standards set out in the relevant Protocol.

¹⁶ [United Nations Security Council Resolution 2272](#), OP 1 and 2.

¹⁷ Secretary-General report on the future of United Nations peace operations ([A/70/357-S/2017/682](#), para. 127). Where acts of sexual violence by United Nations personnel of peace operations constitute conflict-related sexual violence, including conflict-related sexual violence committed against children, they are included in the narrative section of the Annual Report of the Secretary-General on Conflict-related Sexual Violence, and of the various reports of the Office of the Special Representative of the Secretary General on Children and Armed Conflict, including the quarterly Global Horizontal Note, the country reports and the Annual Report of the Secretary General on Children and Armed Conflict. This decision is made following the established procedures for compiling these reports. In this case, the United Nations peace operation is mentioned in the narrative section of the reports with a cross-reference to the report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse. Based on a long-established position of the United Nations, military contingents and formed police units placed at the disposal of the Organization are an integral part of the United Nations operation as subsidiary organ of the United Nations Security Council, and consequently cannot be included in the list annexed to the Secretary General's reports on Conflict-related Sexual Violence or on Children and Armed Conflict. However, as noted above, the United Nations has additional means to ensure that troop- and police-contributing countries effectively address sexual violence committed by United Nations peacekeepers.

18. Coordination. Act in a coordinated manner that facilitates information sharing, in line with the principles of confidentiality and respect for informed consent, and effective and timely responses. Build on complementarities in the United Nations system in order to provide a holistic and comprehensive response, maximise impact, and mitigate risks.

19. Guidance and mechanisms. Develop or update, as needed and where appropriate, policies and guidance to enhance United Nations efforts to prevent and respond to sexual exploitation and abuse, in line with the human rights-based approach, as well as establish adequate and accessible procedures and mechanisms to implement them.

20. Reporting. Report on measures taken to prevent and combat sexual exploitation and abuse, including through reports mandated by the Security Council, the General Assembly and the Human Rights Council. Also, report on specific allegations of sexual exploitation and abuse by United Nations personnel or by non-United Nations international forces operating under a Security Council mandate, while taking into account issues of confidentiality, informed consent and due process rights, as applicable. Information on these allegations can be included, *inter alia*, in reports of the Secretary-General on special measures for protection from sexual exploitation and abuse, Conflict-Related Sexual Violence, Children and Armed Conflict, and human rights, as well as in reports, communications or statements of senior United Nations officials and the international human rights mechanisms.

21. Supporting Member States. Provide support and advice to Member States including through technical cooperation, as well as monitor and promote the implementation of human rights obligations of Member States related to sexual exploitation and abuse (see section 4.1).

B. Individual responsibilities of United Nations personnel

22. In addition to complying with United Nations rules, regulations and policies, United Nations personnel must act in accordance with international human rights law and international humanitarian law, where applicable, and also respect national laws and regulations in the host State.¹⁸ Where international standards of conduct are higher, for example for the protection of children from sexual exploitation and abuse, United Nations personnel must abide by those standards.

23. Never perpetrate. United Nations personnel must never perpetrate sexual exploitation and abuse, as defined in [ST/SGB/2003/13](#) and/or other applicable legal frameworks.

24. Report. Where United Nations personnel develop concerns or suspicions or become aware of allegations of sexual exploitation and abuse, regardless of who commits such wrongs, they must report them via established reporting mechanisms and processes, exercising due regard for confidentiality and consistent with the do no harm principle, to the relevant United Nations entity for the appropriate follow-up.

25. Refer. As relevant to their functions, United Nations personnel must further inform victims of their rights and of available services, and facilitate referral to such available services as requested.

B. United Nations engagement with Member States to fulfil their human rights obligations

26. The United Nations engages with States regarding the fulfilment of their international obligations relating to sexual exploitation and abuse when they amount to violations of international human rights law. As mentioned in section 2.3., States have an obligation to respect human rights, to

¹⁸ See United Nations General Assembly Resolution ([A/RES/62/63](#)) of 2007 on Criminal accountability of United Nations officials and experts on mission.

refrain from engaging in such violations, and to exercise due diligence to adequately protect persons from acts of sexual violence. In addition, States should investigate and prosecute acts of sexual exploitation and abuse in accordance with domestic and international law.

27. Accordingly, United Nations engagement with States may take several forms, including relying on, monitoring and promoting implementation of States' human rights obligations to prevent and protect individuals from sexual exploitation and abuse; and hold perpetrators accountable; applying the United Nations human rights policy framework; using the full spectrum of human rights mechanisms, including Charter and treaty-based bodies, as well as mechanisms related to conflict-related sexual violence established under Security Council resolutions; and using the tools available to the United Nations system for engagement with Member States including advocacy, good offices, advice and technical cooperation.

28. Specific areas for United Nations engagement with States in relation to their human rights obligations include, *inter alia*:¹⁹

- (i) Legal and institutional guarantees. Promote the adoption of adequate criminal legislation and procedures as well as effective mechanisms for investigation and prosecution of perpetrators and for protection and reparation for victims of sexual exploitation and abuse.
- (ii) Criminal Accountability. Promote the conduct of independent, impartial, prompt and thorough investigations into allegations of sexual exploitation and abuse that may amount to crimes, as well as timely and effective prosecution to hold alleged perpetrators accountable, including for acts committed outside the national territory. With regard to acts perpetrated by United Nations personnel and non-United Nations forces, criminal accountability may be operationalized according to the applicable legal frameworks. For United Nations officials and experts on mission, including individual police and formed police units, responsibility for investigations may be exercised by either the State of nationality of the alleged perpetrator or the State where the alleged sexual exploitation and abuse has occurred. For members of United Nations military contingents, the troop contributing country to which they belong has exclusive criminal jurisdiction over acts perpetrated by their personnel.
- (iii) Equal protection of the Law. Advocate for and assist in addressing the situation of groups particularly at risk,²⁰ including by taking measures to address factors that may expose them to sexual exploitation and abuse, such as repealing of discriminatory laws and countering practices and attitudes that facilitate gender-based violence and that may present obstacles to effective access to justice and reparations.
- (iv) Prevention. Advocate for and assist in taking measures to prevent sexual exploitation and abuse from being committed on the State's territory or by its nationals extraterritorially by conducting human rights screening and vetting of military and police personnel considered for deployment in peace operations; ensuring that judicial and law enforcement personnel, including national investigation officers and other relevant professionals, receive specialised training on sexual exploitation and abuse related to their functions, such as on procedures for dealing with victims in a gender- and child-sensitive manner; conducting

¹⁹ For a more comprehensive explanation of States' obligations, see [CEDAW General Recommendation No. 35 on gender-based violence against women](#), updating [General Recommendation No. 19](#), CEDAW/C/GC/35, 26 July 2017.

²⁰ Such persons may include, *inter alia*, displaced women and girls, unaccompanied children, persons with disabilities, populations living in extreme poverty, ethnic or other minorities, lesbian, gay, bisexual, transgender and intersex persons.

mandatory and regular training for all United Nations personnel; and putting in place in-country oversight mechanisms, strict command and control structures and effective disciplinary measures for national police and military units.

- (v) Uphold victims' rights. Advocate for the provision of remedies to victims, including equal and effective access to justice, adequate, effective and prompt reparation for harm suffered and rights violated, and access to relevant information on processes concerning them. Promote the establishment of comprehensive support services for victims of sexual exploitation and abuse, including legal aid, medical care, psychosocial support including counselling by trained professionals, shelter and rehabilitation services. Advocate for and assist in ensuring the protection of victims during investigations and judicial proceedings, including by making available gender-sensitive protection mechanisms and ensuring protection from stigmatisation. Remedies should be extended to children born from pregnancy as a result of sexual exploitation and abuse with claims addressed in a prompt and comprehensive manner.

Annex 1

Principles guiding a human rights-based approach to preventing and addressing sexual exploitation and abuse²¹

- Do no harm: United Nations entities have the responsibility not to jeopardize the life, safety, freedom, dignity and well-being of persons who come in contact with the Organization, in particular victims. United Nations entities must exercise good judgement, be aware of the potential risks, prioritize victim's safety and well-being and avoid causing further harm to victims when addressing sexual exploitation and abuse. Special provisions and protections for children must be applied.
- Putting victims first: The rights and best interests of victims are central in shaping United Nations responses to allegations regardless of who the alleged perpetrators are. This means that victims must be informed of the options available to them, and that their safety and well-being take precedence. Taking a victim-centred approach implies ensuring that investigations are guided by international best practices and human rights standards, and that appropriate redress avenues are available and accessible to victims as part of United Nations responses. It also requires proactively seeking the views and preferences of victims, and prioritising their preferences where possible, with particular attention to concerns raised by victims as to confidentiality and safety considerations.
- Respect for confidentiality: Confidentiality is a key means to protect victims. It covers the identity of those who provided the information, as well as the information itself. Disclosure of confidential information is done according to informed consent of the concerned victim and an assessment of the potential implications the disclosure of information may have on his/her protection.
- Respect for informed consent: Informed consent is based upon the victim's clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give informed consent, therefore, SEA victims must have all relevant facts available at the time their consent is sought to be able to evaluate and understand the consequences of a course of action. They must also be aware of and have the power to exercise the right to refuse to engage in an action. They must be informed of the fact that the UN may decide to pursue administrative and disciplinary action with or without their participation in the process. This principle is at the core of respect for confidentiality. It entails gathering the consent from victims on the possible

²¹ This policy acknowledges the tension that might exist in some circumstances among some of these principles, such as for instance between the principle of transparency and the principle of respect for confidentiality.

use of the information they provided, and disclosing information according to it, provided that the disclosure of information does not raise concerns with regard to the protection of the victim. A breach of the principles of confidentiality and informed consent may place victims at risk of harm.²²

- Participation: This principle requires consulting with victims and creating the opportunity and channels for them to actively participate in decisions and processes that affect them and impact on their life. United Nations entities should facilitate the active and informed participation of victims and relevant civil society organizations on possible responses by the United Nations.
- Transparency: United Nations procedures and actions to prevent and respond to sexual exploitation and abuse must be transparent. This entails, *inter alia*, ensuring that victims are informed on the progress and outcomes of processes that concern them, and that information on new allegations and related United Nations responses is made publicly available.
- Accountability: The United Nations is responsible for ensuring accountability, for example through the application of disciplinary measures, and for seeking accountability when such responsibility lies with States, for acts of sexual exploitation and abuse by all persons acting under a United Nations mandate. In so doing, the United Nations shall respect due process requirements and victims' rights, and take appropriate measures to ensure their protection, safety and well-being.
- Non-discrimination: All individuals are equal as human beings and by virtue of their inherent dignity. All human beings are entitled to their human rights without discrimination of any kind on the grounds of race, colour, sex, gender identity and sexual orientation, ethnicity, age, language, religion, belief, political or other opinion, national or social origin, disability, property, birth or other status. In the context of sexual violence, existing patterns of marginalization, discrimination or stigmatisation should be taken into consideration.
- Equal application: This principle implies taking action to prevent and respond to sexual exploitation and abuse regardless of the nature and/or status of the alleged perpetrator's affiliation with the United Nations.
- The best interests of the child: Determine and prioritise the best interests of the child,²³ particularly in relation to securing the child's physical and emotional safety in the immediate, short and long terms. Policy, procedure and individual interventions should be developed with advance consideration of the possible negative or positive consequences for children, with the least harmful course of action always preferred. Assessing and determining the best interests of the child requires the participation of the child herself or himself, with the views of the child being given due weight in accordance with their age and maturity.

²² Uniform policy on balancing the disclosure of information to national authorities with principles of confidentiality when receiving and handling allegations of sexual exploitation and abuse by persons acting under a United Nations mandate.

²³ The concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention on the Rights of the Child. See UN Committee on the Rights of the Child (CRC), *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, 29 May 2013, [CRC/C/GC/14](#).

Annex 2

Glossary

Sexual Exploitation: Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.²⁴

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.²⁵

Gender-Based Violence is violence directed toward or disproportionately affecting someone because of their gender or sex. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.²⁶ Examples include sexual violence, trafficking, domestic violence, battery, coerced or forced use of contraceptives, violence against LGBTI people, femicide, female infanticide, harmful practices and certain forms of slavery and servitude.

Sexual Violence is a form of gender-based violence. It encompasses acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.²⁷ Forms of sexual violence include, *inter alia*, rape and attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced sterilization, forced nudity, forced virginity testing, sexual torture and sexual mutilation.

Human Rights Violation: A human rights violation refers to State transgressions of the rights guaranteed by national, regional and international human rights law. They are acts and omissions attributable to the State involving the failure to implement legal obligations deriving from human rights standards.²⁸

²⁴ [ST/SGB/2003/13](#).

²⁵ [ST/SGB/2003/13](#).

²⁶ [CEDAW/C/GC/35](#).

²⁷ See International Criminal Court, [Elements of Crimes](#).

²⁸ There is an emerging consensus that non-state actors with effective control over territory bear responsibility for persons under their control.