



Executive Director's Circular (Ethics Office)

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Revises:

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Protection from Sexual Exploitation and Sexual Abuse (PSEA)

Introduction

1. WFP has an obligation to take all reasonable measures against sexual exploitation and sexual abuse (hereinafter jointly referred to as SEA, and each defined in paragraph 6). This obligation is part of a broader duty of care to communities receiving assistance from WFP to promote their safety and treat them with dignity and respect.
2. In order to meet this obligation on SEA outlined above, WFP is committed to applying an approach of zero-tolerance for inaction on all forms of SEA. WFP prioritizes prevention of SEA in its activities and operations as well as effective response based on a victim-centred approach¹ when SEA violations are alleged.
3. WFP's framework for addressing SEA is based on and incorporates the United Nations Secretary-General's Bulletin on "*Special measures for protection from sexual exploitation and sexual abuse*" (ST/SGB/2003/13)² (hereafter the "SG-Bulletin" and attached as Annex 1) and is consistent with the Charter of the United Nations, the Food and Agriculture Organization of the United Nations (FAO) Staff Regulations and Rules, the Standards of Conduct of the International Civil Service, and the WFP Code of Conduct.

Policy Statement

4. WFP's approach of zero-tolerance for inaction on all forms of SEA means that if an allegation of SEA comes to the attention of WFP, it will be addressed as promptly, justly,

¹ A victim-centred approach is one for which the Victim's dignity, experiences, considerations, needs, and resiliencies are placed at the centre of the process to respond to an allegation of SEA.

² Secretary-General's Bulletin on "*Special measures for protection from sexual exploitation and sexual abuse*" (ST/SGB/2003/13 [Secretary-General's Bulletin - Special Measures for PSEA - 2003.pdf](https://www.un.org/en/secretary-general/bulletin-special-measures-for-psea-2003.pdf) ([interagencystandingcommittee.org](https://www.interagencystandingcommittee.org))). The SG Bulletin is incorporated except as otherwise indicated in this Circular.



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and effectively as possible in accordance with the terms of this Circular and WFP's regulatory framework. This applies to:

- i. SEA perpetrated by WFP Employees, whether acting on a paid or voluntary basis. This Circular prohibits SEA by WFP Employees and addresses WFP's response to alleged violations of that prohibition. Acts of SEA are considered to be serious misconduct and are grounds for disciplinary action, including summary dismissal, other sanctions, and/or referral to national authorities, as appropriate.
 - ii. Cases in which alleged SEA relates to the personnel of WFP Cooperating Partners, Vendors, or other contracting entities, whose contracts with WFP must reflect WFP's expectations of them in relation to PSEA in accordance with paragraphs 16(viii), 16(ix) and 18(v) below. In confirmed cases of SEA by an individual associated with the work of WFP, WFP may take action in accordance with the party's contract with WFP.
5. WFP Employees must promptly report any concerns or suspicions of SEA in accordance with paragraphs 25 and 26 below. Failure to do so could lead to administrative and/or disciplinary action.

Definitions

6. For the purposes of this Circular, the following definitions shall apply:

Child or Children:	means any human being or human beings below the age of eighteen years. ³
ClearCheck:	is the United Nations system-wide database for screening United Nations system personnel for sexual exploitation and sexual abuse (and sexual harassment). ⁴
Cooperating Partner:	means a non-profit entity, including government entities, non-governmental organisations (NGOs) and United Nations organizations, that enters into a contractual relationship with WFP for the purpose of assisting in the performance of WFP's work.

³ Consistent with the Convention on the Rights of the Child, (1989), Article 1.

⁴ As set out in the WFP Human Resources Manual in Section VIII.1.5.3 of the WFP Human Resources Manual and as amended from time to time.



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Sexual Abuse:	means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. ⁵
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.
Vendor:	means any natural person or legal entity that is a registered or actual supplier or contractor supplying goods, works or services to WFP under the provisions of the applicable rules and regulations.
Victim:	means a person who is, or has been, subject to SEA by a WFP Employee, or an employee or other related personnel of a Cooperating Partner. ^{6,7}
WFP Employee:	means any person employed by WFP regardless of contract type, including but not limited to international and national professional staff members, general service staff members, consultants, persons recruited on special service agreements and service contracts, casual labourers, volunteers, interns and United Nations volunteers.

Purpose

7. The purpose of this Circular is to:

- i. Update WFP's internal framework for addressing SEA as concerns:
 - a. the roles and responsibilities of all WFP Employees as well as the key internal stakeholders listed in paragraphs 16-24; and
 - b. the process for reporting any concerns or suspicions of SEA.

⁵ Secretary-General's Bulletin on "Special measures for protection from sexual exploitation and abuse" (ST/SGB/2003/13) [Secretary-General's Bulletin - Special Measures for PSEA - 2003.pdf \(interagencystandingcommittee.org\)](#)

⁶ Definition of Victim adapted from UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse 2019, [Protocol Provision of assistance to victims \(interagencystandingcommittee.org\)](#)

⁷ For the purposes of this Circular, the term "Victim" rather than "survivor" is used to avoid multiple terminology and is in accordance with the definition in the UN Glossary on SEA.



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- ii. Clarify WFP's obligations in relation to preventing and addressing SEA by:
 - a. Cooperating Partners; and
 - b. Vendors and other contracting entities.⁸
- iii. Introduce provision for assistance and support to Victims of SEA.

Scope of Application

- 8. This Circular applies to all WFP Employees, irrespective of function, title, or length of service or whether operating at headquarters, in WFP offices, from country/regional offices or in field locations.
- 9. The Circular also set out WFP's obligations in relation to Cooperating Partners, Vendors and other contracting entities and their personnel throughout all activities and operations of WFP across humanitarian, development and peace contexts, including any programme, project or activity funded by or implemented by WFP (see paragraphs 16(viii), 16(ix) and 18(v) below).
- 10. The Circular applies to any act of SEA whether actual, suspected or attempted and extends to situations which occur at or away from the workplace and during or outside working hours.

Prohibition of Sexual Exploitation and Sexual Abuse

- 11. SEA violates universally recognised international legal norms and standards and constitutes unacceptable and prohibited conduct.
- 12. In order to protect from SEA those communities where WFP provides assistance, including specifically women, Children and those most at risk of exclusion, the following specific principles are promulgated in respect of WFP Employees⁹:
 - i. SEA constitutes acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
 - ii. Sexual activity with Children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a Child is not a defense.¹⁰

⁸ For the purposes of this Circular, all references to "other contracting entities" shall exclude WFP donors.

⁹ These principles are aligned with the IASC Six Core Principles related to SEA, September 2019.

¹⁰ The exception to this principle, contained in the SG-Bulletin para 4.4, continues to apply only to WFP Employees who, at the time of the entry into force of this Circular, are married to a Child and are engaged by WFP under any type of contract, for the duration of that contract.



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- iii. 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 any exchange of assistance that is due to beneficiaries.
 - iv. Any sexual relationship between WFP Employees and beneficiaries that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of aid work.¹¹
 - v. Where a WFP Employee develops concerns or suspicions regarding Sexual Exploitation or Sexual Abuse by a WFP Employee¹², fellow worker in another UN agency or in connection with WFP activities or operations, they must report such concerns via established reporting mechanisms.
 - vi. All WFP Employees are obliged to create and maintain an environment that prevents SEA. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.
13. Engaging prostitution services is a form of SEA and constitutes serious misconduct. In line with paragraph 12(iii) above, WFP Employees are prohibited from engaging such services, regardless of whether it is legal under the national law of any country where the conduct occurs, and even when WFP Employees are off duty or on leave.¹³
14. The principles set out above are not intended to be an exhaustive list. Other types of sexually exploitative or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal.

Key Roles and Responsibilities

15. WFP, as well as each individual WFP Employee, has a critical role to play in preventing and responding to SEA. Key internal stakeholders are also required to fulfil additional roles and responsibilities as set forth below.

Obligations of WFP

16. WFP shall:

¹¹ This wording reflects the current IASC principle, which was amended and endorsed by the IASC, including WFP, in September 2019. This revised wording is not currently reflected in the SG-Bulletin.

¹² For the avoidance of doubt, this also applies to conduct during the course of WFP employment by a WFP Employee who subsequently separated from WFP.

¹³ WFP's Guidance Note about the Prohibition on Engaging Prostitution Services, <https://docs.wfp.org/api/documents/WFP-0000024084/download/>.



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- i. In carrying out its activities and operations, take all reasonable measures to protect from SEA those communities receiving assistance from WFP.
- ii. Ensure that reporting channels are established and made available for reporting concerns and/or suspicions of SEA.¹⁴
- iii. Act promptly and consistently when an SEA report has been made and take appropriate investigative, administrative and disciplinary action regardless of the function, title or length of service of the WFP Employee alleged to have committed SEA.¹⁵
- iv. Consider taking victim-assistance measures, as appropriate (as described in paragraphs 35 and 36 below), in respect of Victims.
- v. Apply due diligence to minimise the risk of employing individuals with a record of SEA, including reference checks, internal disciplinary records screening and ClearCheck verifications. In addition, WFP will include in ClearCheck the names of former WFP Employees with a record of SEA as provided for in the Human Resources Manual.
- vi. Provide mandatory training and other awareness raising initiatives related to this Circular for WFP Employees.
- vii. In respect of Cooperating Partners (other than United Nations entities):
 - a. Assess their capacity to prevent or respond to and mitigate risks of SEA and provide capacity building and monitoring support in line with obligations under the *UN Protocol on Allegations of SEA Involving Implementing Partners*, 2018¹⁶ *mutatis mutandis*; and
- viii. In respect of Cooperating Partners (other than United Nations entities), require: preventive measures to be taken against SEA; investigation of allegations thereof if and when requested by the Office of Inspections and Investigations (OIGI); and corrective action to be taken. The Cooperating Partner shall also be required to: (i) promptly inform OIGI of allegations of SEA; (ii) provide OIGI with a copy of any relevant investigation report, and (iii) advise of any corrective action taken in relation to the allegation.

¹⁴ Please see paragraphs 33 and 34 below on Protection from Retaliation.

¹⁵ Disciplinary action is taken following a determination that SEA has occurred pursuant to an investigation.

¹⁶ UN Protocol on Allegations of SEA Involving Implementing Partners, 2018, [Protocol Allegations involving implementing partners \(un.org\)](https://www.un.org/en/protocol-on-allegations-of-sea-involving-implementing-partners).



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- ix. In respect of Vendors and other contracting entities (other than United Nations entities), require: preventive measures to be taken against SEA; investigation of allegations thereof and corrective action to be taken, as appropriate.
- x. Provide access to training and other awareness raising activities related to this Circular to community stakeholders that are involved in supporting WFP activities and/or operations, as appropriate.
- xi. In line with commitments on accountability to affected populations¹⁷, ensure people receiving assistance, including the most marginalised groups, such as people living with disabilities, are routinely informed of WFP's prohibition on SEA and how they can make a confidential report of SEA.
- xii. Report all allegations of SEA, in line with agreed reporting standards, to the Secretary-General of the United Nations.
- xiii. In accordance with the applicable contractual terms, communicate through the Office of the Inspector General (OIG) with donors at the headquarters, regional and country level on efforts to address SEA in order to ensure accountability without compromising the safety, security, privacy and due process rights of any concerned persons or the integrity of investigations and consistent with WFP regulations, rules, policies and procedures, including on disclosure of information and data protection.

Obligations of WFP Employees

17. WFP Employees shall:

- i. Comply with the provisions and follow the principles set forth in this Circular and conduct themselves in accordance with the highest standards of integrity set out in the Charter of the United Nations, the FAO Staff Regulations and Rules, the Standards of Conduct of the International Civil Service, the WFP Code of Conduct and any other applicable administrative issuances.
- ii. Familiarize themselves with this Circular and annexes and complete mandatory training on PSEA.
- iii. Promptly report any concerns or suspicions of SEA in accordance with paragraph 25 and 26 of this Circular.

¹⁷ WFP Protection and Accountability Policy, 2020 [WFP protection and accountability policy](#).



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- iv. Maintain the confidentiality of a reported allegation, including the identity of the reporting person(s) and/or the subject(s) of an investigation, unless OIG authorizes otherwise in accordance with paragraph 16(xiii).
- v. Fully cooperate with any officially authorized investigation.

Failure on the part of a WFP Employee to fulfil their obligations under this Circular may be considered a breach of duty leading to administrative and/or disciplinary action.

Additional Obligations of WFP Office/Divisional Directors

18. Within WFP, WFP Office/Divisional Directors have a heightened responsibility address SEA. Under the overall purview of WFP leadership and the Ethics Office, WFP Office/Divisional Directors¹⁸ have direct responsibility for:

- i. Leading by example in observing the expected standards of conduct, as set out in this Circular and other documents referenced herein.
- ii. Creating and maintaining an environment that prevents SEA as well as supporting and developing systems that maintain this environment through appropriate measures including ensuring that:
 - a. All new WFP Employees are briefed on the content of this Circular, the expected standards of conduct and their duty to report;
 - b. WFP Employees under their supervision have undertaken mandatory PSEA training;

In addition, ensuring that (as relevant):

- c. Communities receiving WFP assistance are informed of their rights and are sensitized on how and where to make a report;
 - d. Relevant community stakeholders that are involved in supporting WFP activities and/or operations are made aware of WFP's prohibition on SEA and approach of zero-tolerance for inaction and that access to training and other awareness raising activities is provided as appropriate.
- iii. In respect of country and regional directors, appointing a PSEA Focal Point and alternate focal point (herein after referred to as "Alternate") and facilitating their access to training.

¹⁸ For the purposes of this Circular, a WFP Office/Division Director is defined as the country director, regional bureau director, WFP global office director or headquarters division director.



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- a. In relation to country offices, the PSEA Focal Point should be the deputy country director. If this is not possible or in smaller offices, where there is no deputy country director, the most senior WFP Employee besides the head of office, either national or international, should be appointed as PSEA Focal Point. Country directors should also ensure that field-level PSEA Focal Points are appointed in all field-offices. As far as possible, there should be a gender balance among country office PSEA Focal Points and Alternates.
 - b. At the regional level, the PSEA Focal Point should be a senior WFP Employee, preferably at least P4 level or equivalent.
- iv. Ensuring that all alleged incidents of SEA that come to their attention are referred immediately to OIGI for action.
 - v. Ensuring that when entering into contracts with Cooperating Partners, Vendors and other contracting entities (other than United Nations entities), those entities are made aware of WFP's position on SEA and WFP's expectations that they fulfil the standards set out in paragraphs 16(viii) and 16(ix) of this Circular. Furthermore, office/divisional directors must ensure that those standards are set out in the relevant contractual provisions.

PSEA Focal Points

- 19. The main role of PSEA Focal Points is to take the lead in developing and implementing SEA preventive measures at country, field and regional level. In addition, PSEA Focal Points can receive reports of allegations of SEA. PSEA Focal Points are required to immediately report to OIGI any allegation of SEA they should receive as well as, where needed, to facilitate referral to victim assistance. The template terms of reference for WFP PSEA Focal Points is at Annex 2.
- 20. PSEA Focal Points are required to undertake specific online training in order to carry out the functions of their role.

The Ethics Office

- 21. The Ethics Office is the organizational Focal Point for PSEA. It supports prevention measures at the organizational level and across the organization's activities and operations as well as leads WFP's collaboration and coordination at the United Nations and inter-agency levels. This includes, but is not limited to, managing the administration of the PSEA Focal Point Network and providing advice and guidance, as well as outreach, tools and resources, to assist PSEA Focal Points and other WFP Employees to carry out their responsibilities.



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Office of Inspections and Investigations (OIGI)

22. OIGI is responsible for assessing and investigating allegations of SEA that it receives¹⁹ (see section below on *Reporting, Assessment, and Investigation*, paragraphs 25-32).

HR Staff Relations

23. HR Staff Relations is responsible for the coordination of possible interim protective measures during the course of OIGI assessments and investigations into SEA allegations as well as any resulting disciplinary processes.

WFP Regional and Country-Based Advisers

24. WFP regional and country-based advisers covering humanitarian, gender, protection and/or accountability to affected populations (AAP) portfolios work in collaboration with the Ethics Office to provide technical level support to PSEA Focal Points.

Reporting, Assessment, and Investigation

Reporting

25. Any WFP Employee with any concerns or suspicions of SEA shall promptly report this information to:

- i. OIGI; or
- ii. a PSEA Focal Point who has an obligation to immediately refer to OIGI.

Reports to OIGI should be submitted through any of the options listed on the OIG page of the WFP intranet site: [Guidelines for reporting misconduct | WFPgo](#). Any report made regarding an alleged act of SEA shall be acknowledged by OIGI, in accordance with OIGI Investigation Guidelines, policies and procedures.

26. Anonymous reports are also accepted by OIGI. Reporting persons are, however, strongly encouraged to identify themselves and to report as early as possible after an incident as this may significantly contribute to OIGI's ability to investigate.
27. Reports received by OIGI regarding allegations of SEA not falling within OIGI's investigative responsibility, but which may fall under the responsibility of another United Nations system organization or another entity, will be referred to the competent entity, as appropriate.

Assessment and Investigation

28. All reports of alleged acts of SEA are taken seriously and all allegations are assessed to determine whether an investigation is warranted.

¹⁹Charter of the Office of the Inspector General, paragraph 26, as approved by the Executive Board in 2019.



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29. OIGI has exclusive authority and responsibility within WFP for assessing and investigating allegations of SEA it receives involving WFP Employees and former WFP Employees.
30. OIGI is also responsible for assessing and investigating reported allegations of SEA it receives involving Cooperating Partners, Vendors and other contracting entities to the detriment of WFP and its beneficiaries.²⁰ OIGI may, if appropriate, refer reported allegations of SEA it receives about these external parties to their investigative functions. If it is determined that the external party does not have the internal capacity or resources to properly undertake this work, OIGI may directly undertake the work or the external party may engage qualified investigative bodies to perform the investigation.
31. WFP management actions following an investigation by OIGI may include administrative and/or disciplinary actions; termination of contract; and/or partner sanctions, in accordance with WFP's legal and policy framework and the terms of applicable contracts.
32. Where there is credible evidence of criminal activity, WFP can refer the matter to the relevant national authorities for consideration of criminal investigation in consultation with the Legal Office and normally upon recommendation from the Inspector General, taking into account the specific circumstances of the case, such as the views of the Victim(s) and the potential consequences of referral on that person(s). Concerns of criminal conduct may, in any case, be reported directly to national authorities by a Victim.

Protection from Retaliation

33. WFP does not tolerate retaliation in any form. Any WFP Employee reporting SEA in good faith pursuant to this Circular will be protected from retaliation in accordance with the WFP Protection from Retaliation policy.²¹
34. Requests for protection against retaliation should be made to the Ethics Office via: global.etopar@wfp.org.

²⁰ Charter of the Office of the Inspector General, paragraph 27, as approved by the Executive Board in 2019.

²¹ Protection against Retaliation Policy, Executive Director's Circular OED2020/022, 31 December 2020 (also referred to as WFP Whistleblower Protection Policy). <https://docs.wfp.org/api/documents/WFP-0000122589/download/>.



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Victim Assistance and Support

35. WFP is committed to providing assistance and support to Victims of SEA by WFP Employees or in connection with WFP's activities and operations as part of a coordinated, system-wide approach, which prioritises the rights and dignity of Victims.
36. Specifically, WFP facilitates Victims' access to specialised services and assistance based on referral pathways established at the country-level in line with the United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, which applies to WFP *mutatis mutandis*,²² and as set out in guidance to be issued by the Ethics Office.

Effective Date

37. This Circular takes effect immediately.

Cindy McCain
Executive Director

²² References in the Victim Assistance Protocol to officials, roles or policies should be read to refer to the analogous officials, roles or policies within WFP.



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Annex 1 - Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse

United Nations

ST/SGB/2003/13



Secretariat

9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1 Definitions

For the purposes of the present bulletin, the term "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. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2 Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction¹ set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

¹ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".





ST/SG-B/2003/13

Section 3

Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(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 in the age of a child is not a defence;

(c) 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 any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4

Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section



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3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. Annan
Secretary-General



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Annex 2 - WFP Protection from Sexual Exploitation and Sexual Abuse (PSEA) Focal Point

Terms of Reference (TORs) Template

This TOR can be used for in-country or regional bureau PSEA Focal Points. For regional bureau use, the Focal Point responsibilities should focus on the awareness raising activities.

Background

Sexual exploitation and sexual abuse (SEA) are extreme forms of abuse of power for sexual purpose where aid workers take advantage of the people they are meant to serve, in particular those in positions of greater vulnerability. SEA can happen wherever people are in dire need and require assistance in settings ranging from full humanitarian crises to peace and development contexts.

WFP is committed to taking all reasonable steps to protect from SEA communities receiving WFP assistance - whether carried out by WFP Employees²³ or any other individuals associated with the work of WFP, whether acting on a paid or voluntary basis and regardless of context or operation. WFP works with a broad range of actors who are essential for WFP to fulfill its mandate including: cooperating partners²⁴ as well as financial service providers, contractors, vendors, and government entities.

Within WFP, the Ethics Office (ETO) is responsible for PSEA coordination at the corporate/organizational level including administration of WFP PSEA Focal Points while the Office of Inspections and Investigations (OIGI) has sole responsibility for assessing and investigating alleged acts of SEA involving WFP current or former Employees.

WFP's PSEA Focal Point System

PSEA Focal Points are required to support WFP country offices and regional bureaux to help prevent SEA from occurring through awareness raising as well as to respond to such acts where they do occur including through a victim-centred response.

Each WFP country office requires two PSEA Focal Points at country-level: 1. a PSEA Focal Point (the Deputy Country Director where possible otherwise the most senior WFP Employee aside from the head of office); and 2. an Alternate Focal Point. In addition, all WFP field offices are required to have one PSEA Focal Point.

²³ WFP Employee means any person employed by WFP regardless of contract type, including but not limited to: international professional staff members, general service staff members, locally recruited staff members, short-term personnel, consultants, persons recruited on Special Service Agreements and Service Contracts, casual labourers, volunteers, interns and United Nations volunteers.

²⁴ Cooperating Partner means a non-profit entity, including government entities, non-governmental organisations (NGOs) and United Nations organisations, that enters into a contractual relationship with WFP for the purpose of assisting in the performance of WFP's work.



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Each of the six WFP regional bureaux also require two PSEA Focal Points: 1. a PSEA Focal Point (at least P4 level or equivalent); and 2. an Alternative) who will focus more on the awareness raising responsibilities of these TORs within their respective bureau and on providing support to country-level PSEA Focal Points in their region, as needed.

As far as possible, there should be a gender balance among the PSEA Focal Points and Alternates within a country office/regional bureau.

The PSEA Focal Point and Alternate are referred to individually as a PSEA Focal Point and jointly as PSEA Focal Points below.

Role Description

The PSEA Focal Point is a WFP Employee tasked with supporting the Country Office/Regional Bureau to implement PSEA. The nomination of a PSEA Focal Point does not relieve the [country director/regional director] of their ultimate responsibility for PSEA in the [xxx] country office/regional bureau but supports them in that role.

ETO provides advice and guidance as well as education, outreach and training support/material to assist PSEA Focal Points carry out the responsibilities outlined below. Regional and country Humanitarian, Protection, accountability to affected populations (AAP), and Gender advisers also provide remote and in-country technical support to PSEA Focal Points.

The Focal Point designation is a role or “hat” assigned to existing WFP Employees and not a full-time position. Although not mandatory, PSEA Focal Points are strongly encouraged to include key responsibilities in their respective performance and competency enhancement (PACE) documentation to respect the need to balance the Focal Point's regular job with engagement on PSEA and to ensure that their efforts and contribution to addressing SEA are recognised.²⁵

Competencies and Experience

The PSEA Focal Point shall have the following competencies/experience:

- Proven integrity, objectivity and professional competence;
- Demonstrated sensitivity to cultural diversity, protection and gender issues;
- Proven communication skills; and
- Experience in working directly with local communities will be an asset.

²⁵ Suggested KPIs could include, for example, i. Developing a country specific PSEA Strategy and Action Plan, ii. Holding [x] number of awareness raising events/initiatives for WFP Employees and/or partner staff in the year, iii. Supporting CO to complete the PSEA Self-Assessment Checklist.



Executive Director's Circular (Ethics Office)

Where possible, the PSEA Focal Point shall hold the protection, accountability to affected populations (AAP), gender, and/or humanitarian adviser role within the country office/regional bureau or have experience of some/all of these issues.

Responsibilities

PSEA initiatives should be planned and implemented in coordination with relevant technical areas in the country office or regional bureau, including but not limited to Protection, AAP, Gender and Monitoring.²⁶ As far as possible, collaboration with the In-Country PSEA Network and/or other protection and gender partners should be undertaken.

1. Raise Awareness for Prevention of SEA

- i. Regularly train WFP Employees on PSEA and mechanisms for reporting SEA. This includes coordinating induction briefings and training on SEA for all WFP Employees, especially newcomers.
- ii. Ensure that the identity and contact details of the PSEA Focal Points are known and are easily accessible.
- iii. Support Cooperating Partners and other partners to undertake awareness-raising sessions, either in partnership with WFP and its relevant field-office and RB/CO technical areas, or on their own.
- iv. Work with colleagues and partners to ensure that communities receiving WFP assistance are routinely informed of their rights, what SEA is, and their reporting options, specifically during each pre-distribution meeting as well as at other events.

2. Safe Reporting and Inter-Agency Collaboration

- i. Work with WFP colleagues, In-Country PSEA Network and other partners and communities themselves to identify and implement the most effective options for reporting SEA to ensure confidentiality and safe access by all members of a community, including those often marginalised or in positions of greater vulnerability.
- ii. Collaborate with relevant technical areas/ In-Country PSEA Network and other partners to support the establishment of or strengthen existing WFP and inter-agency mechanisms to receive reports from Victims²⁷ of SEA, members of communities receiving WFP assistance and others.
- iii. Receive reports and queries about alleged acts of SEA.

3. Response to Reports of SEA

²⁶ Monitoring Units within a country office/regional bureau often have oversight of and responsibility for the complaints and feedback mechanisms (CFMs).

²⁷ The term "Victim" rather than "survivor" is used here to avoid multiple terminology and is in accordance with the definition in the UN Glossary on SEA.



Executive Director's Circular (Ethics Office)

- i. Immediately report all allegations, suspicions and/or concerns of alleged acts of SEA to OIGI. The report should contain as much information as available to the PSEA Focal Point at that time, however, only OIGI has the mandate to formally investigate and so PSEA Focal Points must not conduct their own investigation.²⁸
- ii. Refer Victims of SEA to available support and assistance services in line with in-country referral pathways and relevant PSEA Network SOPs.
- iii. Provide anonymized information in relation to SEA allegations in line with the In-Country PSEA Network SOPs and the Information Sharing Protocol.

PSEA Focal Points and Country and Regional Directors, like all WFP Employees, are bound to maintain confidentiality of reported allegations, including the identity of the reporting person and subjects. WFP offices shall not disclose information beyond those who have a strict need to know and only with the prior authorization of OIGI.

4. Management and Coordination

- i. Support the CO to develop a country specific PSEA Strategy and Action Plan, with timeline and budget requirements, to include the above duties and responsibilities. Acknowledging that not all PSEA actions are the direct responsibility of the PSEA Focal Point, identify the appropriate WFP colleague in the relevant departments for them to take part in the development and roll-out of the strategy and action plan. For example, AAP/Protection/Gender; HR, Partnerships, etc.
- ii. Support in the compilation of available anonymized, aggregate data on SEA allegations within WFP at country level to inform program adjustment and strengthen efforts to address SEA.
- iii. In consultation with relevant colleagues, identify Field-Level Focal Points in each field-office and provide initial training and on-going support through awareness-raising sessions and sharing tools and resources.
- iv. Work with CO cooperating partner management staff/NGO Partnership Unit, where appropriate, to support partner capacity assessment.
- v. Where active, represent WFP and participate in the In-Country PSEA Network to share and implement best practices on SEA prevention and response. Where a PSEA Network does not exist or is nascent, liaise with PSEA counterparts and protection or gender-based violence actors to be aware of what support services exist and how to refer persons affected by SEA to these services.
- vi. Generally, support [country office]/[regional bureau] senior management to meet PSEA obligations including through making appropriate recommendations on enhancing prevention strategies and response mechanisms.

²⁸ OIGI may subsequently seek PSEA Focal Point cooperation and support to obtain additional information relevant to the assessment and/or investigation of the allegations.