



## Slide 1



## Refresher: Sexual Exploitation and Abuse (SEA)

**Key Message:** As an NIO you are an essential asset responsible for investigating allegations of serious misconduct, including sexual exploitation and abuse (SEA). SEA is prohibited conduct and the NIO supports the Secretary-General's zero-tolerance policy. Moreover, SEA undermines the legitimacy of UN peacekeeping, including UN efforts to ensure peace and security, to provide protection, and to advance human rights and gender equality.

## ST/SGB/2003/13

- SEA violates universally recognised international legal norms and standards and constitutes **unacceptable behaviour and prohibited conduct**
- SEA **constitutes acts of serious misconduct** and are therefore grounds for disciplinary measures, including removal and reparation from the UN mission

As per the Secretary-General's Bulletin of 2003, ST/SGB/2003/13, UN forces conducting operations under UN command and control are prohibited from committing acts of SEA and have a particular duty of care towards women and children.

SEA violates universally recognised international legal norms and standards and has always been unacceptable behaviour and prohibited conduct. SEA constitutes serious misconduct and is therefore grounds for repatriation, military disciplinary or criminal accountability, and ineligibility for future recruitment in the UN system. The UN has a zero-tolerance policy with respect to SEA.

## SEA Definitions

**Sexual Exploitation:** 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

**Sexual Abuse:** Any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions

**Sexual Exploitation:** 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. This includes solicitation of transactional sex (including prostitution), transactional sex (including prostitution), exploitative relationships, trafficking for the purposes of sex etc.

**Sexual Abuse:** Any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes rape and sexual assault etc.



Is it necessary to apply force for sexual abuse to occur?

According to the Secretary-General's Bulletin of 2003 sexual abuse occurs when there is: "The actual or threatened physical intrusion of a sexual nature, which can occur by force, under unequal conditions, or under coercive conditions." This means that actual force is not necessary for sexual abuse to occur. It can also occur where there are unequal conditions or coercive conditions.

Can you provide examples of unequal conditions?


Elicit several of examples, e.g. adult-to-child.

Can you provide examples of coercive conditions?


Elicit a couple of examples, e.g., a contingent member refusing entry to an IDP camp unless a beneficiary/protected person agrees to sex, or a contingent member allowing a beneficiary/protected person to flout other rules within an IDP camp in exchange for sex.


What if the person consents? Even if it is a vulnerable woman, if she is an adult and agrees to have sex with a contingent member is this okay?

Elicit: persons who are vulnerable or have less power may not know or feel that they can refuse to have sex; the vulnerable may see sex as a commodity to obtain survival items, such as food or security (referred to as —survival sex), but it is not for UN personnel to take advantage of their desperation. Even those who voluntarily engage in sex work could be doing so because of limited opportunities to support themselves and/or their families in other ways. Vulnerability can include factors such as poverty, entrenched discrimination, and a lack of access to education, health services and food, water, shelter, and security. Again, it is not for UN personnel to take advantage of this. UN personnel should embody the highest standards of integrity and not prey on the vulnerability of people they are mandated to protect.

 **Note** that consent, or what is often referred to as informed consent, is not mentioned in the definitions and is irrelevant. NIO trainers may wish to clarify that informed consent entails 1) the person giving consent understands the implications of that to which he/she is agreeing; and 2) the person giving consent understands and is able to exercise his/her right to say —no.

In the case of adults, even if an adult gives informed consent for sex, it can still constitute sexual exploitation or sexual abuse if the other conditions—such as unequal and/or coercive conditions exist.

 **Children** The United Nations prohibits sexual activity with children (persons under the age of 18) regardless of the age of majority or consent in national legislation. As recognised in the Convention on the rights of the Child, a child, by reason of their physical and mental immaturity, needs special safeguards and care. Children are unable to give consent because they do not have the maturity to understand the implications of that to which they are agreeing.

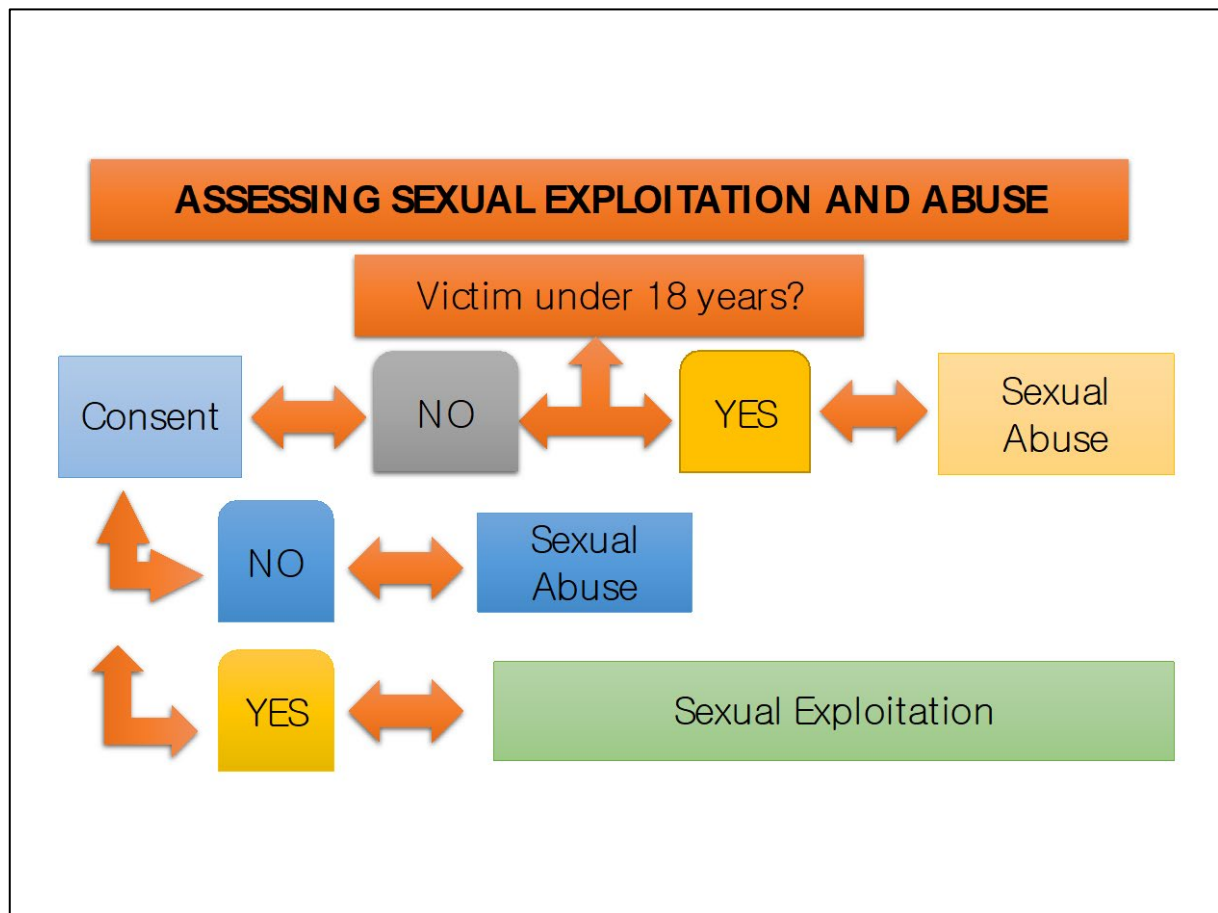
 NIO trainers may wish to highlight that some language in the definitions, such as **position of vulnerability** and **differential power** have been criticised as being somewhat vague and therefore difficult to apply and/or enforce. NIO trainers may wish to spend some extra time in discussing how these aspects of the definitions might be interpreted.

## Specific Prohibited Acts

- 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
- 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
- Sexual relationships between UN personnel and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the UN and are strongly discouraged



Slide 5



This flow chart depicts how SEA is assessed in terms of the age of the victim (adult or child), and the issue of consent in relation to adult victims.

This shows that depending upon these variables the allegation can either be classified as sexual abuse (no consent) or sexual exploitation (consent).

Child victims cannot consent to sex acts, meaning that all SEA allegations involving children will always be assessed as acts of sexual abuse (rape).



Questions?