

# Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

March 2019 – Version 1.0

Code Version Control and History: Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

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Source language	English
Responsible Unit	Global Human Resources Group
Developed by	Global Human Resources Group
Subject (Taxonomy)	Ethics and compliance
Date approved	March 2019
Approved by	Director General
Applicable to	IUCN's Staff, Council members and Commission members as defined in the section "Scope and applicability of the Policy"
Purpose	Ensure that IUCN provides a professional, respectful and harassment-free atmosphere for its Staff and imposes on its partners to also take actions with this regard
Is part of	Ethics and compliance, IUCN Internal Control Policy Framework
Related Documents	Code of Conduct and Professional Ethics for the Secretariat, IUCN Ombudsman Terms of Reference; Anti-Harassment Policy for IUCN Events; Gender Mainstreaming Strategy for IUCN Events; Code of Conduct for IUCN Councillors and the Code of Conduct of the Members of the Commissions
Distribution	Sent to all Staff members world-wide, made available to all Council members, Commission members, Secretariat Staff, volunteers and seconded individuals, on the Union Portal (intranet), provided for information to all partner organisations and suppliers with contracts with IUCN, and available publicly on request.

Document History

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## Introduction

1. IUCN (International Union for Conservation of Nature and Natural Resources) is a global, multicultural and multilingual organization that strives to ensure best practice in its everyday operations. Therefore, the highest standards of conduct and professional ethics are expected from its Secretariat Staff in their conduct of IUCN business<sup>1</sup>, from its Commissions members<sup>2</sup> and its Council members<sup>3</sup> when conducting their work for IUCN.
2. IUCN is committed to providing a safe environment for its community, free from discrimination on any ground and from harassment at work including sexual harassment. IUCN has zero tolerance for all forms of sexual wrongdoing including Sexual Exploitation, Sexual Abuse, and Sexual Harassment (SEAH) in all its activities. Sexual Exploitation and Sexual Abuse violate human dignity and universally recognized international legal norms and standards and have always been unacceptable behaviour. Sexual Harassment results from a culture of discrimination and privilege, based on unequal relations and power dynamics. It creates hostile work and work-related environments, which limit the ability of affected persons to thrive and IUCN to achieve its mission. SEAH has no place at IUCN and IUCN recognises the imperative to prevent and respond effectively to SEAH and to protect persons, especially vulnerable individuals, and victims of SEAH in related activities. These protections are essential to strengthen integrity throughout IUCN.

## Policy Aims

3. This Policy explains the steps IUCN will take to provide a safe environment free from sexual harassment and violence. IUCN recognises the need to challenge any tacit or explicit acceptance of sexual harassment or sexual violence to prevent escalation. IUCN also undertakes to improve the understanding of sexual harassment across IUCN's community to prevent it from occurring, as well as providing a supportive culture, which encourages reporting of incidents and ensures that they are dealt with sensitively and appropriately. It is recognised that it can be distressing for all those affected by a sexual harassment disclosure; this Policy aims to ensure that all parties are treated with dignity and respect and provided with appropriate support.

<sup>1</sup> Code of Conduct and Professional Ethics for the Secretariat, April 2013 – Version 2.0, Section 1

<sup>2</sup> Code of Conduct of the Members of the Commissions, which states: "This Code of Conduct is designed to ensure that the members of IUCN's Commissions consistently conduct their work and interactions in an ethical, professional, impartial, unbiased and tolerant manner".

<sup>3</sup> Code of Conduct for IUCN Councillors, which states: "By accepting to serve on the Council, Council members commit to conduct themselves in accordance with the highest ethical standards in carrying out their responsibilities, as required by Articles 59 and 60 of the Statutes and other applicable provisions in the Statutes and Regulations".

## Scope and Applicability of the Policy

4. This Policy establishes IUCN's zero tolerance of SEAH.
5. This Policy applies to persons covered under the IUCN Code of Conduct and Professional Ethics for the Secretariat, namely all Staff members of the IUCN Secretariat, regardless of location, volunteers working for the Secretariat, individuals subcontracted as consultants, and individuals seconded by other organizations to –or hosted by- the Secretariat.
6. In the absence of an overarching and explicit sexual abuse, exploitation and harassment Policy for the IUCN Council and the IUCN Commissions, the IUCN Director General requests that both Council and Commissions also comply with this Policy until such a time that distinct policies are in place for the Council and the Commissions.
7. This Policy complements the general principles established in IUCN Code of Conduct and Professional Ethics for the Secretariat<sup>4</sup>, the Code of Conduct for IUCN Councillors<sup>5</sup> and the Code of Conduct of the Members of the Commissions<sup>6</sup> and clarifies the expected standards of conduct and professional ethics, including the respect for other people's dignity and integrity. In particular, it sets clear obligations for IUCN Secretariat's Staff, Council and Commission members to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH. This may go beyond the physical premises and normal business hours of IUCN, such as conduct at meetings, events, workshops, training, or on social media.
8. While issues relating to SEAH may arise as a result of a power differential, they are not necessarily confined to the behaviour of any particular group of Staff to another, e.g. senior Staff towards more junior Staff. It can take place between persons at the same level or involve Staff behaving inappropriately towards more senior Staff.

## Definitions

9. For the purposes of this Policy, the following definitions apply:
  - a) **'Consent'** is providing permission for something to happen or agreement to do something with a full understanding of the facts and without coercion. In cases of sexual activity, consent cannot be presumed but must be explicitly given, verbally or non-verbally. Consent cannot be deemed to have been given if it is provided under pressure or in

<sup>4</sup> See in particular section 4.5 "Dignity", which describes Staff's obligations and standard of conduct.

<sup>5</sup> See in particular Part III "Duties of Members of the Council" and section c "Respect", which states the following: "Council members should understand and act strictly in accordance with the Statutes and policies that control IUCN governance and operations. Council members should equally be respectful of the personal and professional integrity of Secretariat Staff and of their fellow Council members."

<sup>6</sup> See in particular Section on "Mutual Respect for Colleagues, Peers, IUCN and Commissions" and "Dignity and Cultural Sensitivity".

situations where someone is not capable of providing it. Consent can be withdrawn at any time.

- b) **‘False or Malicious Report’** means an inaccurate or misleading report that is made recklessly, or knowingly or deliberately for the purpose of gaining undue advantage or causing harm to a person or entity;
- c) **‘Implementing Party/Partner’** is, for the purposes of this Policy, any party that contributes to, executes, implements, bids for, or in any way participates in IUCN-related Activities, including any form of financing or support from IUCN;
- d) **‘IUCN Staff’** means those persons covered under the Code of Conduct and Professional Ethics for the Secretariat, namely any individual who is a party to a contract of employment with IUCN and subject to the Global Human Resources Policy, regardless of location. This includes Staff members of the IUCN Secretariat and hosted Staff, (e.g. TRAFFIC, Ramsar, and CITES on contract with IUCN) Junior Professional Officers, interns and volunteers working for the Secretariat and individuals seconded by other organisations to the Secretariat, all of the above regardless of location;<sup>7</sup>
- e) **‘IUCN Individuals’** means IUCN Staff, Council and Commission members.
- f) **‘IUCN-related Activity’** means any activity which is financed, administered, or supported by IUCN, either with its own resources or those of others, any activity that materially affects or may affect or otherwise be relevant to IUCN or any activity undertaken under the name of IUCN or using the IUCN logo.
- g) **‘GHRG’** - Global Human Resources Group
- h) **‘Partners’** means implementing partners, consultants or any other type of partners involved in IUCN-related activities.
- i) **‘SEAH’** means Sexual Exploitation, Sexual Abuse, and Sexual Harassment;
- j) **‘SEAH Check’** means a recruitment practice whereby job applicants are required to provide a SEAH Declaration and whereby the information contained in the Declaration is checked, as far as possible, through Reference Checks;
- k) **“Policy” or “SEAH Policy”** means **Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment.**
- l) **‘Sexual Abuse’** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- m) **‘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, threatening or profiting monetarily, socially, or politically from the sexual exploitation of another;
- n) **‘Sexual Harassment’** any unwelcome sexual advance, request for sexual favour, or other verbal, non-verbal, or physical conduct of a sexual nature, that interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive

<sup>7</sup> Code of Conduct and Professional Ethics for the Secretariat, April 2013 – Version 2.0

environment in connection with an IUCN-related activity, and, for the avoidance of doubt, Sexual Harassment may occur between or amongst persons of different sexes or genders or of the same sex or gender, and may be initiated by any gender or sex;

- o) **'Reference Checks'** mean the part of a selection and employment process whereby checks are performed to verify the accuracy and authenticity of references, statements, or declarations made by external job applicants on their educational, professional, and other background;
- p) **'Victim'** means the person who is, or has been, sexually exploited, abused, or harassed.

## Policy Principles

- 10. IUCN will not tolerate any form of Sexual Exploitation, Sexual Abuse, or Sexual Harassment (SEAH).
- 11. IUCN will take all available measures to prevent, mitigate, investigate and remedy SEAH in IUCN-related activities. IUCN will actively promote equality in order to provide a collegiate, lawful and harmonious working and learning environment.
- 12. IUCN will endeavour to raise awareness of SEAH among IUCN Individuals and its implementing partners, consultants or any other type of partners ("Partners") involved in IUCN-related activities. At the Secretariat's level this will be done across all Regions and, in conjunction with IUCN's Staff Representative Groups, where they exist. All Senior Managers, with the support of GHRG, will play a leading role in organizing such awareness raising through meetings, workshops, posters, town halls, etc. The Commissions Chairs are expected to also raise awareness among Commission members through appropriate means.
- 13. IUCN will take steps to encourage its Partners involved in IUCN-related activities, to abide by this Policy or adopt policies and procedures that are consistent with this Policy, with the purpose of safeguarding against SEAH in IUCN-related activities.
  - a) Partners must have policies and/or procedures designed to ensure prevention to those set out in this SEAH Policy.
  - b) Partners must have policies and/or procedures designed to ensure prevention, detection, investigation, remedial action and, where appropriate, sanctions and reports to state agencies with authority over criminal prosecution over SEAH offences in IUCN-related activities . This includes protection against retaliation for actual and apparent victims of SEAH, witnesses of and whistleblowers with respect to SEAH; and procedures to identify risks related to SEAH and to prevent, report, investigate and remedy SEAH in IUCN-related activities;
  - c) Partners must have carried out all due diligence as necessary or desirable in accordance with their own internal rules and usual practice when dealing with funds for which they have management or investment responsibility in relation to IUCN-

related activities of risks of SEAH and the establishment, as necessary, of SEAH protection plans and procedures.

14. IUCN will reserve its right to terminate a contractual relationship with a partner in case of breach of those policies and procedures. IUCN will apply sanctions, disciplinary, or other remedial measures if this Policy is violated (further described in below paragraph 31).

## Obligations

15. IUCN should uphold the guiding principles of this SEAH Policy and contribute to creating and maintaining an environment which prevents SEAH.

16. IUCN Individuals should not condone, encourage, participate in, or engage in SEAH in IUCN-related activities. In particular, they should not:

- a) Use their position to sexually abuse, exploit, or harass any person implementing, engaged in, or benefiting from IUCN-related activities; or
- b) Engage in sexual activity with a child (as defined in Article 1 of the United Nations Convention on the Rights of the Child). Mistaken belief regarding the age of a child is not a defence. Any such activity will be deemed to constitute Sexual Exploitation and/or Sexual Abuse.

17. Subject to the availability of protections against retaliation, IUCN Staff have a duty to report any suspected SEAH in IUCN-related activities as soon as possible after becoming aware of it to the Global Human Resources Group and to cooperate with the Global Human Resources Group in the context of an investigation, proactive integrity review, or other inquiry in accordance with IUCN's policies on protection against retaliation<sup>8</sup> and whistle-blowers.

18. Subject to the availability of protections against retaliation, any supervisor, manager, or other such person of IUCN who receives a report of suspected SEAH which is made in good faith, is obligated to transmit such report without delay to the Global Human Resources Group.

19. IUCN Individuals should not engage with any third-party that condones, encourages, participates in, or engages in SEAH.

20. Partners should not directly or indirectly condone, encourage or tolerate participation or engagement in SEAH or any conduct substantially equivalent to SEAH;

- a) To the extent permitted by any national law applicable to it, inform IUCN through established channels, without delay, of SEAH or any conduct substantially equivalent to SEAH, suspected or alleged in connection with IUCN-related activities;
- b) To the extent permitted by any national law applicable to it, cooperate with IUCN in any investigation by any donor of reports of suspected SEAH or any conduct substantially equivalent to SEAH, and take all appropriate measures to ensure the

- cooperation of relevant persons and entities within their control that are subject to such investigation; and
- c) Contractually require all its partners including subcontractors implementing IUCN-related activities to comply with this paragraph (20 a), b) and c)) and act accordingly.

## Prevention and Due Diligence

21. IUCN will ensure, as soon as practicable following the adoption of this Policy, that its recruitment, procurement, employment, or any other onboarding processes include SEAH Checks.

## Awareness Raising, Communication, and Training

22. GHRH will prepare as soon as practicable a communication plan to support the dissemination and implementation of this Policy and to raise awareness across IUCN on the issue of SEAH and its potential ramification. The plan will include:

- a) Making this Policy available on IUCN's website;
- b) Developing through consultative processes with stakeholders, and making available, training, guidance, and communication materials for IUCN Individuals and implementing partners to raise awareness and support the implementation of this Policy;

<sup>8</sup> Code of Conduct and Professional Ethics for the Secretariat, April 2013 – Version 2.0, Section 9, Protection against retaliation

- c) Supporting Senior Managers and Commission Chairs in their responsibilities for awareness raising and training activities for and/or in collaboration with persons covered under this Policy, partners, and relevant stakeholders in IUCN-related activities; and
- d) Ensuring that all IUCN Staff undertake mandatory training to ensure compliance with this Policy and relevant operating procedures.

## Reporting and Investigations

23. Any person or entity should report to the Global Human Resources Group (GHRG) any actual or suspected SEAH. Persons with information concerning suspected SEAH, particularly when it involves IUCN Individuals in IUCN-related activities, are strongly encouraged to also report such information to the GHRG. If the report is not related to an IUCN Staff, GHRG will advise if the report should be transmitted to the Chair of the Commission concerned, the Chair of the Ethics Committee of the Council or the IUCN partner concerned, subject to the agreement of the person concerned.
24. Reports of actual or suspected SEAH from or against an IUCN Staff shall be sent to the GHRG through any of the following points of contact on the proviso that any changes regarding the contact details shall be communicated and disseminated appropriately:
- Email: [ethics@iucn.org](mailto:ethics@iucn.org)
  - Hotline: +41 (0) 22 999 0350 (voice mail)
  - Mailing Address: Global Human Resources Group, IUCN, Rue Mauverney 28, Gland 1196, Switzerland
25. Persons or entities reporting actual or suspected SEAH shall do so in good faith and provide where possible any information or evidence in their possession that would support a reasonable belief that SEAH may have occurred. Prior to making a report, such persons or entities are not required to evaluate or to determine whether a report that they intend to make meets any threshold of seriousness or gravity. Reporting persons or entities are not required to prove the suspected SEAH or to meet any evidentiary requirements.
26. Reports of actual or suspected SEAH against IUCN Staff by a Council or Commission member, or by an implementing partner should be investigated by the GHRG in view of the responsibility for the duty of care that IUCN has to its staff and in accordance with the relevant IUCN policies and standards. The GHRG will treat this seriously and thoroughly investigate reports of suspected SEAH in a manner that is independent and objective by conducting investigations, free of control or influence by any person or entity, and with scrupulous adherence to the principles of fairness and due process.
27. Following any GHRG investigation, the IUCN Secretariat will take measures to monitor the situation regarding the status of any Victims and alleged perpetrators of SEAH, to ensure that they are protected against retaliation as a consequence of the investigation,

its findings or its outcome, and to ensure that any administrative or disciplinary measures taken as a result of the investigation have been duly implemented.

## Protection and Remedies

28. Any Victim who reports, attempts to report, is believed to be about to report, or is believed to have reported suspected or actual SEAH (including concerns of suspected SEAH) in IUCN-related activities will be entitled to all the protections (which include anonymity and confidentiality, and protection from retaliation), and remedies afforded to whistle blowers as set out in the *Code of Conduct and Professional Ethics of the Secretariat, Section 9, Protection against retaliation*.
29. Any other person who reports, attempts to report, is believed to be about to report, or is believed to have reported actual or suspected SEAH in IUCN-related activities, or cooperates, attempts to cooperate, is believed to be about to cooperate, or is believed to have cooperated with a IUCN investigation concerning a report of suspected SEAH, will be deemed a whistle blower or as a witness, as appropriate, and will be entitled to all the related protections (which includes anonymity and confidentiality, and protection from retaliation), and remedies, as set out in IUCN's policies.
30. Any IUCN Individual who is a Victim of an act of SEAH perpetrated by an IUCN Staff or any Staff member who is Victim of an act of SEAH perpetrated by any IUCN Individual (i.e., another Staff member, Council or Commission member) or a Partner in connection with an IUCN-related activity and regarding whom a report of SEAH has been made in accordance with Reporting and Investigation Section of this Policy, may request that IUCN provide the following guidance and support:
  - a) In emergency situations, any IUCN Staff who is a victim of Sexual Exploitation or Sexual Abuse perpetrated by another IUCN Individual or Partner in connection with IUCN-related Activity may request interim medical relief or other support services as required to address the immediate harm.
  - b) Any person who is a victim of SEAH perpetrated by an IUCN Individual on IUCN premises or during an activity or event hosted or facilitated by IUCN, regarding whom a report of SEAH has been made in accordance with the Reporting and Investigation Section of this Policy, may request that IUCN provide the protections provided for in paragraphs 26 to 29.
31. Acts of SEAH or retaliation against an actual or suspected SEAH Victim committed by IUCN Staff or Partners will amount to misconduct or breach of contract and will be subject to disciplinary or other remedial measures as provided in the relevant IUCN policies, rules, and procedures.

32. Any person or entity who makes a False or Malicious Report may be subject to sanctions or disciplinary action in accordance with relevant IUCN policies, and the provisions of any contractual agreements existing between IUCN and the person or entity.
33. Where an act of SEAH or retaliation against an actual or suspected Victim has been found in an IUCN-related activity, IUCN will endeavour to apply its good offices with appropriate authorities to secure necessary protection and to employ other reasonable measures for the Victim.
34. Where an act of SEAH or retaliation against an actual or suspected Victim is perpetrated by a Partner against an IUCN Staff in an IUCN-related activity has been substantiated through an investigation conducted by IUCN, and corrective or disciplinary measures have been imposed against the Partner, or sanctions have been imposed against the Partner, the GHRG, in consultation with the Ethics Committee of the Secretariat, may recommend that IUCN or the Partner take appropriate remedies for the benefit of the Victim. For acts of SEAH committed by an IUCN Staff against a Partner, IUCN must ensure that such remedies are implemented by the Secretariat without undue delay. However, in the event that the Secretariat is unable to implement the recommended remedies, the GHRG will promptly seek guidance from the Ethics Committee of the Secretariat in order for the Ethics Committee to help determine the appropriate course of action.

### Policy Implementation, Monitoring, Reporting, and Review

35. The Secretariat is responsible for the effective implementation, monitoring, and reporting obligations under this Policy. The Chief HR Officer will develop guidelines and procedures, to operationalise and implement this Policy promptly following its adoption. The Commissions are responsible to also take the necessary measures to implement this Policy.
36. The Chief HR Officer will regularly review the Policy and recommend improvements to this Policy and related procedures and controls to mitigate opportunities for SEAH in IUCN-related activities and ensure that IUCN Individuals adhere to the Policy. The GHRG will maintain a case registry of reports filed regarding SEAH.
37. Every year the Director General will present a report to the Finance and Audit Committee on issues related to the implementation of this Policy.

### Effective Date and Review

38. This Policy shall come into effect upon its issuance by the Director General.