

INTERNATIONAL ORGANIZATION FOR MIGRATION

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Summary: IOM has a policy of zero tolerance of sexual exploitation and abuse (SEA) by IOM staff members and the employees or any other persons engaged and controlled by IOM Contractors. This Instruction is divided into two parts: Part A: Policy on prevention and response to SEA; and Part B: Procedures for reporting, responding to and tracking SEA.

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INTERNATIONAL ORGANIZATION FOR MIGRATION

Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse

Introduction

1. IOM has a policy of zero tolerance of sexual exploitation and abuse (SEA) by IOM staff members and the employees or any other persons engaged and controlled by IOM Contractors.
2. In March 2009, the Director General signed a letter endorsing the “Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel” (Annex 1), reaffirming IOM’s commitment to preventing and addressing cases of sexual exploitation and sexual abuse through advancing the principles contained in the Statement of Commitment in IOM’s day-to-day operations.
3. The present Instruction is divided into two parts: Part A: Policy on prevention and response to SEA; and Part B: Procedures for reporting, responding to and tracking SEA.
4. **IOM staff members.** The present Instruction applies to all people employed by or working for IOM worldwide, whether internationally or locally recruited, regardless of the type or duration of the contract, including interns, secondees, consultants, escorts and people holding hourly contracts. For the purpose of the Instruction, the term “staff members” shall include all such persons.
5. **IOM Contractors.** The Instruction also sets forth the minimum contractual conditions that contractors, suppliers, service providers and implementing partners (referred to as “IOM Contractors”) must adhere to in order to take appropriate measures to prevent and address SEA by their employees or any other persons engaged or controlled by them. For the purpose of the present Instruction, the term “employees or other personnel of IOM Contractors” shall include all such persons.
6. **Beneficiaries and vulnerable populations.** The present Instruction applies to both: (a) SEA of beneficiaries (any person who benefits or may benefit from an IOM project or assistance); and (b) SEA of any other person who falls within the scope of the IOM Standards of Conduct (IN/15/Rev.1), paragraph 5.42 (see paragraph 10 below).
7. **The relationship between IN/90 and the present Instruction (IN/234).** The IOM Policy for a Respectful Working Environment (IN/90) applies to cases of harassment, including sexual harassment, by an IOM staff member against another IOM staff member. By contrast, as explained in paragraph 6 above, the present Instruction applies to cases of SEA by an IOM staff member against a person who is not an IOM staff member, such as a beneficiary.

PART A: POLICY ON PREVENTION AND RESPONSE TO SEA

Policy statement

8. **Sexual exploitation** means any actual or attempted abuse of a 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.¹
9. **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
10. The IOM Standards of Conduct (IN/15/Rev.1), paragraph 5.42, states:

IOM staff members shall provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries. For this reason and because there is often an inherent and important power differential in the interactions between staff members and beneficiaries, IOM strongly discourages staff members from having any sexual relationships with beneficiaries.

In addition, IOM staff members shall protect against and prevent sexual exploitation and sexual abuse (SEA) of beneficiaries. Abusive and exploitative sexual activities with beneficiaries are absolutely prohibited.

In order to protect the most vulnerable populations and to ensure the integrity of IOM's activities, the following specific standards shall be followed:

- (a) Exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited.
- (b) Sexual activity with children (persons under the age of 18) is prohibited, regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence. This prohibition shall not apply if the IOM staff member is legally married to someone under the age of 18 but over the age of majority or consent in both the IOM staff member and spouse's country of citizenship.
- (c) Sexual relationships between staff members who deliver professional health services directly to beneficiaries and such beneficiaries are prohibited.
- (d) Using the services of prostitutes or sex workers is prohibited, regardless of the legal status of prostitution in the laws of the IOM staff members' home country or duty stations. This prohibition extends to the use of prostitution outside working hours, including while on Rest & Recuperation and home leave.

The above-mentioned acts are not intended to be an exhaustive list. The above-mentioned acts as well as other types of sexually exploitive or sexually abusive behaviour constitute serious misconduct and, as such, are grounds for disciplinary measures, including summary dismissal.

¹ The definitions of "sexual exploitation" and "sexual abuse" are set forth in the IOM Standards of Conduct (IN/15/Rev.1) and are aligned with the United Nations Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

All IOM staff members, particularly managers, are obliged to create and maintain an environment that prevents SEA. The failure of IOM staff members to appropriately prevent or follow-up on claims of SEA, may be reflected in the staff members' performance appraisal and constitute grounds for disciplinary measures.

11. In the case of SEA committed by a person included in the definition of "IOM staff members" (paragraph 4 above) who is not subject to the Unified Staff Regulations, IOM may terminate the working contract between that person and IOM.

Prevention of sexual exploitation and abuse and accountability

12. Directors and Heads of Regional Offices and Administrative Centres, Chiefs of Mission in Country Offices, Heads of Office and Directors of departments and offices at Headquarters shall, within their area of responsibility:

- (a) Serve as focal points for the prevention of sexual exploitation and abuse (PSEA) ("PSEA focal point"), who will inform IOM staff members under their supervision of the contents of the present Instruction, remind them of IOM's zero tolerance policy for SEA at every appropriate opportunity, and ensure that their staff receive a copy of this Instruction;
- (b) Act as role models in making every reasonable effort to create and maintain an environment that assists in preventing SEA by IOM staff members;
- (c) Take appropriate action upon receipt of any report or complaint about SEA allegations, concerns or suspicions or retaliation related to SEA, as stated in Part B of the present Instruction;
- (d) Create, maintain and raise awareness about the local complaint referral mechanism for non-IOM staff members, as set forth in paragraph 27 below;
- (e) Ensure that each agreement signed with an IOM Contractor includes the IOM standard clause on PSEA (Annex 2),² or receive approval from the Gender Coordination Unit if the standard clause cannot be used owing to exceptional circumstances;
- (f) Ensure that all IOM staff members under their supervision participate in available training on PSEA and related issues on a regular and timely basis and as needed;
- (g) Take reasonable steps to prevent and monitor SEA-related retaliation against and by all IOM staff members under their supervision;
- (h) Discuss PSEA, as appropriate, as part of the Staff Evaluation System process.

13. Every IOM staff member shall:

- (a) Read and ensure that they understand the present Instruction;
- (b) Report in good faith SEA allegations, concerns or suspicions or retaliation related to SEA that they have witnessed, or know of, by other IOM staff members, employees or other personnel of IOM Contractors, any other person working on IOM projects, or by people employed by or working for other organizations as stated in Part B of the present Instruction;
- (c) Cooperate fully with those responsible for investigating a report or complaint about SEA;
- (d) Ensure that confidentiality and the IOM Data Protection Principles (IN/138) are respected;

² Annex 2 is the current text of the clause as of the date of issuance of the present Instruction. The Office of Legal Affairs may revise the clause, as needed, and any revision will be included in the contract templates posted on the IOM intranet.

(e) Complete the mandatory PSEA training. The failure to complete this training may, where appropriate, be reflected in a staff evaluation.

14. The failure of IOM staff members to comply with the present Instruction may result in disciplinary measures in accordance with Unified Staff Regulation 10 or alternative measures.

IOM Contractors

15. All contracts between IOM and IOM Contractors shall include the IOM standard PSEA clause (see Annex 2 and footnote 2), which includes the obligations of IOM Contractors to take measures to prevent and prohibit SEA, to timely report to IOM any allegations, concerns or suspicions about SEA, to investigate allegations relating to their employees or other personnel of IOM Contractors, to take corrective action when SEA has occurred, and to ensure that the SEA provisions are included in all subcontracts. If the standard PSEA clause cannot be used owing to exceptional circumstances, approval must be sought from the Gender Coordination Unit.

16. The failure of an IOM Contractor to comply with such contractual obligations shall constitute grounds for IOM to terminate the contract between IOM and the IOM Contractor.

Provision of non-financial assistance

17. IOM will provide non-financial assistance and support to complainants³ and victims of SEA as deemed necessary and appropriate on a case-by-case basis.

18. A preliminary assessment of the victim's or complainant's needs arising directly from SEA or alleged SEA should be conducted as soon as possible. The assistance provided to complainants shall aim at fulfilling needs that cannot await the substantiation of a claim.

19. The nature and duration of assistance may vary. This assistance may include immediately needed services (e.g. medical care, psychological counselling, legal advice, provision of shelter, food, clothing and security). Assistance provided to victims is not intended to serve as compensation and shall not be considered, in part or whole, as compensation for damages or injury caused by SEA.

20. If assistance is deemed necessary and appropriate, IOM will rely on existing local services, such as those already available to the victims of sexual and gender-based violence.

PART B: PROCEDURES FOR REPORTING, RESPONDING TO AND TRACKING SEA

For IOM staff members: reporting SEA or retaliation related to SEA

21. All IOM staff members shall report in good faith SEA allegations, concerns or suspicions or retaliation related to SEA, as described in paragraph 13(b) above, to one of the following:

³ For the purposes of the present Instruction, a "complainant" is a person who files a complaint alleging that he or she is a victim of SEA. A person's status as a complainant starts as soon as a complaint is filed and lasts until a decision has been reached by IOM based on the facts that substantiate SEA, at which point a person attains victim status.

- (a) Their immediate supervisor, who shall act in accordance with paragraph 22 of the present Instruction; or
 - (b) The PSEA focal point, as defined in paragraph 12(a) above, who shall act in accordance with paragraph 23 of the present Instruction; or
 - (c) The Ethics and Conduct Office at Ethics&ConductOffice@iom.int or PSEA@iom.int if the IOM staff member knows or suspects that his or her immediate supervisor and/or the PSEA focal point is directly or indirectly involved in the matter.
22. All supervisors who receive from their supervisees reports about SEA allegations, concerns or suspicions or retaliation related to SEA shall promptly report to one of the following:
- (a) The PSEA focal point, as defined in paragraph 12(a) above, who shall act in accordance with paragraph 23 of the present Instruction; or
 - (b) The Ethics and Conduct Office at Ethics&ConductOffice@iom.int or PSEA@iom.int by submitting a duly completed Confidential report of SEA or retaliation related to SEA (Annex 3), if the supervisor knows or suspects that the PSEA focal point is directly or indirectly involved in the matter.
23. PSEA focal points who receive any report or complaint of SEA allegations, concerns or suspicions or retaliation related to SEA from any source, including from the local referral complaint mechanism, shall promptly submit a duly completed Confidential report of SEA or retaliation related to SEA (Annex 3) to the Ethics and Conduct Office at Ethics&ConductOffice@iom.int or PSEA@iom.int.
24. **Reporting standard.** Knowingly and deliberately filing a false or malicious statement under the present Instruction may constitute grounds for disciplinary measures in accordance with Unified Staff Regulation 10 or alternative measures.
25. **Confidentiality and data protection.** Any person who has knowledge of an SEA report or complaint must respect the sensitivity of the matter and the need to protect the identities, privacy and reputation of the alleged offender, complainant, reporter, alleged victim and any witnesses. Report forms and all related information and documents will be kept and transmitted to the Ethics and Conduct Office in strictly confidential manner in accordance with the IOM Standards of Conduct (IN/15/Rev.1) and the IOM Data Protection Principles (IN/138). The obligation of confidentiality continues after the matter has been closed. Failure to respect such confidentiality may result in disciplinary measures in accordance with Unified Staff Regulation 10 or alternative measures.
26. **Retaliation.** IOM is committed to protecting staff members who report SEA in good faith from retaliation or threats thereof. In addition, the security of the complainant, reporter, victim, alleged offender and witnesses is of great importance to IOM and shall be given the fullest consideration throughout the related SEA procedures. IOM staff members, including the alleged offender, shall not, at any time, retaliate against any person who has made a complaint about or reported an SEA allegation, concern or suspicion, or assisted in providing information or participated in an investigation about SEA. Such retaliation may result in disciplinary measures in accordance with Unified Staff Regulation 10 or alternative measures. IOM staff members, including supervisors and PSEA focal points, shall report any SEA allegations, concerns or suspicions of retaliation, as stated in paragraphs 21 to 23 above.

For non-IOM staff members: allegations, concerns or suspicions of SEA or filing SEA complaints

27. A local complaint referral mechanism shall be introduced in locations where IOM operates, for non-IOM staff members (e.g. beneficiaries and those people not included in paragraph 4 above) to report or complain about SEA or about retaliation related to SEA. Such a mechanism shall be reasonably accessible to non-IOM staff members (including IOM beneficiaries and the most vulnerable populations) in locations where IOM operates. IOM offices are urged to participate in jointly developed community-based complaint mechanisms, where appropriate.
28. PSEA focal points are responsible for creating, maintaining and raising awareness about the local complaint referral mechanisms for non-IOM staff members.

Response to a complaint or report of SEA

29. Upon receipt of a report or complaint about SEA allegations, concerns or suspicions or retaliation related to SEA, IOM shall:
- (a) Take all reasonable actions to protect the alleged victim, alleged offender, complainant, reporter and any witnesses from any retaliation;
 - (b) Conduct any initial assessment and investigation, if deemed necessary, promptly and objectively in a neutral and confidential manner with full respect for the principles of due process, in accordance with IOM standards, policies and procedures, including the Charter of the Office of the Inspector General (IN/74/Rev.1) and the IOM Data Protection Principles (IN/138);
 - (c) Take appropriate measures to ensure effective cooperation in the Field between the Organization and United Nations entities and non-governmental organizations on issues involving SEA;
 - (d) Take the above action regardless of the function, title, length of service or contractual status of the person(s) concerned.
30. IOM may:
- (a) Take disciplinary action against the offender in accordance with Staff Regulation 10 or terminate the contract of the offender if he or she is not subject to the Unified Staff Regulations;
 - (b) Take managerial action, including mandatory training, counselling, revision of standard operating procedures or other appropriate corrective measures;
 - (c) Close the case if there is no or insufficient evidence of SEA; or
 - (d) Take any other action as deemed appropriate.
31. IOM ensures due process during all proceedings, including the right of the alleged offender to be informed of the allegations against him or her, to be given the opportunity to respond to those allegations and to request review of or appeal any decision taken against him or her according to standard IOM procedures.
32. Investigations form part of the internal oversight mechanism provided by the Office of the Inspector General and are undertaken under its authority. In composing the investigation teams, due regard is given, to the extent possible, to gender, geographical and other relevant considerations.

33. The Administration may also decide, if deemed necessary and upon internal consultation with, among others, the Office of the Director General and the Office of Legal Affairs, to refer any complaints about SEA allegations, concerns or suspicions to the national authorities for appropriate action.
34. Complaints, concerns or suspicions about SEA committed by a person who is not an IOM staff member may also be referred to local law enforcement authorities and/or reported to the employer of such person.

Prevention, data tracking and monitoring

35. The Human Resources Management Division⁴ shall ensure that experience in preventing and addressing SEA is included in vacancy announcements for relevant positions.
36. As part of the process of screening applicants for positions at IOM, the Human Resources Management Division, in consultation with other stakeholders, shall:
 - (a) Require applicants to attest whether they have had any disciplinary measure imposed on them for misconduct (including for SEA);
 - (b) Ask referees whether a candidate has been the subject of any disciplinary measure for misconduct (including for SEA);
 - (c) Set up a mechanism to screen candidates for IOM positions for past misconduct (including for SEA).
37. The Human Resources Management Division shall ensure that, prior to assuming their duties, all IOM staff members shall sign an acknowledgement that they have read and understand the IOM Standards of Conduct (IN/15/Rev.1) and the present Instruction.
38. The Human Resources Management Division shall ensure that all disciplinary measures or alternative measures imposed pursuant to, or as a result of, the present Instruction are promptly recorded in the relevant personnel or administrative file.
39. The Office of the Director General shall publish yearly statistics of any SEA-related complaints and reports and disciplinary measures, with due regard for the privacy of those involved.
40. The Gender Coordination Unit, in coordination with the Talent Management Unit, the Office of the Inspector General, the Ethics and Conduct Office and other relevant departments, shall create an online training module on PSEA for IOM staff members to supplement existing training materials, subject to the availability of funding.

Budget

41. The Office of the Director General, in coordination with the Gender Coordination Unit and the Department of Resources Management, shall meet the financial and human resources needs arising from the implementation of the present Instruction, including victim assistance and training, to be included in donor appeals and the annual organizational programme and budget, recognizing that budget requirements may change over the course of this policy's implementation.

⁴ For the purposes of this policy, the Human Resources Management Division may include Manila Human Resources Operations for internationally recruited staff and Resource Management Officers, local administrative staff, or human resource focal points for locally recruited staff.

Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

Final Text, 4 December 2006

We, UN and non-UN entities, re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel.

We note the issuance of this Statement at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel on 4 December 2006 in New York, USA and welcome future endorsement of this Statement by others.

We recall the six core principles⁵ relating to sexual exploitation and abuse adopted by the Inter-Agency Standing Committee (IASC) Working Group in July 2002. We note that these principles have been incorporated into organization-specific codes of conduct, rules and regulations and are thereby binding on personnel. In particular, they are binding on United Nations staff and related personnel and outlined in the Secretary-General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13).

We recall that these standards were promulgated to further protect the most vulnerable populations, especially women, girls and boys, and recognize that in countries where we operate, conditions such as poverty, weak rule of law and displacement and the destruction of community structures due to conflict, increase the vulnerability of communities to sexual exploitation and abuse, including human trafficking, by our personnel and others.

We further recall that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility. We note that the management culture of an organization, the equal representation of women and men at all levels of the organization and the adequacy of the living and working environment all contribute to the prevention of sexual exploitation and abuse.

We underline the importance of preventing sexual exploitation and abuse and stress the need for swift, decisive action when such acts do occur. We note the specific duties of managers and commanders in this regard, outlined for the United Nations in section 4 of the Bulletin.

We recognize that significant progress has been made to-date to eliminate sexual exploitation and abuse by our personnel, and note that we are at different stages of implementing the IASC six core principles on sexual exploitation and abuse.

We re-affirm our goal of achieving full implementation of these principles as a matter of urgency and commit to:

1. **Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse.** These would include time-bound, measurable indicators of progress to enable our organizations and others to monitor our performance.
2. **Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel.**
3. **Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-deployed).** This could include use of background and criminal reference checks.

⁵ See Statement of Commitment, Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse

4. **Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties.**
5. **Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel.**
6. **Investigate allegations of sexual exploitation and abuse in a timely and professional manner.** This includes the use of appropriate interviewing practice with complainants and witnesses, particularly with children.
7. **Take swift and appropriate action against our personnel who commit sexual exploitation and abuse.** This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.
8. **Provide basic emergency assistance to complainants of sexual exploitation and abuse.**
9. **Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse.** Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.
10. **Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.**

Statement of Commitment, Appendix 2: Six Core Principles Relating to SEA

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

IOM standard PSEA clause for IOM Contractors

IOM Contractors warrant that they shall:

- (a) Take all appropriate measures to prohibit and prevent actual, attempted and threatened sexual exploitation and abuse (SEA) by its employees or any other persons engaged and controlled by it to perform activities under this Agreement (“other personnel”). For the purpose of this Agreement, SEA shall include:
 - 1. Exchanging any money, goods, services, preferential treatment, job opportunities or other advantages for sexual favours or activities, including humiliating or degrading treatment of a sexual nature; abusing a position of vulnerability, differential power or trust for sexual purposes; and physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.
 - 2. Engaging in sexual activity with a person under the age of 18 (“child”), except if the child is legally married to the concerned employee or other personnel and is over the age of majority or consent both in the child’s country of citizenship and in the country of citizenship of the concerned employee or other personnel.
- (b) Strongly discourage its employees or other personnel from having sexual relationships with IOM beneficiaries.
- (c) Report timely to IOM any allegations or suspicions of SEA, and investigate and take appropriate corrective measures, including imposing disciplinary measures on the person who has committed SEA.
- (d) Ensure that the SEA provisions are included in all subcontracts.
- (e) Adhere to the above commitments at all times. Failure to comply with clauses (a) to (d) shall constitute grounds for immediate termination of this Agreement.

