



# **administrative circular**

**ORIGINATOR:** Corporate Services, Human Resources  
and Finance Department (CS)

**No.** 2013/27

**ENQUIRIES TO BE DIRECTED TO:** Ethics Office, LEG

**Date.** 27 November 2013

## **PROTECTION FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE (PSEA)**

### **I. Guiding principles**

1. The principles of integrity, professionalism, respect for human rights and the dignity of all peoples underpin FAO's commitment to preventing and addressing acts of sexual exploitation and abuse (SEA). These principles are enshrined in the FAO Staff Regulations and Rules, as well as in the Standards of Conduct for the International Civil Service ([Appendix A](#) to Manual Section 304), which require the highest standards of integrity from all employees.

2. As stated in Director-General's Bulletin No. [2012/70](#), FAO has a zero-tolerance policy towards acts of SEA that are committed by its employees<sup>1</sup> or any other personnel associated with the work of FAO<sup>2</sup>. Such acts constitute serious misconduct and may therefore provide grounds for disciplinary measures, including summary dismissal, or termination of contract.

3. Whilst the emphasis of the Organization's activities in the area of PSEA will be on prevention and protection from SEA, this Administrative Circular establishes responsibilities and a formal reporting mechanism for SEA complaints, as well as related procedures for their investigation and subsequent follow-up.<sup>3</sup>

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<sup>1</sup> "Employee" refers to all those holding an employment contract with FAO, including Consultants, PSA holders, as well as those performing non-remunerated services such as Volunteers. It also includes Government provided staff.

<sup>2</sup> This includes acts committed by FAO contractors' employees, or any other person engaged and controlled by the contractor to perform any services agreed upon with FAO. It also includes any entity financed by FAO or involved in the execution of FAO activities, including suppliers and service providers bidding for or contracted in commercial relationships with FAO, or partner organizations receiving, under Letters of Agreement, financial or other resources from FAO in respect of its programs and operations.

<sup>3</sup> Where persons specified in footnote 2 are concerned, who are not subject to FAO Staff Regulations and Rules, investigation and follow-up action will be dealt with in accordance with specific procedures in place for the investigation of third parties involved in programs and operations of the Organization. In addition, specific PSEA clauses have been inserted into all Letter of Agreement (LoA) and procurement of goods and services contracts, allowing FAO to immediately terminate any such LoA or contract in cases of SEA committed by this category (see Manual Sections 502 and 507).

## **II. Definition of Sexual Exploitation and Sexual Abuse**

4. As defined in the 2003 United Nations Secretary-General's Bulletin on Protection from Sexual Exploitation and Abuse ([ST/SGB/2003/13](#)), *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, while *sexual abuse* means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Please consult the above-mentioned Secretary-General's Bulletin for specific examples of SEA.

5. SEA is not to be confused with conduct involving harassment, including sexual harassment, amongst FAO employees. Complaints regarding such conduct are governed by the Policy on the Prevention of Harassment (Administrative Circular No [2007/5](#) refers).

## **III. Responsibilities**

6. Managers at all levels are responsible for creating and maintaining a work environment that prevents SEA, and to take appropriate measures for this purpose. To support this effort, all Heads of Department/Offices at Headquarters and in decentralized locations shall inform employees under their authority of the content of the UN Secretary-General's Bulletin on Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13), as well as of Director-General's Bulletin No. [2012/70](#) and of this Administrative Circular. Background information on PSEA for general distribution is found at the following links: [IASC PSEA Taskforce](#) and [UN PSEA](#).

7. The Director-General shall appoint a Senior Focal Point for PSEA from amongst the Organization's senior management.

8. The Senior Focal Point for PSEA has overall responsibility for the Organization's prevention of, protection from and response to SEA. More specifically, the Senior Focal Point for PSEA is expected to undertake the following tasks: (i) engage effectively with the Organization's offices responsible for PSEA policy, human resources (including recruitment and staff training), audit, investigations, accountability and programming; (ii) act as liaison between the principals and members of the Inter Agency Task Force on PSEA<sup>4</sup>; (iii) have a direct reporting line to senior management on PSEA; (iv) receive and analyze complaints of SEA from designated Focal Points/Alternates and decide upon subsequent appropriate action in accordance with this Administrative Circular, and; (v) maintain up-to date lists of designated Focal Points/Alternates and Field Focal Points/Alternates, where these exist.

9. In co-ordination with the Office of Support to Decentralization (OSD) and the Deputy Director General (Operations), Heads of Departments/Offices at the Regional, sub-regional and country levels shall designate one PSEA Focal Point and one Alternate (one of which should preferably be female). Focal Points/Alternates should be staff members at the P4 level and above. If there is no P4-level staff member, the most senior staff member, either national or international, should be appointed as Focal Point/Alternate. In FAO country offices without a significant staff presence, Field Focal Points/Alternates may be jointly appointed with other UN Common System Organizations with a significant staff presence in that location. The Field Focal Points/Alternates shall be delegated to receive complaints on behalf of the Regional, Sub-regional and country level Focal Point/Alternate and will communicate cases to the Senior Focal Point for PSEA in Headquarters for action and follow up. Heads of Offices shall inform all employees of the names and contact details of all PSEA Focal Points/Alternates in their respective country(ies) and also inform beneficiaries of their existence and roles.

10. Although the primary recipient of SEA complaints should be the Focal Points/Alternates, Heads of Offices shall be responsible for promptly referring any complaints or concerns of SEA they receive to the Senior Focal Point for PSEA in Headquarters.

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<sup>4</sup> See [IASC PSEA Taskforce](#)

Additional actions that may be taken by Heads of Offices as necessary, include:

- a) Taking measures to ensure the safety and confidentiality of the alleged victim(s) and alleged perpetrator(s), in consultation with the Security Service, CSDU and the UN Department of Safety and Security (UNDSS);
- b) Consulting with the Assistant Director-General, CS (ADG/CS) regarding possible action to suspend FAO staff members from duty pending investigation, in accordance with [Staff Rule 303.0.3](#) and [Administrative Circular No. 2010/20](#).

11. All FAO employees have an obligation to report in good faith any complaints or reasonable concerns of SEA by fellow employees, whether in FAO or another UN agency, fund or programme, or by personnel associated with the work of FAO (as defined in footnote 2) to their designated Focal Point/Alternate or directly to the Senior Focal Point for PSEA. Reasonable concerns need not be supported by evidence in order to be reported.

12. Please note that Heads of Offices, Focal Points/Alternates, as well as employees of FAO or of its contractors, are not responsible for carrying out any form of investigation of complaints. This is the exclusive responsibility of the Office of the Inspector-General (OIG), as detailed in Section V below.

13. An individual who reports in good faith any complaints or reasonable concerns of SEA has the right to be protected against retaliation in accordance with the Whistleblower Protection Policy (see [Administrative Circular No. 2011/05](#)).

14. The transmission or dissemination of information regarding alleged acts of SEA that are intentionally false or misleading constitutes unsatisfactory conduct and may result in administrative, disciplinary or other appropriate action as applicable.

15. PSEA Focal Points/Alternates and the Senior PSEA Focal Point are responsible for receiving and reporting complaints of SEA, in complete confidence and in a conducive environment. Complaints may be presented anonymously. Complaints or reasonable concerns that are not supported by any evidence other than "hearsay" must also be received and reported. An alleged victim or any other person who makes a complaint or reports a reasonable concern on behalf of an alleged victim(s) may choose which of the two Focal Points s/he wishes to contact regarding the complaint. Appropriate measures shall be taken by the Senior Focal Point for PSEA and all other Focal Points/Alternates to ensure safety and confidentiality for all visitors, as well as to set up appropriate complaint and feedback mechanisms at the local level to facilitate access to assistance and reporting mechanisms. For a full description of the role and responsibilities of Focal Points, see the attached Terms of Reference ([Annex 1](#)).

#### **IV. Reporting**

16. FAO Employees and Focal Points/Alternates shall report complaints or reasonable concerns of SEA, to the Senior Focal Point for PSEA in a prompt and strictly confidential manner.

17. All reportings will be promptly reviewed and analyzed in the strictest of confidence by the Senior Focal Point for PSEA.

#### **V. Investigation**

18. The OIG is the sole office responsible for investigating complaints or concerns involving SEA.

19. Upon receipt of a report of a complaint or of a reasonable concern involving SEA, the Senior Focal Point for PSEA will contact the sender to confirm receipt of the report and will request additional information. If the Senior Focal Point for PSEA determines that the complaint or reasonable concern should be investigated, s/he will forward the report to OIG within two working days from receipt thereof.

20. The functions of the OIG with respect to PSEA are:
- i. to receive reports of complaints or concerns of SEA through or from the Senior Focal Point for PSEA;
  - ii. to keep a confidential record of all such complaints or concerns;
  - iii. to conduct a preliminary review of the complaint or concern to determine if there is a *prima facie* case of SEA by employees or any other personnel associated with the work of FAO (see footnote 2), against beneficiaries of assistance and any person related to such beneficiaries;
  - iv. where a *prima facie* case of SEA is determined, to investigate complaints and report the results to the Director-General.
21. OIG will normally complete its preliminary review within 45 days of receiving a complaint from the Senior Focal Point for PSEA.
22. If, following a preliminary review, OIG determines that there is a *prima facie* case of SEA, OIG will open an investigation into the allegations and will immediately notify the Senior Focal Point for PSEA in writing that the matter is under investigation. During its preliminary review, the OIG will inform the potential victim(s) of the review and will take into account any objections or other considerations made by the victim(s) at that stage (e.g. related to privacy or fear of retaliation). If the allegations are substantiated, the OIG will complete its investigation and submit a strictly confidential report on its investigation to the Director-General, with copy to the ADG/CS, within 120 days from receipt of the report from the Senior Focal Point for PSEA.
23. If the OIG decides not to conduct a full investigation, it shall inform the Senior Focal Point for PSEA accordingly.
24. Notwithstanding paragraphs 21 and 22 above, if it becomes apparent prior to the above deadlines that there is an unavoidable delay in completing either the initial review or the full investigation, OIG will promptly notify the Senior Focal Point for PSEA in writing and indicate an estimated completion date.
25. The Senior Focal Point for PSEA shall keep the complainant informed of the status of the reported complaint or concern. Where the complainant is not the alleged victim(s) of SEA, the Senior Focal Point for PSEA shall ensure that appropriate feedback mechanisms to the alleged victim(s) have been put in place and are operational.

## **VI. Decision**

26. The ADG/CS will review the findings of the OIG report and, where FAO employees are found to have engaged in SEA, shall decide on further appropriate action in accordance with Staff Regulations and Rules. If disciplinary action is proposed, this shall be notified to the subject(s) in accordance with Manual Section [330](#) (Disciplinary Measures). Where the investigated subject is not an FAO employee, the ADG/CS shall take appropriate action in line with the terms stipulated in the relevant Letter of Agreement or goods or services contract (see Manual Sections [502](#) and [507](#)).
27. In cases where the investigated subject is an FAO employee, the Director, OHR will promptly notify the complainant and the subject on a strictly confidential basis of the decision that has been taken pursuant to paragraph 26 above.

## VII. Appeals

28. In accordance with Manual Sections [330](#) (Disciplinary Measures) and [331](#) (Appeals), an administrative appeal may not be lodged while a complaint that concerns the same allegations of fact is being reviewed under the provisions of this policy. An administrative appeal may be lodged by the respondent(s) to the SEA complaint against a decision taken under Section VI above, in accordance with established procedures.

Denis Aitken  
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**TERMS OF REFERENCE FOR FOCAL POINTS/ALTERNATES FOR THE PROTECTION FROM  
SEXUAL EXPLOITATION AND ABUSE (PSEA)**

**Competencies and Experience:**

Focal Points and Alternates for PSEA shall be staff members at the P4 level and above. If there is no P4 level staff member, the most senior staff members should be appointed as Focal Point and Alternate. Either the Focal Point or the Alternate shall be a female staff member, where possible.

Focal Points and Alternates shall have the following competencies and experience: Proven integrity, objectivity and professional competence; demonstrated sensitivity to cultural diversity and gender issues; knowledge of languages relevant to their geographical area; demonstrated experience of working directly with local communities; proven communication skills. Upon appointment, Focal Points and Alternates shall undergo specific training on PSEA

**Duties and Responsibilities:**

Focal Points and Alternates shall participate in the in-Country Network on SEA focusing, in particular, on sharing and implementing best practice in PSEA response, and on coordinating induction briefings and training on PSEA for all employees, including raising awareness of the responsibility to report all reasonable concerns of SEA committed by FAO or other UN colleagues, pursuant to the UN Secretary General's Bulletin on Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13), and Administrative Circular No. 2013/27.

Focal Points and Alternates shall be responsible for liaising regularly with the Senior Focal Point for PSEA at Headquarters on PSEA issues in their respective area, including on emerging patterns of SEA and possible causes thereof. A yearly report (by 31 December each year) containing statistics and analysis of SEA cases shall also be reported to the Senior Focal Point for PSEA.

Focal Points and Alternates shall receive complaints, reasonable concerns or questions relating to SEA. Persons may choose whether to contact the Focal Point, the Alternate, or the Senior Focal Point for PSEA. Appropriate measures shall be taken by the Focal Points and Alternates to create a conducive environment and to ensure the safety and confidentiality of all visitors as well as to set up appropriate complaint and feedback mechanisms for beneficiaries at the local level so as to facilitate their access to assistance.

The Focal Points and Alternates shall receive complaints or reasonable concerns about SEA committed by personnel from other organizations, or alleged perpetrators whose institutional affiliation is unknown or uncertain.

The Focal Points and Alternates shall maintain (to the extent feasible in view of security considerations) an "open door" policy for receiving complaints and concerns or providing information on FAO's policy on PSEA.

The Focal Points and Alternates shall ensure that all materials pertaining to complaints and referrals are held securely and handled strictly in line with reporting procedures as detailed in this Administrative Circular.

**Upon receipt of a complaint, the Focal Points/Alternates (or the Field focal point/Alternate) shall:**

- a) Immediately attend to the safety, security, health and legal needs of the complainant (in line with the above-mentioned guidelines), including the provision of appropriate referrals.
- b) Obtain the complainant's informed consent (on the attached Model Complaints Referral Form) to document the complaint.

Agreement may be secured on a separate consent form for possible disclosure of information to other external entities.

c) Record the details of the complaint on the [Model Complaints Referral Form](#) and in line with the guidelines in the [Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation](#).

d) Transmit the completed Model Complaints Referral Form and any other pertinent materials to the relevant management authorities, as well as to the UN Resident Coordinator.

*If the complaint implicates an employee of FAO, or a person associated with the work of FAO*

In addition to the above (points a to d),

e) Forward the completed Model Complaints Referral Form and any other pertinent materials to the Senior Focal Point for PSEA;

f) Act, if requested, as liaison between the complainant, including his/her family, and those persons conducting any subsequent investigation, ensuring at all stages that the safety, security, health and legal needs of the complainant are taken into consideration and that s/he is not subject to intimidation or retaliation as a result of lodging the complaint. It is the duty of Focal Points/Alternates to report in good faith to the Senior Focal Point for PSEA and the Office of the Inspector-General any subsequent acts of retaliation as defined in [AC 2011/05](#) on the part of FAO employees against the alleged victim(s) of which they are made aware.

*If the complaint implicates a staff member of a different organization or person associated with the work of that organization:*

In addition to the above (points a to d),

g) Forward a copy of the completed Model Complaints Referral Form and any other pertinent materials to the Focal Point for PSEA in the accused person's organization, and to the UN Resident Coordinator, and to liaise with that Focal Point to agree on responsibilities for follow up on safety, security, health and legal needs of the complainant(s).

*If the complaint is a rumour (i.e. based on hearsay) or the alleged perpetrator(s)' affiliation is unknown:*

h) Forward a copy of the completed Model Complaints Referral Form and any other pertinent materials to the Senior Focal Point for PSEA at Headquarters and to the UN Resident Coordinator.

*If the complaint implicates an individual who is not connected with FAO or another UN agency, fund or programme*

i) Refer the complainant(s) to the local police, if appropriate. (Please note that a Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).

In every case, the Focal Points/Alternates should keep full and up to date records of the investigation's proceedings and outcome, and help complainants understand how the investigation and discipline processes work. In addition, all complainants should be referred to a relevant Non-Governmental Organization or support group for victims of sexual violence, if available.