United Nations

DP/FPA/OPS/2019/1

Executive Board of the United Nations Development Programme, the United Nations Population Fund and the United Nations Office for Project Services

Distr.: General
10 April 2019

Original: English

Annual session 2019
30 May, 3-4 and 6-7 June 2019, New York
Item 12 of the provisional agenda
Reports of UNDP, UNFPA and UNOPS Ethics Offices

Independent review of UNDP, UNFPA and UNOPS policies and procedures to tackle sexual exploitation and abuse and sexual harassment

Executive summary

Contents

I. Introduction

1. In response to Executive Board decision 2018/14, adopted at the annual session 2018, UNDP, UNFPA and UNOPS engaged the consulting firm Deloitte Touche Tohmatsu Limited (Deloitte) to undertake an independent victim-centred review of their respective policies and processes on tackling both sexual exploitation and abuse and sexual harassment, to review the current practices of the three organizations and provide recommendations on both issues. The present document presents an executive summary of the report, which is presented to the Executive Board together with a management response (DP/FPA/OPS/2019/2).

2. The review focused on the institutional frameworks that are in place to determine what is working and to identify recommendations for improvement. This review forms part of a continuous process of monitoring and review of the organizations' response to sexual harassment and sexual exploitation and abuse and provides an independently verified baseline to assess the efficacy and impact of ongoing efforts.

3. The independent review involved a desk review of existing documents of UNDP, UNFPA and UNOPS relating to prevention of and response to sexual harassment and sexual exploitation and abuse, including relevant policies and procedures; communication, outreach and training materials; and action plans. In addition, interviews were conducted with 40 key stakeholders from across the organizations on how the policies and procedures are implemented and to examine potential barriers to a successful response to sexual harassment and sexual exploitation and abuse. Outputs from the interviews were validated with the participants to ensure that observations and inputs were understood and presented correctly.

4. In its review, Deloitte used the United Nations standards for an effective response to sexual harassment and sexual exploitation and abuse as well as its own industry experience in this area. Observations and recommendations addressed four elements of the effective management of these issues: accountability and governance; prevention; reporting and investigations; and assistance.

5. The review presented observations and recommendations across the three organizations, as well as more specific findings and recommendations for each organization. The present paper includes common observations and recommendations as presented by Deloitte. Individual observations and recommendations for UNDP, UNFPA and UNOPS are available in the full report and are also referenced in the management response.

II. General observations across the three organizations

Observation 1. Perception of accountability

6. Ensuring the trust of personnel in the internal set-up to manage reported cases of sexual exploitation and abuse and sexual harassment might be challenging, as there might be a general perception among personnel that although policies are in place and quite clear, the United Nations has a history of not holding senior-level personnel/management accountable for such offenses. Even though this perception may be based on old cases, it will take a focused effort to provide a clear direction and demonstration of practice to change this perception and invoke trust in the internal system.

7. Previously, the communication of disciplinary/contractual actions that were enforced was not as transparent as it is today across the three organizations. Thus, personnel might view this as if allegations had no consequence for the senior-level alleged perpetrator, who, at best, might have been relocated to another United Nations entity. To mitigate this risk, the United Nations-wide Clear Check database is in the process of being implemented, which will enable United Nations organizations to vet candidates against a central database of former United Nations personnel who were charged with sexual exploitation and abuse and sexual harassment. Thus, the introduction of the Clear Check database might assist in

ensuring fundamental trust in the prescribed accountability and actual performance mechanisms of the internal set-up, which is essential for the successful prevention and response to sexual exploitation and abuse and sexual harassment.

Observation 2. Training, communication and outreach

8.   There are some concerns that the mandatory trainings on sexual exploitation and abuse and sexual harassment developed at the corporate level might be too generic and theoretical, i.e., they do not consider the different local and cultural contexts in which personnel operate. Thus, there might be a risk that the training primarily becomes a compliance and check-the-box exercise, without resonating impact at the local level. In relation to this, it might be relevant to consider who is providing and facilitating the trainings. When facilitating trainings, different personnel focus on different issues, depending on their professional background, function within the organization and level of engagement in sexual exploitation and abuse and sexual harassment work, and hence the impact of the trainings could become people-dependent.

9.   Potential cultural barriers may exist in the three organizations. This relates to how policies and procedures are understood at the local level as well as how the culture, values, and behaviours of the United Nations are understood in a setting where national cultural norms might encourage and accept a behaviour deemed inadmissible in the United Nations context.

Observation 3. Reporting

10. A new sexual exploitation and abuse reporting tool, "The Incident Reporting Form", is currently being implemented in selected countries/offices across the United Nations as a pilot test. The form is an eight-page document with potential language barriers and a set of complex questions to be filled out. Thus, some interviewees have deemed this form to be too detailed and complicated considering the local contexts where the form will be used. Accordingly, there is a need to find the right balance, so that it is not too difficult for victims to report while at the same time ensuring that adequate information is obtained to start the investigation.

11. A number of interviewees pointed to the challenges that all United Nations bodies face in relation to underreporting of incidents of sexual exploitation and abuse and sexual harassment. Most interviewees assumed that the lack of reporting might be due to cultural differences and the fact that there are regions and countries where local understanding of sexual exploitation and abuse and sexual harassment differs from that of the United Nations. Thus, the three organizations need to be aware of the potential cultural barriers for reporting incidents. In some countries, potential victims might be afraid of retaliation or concerned for their safety, may be unsure of how their managers will react, or may fear that they will lose their job or be perceived as troublemakers if they report an incident.

12. Consequently, it is important that all three organizations keep a particular and ongoing focus on this in their work with local offices to ensure that local culture takes a back seat to corporate culture, with the values of the United Nations guiding behaviours. Other root causes for lack of reporting might be insufficient access to reporting mechanisms locally; insufficient awareness of the reporting mechanisms; or insufficient trust in the reporting mechanisms. All these issues need to be considered when building a reporting set-up.

13. In the training materials received from the three organizations as well as from the input gained through the interviews, it has been clearly stated that all United Nations personnel have a responsibility to speak up and report incidents in accordance with the motto, "If you see something, say something". Thus, United Nations personnel may report allegations on behalf of others if they have witnessed misconduct occurring, provided that the complainant identifies himself/herself. In addition to this, it is stated that anonymous allegations must be accepted if they are accompanied with sufficient information and evidence to determine whether the allegation is receivable.

Observation 4. Investigations

14. Limited resources available. It has been stated in a number of interviews across the three organizations that the increased focus on sexual exploitation and abuse and sexual harassment might cause other issues of misconduct to be "forgotten", as this focus may remove some attention and resources available for investigation of other allegations of wrongdoing such as fraud, embezzlement, abuse of authority, discrimination and harassment (the issue of limited resources has also been voiced as a concern for other offices/teams). The expectations of internal stakeholders regarding the ability of investigation teams to provide prompt case handling adds to this challenge, together with issues such as bureaucracy, required attendance at new forums and the amount of procedural paperwork. All these elements take focus away from the actual investigative work and the prevention efforts on the ground.

15. Feedback to victims. A recurring issue highlighted in a number of the interviews conducted across the three organizations is the lack of ongoing feedback to victims on the investigation progress of their reported allegations. Consequently, victims may potentially lose confidence in the internal system if they feel that the investigations are not conducted with a focus on timeliness and efficiency.

16. Confidentiality. Many interviewees have pointed to the two dimensions of confidentiality in relation to investigations. There is no question that the confidentiality of involved parties – victim, witnesses and alleged perpetrator alike – must be protected. However, this might pose a challenge in practice, especially in situations where the implicated allegations come from a small office/team. Thus, there might be an issue related to upholding confidentiality and preventing rumours from spreading internally. On the other hand, while the investigation is in progress, confidentiality can also indirectly impede a preventive effort. For instance, the regional director or country director is not always informed of the investigation while it is underway. This means that the regional or country director is not able to exercise managerial duty of care and contribute to the restorative effort, even though this might have been the preferred solution in some cases.

Observation 5. Assistance

17. Even though the policies on sexual exploitation and abuse and sexual harassment are quite extensive, the assistance part is the segment least described. Thus, there might be a number of uncertainties in relation to who is responsible for the assistance internally and whether the assistance will be funded by United Nations, the individual organization or the specific project. Furthermore, it might be relevant to specify what the organization can offer in terms of support as well as how the assistance effort is coordinated across United Nations organizations. Lastly, it should also be considered when a victim is eligible to receive assistance as well as what will happen to the assistance after a project has ended.

Observation 6. Inter-agency initiatives

18. Based on the input gained from interviewees, it seems that the United Nations is in the process of assessing how to use the different inter-agency task forces and working groups most efficiently, with a focus on ensuring a distinction between when the effort should be managed centrally and when to adapt the processes locally in the respective organizations. A general observation on the inter-agency initiatives, stated by interviewees across the three organizations, is that these are essential in order to provide a forum for sharing experiences and aligning the effort across United Nations organizations. However, a number of interviewees have also mentioned that these inter-agency initiatives are rather time-consuming and take resources away from other day-to-day tasks such as providing guidance to victims, implementing prevention activities, investigating allegations, etc.

Observation 7. Victim-centred approach

19. In regard to ensuring a victim-centred approach, it is clear that all three organizations already are launching many activities to support this, such as; providing mandatory trainings and ongoing communication related to sexual exploitation and abuse and sexual

harassment; providing multiple reporting mechanisms to victims; and enabling anonymous reporting of allegations. Furthermore, investigations offices will start handling allegations submitted within 48 hours. However, one might argue that there is still some room for improvement in terms of adapting trainings to local office contexts; treating victims as rights holders; offering a larger variety of resolution opportunities; ensuring that the right competencies are in place within the investigations team to meet and deal with victims; and ensuring fairness and due process in investigations to both the victim and alleged perpetrator; and ensuring a local assistance set-up to provide support tailored to the individual needs of victims.

Observation 8. Continued focus and effort

20. Some interviewees across the three organizations have voiced a concern in relation to ensuring the continued focus on and efforts for prevention of sexual exploitation and abuse and sexual harassment, when attention to these issues might be subsiding due to other issues arising.

III. Recommendations across the three organizations

Recommendation 1. Continue the communication from the top level

21. The organizations have shown a clear tone at the top regarding sexual exploitation and abuse and sexual harassment. Since an important part of the process is about cultural change in the organizations, it will take some time before the effects of these efforts can be seen. In some parts of the organizations, the change of mindset will probably take longer than in others. Furthermore, the continuous onboarding of new personnel and managers calls for a long-term communication effort. Therefore, it is recommended that the clear commitment and focus from top-level management persist in the coming years along with a focus on cascading the communication task down into the lower management levels.

Recommendation 2. Policies and procedures should be clear, accessible and easy to understand

22. All three organizations have few main policies governing sexual exploitation and abuse and sexual harassment, and what seems to be a substantial number of supporting documents in the form of procedural documents and guidelines. These are important to the coordinating units and to entities responsible for specific parts of prevention and response. However, to the rest of the personnel and the "ordinary" managers in the organizations, this can be difficult to comprehend, lead to information overload and at worst, neglect. It is recommended that the communication be revisited in order to simplify where possible. It is furthermore recommended that it be tested whether personnel are able to understand the procedures relevant to them, and that communication to the broader organizational audience be targeted and simplified, so that, e.g., short versions of policies/procedures with graphics are made available together with supporting visual communication in the office space.

Recommendation 3. Show accountability

23. It is important that all organizations show accountability in their actions when cases are being dealt with. One of the issues resulting in a lack of trust is the perception that some people in the organizations are "protected" against reports due to their rank, specific competencies, etc. It is recommended that it be clearly shown that this is not the case. It is recommended that the organizations increase the transparency around cases and the outcomes. For instance, with regard to the annual reports on misconduct cases, it should be made visible what grade level the perpetrator had and possible other relevant data that does not compromise confidentiality (this has already been implemented by UNDP in the annual report of the Administrator on disciplinary measures).

Recommendation 4. Training targeted to specific needs

24. The training of managers and personnel has been rolled out and is now a standard part of the organizations' training programmes. It is recommended that the standard training be continued. Moreover, it is recommended that more tailored training options be developed and rolled out to cater to the local context, e.g., to respond to the fact that there are regions and countries where local understanding of sexual exploitation and abuse and sexual harassment differs from that of the United Nations, or where circumstances around human rights protection and a safe working environment are difficult. It is recommended that the organizations work on explaining and adapting the mandatory training to the specific local context. This could be further strengthened by more face-to-face training on location.

Recommendation 5. Accountability with implementing partners

25. All organizations are communicating the policies on sexual exploitation and abuse to contractual and implementing partners on an ongoing basis and have strengthened the requirements in contracts and programming instruments or are in the process of doing so. The actions of the different contractual partners can be difficult for the organizations to monitor and control. It is recommended that the organizations work together closely, including with other United Nations organizations, to find out what works best in practice and to ensure that the right tools and resources are in place.

26. At the same time, the potential role of the implementing partners as role models and ambassadors in this field has not been emphasized in the review process. It is recommended that the organizations look further into how third parties could engage proactively in the efforts as ambassadors in relation to sexual exploitation and abuse and sexual harassment.

Recommendation 6. Suitable mix of reporting channels

27. The existence of multiple reporting channels to support the needs of victims in different locations and circumstances is an important feature and all organizations have put several options in place. Still, the impression is that a fair number of victims either do not come forward at all or seek advice/report in person and not by sending an email to a head office unit. It is recommended that the organizations strive to meet this extra need for personal contact, in addition to the reporting channels already established, when seeking advice or reporting. For instance, this might be by establishing more local reporting mechanisms or services.

Recommendation 7. Following the experience with the "Network of Peers"

28. It is recommended that the experiences with the UNOPS "Network of Peers" solution be followed closely so that other organizations can learn from this specific set-up.

Recommendation 8. Considering the investigations capacity

29. It has already been a priority in all three organizations to ensure competencies related to sexual exploitation and abuse and sexual harassment in the investigation units and to decide that these cases are prioritized. It is recommended to evaluate whether the investigation units can meet the expectations and obligations placed on them in the current set-up. In that respect, the full case portfolio for the investigation units should be taken into consideration, since there may exist some anxiety that cases of sexual exploitation and abuse and sexual harassment will trump other cases, which can lead to an undesirable situation in the long run. Moreover, it is recommended that the organizations look into further possibilities of pooling investigation resources and specialist competencies in order to be able to perform the investigations and related tasks in the best and most efficient manner possible. In addition, one might consider the gender split of investigators to provide a suitable profile for the individual investigations.

Recommendation 9. Ensuring ongoing information to the parties involved

30. In general, there is a high level of confidentiality surrounding the investigation of cases of sexual exploitation and abuse and sexual harassment, which is highly relevant. Yet this should not impede the possibility for the complainant as well as for the accused of getting some information and status during the process. It is recommended that it be evaluated how parties in an investigation can be informed during the process.

Recommendation 10. Clarifying the assistance set-up

31. While different types of victim support are already in place, there seems to be some uncertainty as to what exists and a need to expand the options. Especially with regard to prevention of sexual exploitation and abuse but also in regard to sexual harassment, inter-agency initiatives seem appropriate. It is recommended that an overview be made of the different assistance services available across the United Nations and in each organization, centrally and at a local level. This would entail clarification on the assistance governance set-up, including whether assistance will be funded by United Nations, the individual organization or the specific project. Furthermore, it is recommended that the information be made available at a local level. In that sense, it might be important to use advocates such as health service providers outside the United Nations to communicate this.

Recommendation 11. Focusing on restorative measures

32. In general, the review has not uncovered actual measures with the purpose of having a restorative effect on the working environment of the office/team which has been affected by the incidence of sexual exploitation and abuse or sexual harassment. It is recommended that it be examined if and how trusted offices like the Ethics Offices or the Ombudsman's Office could have a role in a restorative process for the offices/teams in question. This could have an effect on the immediate situation within the office/team, as well as a general preventive and cultural change effect.

Recommendation 12. Prioritizing next steps

33. It is a general observation among some of the offices/teams involved directly in the procedures on sexual exploitation and abuse and sexual harassment that until now, quite a lot of time and resources have been spent on establishing and updating procedures and measures in the individual organizations. Furthermore, several inter-agency task forces, coordination groups and progress reporting set-ups have been put in place. This means that less time has been available for on-the-ground activities and actual case handling. It is recommended that the internal reporting processes be streamlined across the United Nations to ensure a coherent set-up. Furthermore, it is recommended that coordination groups, etc., be structured to ensure that overlapping agendas across the groups are avoided, thus ensuring that the effort is concentrated around what is most relevant for next steps.

———————