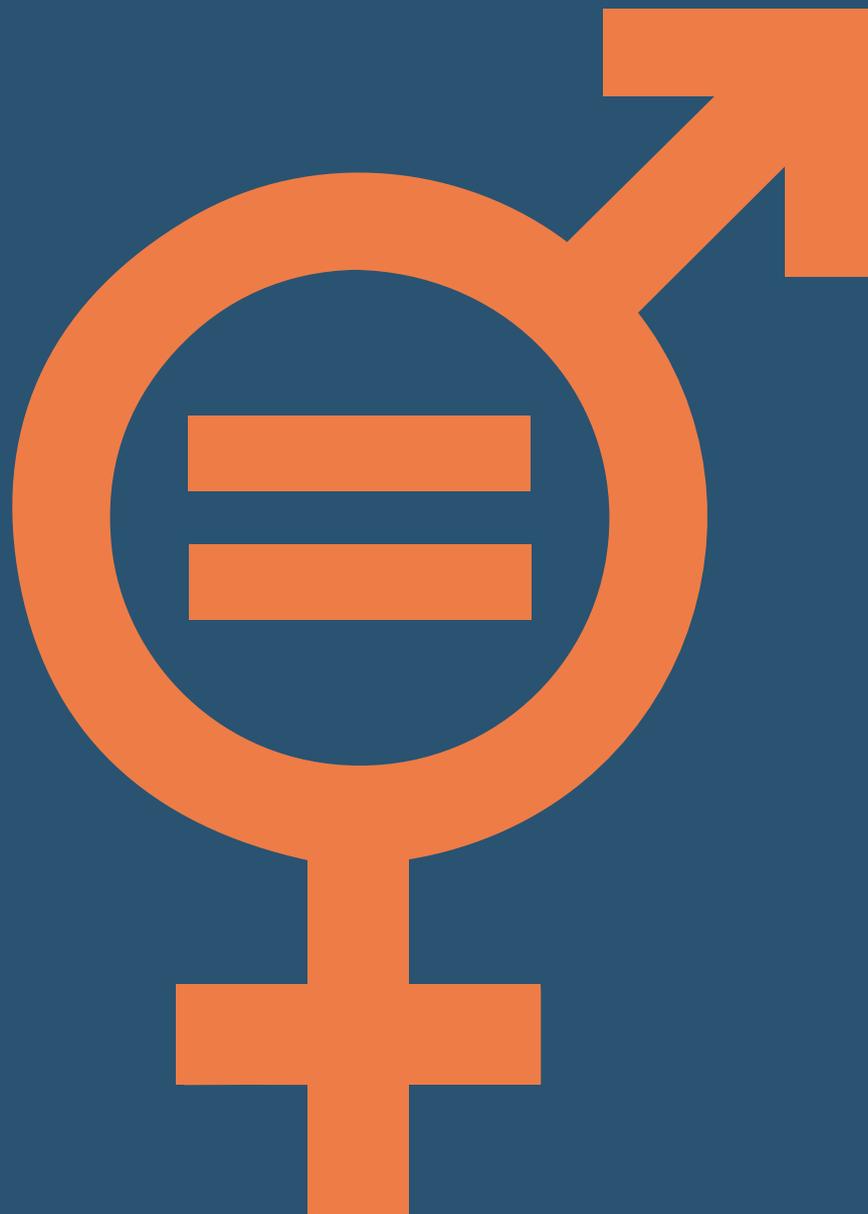


UNITED NATIONS IN TIMOR-LESTE

**RESOURCE GUIDE ON
PREVENTION AND RESPONSE
TO GENDER-BASED VIOLENCE
AND SEXUAL MISCONDUCT
(INCLUDING HARASSMENT,
EXPLOITATION AND ABUSE)
OUR RESPONSIBILITY**





MAY 2020

Images:

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Page 6: UN Women/ Kyeongrang Park

Pages 16, 57 and 71: A Resource Book on INTIMATE PARTNER VIOLENCE FOR UNITED NATIONS STAFF IN ASIA

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FOREWORD

The UN Country Team in Timor-Leste is committed to upholding the highest standards in our contributions to equitable and sustainable development in Timor-Leste. This begins with affirming our promise to working towards a society where our personnel and our dependents, our partners and the wider population of Timor-Leste can enjoy the fundamental right of all people to live free of gender-based violence. Despite decades of action and efforts by women's organizations, civil society advocates and increasing attention by governments, the United Nations, development partners and the private sector, gender-based violence remains one of the most wide-spread human rights violations and barriers to achieving the 2030 Sustainable Development Agenda.

In Timor-Leste and across the world, women and girls are the largest group within the population affected by gender-based violence due to the unequal power relations and discrimination they face within their homes, in their communities and in the wider society. Boys, persons with disabilities, and LGBTI persons are also at risk of violence, and across groups, a variety of factors affect a person's risk of violence and their ability to overcome it. Gender-based violence cuts across all borders and sectors of society. The UN is not immune to the threat of this violence, and we have an obligation to prevent and be ready to respond when any form of gender-based violence occurs within our institutions.

This Resource Guide is part of a UNCT Commitment made in December 2017 to take joint action in addressing gender-based violence in Timor-Leste, through technical coordination and leadership of the UN Gender Theme Group. The Guide aims to support UN personnel at all levels in Timor-Leste to understand and act on the significant problem of gender-based violence, with specific attention to domestic violence or intimate partner violence, sexual exploitation and abuse and harassment. It provides an overview of the different forms of violence, information on our obligations as UN personnel and offers guidance on support services available and actions we can take when confronted with violence in our workplace or our homes. The Guide provides practical information on contact persons and reporting mechanisms in Timor-Leste, and complements other UN resources, such as the Gender-Based Security Incidents Aide Memoire and agency-specific materials.

We encourage all Heads of Agencies and managers to distribute this Resource Guide as an essential part of induction for new personnel. The Resource Guide should be a living guide for regular dialogue and reflection by individuals and teams to affirm that in our words and actions, whether at home or at work, we are living the UN Values of integrity, professionalism and respect for diversity.

We thank all personnel who contributed to the learning sessions and discussions that informed this Resource Guide. We also acknowledge the UNCTs in the Pacific and Nepal, whose work served as references, and the expertise of JU,S Jurídico Social to develop this Guide for the Timor-Leste context.

This is a resource for all UN personnel in Timor-Leste - to know our rights and understand the power we each have to contribute to the elimination of intimate partner violence, sexual exploitation and abuse and harassment. We believe that it is possible to create a Timor-Leste that is equitable and free of violence, and it begins with each of us creating that reality within our own homes, workplaces and communities.

May 2020



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The development of this Guide was only possible thanks to the direct and active involvement of representatives from all UN agencies in Timor-Leste within a specially formed Task Force as part of the UN Gender Theme Group.

This publication also received invaluable contributions from the UN Country Team in Timor-Leste, with overall guidance from UN Women as the Chair of the UN Inter-agency Gender Theme Group, which ensured that this would meet the specific needs of the different agencies. Contributors to this guide have included: (List names, agencies giving contributions)

This Resource Guide was developed by JUS Jurídico Social (www.jus.tl) through a highly participatory process. A November 2019 survey with UN Personnel in Timor-Leste aimed to gauge their understanding of key concepts of gender-based violence, sexual harassment, exploitation and abuse and their level of knowledge and understanding of relevant UN policies, rules and procedure and their responsibilities as UN personnel. Various inception workshops with UN gender focal points and staff of UNCT agencies, consultation meetings with UN Heads of Agency and senior staff in Timor-Leste provided guidance on the structure, the core messaging for this Guide.

This tool used as reference a number of publications from other UN countries specifically in the section dealing with domestic violence, namely:

- UNiTE Working Group, *Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia*, 2019 (updated Feb2020),
- UN Agencies in Nepal, *Responding to domestic violence: A Resource Guide for UN Personnel in Nepal*, 2018
- UN Agencies in the Pacific, *A Resource Book about domestic violence for UN Staff in the Pacific*, 2017



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INTRODUCTION

This Guide was developed to support personnel from the United Nations Country Office and Agencies in Timor-Leste to fulfil their duties. It focusses on several forms of gender-based violence: sexual abuse, sexual exploitation, sexual harassment and domestic violence, as these are common forms of gender-based violence.

This guide informs staff about the rules and initiatives that the United Nations (UN) has developed to prevent and combat these abuses and the measures to support victims of abuse. It explains **why** gender-based violence happens and the factors that increase a person's risk of experiencing violence. In addition, this resource material provides **information** on how staff and personnel should act when they become aware of or witness any of these forms of violence.

The UN expects **every single one** of its personnel to uphold our organizational values and contribute to a safe work climate and to a country that is safer for all persons, including all gender identities and all abilities.

The United Nations are dealing with a vast range of problems that humanity is facing globally. We are proud to serve people in need, to help to improve their lives and to contribute to a peaceful society. As United Nations staff and personnel, we have a privileged position in the countries where we work, and with that privilege come certain responsibilities. Adherence by United Nations staff to the highest ethical standards is central to the work of the Organization and the maintenance of its good name. As we collectively endeavour to build a more peaceful and prosperous world, the ethical conduct of all staff members is paramount.¹

We honour the core values and principles of the UN:



integrity



respect for diversity



professionalism

Staff Regulations of the United Nations

Regulation 1.2

Basic rights and obligations of staff

Core values

(a) Staff members shall uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them;

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;²

¹ United Nations Ethics Office, Putting Ethics to Work—A Guide for UN Staff, October 2017 version, page i- Available at https://www.un.org/en/ethics/assets/pdfs/Attachment_2_EN_Putting%20Ethics%20to%20Work.pdf

² ST/SGB/2018/1 available at <https://hr.un.org/page/staff-regulations>

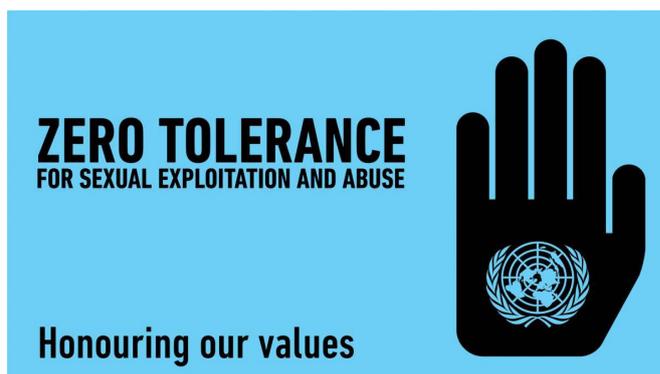
YOU

Whether you are a national or international staff, you are seen as a role model. That means that your conduct matters, at all times, both during and outside working hours. Working with the United Nations requires a very high level of ethics and strict compliance with the rules.

The majority of the more than 190,000 uniformed and civilian personnel across more than 30 United Nations entities serve with professionalism and dedication, often in difficult or dangerous environments.³ The Organization however acknowledges sexual exploitation, abuse and harassment by UN personnel as a system-wide issue that may occur at all levels and in all countries where the UN serves. UN data from 2019 clearly show that the majority of victims⁴ of sexual exploitation and abuse allegedly committed by United Nations personnel are women and girls.⁵

In the rapidly changing context of COVID-19, increased reports of gender-based violence have accompanied the spread of the pandemic.⁶ This requires an accelerated attention by the UN family to our commitments to women and girls around the world.

In recent years, the United Nations has taken strong steps to stamp out from its ranks behaviour which amounts to sexual exploitation, abuse and harassment. This is not an easy task and requires a 'cultural transformation' of the organisation. The UN Secretary-General urges zero tolerance for sexual misconduct:



**“Let us declare in one voice: We will not tolerate anyone committing or condoning sexual exploitation and abuse. We will not let anyone cover up these crimes with the UN flag. ... Let us make zero tolerance a reality.”
- Secretary-General António Guterres⁷**

³ A/74/705, Special measures for protection from sexual exploitation and abuse Report of the Secretary-General, 17 February 2020, para.2 available at: <https://undocs.org/A/74/705> ⁴ Note that this guide uses the terms “victim” and “survivor” interchangeably as both terms are commonly used in UN documents and policies, an in research and policy documents in Timor-Leste. United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), para. 28 explains that “.. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience.” ⁵ SEA data available at <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>. See also Supplementary information to the report of the Secretary-General on special measures for protection from sexual exploitation and abuse (A/74/705) IV. Allegations reported by the United Nations entities other than peacekeeping operations and special political missions as at 31 December 2019: allegations involving United Nations staff and United Nations related personnel: 28 women out of 34 adults SEA victims in 2019 (= 82 %); 30 girls out of 36 children (83%); 29 female out of total of 44 unknown age (66 %); allegations involving implementing partners: 48 women out of 53 total adult SEA victims in 2019 (90.5%); 69 girls out of 78 total children (88.5%); 41 out of 57 total unknown age (72%) https://www.un.org/preventing-sexual-exploitation-and-abuse/sites/www.un.org/preventing-sexual-exploitation-and-abuse/files/a_74_705_suppl_info_to_sgs_report_on_psea.pdf ⁶ UN, Policy Brief: The Impact of Covid-19 on Women, 9 April 2020, p.19 observed that: “While it is too early for comprehensive data, there are already many deeply concerning reports of increased violence against women around the world, with surges being reported in many cases of upwards of 25% in countries with reporting systems in place. In some countries reported cases have doubled.”; UN Women Timor-Leste, In Brief: Women’s Needs and Gender Equality in Timor-Leste’s COVID-19 Response, 20 May 2020, p.2 available at <https://asiapacific.unwomen.org/en/digital-library/publications/2020/05/in-brief-womens-needs-and-gender-equality-in-timor-lestes-covid-19-response>; UN Women, The first 100 days of COVID-19 in Asia and The Pacific: A Gender Lens, 17 April 2020, p.16 available at <https://asiapacific.unwomen.org/en/digital-library/publications/2020/04/the-first-100-days-of-the-covid-19-outbreak-in-asia-and-the-pacific> ⁷ Cited from UN Secretary-General António Guterres’ video message on 9 March 2017 on the launch of the report “Special Measures for Protection from Sexual Exploitation and Abuse: A New Approach”. The video can be located on the relevant UN web page: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/videos> or directly here: https://www.youtube.com/watch?time_continue=68&v=RTAAL4J-6s8&feature=emb_logo. The transcript of the SG message is available here: <https://www.un.org/press/en/2017/sgsm18460.doc.htm>

In addition to UN rules clearly prohibiting sexual exploitation, abuse and harassment, it is important to remind ourselves that at the core of the United Nations is the fight for gender equality and non-discrimination. As a role model, UN personnel should act for the benefit of the community they serve, by refraining from discriminating or using violence against women and children, as well as pro-actively intervening in a safe and survivor-centred way when violence takes place and facilitating support to those in need (see Chapter II section 2.4.2 and Chapter III section 3.4.1 for more details).

The UN adopts a survivor-centred approach to gender-based violence. This means trusting people who claim to have experienced abuse, listening to their needs, and encouraging them to formally report the allegations when they choose to do so, investigating these claims with compassion, holding offenders accountable and ensuring survivors can access appropriate services.

Gender-based violence exists in every country and every society, including in Timor-Leste. In Timor-Leste, statistics show that violence against women and girls, including domestic violence, is highly pervasive in the country.⁸ Gender inequality and discrimination are root causes of this violence. Every staff at the United Nations has a duty to uphold equal rights of women and men and assist in the elimination of discrimination and violence against women.⁹



“Ultimately, we, as an international community, must address the root causes of sexual exploitation and abuse, including gender inequality and the deep power imbalance between our personnel and those whom we are mandated to protect and aid, if we are to combat these shameful and harmful (SEA) behaviours effectively.”
- Secretary-General António Guterres¹⁰

Every single one of us is part of that behavioural change. Combatting sexual exploitation, abuse and harassment, and overall, gender-based violence, is the responsibility of all of us. Every UN employee has to be aware of the conduct which is expected from staff, be it towards others and be it the duty to act when colleagues or others commit these abuses.

⁸ Key resources on violence against women include: A fact sheet at <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>; and a Virtual Knowledge Centre to End Violence against Women and Girls at <https://endvawnow.org/en/> - an initiative of UN Women launched in 2010 aiming to encourage and support evidence-based programming to more efficiently and effectively design, implement, monitor and evaluate initiatives to prevent and respond to violence against women and girls.

⁹ A/74/705, Special measures for protection from sexual exploitation and abuse Report of the Secretary-General, 17 February 2020, para.4 available at: <https://undocs.org/A/74/705>

¹⁰ A/74/705, Special measures for protection from sexual exploitation and abuse Report of the Secretary-General, 17 February 2020, para.4 available at: <https://undocs.org/A/74/705>

A NOTE TO READERS

Gender-based violence can be experienced by anyone at any point in their life.

**Maybe you know a colleague, friend, neighbour or relative that is a victim of violence or abuse?
Maybe you are living with abuse?**



If you have experienced gender-based violence, please remember that:



- **Any form of violence is unacceptable**
- **You are not alone** 😊
- **It is not your fault**
- **Help is available**

In Annex 1, you can find information on specific services available in Timor-Leste to support survivors of gender-based violence.

If you are a manager or involved with human resource issues, this guide provides information on how to deal with complaints of sexual exploitation, abuse or harassment, how to attempt to recognise that a staff may be experiencing gender-based violence and some basic tools for assisting a person affected by gender-based violence. This guide does not replace any existing UN guide-lines, staff welfare policies or procedures on sexual misconduct or overall gender-based violence, but serves as an instrument to support strengthened application of the rules and procedures.

HOW TO USE THIS GUIDE

This guide is an invaluable tool to support the implementation of the rules and procedures of the United Nations in Timor-Leste and to empower UN personnel in being role models and bringing the principle of equality to shape their own actions.

It is expected that the UN agencies will ensure the distribution of this guide to all new and current UN personnel in Timor-Leste. This is particularly timely in the context of the UN's support to Timor-Leste's COVID-19 response.

The main recommended uses of this Guide are:

- Briefing for new personnel as part of the agency induction process
- Facilitation of internal discussions by PSEAH+ Focal Points. Discussions should prioritize staff who might not have other opportunities to engage in such discussions and managers, adapting discussions with each of these groups separately.
 - For UN Staff Association to use in its personnel advocacy and its role to support UN personnel in understanding their rights and obligations
 - Yearly briefings with all staff in the UN agencies, which could be conducted in the context of the 16 Days of Activism Campaign from 25 November – 10 December.
 - For orienting personnel working on programmes which relate to ending gender-based violence or gender equality.

CHAPTER I: UNDERSTANDING GENDER-BASED VIOLENCE

1.1 CONCEPT OF GENDER-BASED VIOLENCE

Gender-based violence is widely recognized as one of the most pervasive human rights violations in the world. Gender-based violence is both a cause and consequence of gender inequality, impacting the health, safety, productivity and overall well-being of women and girls, and impeding the realization of their rights. Despite increased efforts to address it, rates of violence remain alarmingly high.



Gender-based violence is widely recognized as one of the most pervasive human rights violations in the world. Gender-based violence is both a cause and consequence of gender inequality, impacting the health, safety, productivity and overall well-being of women and girls, and impeding the realization of their rights. Despite increased efforts to address it, rates of violence remain alarmingly high.



Timor-Leste is no exception.



United Nations personnel and beneficiaries are also affected by acts of gender-based violence. UN personnel have been survivors of gender-based violence, some have witnessed gender-based violence and some personnel, acting against our code of conduct, have perpetrated gender-based violence against others, including colleagues and citizens.

Many times, gender-based violence remains hidden. Survivors might not have support to speak out and live in fear, so they remain silent. Shame and stigma make it hard for victims/survivors to talk about their suffering and to seek help. At times, offenders force them to keep quiet, threatening them with even more harm.

People who witness abuse may not take action because they don't know what to do. It is important to know that gender-based violence is very traumatising for survivors. In addition to the impact on individuals, it has devastating effects on families, communities and societies. The UN is committed to break the circle of silence in order to stop gender-based violence, to support survivors and to end impunity.

GENDER-BASED VIOLENCE

An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term 'gender-based violence' is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. [...] - UN Glossary on Sexual Exploitation and Abuse, Second Edition (2017)

1.2 CAUSES OF GENDER-BASED VIOLENCE

Gender-based violence occurs due to the unequal power relations between men and women, and discrimination that women face compared to men. This abuse of power occurs in all countries and affects all layers of society, although the specific context of violence is different in every society.

Gender-based violence is rooted in unequal power relations between men and women.

The root cause of gender-based violence lies in the false assumption that men and women are not equal, and that men have power over women. A woman is targeted *because she is a woman*, and the violence affects women disproportionately because of the discrimination women face compared to men. Persons with a non-conforming gender identity or sexual orientation (Lesbian, Gay, Bisexual, Transgender and Intersex persons) are targeted *because of their gender identity or sexual orientation*.

The Government in Timor-Leste in its National Action Plan on Gender-Based Violence (2017-2021) acknowledges that:

“In Timor-Leste **women and girls** are **disproportionately** affected; however men and boys can also be victims of gender-based violence and people within the lesbian, gay, bisexual, transgender and intersex (**LGBTI**) community are also **frequently** affected by gender.”

Social norms or ideas of what women and men should do or say play an important role in shaping the conditions for gender-based violence to occur.

There are factors that are specific to different countries and communities. In the context of Timor-Leste, factors that contribute to violence include gender stereotypes, for example, the expectation that men should use power over women if needed, or that women should prioritize their roles within the home and family before any other role. There are also community practices which promote unequal power relations or limit women’s voice and participation, as well as use of violence as a method of discipline against children. Timor-Leste’s trauma and experience with violence and abuse in history also contributes to continued use of violence, as well as unrestricted alcohol consumption, among other factors. There is, at times, an image in Timor-Leste that men need to be strong and tough, and dominant over other men, which also contributes to the high tolerance for men’s use of violence against women.¹¹

It is important to underline that none of these factors justify that an individual hurts another person. There is **never a justification for violence** and the long-term solution to end gender-based violence is to secure women equality vis-à-vis men and eliminate gender-based discrimination.

1.3 GENDER-BASED VIOLENCE IN TIMOR-LESTE

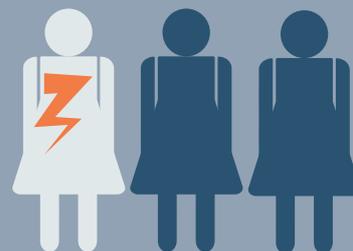
There are many forms of gender-based violence, but the most common form is violence against women. There have been several studies on prevalence of violence against women in Timor-Leste, including intimate partner violence and sexual violence by a non-partner. Currently there are no studies about the prevalence of gender-based violence among UN personnel in Timor-Leste.

¹¹ The Asia Foundation, Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study (2015) – Main Report, (published in) 2016. p.146

Intimate partner violence

WHAT IS INTIMATE PARTNER VIOLENCE (IPV)?¹²

- IPV consists of a pattern of assaultive and coercive behaviours, including physical, sexual and psychological attacks, as well as economic coercion, by a current or former intimate partner.
- IPV occurs within heterosexual or same-sex relationships and does not require sexual relations.



Globally, 1 in 3 women experience physical or sexual violence in their lifetime, by their intimate partners.

Research in Timor-Leste similarly found that intimate partner violence of women by their male partner is pervasive¹³:

Timorese women abused by their male partner (2016 TLDHS)¹⁴

Nationally, 34% of women age 15-49 have experienced either physical violence, sexual violence, or both
Nearly as many (29%) have experienced physical violence in the 12 months preceding the survey.

Timorese women abused by their male partner (2015 Nabilan Baseline Study)¹⁵

Approximately 3 in 5 women aged 15 to 49 (59 percent) who had ever been in a relationship said they had experienced physical and/or sexual violence by a male intimate partner at least once in their lifetimes.

More than half of ever-partnered women aged 15 to 49 (55 percent) had experienced emotional violence by a male intimate partner in their lifetimes.

Sexual violence against women by non-partner

Women also experience sexual violence committed by their family members, strangers, or men from the neighbourhood:

Sexual Violence in Timor-Leste by non-partners¹⁶

Among women aged 15 to 49, 14 percent had been raped by a family member, neighbour or stranger in their lifetime

Among women aged 15 to 49, 10 percent had been raped by a family member, neighbour or stranger in the past 12 months

Gang rape was reported by 3 percent of all women.

¹² Definition and global data sourced from UNiTE Working Group, Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia, 2019 (updated Feb2020) and related poster

¹³ The above figures slightly differ due to methodological differences in the approach of both studies.

¹⁴ RDTL General Directorate of Statistics, Ministry of Planning and Finance and Ministry of Health, Timor-Leste Demographic and Health Survey (TLDHS) 2016 Key Findings, (published in) 2018, p.299-323 [hereafter cited as 2016 TLDHS],

¹⁵ The Asia Foundation, Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study (2015) – Main Report, (published in) 2016, p.49 [hereafter cited as '2015 Nabilan Baseline Study']

Violence and women with disabilities

There is a strong link between gender-based violence and disability: Global evidence shows that women with a disability are at increased risk of gender-based violence. Internationally, women with a disability are twice as likely to have experienced domestic violence. In Timor-Leste, a 2015 study found that women who had experienced intimate partner violence were more than twice as likely to be at risk of disability.¹⁷ A small-scale study in 2017 also found high levels of sexual violence (45%) among 60 persons with disabilities (78% women).¹⁸

Violence against children

Children can also experience gender-based violence, although there are limited prevalence data on the gender-based forms of violence against children. Schools or home are common sites of violence against children, and a 2016 UNICEF study on violence against children in and around educational settings in Timor-Leste surveying 1,405 students found almost 1 in 10 girls (9.7%) reported experiencing sexual violence at school, as did 7% of boys. Also 75% of boys and 67% of girls reported that they had experienced physical violence by a teacher at school in the last 12 months, and 80% of boys and 75% of girls reported experiencing some form of emotional violence by a teacher at school.¹⁹

Violence against LGBTI

A growing evidence-base also shows that LGBTI persons in Timor-Leste often experience gender-based violence: A 2017 study of 57 young lesbian, bisexual and transgender women found 87% reported experiencing gender-based harassment and violence at some point in their lives. A 2015 study of men having sex with men and transgender men found almost about a third experienced verbal maltreatment and were refused access to health care services.²⁰

There is also anecdotal evidence that sexual harassment at the workplace and sexual harassment in public spaces are prevalent in Timor-Leste.²¹

Violence against Women in relation to Migration

Some forms of human trafficking are gender-based violence, such as trafficking for the purpose of sexual exploitation. Data on prevalence of human trafficking in Timor-Leste is incomplete due to a lack of formal procedures for victim identification among vulnerable populations, including individuals in prostitution, domestic workers, and migrant workers on fishing vessels, and a lack of proper screening procedures upon detention or prior to initiating deportation. In general, Timor-Leste government reported it investigated 65 alleged trafficking cases in 2019, 267 in 2017 and 176 in 2016. The government confirmed a total of five trafficking cases, a decrease from nine in 2017 and 79 in 2016. The government did not report how many of the 65 potential victims of trafficking in 2018 it confirmed as victims, compared with nine sex trafficking victims confirmed from 267 potential victims in 2017. Separately, an NGO, which partnered with the government stated it identified 12 victims.²²

The United Nations and Gender-Based Violence

Furthermore, a 2019 survey amongst UN personnel in Timor-Leste indicated that 40 out of 115 have seen or been a victim of sexual harassment in their current workplace.²³

Considering the evidence-base above, it is highly likely that UN personnel could either be experiencing gender-based violence or witnessing sexual misconduct within the workplace, work-related events or in the local community. UN personnel need to be equipped with clear knowledge of UN standards and tools to support survivors of violence. UN personnel need to also understand the criminal and disciplinary consequences they may face if they perpetrate gender-based violence in their personal or professional roles.

¹⁶ 2015 Nabilan Baseline Study, p.63

¹⁷ 2015 Nabilan Baseline Study, pp.93 & 100

¹⁸ ADTL, *Estudo kona-ba Situasaun Ema ho Defisiénsia Psiko-Sosiál*, December 2017, pp.6-7 (Report on violence and ill-treatment against persons with psycho-social and intellectual disabilities – no English version is available). Belun, LEAVING NO YOUTH BEHIND IN TIMOR-LESTE: Policy Brief #5 Young people with a disability, April 2018, p.4-5

¹⁹ UNICEF, *Study on violence against children in and around educational settings in Timor-Leste*, 2016, p. IV

²⁰ The Islands of Southeast Asia Network on Male and Transgender Sexual Health (ISEAN) and the Humanist Institute for Co-operation with Developing Countries (Hivos), *Analysis of ISEAN-Hivos program (IHP) baseline research on MSM and TG experiences of stigma and discrimination in Indonesia, Malaysia, Philippines and Timor-Leste* Final Report, April 2015, p.39-40 and Rede Feto and ASEAN SOGIE Caucus, *A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste*, 2017, pp.17-19

²¹ UN Women Timor-Leste, *Safe Cities Scoping Study*, December 2018, section 4.5, Public Service Commission of Timor-Leste, *Guideline No.12/2017 on prevention and combat of sexual harassment in public service*, preamble (objective)

²² US Department of State, *Trafficking in Persons Report on Timor-Leste*, June 2019, p. 458-459

²³ JU,S Jurídico Social and UN Women survey conducted in November 2019 as a baseline for the joint UN Timor-Leste effort for zero tolerance of sexual exploitation and abuse, sexual harassment and gender-based violence

1.4 CONSEQUENCES OF GENDER-BASED VIOLENCE

Gender-based violence, including domestic violence, is a grave violation of human rights. Its impact can be both immediate and long term, and includes physical, sexual, psychological and financial consequences for survivors. In most extreme cases, a person may lose their life due to gender-based violence.

When someone is abused, it affects the survivor's sense of self-worth, their general well-being and overall quality of life. Specifically, in the case of domestic violence, it affects every member of a family; the impacts can be serious and long-lasting.

The consequences from abuse also ripple out to harm society at large such as an increase in social and health sector expenditures, an underperforming economy (due to victims often becoming less effective in their work environment or losing their employment) and an acceptance of violence in general.

The experience of gender-based violence varies by individual, but the impact commonly includes one or more of the following:

Physical injuries, including disability

- Isolation
- Chronic depression and other mental health concerns
- Low self-esteem
- Health problems, including sexually transmitted infections and HIV
- Sleep disorders
- Sexual dysfunction
- Suicide attempts
- Chronic fear and uncertainty
- Poor work performance
- An inability to adequately respond to the needs of others including children
- Death

Many of the above signs have been corroborated in research in Timor-Leste on the impact of intimate partner violence on women's physical and mental health, and reproductive health (and children's well-being):



- More than one-quarter (27 percent) of women who had experienced physical or sexual partner violence had been injured on at least one occasion.



- Among women who said they had ever been injured from intimate partner violence, half (52 percent) had been injured severely enough to need health care. However, one in three of those women (32 percent) had not received the health care they needed.



- Only one in three (37 percent) women who had received health care for an intimate partner violence-related injury had told the health care worker the real cause of the injury.



- Women who had experienced physical and/or sexual intimate partner violence were significantly more likely to be at risk of disability, and to have mental health problems, including symptoms of depression and suicidal ideation.



- Physical violence during pregnancy was experienced by 14 percent of ever-partnered women who had ever been pregnant, and of those women, one third had been punched or kicked in the abdomen.



- Among those women who had experienced violence during pregnancy, two-thirds (65 percent) had been beaten by the same person before pregnancy, and more than half (56 percent) had been beaten during more than one pregnancy.



- Partner violence also has negative impacts on children's health and wellbeing. Children of women who had experienced violence were more likely to experience emotional and behavioural problems, and to have stopped or dropped out of school.



UN PLEDGE FOR GENDER EQUALITY

I, as a UN personnel, stand for gender-equality and zero tolerance for gender-based violence by:

- Serving as a role model in my family and community by refraining from discriminating on the basis of gender. I will therefore not commit any forms of gender-based violence
- Intervening when witnessing gender-based violence anywhere, when it is safe to do so
- Reporting gender-based violence that constitutes sexual misconduct as per UN Rules (see Chapter II)
- Always protecting and supporting survivors of gender-based violence (with their consent) to access appropriate support services

There are a variety of reasons that survivors are often reluctant to seek help, which will be explored more in-depth in chapters on each specific type of gender-based violence below. A survivor of sexual exploitation - for example a beneficiary of assistance by UN staff - might feel scared or hopeless to make a complaint due to the unequal relationship between them. Similarly, a survivor of sexual harassment by a work colleague, may feel reluctant to take action, especially if the harasser is at a more senior position in the system, out of fear for losing their employment. Survivors of domestic violence often don't seek help because of fear of retaliation and more violence, lack of family or social supports and shame, fear of losing custody of children, economic dependence and other reasons.

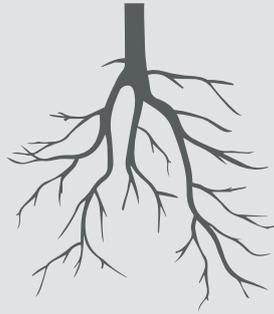
1.5 GBV AND UN PERSONNEL: RESPONSIBILITIES AND RESOURCES

Gender equality is at the very heart of human rights and United Nations values. Core human rights treaties and related justice mechanisms were developed under the auspices of the United Nations. As United Nations personnel, we have a special responsibility on human rights, including gender equality. We need to serve as a role model and embody the core principles of non-discrimination and equality under the law, including gender equality. This means we need to **'practice what we preach'** or **'walk the talk'** on gender equality through different actions in our daily lives.

Actions include to behave in ways that does not discriminate against someone on the basis of gender, to take a stand to promote increased equality between women, men and all people in our society, to not commit, be part of and stop violence from taking place and to provide, within our capacities, support to survivors of violence.

SUMMARY CHAPTER I: GENDER-BASED VIOLENCE

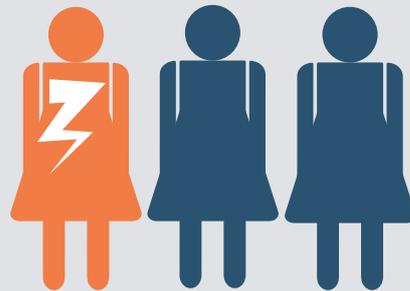
Roots of Gender-Based Violence



**Unequal power relation
between men and women**

Contributing Factors

Male dominance **Sexual entitlement**
Cultural practices **Polygamy**
Trauma **Male aggressiveness**
Patriarchy values **Suspected infidelity**
Abuse during childhood **Condoning the use of violence**
Strong gender stereotypes **Objectification of women**
Perceived role of women
Limited access to information



**1 in 3 women are victims of violence
committed by partners in TL**

There is **never a justification for violence.**

The solution to end gender-based violence is to eliminate
gender-based discrimination against women and have
balanced power between women and men.

CHAPTER II: SEXUAL MISCONDUCT

UN Standards of Conduct provide clear rules on both the behaviour expected from UN staff and the types of behaviours prohibited.

Staff Regulations and Rules of the United Nations

Chapter I

Duties, obligations and privileges

Rule 1.2

Basic rights and obligations of staff

Specific instances of prohibited conduct

(e) Sexual exploitation and abuse is prohibited. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or the age of consent locally, except where a staff member is legally married to a person who is under the age of 18 but over the age of majority or consent in his or her country of citizenship. Mistaken belief in the age of a child is not a defence. The exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. United Nations staff members are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

(f) Any form of discrimination or harassment, including sexual or gender harassment, as well as abuse in any form at the workplace or in connection with work, is prohibited.²⁴

UN staff regulations and rules prohibits the following:

- 1. Sexual Exploitation**, including transactional sex
- 2. Sexual Abuse**, including sexual activities with minors
- 3. Sexual Harassment**, including in connection with work but outside the workplace and outside working hours

These rules have been further articulated in Secretary-General Bulletins on sexual exploitation and abuse (ST/SGB/2003/13), and on sexual harassment (ST/SGB2019/8)– referred to as UN Policy.

The UN has a zero-tolerance policy for sexual misconduct and considers that violation of these rules are extremely serious offenses which may result in corresponding serious punishments, including dismissal and repatriation (for international staff).

KNOW THE RULES

there is **no excuse** for sexual exploitation,
sexual abuse or sexual harassment.

²⁴ ST/SGB/2018/1 available at <https://hr.un.org/handbook/staff-rules>

2.1 SEXUAL EXPLOITATION

SEXUAL EXPLOITATION IS IN UN POLICY DEFINED AS:

“any actual or attempted abuse of 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.”²⁵

Sexual exploitation includes a UN staff asking someone to have sex or perform sexual acts in return for things like money, food, goods, presents or a job.

The underlying reason for prohibiting sexual exploitation is that it is based on an unequal relationship. The vulnerability, including threats to personal safety and economic vulnerability put the person being exploited in a more fragile position. This creates a context where they can be influenced by offers of advantages which can minimize their risks or fragility.

Sexual exploitation is a broad term, which includes a number of acts of sexual nature, and not only limited to sexual intercourse. Sexual exploitation includes:²⁶

TRANSACTIONAL SEX:

The exchange of money employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviours. This includes any exchange of assistance that is due to beneficiaries of assistance.

SOLICITATION OF TRANSACTIONAL SEX:

Requesting transactional sex.

EXPLOITATIVE RELATIONSHIP:

A relationship that constitutes sexual exploitation, i.e. 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.

It is therefore prohibited for UN personnel to pay for sex. It is irrelevant whether or not prostitution or sex work is criminalised or whether sexual workers enjoy social protection in a country. The United Nations decided that transactional sex is always prohibited by UN personnel due to the inherent power inequality in most of the contexts between UN personnel and the people in the country where the UN works.

In a country like Timor-Leste, sexual exploitation can be further exacerbated by the fact that almost half of the population (41.8%) lives below the poverty line²⁷ and a high proportion of the active workforce is unemployed. A UN employee, whether national or international, by the simple fact of being in formal employment is unequivocally in a considerably better economic situation than a large part of the local community. There is an inherent power imbalance in these situations and any kind of offer or exchange for sex – whether offer of presents or money – is seen by the UN as violating principles of equality which the UN upholds.

Sexual exploitation prohibition extends to both the actual commission of sexual exploitative acts as well as attempt to commit these acts. This means that an attempt to pay for sex, even if a person is not able to conclude the transaction, is already a violation of the UN rules.

²⁵ ST/SGB/2003/13, United Nations Secretary-General's Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 1; United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), para. 6

²⁶ United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), paras 13-16; ST/SGB/2003/13, ST/SGB/2003/13, United Nations Secretary-General's Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 3.2 (c)

²⁷ Government of Timor-Leste (2019), Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Dili: Timor-Leste, p.36 citing data from Survey of Living Standards 2014/15

In a number of countries, including in Timor-Leste, sexual exploitation may also constitute a criminal offence. For example, a UN staff who provides technical support to community groups in a village while implementing his/her assignment asks young girls/boys in the community to show part of their bodies (or take naked or sexy photos) in exchange for continuing the support. The UN staff upon return to Dili shows the pictures to his friends in the neighbourhood. The UN staff violates the UN rules as well as commits the crime of child pornography under domestic criminal law punishable with 3 to 10 years imprisonment.²⁸



WHO CAN BE A VICTIM OF SEXUAL EXPLOITATION?

Anyone can be a victim, a UN staff or anyone in the country where the UN staff works, his/her home country or any other place where he/she goes for holiday.



WHEN DOES THIS PROHIBITION APPLIES?

The prohibition is applicable as long as an individual is a UN staff. The prohibition is a 24-hour, 365-day prohibition and binds UN staff at all times and at all places, irrespective whether they are on active duty or on holidays.

SOME CONCRETE EXAMPLES OF SEXUAL EXPLOITATION



- A UN staff goes to a bar during the weekend and asks to have sex with a sex worker, offering to give payment of money in return for sex.



- A UN staff tells a vulnerable young woman who is selling things like tais or fruits that he loves her, he is going to support her and her family and starts to have a sexual relationship with her.



- A UN staff offers a young man to pay for the costs of a travel overseas (example to Bali) in exchange for a dating weekend

Sexual Relations with Beneficiaries of Assistance

Any intimate relationship between a UN personnel with those who direct benefit from the United Nations work can raise questions about the integrity of the institution. For that reason, such relationships are strongly discouraged by the UN:

²⁸ RDTL Penal Code, Section III Sexual exploitation, Article 176 child pornography

UN Policy strongly discourages

“[s]exual 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.”²⁹

BENEFICIARY OF ASSISTANCE

is defined as: “[a]ll persons who receive services and assistance from the United Nations or its funds and programmes are considered beneficiaries of assistance”.³⁰

An intimate relationship between UN staff and beneficiaries may be perceived as a conflict of interest by the beneficiary community where the UN serves. Questions may arise as to whether support received has been provided (or denied) due to personal relationship with a UN staff. Doubts may also emerge as to whether a sexual relationship between a UN staff and a beneficiary is real and consensual. Given that the position of the UN staff may undermine the voluntary nature of the relationship, the association may be based on unequal power dynamics.

It is usually clear to identify the beneficiaries in a conflict setting where UN security personnel provide security or in a humanitarian mission where parts of the population receive in-kind support from the UN or its programmes.

In the current role of the UN in Timor-Leste, beneficiaries may include those working for the implementing partners of a specific UN agency (for example civil servants of a particular Ministry or staff of a civil society organization) and those receiving material assistance (for example, inhabitants of an area affected by floods) or those receiving cleaning materials as part of COVID-19 prevention. This means that “beneficiaries” could represent a large number of individuals when considering the number of people who “receive services or assistance” from the United Nations.

Sexual relationships between UN staff and beneficiaries are strongly discouraged, but not always prohibited. There is a recognition that, at times, this type of relationship could be truly voluntary, be based on an equal power between two people and can be allowed. The decision on whether it violates UN rules or not will be one made on a case-by-case basis. If a UN staff is subject to an inquiry in order to determine the compliance or not with the rules, the UN may need to consider private facts as they relate to the specific relationship between the UN staff and the beneficiary.

2.2 SEXUAL ABUSE

SEXUAL ABUSE

Is in UN Policy defined as “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”.³¹

Rape and sexual assault represent sexual abuse in violation of UN rules.

RAPE

Penetration of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part.

²⁹ ST/SGB/2003/13, United Nations Secretary-General’s Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 3, (d)

³⁰ United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), para.30

³¹ ST/SGB/2003/13, United Nations Secretary-General’s Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 1; United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), para. 4

SEXUAL ASSAULT

Sexual activity with another person who does not consent. It is a violation of bodily integrity and sexual autonomy and is broader than the narrower conception of “rape”, especially because:

- It may be committed by other means than force or violence; and
- It does not necessarily entail penetration.³²

Sexual abuse includes behaviour such as a UN staff groping or touching someone in a sexual manner with the use of force or while the person is under coercive conditions. Coercive conditions can include a situation where the person is not in a position to escape.

It is noted that at times sexual abuse may also amount to sexual harassment, and vice-versa.



WHO CAN BE A VICTIM OF SEXUAL ABUSE?

Anyone can be a victim, a UN staff or anyone in the country where the UN staff works, his/her home country or any other place where he/she goes for holiday.



WHEN DOES THIS PROHIBITION APPLY?

The prohibition is applicable as long as an individual is a UN staff. The prohibition is a 24-hour, 365-day prohibition and binds UN staff at all times and at all places, irrespective whether they are on active duty or on holidays.

SOME CONCRETE EXAMPLES OF SEXUAL ABUSE



- A UN international staff employs a Timorese woman for household duties. He insists and eventually uses physical force to have sex with her, even though she said ‘No’.



- A UN national staff travels to a municipality to visit his parents. On the way, he stops at a small restaurant owned by a young cook. He demands the waiter performs oral sex and threatens to report the business for non-compliance to food and health safety authorities if he refuses.



- A UN international staff takes local language lessons at home. One day, while taking notes on his tablet he suddenly shows his female Timorese teacher a sex video, grabs her hand and coerces her to start touching him by threatening her with the loss of her job.

³² United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2017), paras 8-9

2.2.1 SEX AND OTHER SEXUAL ACTIVITIES WITH MINORS

One golden rule is that the UN prohibits any sexual activity with children.³³ The United Nations considers every sexual activity with a child as sexual abuse:

UN Policy prohibits sexual activity or sexual penetration with a person younger than 18 years old. All sexual activity with a child is prohibited regardless of the age of majority or consent locally and is considered as sexual abuse. Mistaken belief as to the age of a child is no defense.

In practice this means that even though the age of sexual consent is lower in national law in some countries including Timor-Leste³⁴, UN personnel having sex with a person under the age of 18 violate UN rules and will be subject to disciplinary measures. It is the responsibility of the UN staff to verify the person's age.

NO EXCUSES:

If you are not sure of the age of the person you intend to have sex with, **don't** do it.

The only exception is when a staff member is legally married to a person who is younger than 18 years old, as several countries – including Timor-Leste - allow marriages with persons below that age.³⁵

CORE PRINCIPLES³⁶

RELATING TO SEXUAL EXPLOITATION AND ABUSE (SEA)

- 1**
SEA constitute acts of gross misconduct and are grounds for termination of employment.
NO SECOND CHANCES
- 2**
Sexual activity with children (18 yrs) is prohibited.
NO SEX WITH CHILDREN
- 3**
Exchange of money, employment, goods or services for sex is prohibited, including hiring prostitutes.
DON'T HIRE/BRIBE ANYONE FOR SEX
- 4**
Any sexual relationship with beneficiaries that involves improper use of position is prohibited.
NO SEX WITH BENEFICIARIES
- 5**
UN personnel are obligated to report any concerns regarding SEA by fellow workers.
ALWAYS REPORT SEA
- 6**
UN personnel are obliged to create and maintain an environment which prevents SEA.
DISCOURAGE SEA AROUND YOU, ANYTIME AND ANYWHERE

³³ ST/SGB/2018/1 Staff Regulations and Rules of the United Nations, Rule 1.2 (e) available at <https://hr.un.org/handbook/staff-rules>; ST/SGB/2003/13, United Nations Secretary-General's Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 3.2 (b); United Nations, Protection from sexual exploitation and abuse, SEA Frequently Asked Questions (March 2010), para. 13-15 and 17

³⁴ RDTL Penal Code articles 177-178: Sex with persons under the age of 14 is prohibited and sex with persons under the age of 16 is prohibited if one takes advantage of the child's inexperience.

³⁵ In Timor-Leste the minimum age to marry is 17, or 16 if parents authorize it. Civil Code Article 1490

³⁶ Adapted from IASC Learning Package on Protection from Sexual Misconduct for UN partner organizations, May 2020 available at <https://interagencystandingcommittee.org/iasc-learning-package-protection-sexual-misconduct-un-partner-organizations>

2.3 SEXUAL HARASSMENT

SEXUAL HARASSMENT

Is in UN Policy defined as “any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work.”³⁷

The UN strictly prohibits sexual harassment. Everyone in a UN working environment has to be treated with dignity and respect and UN Personnel should be aware of their role and responsibilities in maintaining a workplace free of sexual harassment.

Sexual harassment can take the form of words, gestures or actions, and includes also electronic messages.



Sexual harassment causes offence, humiliation, pain and creates an intimidating, hostile and offensive work environment.

UN policy prohibits **sexual harassment that occurs in the workplace or in connection with work**. This means that sexual harassment may occur at the workplace itself or may occur outside the workplace and outside working hours, including during official travel or social functions related to work.

UN prohibits any **unwelcome** sexual conduct in a work environment. This means it is the perspective of the targeted victim that counts.³⁸ “Unwelcoming” does not require threat or force. Sexual conduct may be unwelcome even though a victim complies with a sexual request or demand. The victim may only comply out of fear, vulnerability or other reasons. The offender may be a colleague, including a supervisor, a peer or a subordinate. It is an aggravating factor when the offender is a senior official or supervisor. In those instances, due to the victim’s position of vulnerability or having less power, unequal or coercive conditions sexual harassment may also constitute sexual exploitation or abuse.³⁹

³⁷ ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, Section 1.5 Available at <https://undocs.org/en/ST/SGB/2019/8>

³⁸ ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, Section 1.6

³⁹ ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, Section 1.7

EXAMPLES OF SEXUAL HARASSMENT:



- A UN staff is standing close to his colleague, puts his hand on her shoulder and starts giving her an unwelcome massage.

- A UN staff send an email with a pornographic attachment to his colleague.

- During a work trip in a municipality, a UN staff indecently exposes himself to a colleague in the corridor of their accommodation.

- During a coffee break at the office, a UN staff makes an explicit sexual gesture at the office cleaner.

- A UN staff sends sexual messages to his or her colleague through social media.

- A guard contracted by the UN to guard the compound yells out sexual insults to a LGBTI person walking by.

- A UN staff at a UN workshop with civil society partners frequently makes sexual jokes.

- A UN staff on a daily basis asks his assistant out for a beach walk at night and specifically suggests a location known for where young couples having sex.

KEY MESSAGES⁴⁰

RELATING TO SEXUAL HARASSMENT (SH)

1

SH can take many forms, from inappropriate jokes to rape and attempted rape. SH constitutes an act of misconduct and every organization should take action to prevent SH.

PREVENTION FIRST

2

SH may occur inside or outside the workplace and work hours, and may be perpetrated by or target any colleague, of any status and of any gender.

SH CAN HAPPEN ANYWHERE

3

All organizations need policies and processes to ensure that victims are supported and perpetrators face consequences.

NO IMPUNITY

4

The victim has the right to support and assistance that is provided in a timely, sensitive, confidential and impartial manner.

SUPPORT AND ASSIST VICTIMS

5

In accordance with a victim-centred approach, the victim's rights, needs and preferences should be central in any process and in support services.

VICTIMS FIRST

6

Employees should treat all colleagues with courtesy and respect, be aware of how their own behaviour may be perceived, and take action where appropriate.

DISCOURAGE SH AROUND YOU, ANYTIME AND ANYWHERE

⁴⁰ Adapted from IASC Learning Package on Protection from Sexual Misconduct for UN partner organizations, May 2020 available at <https://interagencystandingcommittee.org/iasc-learning-package-protection-sexual-misconduct-un-partner-organizations>

SEXUAL HARASSMENT

MYTHS

Now I can't talk with my female colleagues



Employees need to talk with each other, but conversations should not embarrass colleagues or offend their dignity. You need to know that conversations with sexual connotations always run the risk of making a colleague feel uncomfortable. In the end, you are in a place of work, not your own home!

Behavior is only classified as sexual harassment if it is repeated



Sexual harassment is based on impact, not on intention. Therefore, a behavior of a sexual nature that is done only once can make a negative impact on the work environment or on the victim, and is therefore classified as sexual harassment.

Sexual harassment always occurs because the perpetrator intends for it to happen



Sexual harassment is based on impact, not intention. Therefore, sexual harassment occurs when someone feels offended or uncomfortable because of any kind of behavior with sexual connotations. Often because behavior occurs repeatedly, or is seen by many people, the perpetrator may think that there is no problem.

Women that wear short or tight clothes want others to talk about them or touch them



People are free to dress the way they feel the most comfortable! If a man walks around without a shirt, that does not automatically mean that he wants someone to touch his chest.

"Who asked you to look?!!" It's not my fault - my workmate was looking at my computer



A person who saves or looks at pornographic photos or videos, or those related to sex, on the computer or on internet in the workplace commit sexual harassment because they create a hostile, disrespectful and abusive working environment.

"She's just playing!" When women say no, they really mean yes



If someone wants something, he or she can accept it and say "yes," or "I would like .." If the person says they do not want something, then they do not. It's simple. Pretending to not understand when someone says "No," or continuing to ask or pressure is a lack of respect and offends the person's dignity, and is a form of sexual harassment.

Now I can never have a romantic relationship with a work colleague



Work colleagues can become romantically involved. Supervisors and subordinates should not have romantic relationships because of the power difference between the two. It is important, however, to think about the fact that starting a romantic relationship with a work colleague can potentially risk going against ethical standards or violate work regulations because an employee's feelings can dominate their professionalism (feelings of love and/or jealousy). And if a romantic relationship ends, this can have a strong impact on the work and performance, and it could be difficult for colleagues to continue to work well with someone with whom they were previously romantically involved.

FACTS⁴¹

You can speak with anyone in your workplace, but always with respect

Behavior that is done only one time can be classified as sexual harassment

Often sexual harassment occurs even though the perpetrator did not intend for it to happen

People who wear short or tight clothing do so because they like that type of clothing, the style, or like the way their own body looks in the clothes

The workplace is a public space, therefore all behavior needs to be professional

"No" is NO!! If the person says they don't want something, don't ask again!

Relations in the workplace need to be loving and respectful

⁴¹ Reproduced from JU,S Jurídico Social, Sexual Harassment Concept and Prevention, March 2018.

2.4 SEXUAL MISCONDUCT AND UN PERSONNEL: RESPONSIBILITIES AND RESOURCES

2.4.1 PREVENTION

The UN continues to strengthen measures aimed at preventing sexual misconduct by UN personnel.

Prevention measures include:

- capacity development of UN personnel
- designation of focal point in this area
- vetting and referencing procedure for job applicants

A key prevention strategy is the mandatory online learning to be completed by all UN Personnel at the start of their employment.

MANDATORY e-learning courses (updated until April 2020)

- Prevention of Sexual Exploitation and Abuse by UN Personnel
- Prevention of Sexual Harassment and Abuse by United Nations Personnel – Working Harmoniously
- (managers only) Prevention of Sexual Exploitation and Abuse by UN Personnel: Managers and Commanders

These mandatory modules can be complemented by regular internal UN office discussions to clarify UN standards, complaints mechanisms and raise awareness of gender equality. Under UN rules on sexual harassment, UN staff have an obligation to raise their awareness through available training of the very specific harassment threats that transgender and gender non-conforming individuals can face.⁴²

Remember that sexual exploitation, abuse and harassment are forms of gender-based violence, and that gender-inequality is the root cause of gender-based violence. Working towards gender equality includes transforming our perception of the roles of women and men in society to ensure they can enjoy equal rights and opportunities. Given that UN contractors, suppliers and partners are required to adhere to the UN zero-tolerance policy on sexual misconduct, UN awareness sessions should also extend to businesses, government and civil society supporting the UN.

As per applicable rules, most UN Agencies in Timor-Leste have appointed a Focal Point for the prevention of sexual exploitation and abuse (PSEA). In view of the recently enhanced UN Policy on sexual harassment (ST/SGB/2019/8) and an overall increased UN coordination and action on violence against women⁴³, it may be appropriate to (subject-matter wise) broaden the role of UN focal points to also include sexual harassment, and other forms of gender-based violence (including domestic/intimate partner violence). An enhanced UN Focal Point on the prevention of sexual exploitation, abuse and harassment, and other forms of gender-based violence (PSEAH+) can play a crucial role in raising awareness on the UN standards and can also serve as key entry point for queries of staff as well as beneficiaries. Focal points, being the UN staff with relevant knowledge, can also serve as a channel for receiving complaints and transmitting reported allegations of sexual exploitation, abuse or harassment to the relevant authority. A draft/model terms of reference for PSEAH+ focal points can be found in Annex 2.

Another relevant prevention measure relates to screening and reference check of job applicants.

For internal applicants, a highly secure online platform of a centralized database launched in 2018, named “Clear Check”, permits information sharing between UN entities on offenders and alleged offenders of sexual misconduct to prevent re-employing offenders within the UN system.⁴⁴

⁴² ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, Section 3.5 (e) ⁴³ Through for example the UN Secretary-General’s UNiTE by 2030 to End Violence against Women campaign (UNiTE campaign) ⁴⁴ A/73/744, Special measures for protection from sexual exploitation and abuse Report of the Secretary-General, 14 February 2019, para.40 and ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, Section 1.17

To join the database, Human Resources staff will require a specific access which can be obtained through a formal request to the coordinating entity (Office of the Special Coordinator on improving UN response to sexual exploitation and abuse or the Chief Executives Board Secretariat) through the Head of Agency.⁴⁵

Candidates who have not worked as staff with the United Nations in the past are screened for sexual misconduct allegations through reference checks as part of the selection procedure.

Implementing Partners

Considering that the UN rules and procedures for the prohibition of sexual exploitation and abuse are also applicable to UN implementing partners, UN agencies in Timor-Leste also have a responsibility to work pro-actively with implementing partners to ensure adequate safeguards and appropriate action related to sexual exploitation and abuse.

Implementing partners may include government institutions, inter-governmental organizations, and civil society organizations, including NGOs. Implementing partners' subcontractors are subsumed within this definition.

A sexual exploitation and abuse related screening process before entering into cooperative arrangements with implementing partners is required by the 2018 **United Nations Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners**.⁴⁶ The relevant UN agency shall assess the capacity of the potential implementing partner to prevent or to mitigate risks of sexual exploitation and abuse. Reviewing internal procedures and code of conduct as well as any training given by the implementing partner to its employees is part of that assessment.

If a UN agency selects an implementing partner that is assessed as having weak capacity to prevent or to mitigate risks of SEA, the agency is required to:

- (a) Justify the selection of that implementing partner notwithstanding its assessed weak capacity to prevent or to mitigate risks of SEA; and
- (b) Implement appropriate risk mitigation measures, including capacity building and monitoring

2.4.2 SURVIVORS' SUPPORT

UN Personnel should support survivors of gender-based violence, including those affected by sexual misconduct conducted by UN personnel.

The most valuable way of showing support is by facilitating access to support services for survivors of gender-based violence.

A list of health, psycho-social, legal, shelter accommodation and other services is available in Annex 1. Ethical principles of consent require that a survivor can never be compelled to accept support. The role of UN personnel, in particular managers and PSEAH+ focal points, is ensuring easy and full access to the relevant information and when requested by victims/survivors, assisting with the initial contact to services. UN internal rules and procedures also identify measures that can reduce the harm to the survivors. Potential support for the person who experienced sexual misconduct ranges from interim measures for protection as well as accommodation steps to support continued work performance in view of the reality of the sexual misconduct.

Interim protection measures aim at giving an immediate protection relief to the alleged victim and/or support an effective and accountable disciplinary procedure.

⁴⁵ Standard Operating Procedure: Clear Check Screening Tool, 2nd Edition, July 2019. ⁴⁶ The UN Protocol on Allegations of SEA involving Implementing Partners outlines requirements of the United Nations, including its funds and programmes (collectively, the "UN"), when working with implementing partners, to ensure adequate safeguards and appropriate action related to sexual exploitation and abuse (SEA). Protocol dated 21 March 2018 – available at <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/policies>

Interim Protection Measures	Type of Misconduct	Victim/Survivor
Administrative leave of offender (with or without pay) [ST/AI/2017/1, section 11.3 and 4; ST/SGB/2019/8, section 6.10]	<ul style="list-style-type: none"> ✓ sexual exploitation ✓ sexual abuse ✓ sexual harassment 	<ul style="list-style-type: none"> ✓ UN personnel ✓ Other
Reassigning offender or victim/survivor [ST/SGB/2019/8, section 6.10]	<ul style="list-style-type: none"> ✓ sexual exploitation ✓ sexual abuse ✓ sexual harassment 	<ul style="list-style-type: none"> ✓ UN personnel ✓ Other
Physical separation of the alleged offender and victim/survivor [ST/SGB/2019/8, section 6.10]	<ul style="list-style-type: none"> ✗ sexual exploitation ✗ sexual abuse ✓ sexual harassment 	<ul style="list-style-type: none"> ✓ UN personnel ✗ Other
Granting Annual Leave or Special leave to offender or victim/survivor [ST/SGB/2019/8, section 6.10]	<ul style="list-style-type: none"> ✗ sexual exploitation ✗ sexual abuse ✓ sexual harassment 	<ul style="list-style-type: none"> ✓ UN personnel ✗ Other
Temporary changes in reporting lines [ST/SGB/2019/8, section 6.10]	<ul style="list-style-type: none"> ✗ sexual exploitation ✗ sexual abuse ✓ sexual harassment 	<ul style="list-style-type: none"> ✓ UN personnel ✗ Other

Accommodating measures or steps – in UN Policy terms labelled as “accommodations” - aim at mitigating the impact which the misconduct could have on the victim’s work performance. Accommodations are applied when the person experiencing sexual harassment is a UN staff member.

Accommodations include:

- Review or new workplan
- Special leave
- Other flexible working arrangements

The measures to be applied will depend on the specific situation considering the context of the sexual misconduct as well as the specific needs of the victim. There is no automatic entitlement to any of these measures for a victim.

However, Head of Agencies are under the duty to proactively identify whether the sexual harassment impacted negatively on the victim’s work performance⁴⁷, and shall also ensure that the victim is duly informed of these potential measures which s/he can benefit from in order to identify the most adequate to support the victim.

Although accommodations and interim measures, with the exception of the placement of an alleged offender on administrative leave, are specifically provided in UN Policy on sexual harassment, they can always be considered by Heads of Agencies in all sexual misconduct cases. As stated in section 2.3, when the victim is a UN staff the alleged sexual harassment may also constitute sexual exploitation or abuse, and therefore measures identified above could be applied, when needed.

⁴⁷ ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, section 6.7.

2.4.3 SIGNS FOR MANAGERS AND TALKING TO SURVIVORS

Managers play a crucial role in early intervention to stop sexual misconduct.

Early intervention relates to the identification of the violence and taking quick actions to stop the violence or to support the victim/survivor.

Managers have a responsibility for their staff's well-being and should take note of any changes in behaviour that may be a sign that a person is a victim sexual misconduct.⁴⁸



WORK PRODUCTIVITY SIGNS:

- Change in the person's working patterns: for example, frequent absence, lateness or leaving work early
- Reduced quality and quantity of work: missing deadlines, a drop in usual performance standards
- Change in the use of the phone/email: for example, a large number of personal calls/texts, avoiding calls or a strong reaction to calls/texts/emails



CHANGES IN BEHAVIOUR OR Demeanour:

- Conduct out of character with previous employment history
- Changes in behaviour: for example, becoming very quiet, anxious, frightened, tearful, aggressive, distracted, depressed etc
- Isolating themselves from colleagues
- Obsession with timekeeping



PHYSICAL SIGNS:

- Visible bruising or single or repeated injury with unlikely explanations
- Change in the pattern or amount of make-up used
- Change in the manner of dress: for example, clothes that do not suit the climate which may be used to hide injuries
- Substance use/misuse
- Fatigue/sleep disorders



OTHER SIGNS:

- Flowers/gifts sent to employee for no apparent reason
- Superior making unusual demands of subordinates for overtime or accompany to office lunch/dinner
- Isolation from family/friends.

While noticing changes in behaviour of a staff is not to equate to an automatic conclusion that staff is a victim of violence, the signs highlighted above should raise an alert from the part of the managers/supervisors and to have managers/supervisor's making an effort to support the staff.

If you are worried that a colleague is a victim of gender-based violence and you want to help, remember that people might not want to discuss this. When you reach out, a first step is to look for a quiet and safe place where you can talk privately. In case of suspected sexual misconduct (sexual exploitation, abuse or harassment) a location outside the UN workplace may be more suitable.

When reaching out to a staff due to concerns about his/her well-being, gender is a consideration. If you are a male manager or colleague and the suspected survivor is female, you may consider asking assistance of a female colleague when reaching out to the victim.

It is important that you address the person in an open and a non-judgemental manner and without pressure. At one point you could ask whether they are in danger and need help.

Some important DO's and DON'Ts when talking to survivors of gender-based violence:

⁴⁸ Adapted from UN Women, Responding to Domestic Violence: A resource guide for UN Personnel in Nepal, pp.36-37

WHEN TALKING TO SURVIVORS OF GENDER-BASED VIOLENCE

DO'S

*Show empathy with the victim:
Be sensitive, non-judgemental,
re-assure victims that the abuse
is not their fault*

*Practical: Be supportive and offer
solutions, share a list of referral
services the victim can access in TL*

*Facilitate access to support
services by sharing relevant
information, facilitating access to
transport or making the initial call
if the victim wants*

*Listen actively, ask simple
clarifying questions aimed at
supporting the victim*

*Be supportive: Validate the victim's
feeling and support their decisions*

Be discrete

DON'Ts

Don't blame the victim

*Don't force or compel a victim
to accept support*

*Don't adopt role of
support worker: Unless you are
a trained psychologist you may do
more harm than good by trying to
give counselling advice*

*Don't be aggressive, show
disinterested body language or ask
leading/judgemental questions*

*Don't dismiss or make fun of the vic-
tim's feelings and decisions*

*Don't discuss in an open office
space or open public space. Don't
leave notebooks on the conversation
in shared office space or on desk.*

*Don't share the private
conversation with the victim with
other colleagues or family/friends*

2.4.4 WITNESSING SEXUAL MISCONDUCT

All UN Personnel has a responsibility to promote a healthy and respectful work environment, and to uphold the integrity of the institution. This means that everyone needs to stand up and take action when hearing about sexual misconduct.

When a colleague knows about or witnesses sexual exploitation, abuse or harassment and does not take any action, this can contribute to the continuation of the sexual misconduct.

A witness or bystander should consider the following proposed actions:⁴⁹

THE 5 D'S

DIRECT

Confront the offender. Need to be assertive and clear, and the intervention short

DISTRACT

Indirect action. Do something to distract or break the offender's concentration

DELEGATE

Get help from someone else appropriate

DOCUMENT

Document the occurrence if possible (video, photo or audio)

DIALOGUE

Talk with victim and give support. Show solidarity and ask how you can help

⁴⁹ Adapted from Green Dot and Hollabacks!, available at <https://www.ihollaback.org/bystander-resources/>



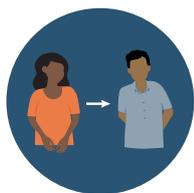
DIRECT ACTION

- Direct confrontation
- Need to be assertive and clear, and the intervention should be brief. Do not argue with or discuss with the offender. For example, say “Leave her alone,” or “That behaviour is not appropriate.” If perhaps the offender is telling an offensive joke or story, a bystander can say, “That’s not funny.”
- Often it is difficult to take direct action, as this could involve the bystander in the problem, and could also present a risk to the bystander and/or the victim, and could result in making the problem even bigger
- It is important to analyze thoroughly whether direct action would be effective according to each specific situation



DISTRACT

- An indirect action – an action not related to the sexual misconduct
- Do something to distract the offender and divert attention to something else, or prevent the offender from having the opportunity to continue his or her behavior, or break his or her concentration
- Using distraction requires creativity! For example: suddenly ask for information (« Have you seen the newspaper today? »), make a sudden noise by dropping a heavy object, turn on and off the lights, ask for help urgently with something, etc.



DELEGATE

- Search for support from other persons who may be able to provide support
- Talk to your agency’s PSEAH+ Focal Point or Head of Agency
- Support can also come from work colleagues, supervisor as well as specialized NGOs and other entities



DOCUMENT

- If there is the opportunity and if it is safe for you to do so, make a film or audio recording of the incident
- Important to inform the victim that you have made a recording, and ask what he or she wants to do with it.
- DO NOT share or publish the recording in any way without the victim’s consent. You could re-traumatize the victim



DIALOGUE

- Always look for a way to speak with or check in with the victim after the incident; witnessing sexual exploitation or abuse is rare and it is more likely one will learn of it afterwards; sexual harassment often happens quickly, so it is difficult to take direct or indirect action.
- Important to clearly express that the victim is not alone. Letting a person know that someone is willing to help can make a huge impact on the victim’s life.
- Ask the affected person if they are OK, let him or her know that you saw what happened or heard about what happened, and offer support. Allow the victim to identify the kind of support he or she needs, and be prepared to be told that support is not necessary.
- If you were present perhaps you have documented the situation, ask the victim what he or she wants you to do with the recording.

2.4.5 REPORTING AND DEALING WITH THE MISCONDUCT

UN staff has an obligation to report sexual misconduct as soon as they are aware of the alleged sexual exploitation, abuse or harassment. Failure to report may actually constitute an act of misconduct in itself if it contributes to its continuation.⁵⁰

Staff Regulations and Rules of the United Nations Staff Basic rights and obligations of staff - Rule 1.2

(c) Staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

ST/AI/2017/1 Administrative instruction Unsatisfactory conduct, investigations and the disciplinary process Section 3 Unsatisfactory conduct and misconduct

3.5 Misconduct for which disciplinary measures may be imposed includes, but is not limited to:

**(d) Discrimination, harassment, including sexual harassment, abuse of authority and retaliation;
(g) Sexual exploitation and sexual abuse;**

3.6 Misconduct may also include assisting in, or contributing to, the commission of misconduct.

Formal reporting

While investigation into misconduct is not a responsibility of the UN agencies in Timor-Leste, it is of extreme importance to ensure that both victim/survivors as well as witnesses have a number of different channels to make a formal reporting.

There are several avenues to report violation of UN rules and procedure⁵¹: at Timor-Leste level and at central level.

At the Agency level (serve as first point of entry):

- PSEAH+ Focal Points in the UN in Timor-Leste
- Human Resources Manager or Staff
- Head of Agency or Direct supervisor of the staff concerned

The person who first receives the report on alleged sexual misconduct has the duty to record the information, provide immediate support to the victim and inform as soon as reasonably possible the Head of Agency of the reported misconduct.

REPORT WRONGDOING

To the Office of Internal Oversight Services or Headquarters:

- Online reporting form on the website of the Office for Internal Oversight Services (OIOS):

<https://oios.un.org/report-wrongdoing>

- Email or call the OIOS in New York.

investigationsoios@un.org

+ 1 212-963-1111

- Email or call the Conduct and Discipline Service in New York:

cdt-misconduct@un.org

+ 1 917-423-5256

⁵⁰ ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 1.2 Basic rights and obligations of staff (c); ST/AI/2017/1 Administrative instruction Unsatisfactory conduct, investigations and the disciplinary process, Section 3.5, 3.6 and 4.1

⁵¹ ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 4.3,

When a formal report is made, the reporting will have to include a detailed description of the misconduct:



- Name/position of alleged offender(s)



- What has happened



- When and where the misconduct occurred



- Victim(s) and witness(es) of the sexual misconduct (not essential to know the specific identification of the victims, alternatively provide any information that may assist in identifying victims and witnesses)



- Available supporting documentation (if any)

If you are reporting an incident where a video or audio recording has been made, it is essential to have consent from the victim/survivor before submission of the recording.

When formally reporting an alleged sexual misconduct, it may be useful to know that

- Many different terms are used in UN policies: Staff registering a complaint may also use terms such as affected individual (victim) and impacted individual (victim, witness or bystander).⁵²
- It is not a staff's role to classify the alleged misconduct: one is not required to specify which specific category of misconduct applies (sexual exploitation, sexual abuse or sexual harassment). A staff reporting a case simply needs to report the concern.⁵³
- The reporting is confidential and secure:
 - **Confidential** means that the complainant (the person who reported) and/or the victim's identity will not be publicly disclosed. It also means that the complainant's identity can also be confidential towards the offender
 - **Secure** means that no retaliation will take place against the person who reported the violation of the rules or against the victim. The UN has a 'whistle-blower protection policy'⁵⁴, which applies to all staff, interns, volunteers, individual contractors and consultants. The policy has been set up to make sure UN staff feels safe and secure enough to report any concern towards a misconduct, including cases involving senior officials.⁵⁵
- Advice on how to report is available: Reporting about sexual misconduct is by nature a sensitive matter. It may also be difficult to report concerns about a colleague. If unsure what to do, advice should be available from your UN agency's PSEAH+ focal point.

Alternatively, information can be requested through the UN helpline 'Speak up' (speakup@un.org or + 1 917 367 8910 – free of charge; US working hours). The UN helpline can inform about what to do and which procedures will be appropriate to effectively deal with the alleged misconduct. The search for advice through this helpline can be done anonymously.⁵⁶

⁵² ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 4.5; ST/SGB/2019/8 Secretary-General's Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, section 1.9-12

⁵³ UN SEA FAQ March 2010, question 26

⁵⁴ ST/SGB/2017/2/Rev.1, Secretary-General's bulletin Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations, section 3

⁵⁵ <https://oios.un.org/report-wrongdoing>

⁵⁶ ST/SGB/2019/8, Secretary-General's Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, section 4.2

REMEMBER THAT INTEGRITY AND PROFESSIONALISM ARE CORE VALUES OF THE UN.

Sexual misconduct is not only an issue between individuals, it affects the entire UN System.

Therefore,
reporting is not a “betrayal” to a friend
not reporting is a “betrayal” to the institution

The United Nations Office of Internal Oversight Service (OIOS) retains ultimate authority over the handling of sexual misconduct allegations. However, OIOS may delegate preliminary assessment of the case to the responsible official, that is the UN Head of Agency in Timor-Leste. Upon conclusion of preliminary assessment, a full investigation may be initiated or administrative measures/managerial action may be taken.⁵⁷

Informal resolution

Informal resolution

- Is not an option for sexual exploitation and abuse
- Always requires the victim’s informed consent
- Can happen in parallel with a formal process
- Primarily aims to end the sexual harassment behaviour and educate the offender

Victims of sexual harassment may, on a voluntary basis, attempt to resolve sexual harassment informally.⁵⁸

The informal resolution is considered as an optional avenue specially the misconduct of sexual harassment considering that its definition is based on the perspective or experience of the victim (impact or consequence), and not the intention of the offender. With this, at times, an informal resolution can be an effective measure to promote increased compliance with UN rules.

The informal and formal processes can both be used to resolve an incident and a person does not need to wait for one process to be completed before moving to the other.

There are a number of informal pathways to resolve complaints regarding sexual harassment⁵⁹:

- Approaching the alleged offender as that individual may not understand that they are being offensive and, if asked, may change his/her behaviour.
- Asking for support from a colleague/superior/manager to be present during a meeting with the alleged offender to let them know his/her conduct is unwelcome and request that such conduct cease.
- Contacting Human Resources or Head of Office to request their guidance and support.
- Contacting UN Counsellor to request advise on how to approach the perspective of informal resolution
- Consulting the Office of the Ombudsman which can provide assistance to both the victim/survivor and his/her manager in examining the various options in the dispute resolution process, providing support within the informal process framework, informing on the procedures foreseen in the formal grievance process, provide support with mediation.

⁵⁷ ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process section 5 ⁵⁸ ST/SGB/2019/8 Secretary-General’s Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, section 4.10 ⁵⁹ The UN Women Policy on Workplace Harassment & Abuse of Authority (updated 1 January 2018), paras. 29-36.

Should staff wish to pursue the informal mechanism, they are encouraged to do so as soon as possible after an incident has occurred.

The informal process can only be engaged if the person experiencing harassment is willing to do so.

An informal resolution is based on the victim's informed consent. A manager may not influence his/her staff to move to an informal resolution process to deal with sexual harassment. A manager can inform the relevant staff of the possibility of moving towards an informal procedure where the Head of the UN agency in Timor-Leste (or another designated person) can serve as a third party to support the informal resolution of the sexual harassment.

The informal process is intended to make the behaviour stop. It is of an educational and not a punitive nature. The informal resolution will not result in disciplinary punishment, but it can lead to administrative measures being taken such as, though not limited to, a negative performance assessment or a letter of reprimand.

It is a supervisor's task to support a staff who has been a victim of sexual harassment and direct them to the available support services, propose and explain the option of an informal resolution and facilitate such a process if the victim agrees. If the UN supervisor is not able to do so, they should request advice and support from the PSEAH+ focal point or Head of Agency.

WHEN FACILITATING INFORMAL RESOLUTION OF SEXUAL HARASSMENT

DO'S

Explain the objective of the informal resolution session (i.e. to stop the harassment)

Ensure that the process is voluntary

If needed, guide the person harassed to explain how s/he felt and how the behaviour has impacted (by asking questions)

Make an effort to control the dialogue, promoting active listening by the offending party

State firmly that the harassment has to stop/behaviour of offending party has to change

DON'Ts

Take ownership of the process (let the victim/survivor lead the process, if possible)

Reinforce offender's status (when offender has a more senior position)

Make judgmental observations or comments which reinforce stereotypes

Allow any of the parties to use offensive language or allow that the session becomes a harassment event, impacting even more on the offended party

It is recommended that the facilitator of the informal resolution process ensures that s/he has an introductory dialogue with each of the parties separately prior to the informal resolution session.

2.4.6 CONSEQUENCES FOR VIOLATING UN STANDARDS

The United Nations takes sexual misconduct very seriously. UN Staff perpetrating sexual misconduct will mostly likely receive severe consequences.

Confirmed sexual misconduct may lead to the imposition of disciplinary measures, financial recovery, administrative measures and/or managerial action.⁶⁰

Potential Consequences for Sexual Misconduct Offenders

- Administrative measures include an oral or written reprimand, reassignment and/or change of duties. It also includes administrative leave with or without pay.
- Managerial action includes an oral or written caution, warning or advisory communication, training, coaching and or referral of the staff member to the staff counsellor.
- Disciplinary measures that can be applied as the outcome of a disciplinary process include:
 - (I) Written censure;
 - (II) Loss of one or more steps in grade;
 - (III) Deferment, for a specified period, of eligibility for salary increment;
 - (IV) Suspension without pay for a specified period;
 - (V) Fine;
 - (VI) Deferment, for a specified period, of eligibility for consideration for promotion;
 - (VII) Demotion with deferment, for a specified period, of eligibility for consideration for promotion;
 - (VIII) Separation from service;
 - (IX) Dismissal.

If a UN investigation of alleged sexual exploitation, abuse or harassment establishes credible allegations of criminal conduct, the UN in Timor-Leste may, upon consultation with the United Nations Office of Legal Affairs (OLA), refer the matter to national authorities for possible criminal procedure.⁶¹

A victim/survivor, as well as any witnesses, can always report the crime directly to the police or prosecutor authorities.⁶²

⁶⁰ ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 2.1 (d) and (e), section 3.2, section 8; ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 10.2 (a); For non-staff personnel (i.e. UNVs, individual consultants, contractors, interns & persons providing services) consequences will depend on terms and conditions of their contract (UN SH Policy ST/SGB/2019/8 section 1.13 and section 2)

⁶¹ ST/SGB/2019/8 Secretary-General's Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, section 5.8 and ST/SGB/2003/13, United Nations Secretary-General's Bulletin Special Measures for protection from sexual exploitation and sexual abuse, Section 5

⁶² RDTL Criminal Procedure Code articles 210-213

SUMMARY CHAPTER II: SEXUAL MISCONDUCT

DEFINING SEXUAL MISCONDUCT

	<i>Sexual Exploitation (SE)</i>	<i>Sexual Abuse (SA)</i>	<i>Sexual Harassment (SH)</i>
Against Whom?	<ul style="list-style-type: none"> • UN Staff > Anyone 	<ul style="list-style-type: none"> • UN Staff > Anyone 	<ul style="list-style-type: none"> • UN Staff > Anyone • UN Staff > Partners • UN Staff > Beneficiaries
What	<ul style="list-style-type: none"> • Abuse of vulnerability, differential power or trust • Victim's sexual activity generates benefits 	<ul style="list-style-type: none"> • Physical intrusion of a sexual nature • Use of force or coercion 	<ul style="list-style-type: none"> • Unwelcome advance of conduct of a sexual nature • Creates an intimidating environment or becomes a condition of employment
When	<ul style="list-style-type: none"> • Anytime (24/7) • Anywhere, even at home, while on holidays or out of mission area 	<ul style="list-style-type: none"> • Anytime (24/7) • Anywhere, even at home, while on holidays or out of mission area 	<ul style="list-style-type: none"> • At work or work related activities, including social events • Anywhere, when related to work
Examples	<ul style="list-style-type: none"> • Offering money, gifts, or a job in exchange for sex • Withholding due services or blackmailing for sex • Hiring sexual workers • Threats of sexual exploitation 	<ul style="list-style-type: none"> • Unwanted kissing, touching, grabbing or rubbing • Threats of an unwanted sexual act • Raping or attempted rape • Any sexual activity with a child 	<ul style="list-style-type: none"> • Touching, kissing or speaking inappropriately to a colleague at work • Sending non solicited messages of sexual nature • Offering work related rewards (like promotion) in exchange of any sexual act 



CHAPTER III: DOMESTIC VIOLENCE

The previous chapter covered the clear and stringent UN rules and policies addressing sexual misconduct by UN personnel, such as sexual exploitation and abuse, and sexual harassment.

The UN also condemns all forms of domestic violence. Although it is primarily the task of the authorities of Timor-Leste to deal with this violence, and to provide services and access to justice to the victims, the UN views ending domestic violence and supporting victims as a responsibility of all of its personnel.

The UN is committed to join the national authorities in their effort to create a safe country for all and a nation that ensure women and children, the most common targets of domestic violence, can enjoy their rights to live free from violence. Given the high prevalence of domestic violence in Timor-Leste, it is likely that UN staff, whether Timorese or international, have experienced violence, witnessed violence or even acted as perpetrators of domestic violence.

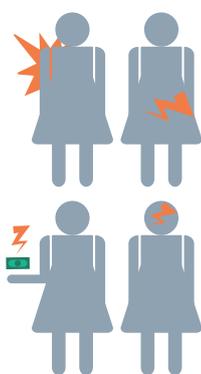
In addition to the individual impacts from violence, domestic violence can have significant costs for workplaces, including absenteeism, high staff turnover and reduced productivity. This highlights that while employers - including the United Nations - must address domestic violence from an ethical and human rights-based perspective, there will also be economic benefits from investing in responsive and preventative measures for domestic violence.⁶³

3.1 CONCEPT AND TYPES OF DOMESTIC VIOLENCE

Domestic violence refers to all forms of violence between individuals within the domestic setting or 'family' context, with or without co-habitation.

Domestic violence refers to the context, not the location. Family context encompasses blood relatives, intimate partners, current or ex-spouses, as well as domestic workers (economic dependency). Violence can occur irrespective of one's age and can thus include violence towards children, parents or the elderly.

Domestic violence is a criminal act in Timor-Leste punishable with imprisonment.⁶⁴



Domestic violence manifests itself as:

- Physical violence: slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threatening with an object or weapon, holding a person captive, and murder
- Sexual violence: coerced sex through threats, intimidation or physical force; forcing unwanted sexual acts; or forcing to have sex with others
- Psychological violence: intimidation; threats of abandonment or abuse; confinement to the home; surveillance; threats to take away custody of the children; isolation; verbal aggression and constant humiliation
- Economic violence: the denial of funds, refusal to contribute financially, denial of food and basic needs; controlling access to health care and employment opportunities; destruction of objects of the common household⁶⁵

⁶³ UNiTE Working Group, Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia, 2019 (updated Feb2020), p.18 ⁶⁴ RDTL Law Against Domestic Violence No.7/2010, of 19 May, Articles 35 and 36; RDTL Penal Code, Articles 138,139 ,141,145,146,153,154,155,156,167,171,172,175,177,178 and 179 ⁶⁵ Examples of domestic violence acts sourced from UN Women/UNCT Nepal, Responding to domestic violence: A Resource Guide for UN Personnel in Nepal, 2018, p.11. RDTL Law Against Domestic Violence No.7/2010 (Article 2) defines the same four categories of violence.

DOMESTIC VIOLENCE

MYTHS

With marriage, sexual consent is automatically given all the time



FACTS

A woman's personal right to choose when to have sex is not lost with marriage

It is crucial to maintain trust and respect in any relationship, including marriage. Intimate partners have to be able to rely on each other. Coercing your wife to have sex as part of "spousal duties" is not a healthy way of showing your love. Marital rape is a crime in Timor-Leste (RDTL Law on Domestic Violence No. 7/2010, of 19 May, Article 35 (b) and RDTL Penal Code, Article 172-173).

A husband who is the breadwinner can do as he pleases with the marital property



A couple own the marital property jointly and destruction of marital property is a crime

A married couple has, as a general rule, joint ownership under national law in Timor-Leste. It does not matter what one spouse makes as remuneration or the other, everything that anyone of them makes is joint marital property and belongs to both at the same time. The destruction of any marital asset is domestic violence.

A married woman has a duty to take care of the family and violation should be met with punishment

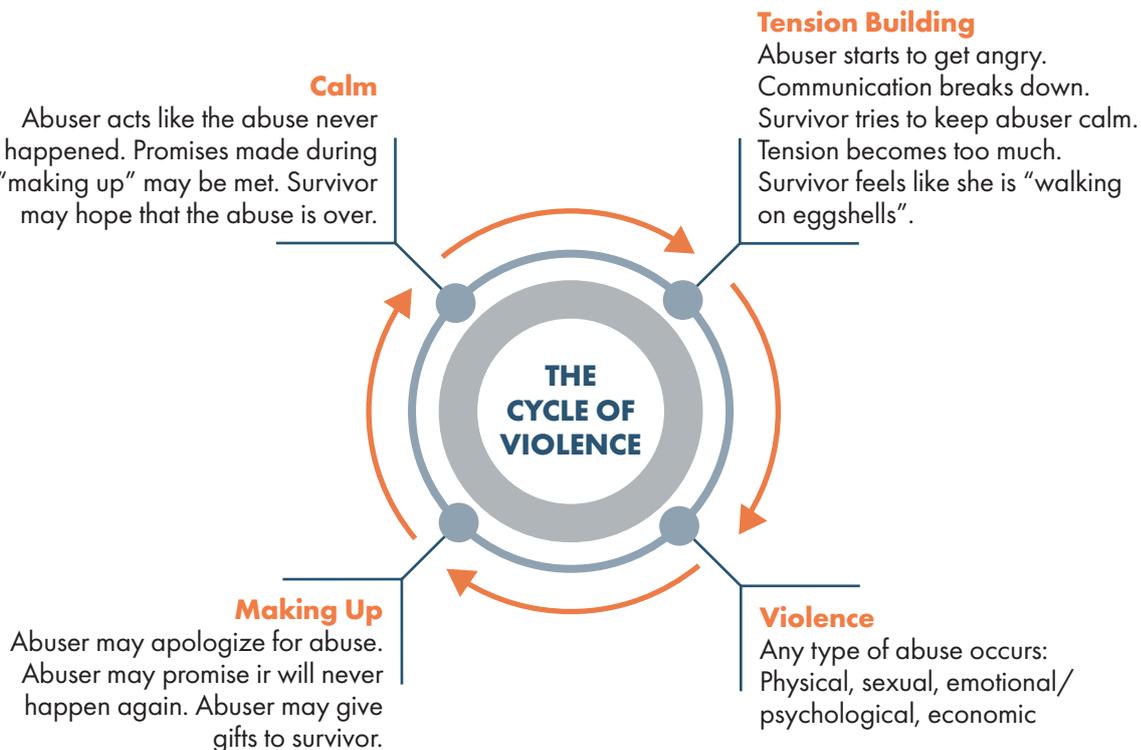


Spouses have a duty of care to each other and dialogue is the most adequate measure to deal with conflicts

It is never acceptable to use violence in any circumstances. Both spouses have mutual responsibilities towards each other and the family. Disagreements commonly arise and they can be solved through respectful and non-violent measures.

3.2 CYCLE OF VIOLENCE

Domestic violence which involves an abusive intimate partner is shown to be based on a cycle of violence, where the abused partner faces challenges to break free from the cycle of violence which s/he is in.



The first step towards ending a violent relationship is to identify what is happening. This may seem logical, but it can feel overwhelmingly difficult. The questions below might help you to find out whether you are or another member of your household is a victim of domestic violence.⁶⁷

Am I a Victim of Domestic Violence

Does a member of the household ...

- Call you/another person names, yell, put you down, or constantly criticise or undermine you and your abilities as a wife or husband, partner, parent, son, daughter, daughter-in-law or son-in-law
- Behave in an overprotective way or become extremely jealous (e.g. needing to know where you are at all times and who you are with)
- Accuse you of having an affair for no reason
- Always insist that they are right, even when clearly wrong
- Blame you for their own violent behaviour, saying that your behaviour or attitudes cause them to be violent
- Externalise the causes of their behaviour by blaming their violence on stress, alcohol or a “bad day”
- Threaten to commit suicide, especially as a way of keeping you/another person from leaving
- Threaten to hurt you, your children, family members or friends
- Make it difficult for you/another person to see family or friends, or saying bad things about your family or friends
- Prevent you/another person from going where you want to, when you want to, and with whomever you want to. Or insist on following you or coming with you/another person
- Humiliate or embarrass you/another person in front of other people
- Destroy personal property or throw things around
- Control all of the finances, force to account for what is spent, or take your/another person’s money
- Prevent you from getting or keeping a job
- Use intimidation or manipulation to control you and your children
- Threaten to expose any personal aspect of your life – such as sexual orientation, your HIV or other health or personal status
- Prevent you/another person from taking medications or getting medical care
- Deny you/another person mobility or access, to resources, shelter, food and drink or sleep
- Hit, punch, slap, kick, shove, choke or bite you/another person – or physically harm you intentionally in any way
- Force you to engage in sexual acts or have unprotected sex against your will

**If you answered ‘yes’ to any of these questions,
you may be a victim of domestic violence.**

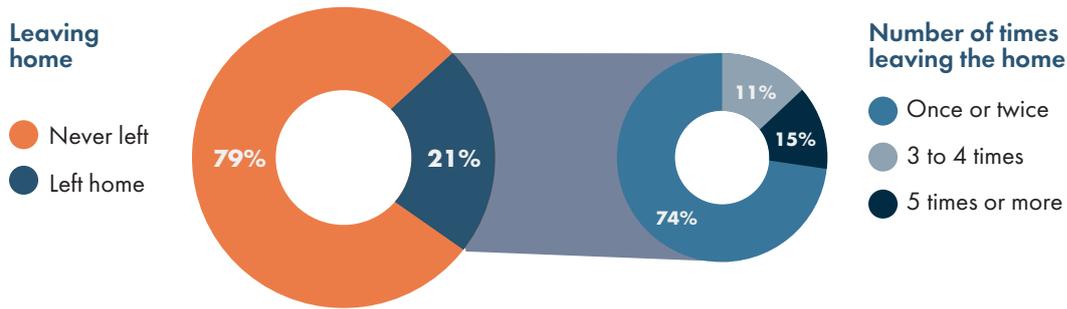
Breaking the pattern alone and without help is very hard.

Research in Timor-Leste confirms how hard it is to break the cycle of violence. Most women (79 percent) who experienced physical or sexual intimate partner violence, have never left home.⁶⁸

⁶⁷ UNiTE Working Group, Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia, 2019 (updated Feb2020), p. 21; UN Agencies in Nepal, Responding to domestic violence: A Resource Guide for UN Personnel in Nepal, 2018, p.28; UN Agencies in the Pacific, A Resource Book about domestic violence for UN Staff in the Pacific, 2017, p.23.

⁶⁸ 2015 Nabilan Baseline Study, p.115. Among the 21% of women who had left on at least one occasion, 74 percent left once or twice, 15 percent left three to four times, and 11 percent left on five or more occasions.

Percentage of women who had left (for at least one night) because of intimate partner violence, among women who had ever experienced that violence



It often takes multiple forms of abuse, coupled with severe levels of violence, to ultimately result in a tipping point for women to leave.⁶⁹

If you are in an abusive relationship and wish to break the pattern of violence, you may need outside support from professionals working with survivors of violence. You can get the support you need from services available in Timor-Leste – identified in Annex 1.

As you begin to confront your situation, an exercise that may help you to clarify your own rights and expectations is to start defining what forms of behaviour are acceptable to you. You may or may not be able to communicate these limits to your partner, and your partner may or may not respect them, but this exercise may help you to say “no” or know when you need to take action to protect yourself against additional harm.

In the end, leaving the abusive relationship, temporarily or permanently, may be the only way to stop the cycle of violence.



REMEMBER!

**YOU ARE NOT ALONE
IT IS NOT YOUR FAULT AND
HELP IS AVAILABLE**



3.3 CRIMINAL AND OTHER CONSEQUENCES OF DOMESTIC VIOLENCE

Domestic violence is a public crime in Timor-Leste. This means that as soon as police authorities become aware of the alleged crime, they have to immediately investigate.⁷⁰ Under the law, police will need to investigate even if the victim has not reported a complaint. Prosecutors are under the legal duty to lay charges and send the case to Court if there is sufficient evidence.⁷¹

⁶⁹ The Asia Foundation, Beyond Fragility & Inequity Women’s Experiences of the Economic Dimensions of Domestic Violence in Timor-Leste, 2015, p.13.
⁷⁰ RDTL Law Against Domestic Violence No. 7/2010, of 19 May, Article 36; Penal Code, Article 106; Criminal Procedure Code, Article 210-213.

There is no guarantee that the offender will be convicted by the Court.

During the judicial process, a judge can determine an interim measure order for the removal of the domestic violence offender from the family residence and prohibit the offender from continuing contact with the victim (i.e. a restraining order).⁷² A similar restraining order may also be part of the final sentence, if convicted.

A guilty verdict may lead to imprisonment, a suspended sentence or a monetary fine. Safety and security of the victim are paramount considerations for the trial judge. An offender agreeing to undertake available support treatment, such as counselling on how to manage anger or controlling behaviour, will be favourably considered by a judge.⁷³

Victims can also seek financial support (i.e. alimony) either as part of the criminal proceedings or in a separate civil action.⁷⁴

Timor-Leste also has a Witness Protection Law.⁷⁵ Victims and witnesses are both protected under this law, and measures can include measures to secure confidentiality of witnesses. However, there are limitations in the law as well as in its implementation, specifically to domestic violence cases.⁷⁶

3.4 DOMESTIC VIOLENCE AND UN PERSONNEL: SUPPORTING SURVIVORS AND TAKING ACTION

3.4.1 SURVIVORS' SUPPORT

Survivors of domestic violence often do not seek support for many reasons.

Most women who experience physical and sexual violence as part of a domestic relationship never report the violence to the authorities.

Women often suffer silently because they feel embarrassed, they think no one will believe or help them and they fear being blamed for the violence. They are often afraid of divorce or further abuse or even worse, or they think that what they are experiencing is simply part of life and part of marriage.

Why Timorese women survivors of intimate partner violence have not sought help⁷⁷

- Impact on the good name of the family-fear of reaction from the family (but family is also the main supportive factor)
- Considering violence as normal or not serious (acceptable)
- Embarrassment – shame - fear that she would not be believed or be blamed
- Fear of losing custody of children
- Fear of retaliation – threats/consequences/more violence
- Afraid the relationship will end
- Lack of knowledge/awareness on support options
- Lack of belief in a just outcome/knowing other women were not helped

Women living outside their country of origin may have more limited support networks and face additional barriers accessing existing services due to language and other factors. Women who do seek support are much more likely to turn to friends and family, rather than to the authorities. Women who do go to the health services, mainly to have their injuries taken care of, seldom if ever report the cause of the injuries to the attending health workers. This reflects in part the long-standing taboos against speaking up against intimate partner violence and in part the lack of support services.

⁷¹ RDTL Criminal Procedure Code, Article 235. ⁷² RDTL Law Against Domestic Violence No. 7/2010, of 19 May, Article 37. ⁷³ RDTL Law Against Domestic Violence No. 7/2010, of 19 May, Article 38. ⁷⁴ RDTL Law Against Domestic Violence No. 7/2010, of 19 May, Chapter V. ⁷⁵ RDTL Law on the Protection of Witnesses No. 2/2009, of 6 May. ⁷⁶ As domestic violence offences could fall below the threshold of gravity required for availing of a number of protection measures (RDTL Law on the Protection of Witnesses No. 2/2009, of 6 May, Article 15.2 and 19.1 (d)). See also Judicial System Monitoring Programme, Overview of the Justice Sector in 2018, p.20. ⁷⁷ 2015 Nabilan Baseline Study, p.114

As a UN staff member in Timor-Leste, you may be influenced by the environment around you. The rate of women who never seek help is high, and this may also affect colleagues from the partner institutions, NGOs and other organizations and communities with whom you work.

Fortunately, along with better legislation, the availability and quality of these services is improving.

WHAT CAN UNITED NATIONS AGENCIES IN TIMOR-LESTE DO TO SUPPORT UN STAFF THAT ARE ALLEGED VICTIMS OF DOMESTIC VIOLENCE?⁷⁸



Support your colleagues

Encouragement by friends or family is the main reason why women victims of intimate partner violence in Timor-Leste (eventually) do seek help.⁷⁹ UN staff can thus play a valuable role in supporting colleagues who experience domestic violence by listening to them and facilitating access to services. Some pointers on talking to domestic violence victims-survivors can be found in 3.4.2.

If you are a UN staff who is experiencing domestic violence, remember that you do not deserve to be abused, and the risks involved in staying in your situation could be life-threatening to you or your family members.

At the United Nations Timor-Leste support is available, including the provision of basic information, through the following:

- Senior managers or trusted colleagues
- PSEAH+ Focal Points
- Staff association representatives
- (Two male) UN Security Assistants in Timor-Leste
- (A female) UNDP Security Focal Point in Timor-Leste [see contact details in Annex 1]



Access to external support services

Support services are available in Timor-Leste and these provide shelter, psychosocial, medical and legal support for victims of domestic violence.

In Timor-Leste, the Ministry of Social Solidarity and Inclusion is responsible for a co-ordinated response to cases of gender-based violence (including domestic violence, sexual assault and child abuse) through a referral network of service providers from government agencies and non-governmental organizations.

Specialized police - Vulnerable Persons Unit - is an integral part of the network. Other direct services for victims include medical care, legal assistance, safe house/shelter and psychosocial counselling.

The number of services available and their professional quality has increased in recent years. Some services may only be available at regional levels, not in each municipality. A list of available support services in Timor-Leste can be found in Annex 1.

The list of resources for survivors of gender-based violence should be made available and possibly posted on a staff bulletin board or in a common area of the UN common facilities.

⁷⁸ Adapted from UNITE Working Group, Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia, 2019 (updated Feb2020), p.23-24 and 30; Services information sourced from RDITL NAP on GBV (2017-2021), MSSl and civil society referral network partners ⁷⁹ 2015 Nabilan Baseline Study,p.114

Other support



There are also a number of other actions which UN Agencies could consider to support survivors of domestic violence.

The measures identified below do not reflect UN rules or procedures and therefore are not mandatory services to be made available by UN agencies towards their personnel.

Senior managers, operations staff, including those working on human resources, and staff association officers should first check their organization's policies for details on existing support measures to personnel experiencing domestic violence. Before implementing any of the measures proposed below, they should consult and seek superior approval.

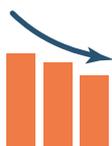
The UN **may** consider the following options:

- **Flexible leave and flexitime arrangements:** Staff may be called suddenly to their home, court and meetings with lawyers. They may need personal time off to spend with family and friends in coping with their situation. Flexitime arrangements might suit staff members who have had to relocate and need to be home for a short time. Working out a plan with staff for flexible working arrangements or leave where there is a mutual understanding of responsibilities is very useful in these situations.
- **Health and sick leave:** Staff members going through intimate partner abuse may need support with sick leave arrangements. Consider sick leave for staff members going through emotional/psychological stress in order to address mental health issues. Domestic violence is a health and safety issue, and should be treated as such when considering leave arrangements.
- **Workload:** A staff member suffering from domestic violence will carry a huge burden of stress, may be distracted and emotionally depressed and may not sleep or eat adequately. They will probably not be able to cope as effectively as usual in their work. This is especially true if the person becomes embroiled in a protracted legal battle or the relationship is particularly violent. The staff member may need to explore with their supervisor whether it is possible to lighten their workload or reassign them temporarily.
- **Personal and office security:** If a relationship has turned unpredictable and violent for either the staff member or one of their registered dependents, it may be possible for the office to advise on personal security until the threat diminishes.
- **Office security plans:** For all offices, a security plan should ensure that all staff are safe. Harassment from the domestic violence offender at the office may include constant telephone calls, visits and interruptions at work as part of the abuse cycle. The office can put in place a security plan that blocks out this form of harassment.
- **Counselling:** The UN Timor-Leste has access to internal counselling services. Counselling services might be able to refer personnel to external counselling options that focus specifically on domestic violence, including those services that may have links to legal advice and law enforcement.
- **Access to transport:** Mobility can be an important component of dealing with domestic violence. Survivors may need transport to seek counselling or legal support, or to move to another location temporarily or permanently. Since transportation systems can be unreliable or costly as well as time-consuming for the staff member (and organization), the office may consider offering transport when it does not affect programme activities.
- **Financial support:** The cost of dealing with domestic violence can be high for an individual. Expenses can include legal advice, counselling, a possible change in residence and others. Flexible salary advances or local staff association loan programmes may be sources of extra funds.

3.4.2 SIGNS OF DOMESTIC VIOLENCE AND TALKING TO SURVIVORS

This guide in section 3.2 offers guiding questions for potential victims trying to self-identify their experience of domestic violence.

UN Personnel can also play a crucial role in identifying signs of domestic violence experienced by a colleague. UN Personnel may observe signs at the workplace indicating that a colleague may be experiencing domestic violence.



WORK PRODUCTIVITY SIGNS:

- Change in the person's working patterns: for example, frequent absence, lateness or leaving work early
- Reduced quality and quantity of work: missing deadlines, a drop in usual performance standards
- Change in the use of the phone/email: for example, a large number of personal calls/texts, avoiding calls or a strong reaction to calls/texts/emails
- Spending an increased number of hours at work for no reason



CHANGES IN BEHAVIOUR OR DEMEANOUR:

- Conduct out of character with previous employment history
- Changes in behaviour: for example, becoming very quiet, anxious, frightened, tearful, aggressive, distracted, depressed etc
- Isolating themselves from colleagues
- Obsession with timekeeping
- Secretive regarding home life
- Worried about leaving children at home with abuser



PHYSICAL SIGNS:

- Visible bruising or single or repeated injury with unlikely explanations
- Change in the pattern or amount of make-up used
- Change in the manner of dress: for example, clothes that do not suit the climate which may be used to hide injuries
- Substance use/misuse
- Fatigue/sleep disorders



OTHER SIGNS:

- Flowers/gifts sent to employee for no apparent reason
- Isolation from family/friends.
- Partner or ex-partner stalking employee in or around the workplace
- Partner or ex-partner exerting unusual amount of control or demands over work schedule

UN personnel, when suspecting a colleague is a victim of domestic violence, can support survivors by listening to them in a safe space and facilitating access to support services.

If you suspect a colleague is experiencing domestic violence, and you would like to see if they are okay, find a private space to speak with the person in a non-judgmental manner and without pressure – if a person does not want to speak, do NOT force them to speak.⁸⁰

⁸⁰ Adapted from UNiTE Working Group, Asia-Pacific, A Resource Book on Intimate Partner Violence for United Nations Staff in Asia, 2019 (updated Feb2020), p.28 and related poster



DO'S

YOU SHOULD SAY:

*"It is not your fault.
You are not to blame."*

"It is okay to talk."

*"What happened has no
justification or excuse."*

*"No one deserves violence
in a relationship."*

*"You are not alone. Unfortunately,
many other women have faced this
problem, too."*

*Your life, your health,
you are of value.*

*Everybody deserves to feel
safe at home.*

*"I am worried that this may be
affecting your health."*

DON'Ts

YOU SHOULD NOT SAY:

*"But have you tried to
change your behaviour?"*

*"I don't think that's something
I should be involved in. It is your
personal matter."*

"It will go away if you just bear it."

*"You should not leave your
family just like that."*

"Why are you not leaving him/her?"

*"All families have the same issue.
You should deal with it."*

*"But the children need
their father/mother."*

"But he/she loves you."

3.4.3 WHAT IF DOMESTIC VIOLENCE IS COMMITTED BY A UN STAFF?

MESSAGE FROM THE SG ON DOMESTIC VIOLENCE BY STAFF

The UN in Timor-Leste

- never condones violence, including violence in a family context
- endeavours to listen emphatically to domestic violence victims/survivors
- will facilitate access to support services through dissemination of information and referral and may support survivors reporting to the police

Domestic violence allegations committed by a UN Personnel in Timor-Leste can be reported to:

- UN Head of Agency
- Human Resource Manager
- PSEAH+ Focal Points
- staff association officers
- a female UN Security Advisor for Timor-Leste
- a female UNDP Security Focal Point

Responding to UN personnel allegedly perpetrating domestic violence needs to be handled appropriately and sensitively. Ensuring the safety of any person experiencing or affected by domestic violence (including children)– who are likely UN dependents – is a priority for the UN in Timor-Leste.

Domestic violence is a crime in Timor-Leste. UN staff committing domestic violence has a significant impact on the reputation of the UN in Timor-Leste. It undermines the core UN values and goes against the system's respect for human rights, equality, including gender equality.

Holding the staff accountable for their behaviour is necessary, but at the same time, their due process human rights should be respected.

If a UN staff is self-disclosing his/her domestic violence behaviour, his/her manager should counsel the relevant staff and make the person aware of the legal and social consequences of their behaviour.

It is *never* acceptable to use the workplace to be abusive to those within or outside the workplace.

UN staff should not use workplace resources and working time to commit abusive offences, including emailing, phoning or texting a family member while at the UN office.

The UN office should support efforts of the UN staff to address his/her domestic violence behaviour. This might include seeking counselling, identifying an anger management programme or attending a support group. Managers may consider options to facilitate flexible leave and working arrangements to enable the staff's participation in such remedial programs.



If you are a colleague or supervisor of a person that you reasonably suspect of using violence or abuse, you should bring the matter to the attention of your supervisor and the relevant human resources manager.

The Head of UN agency should always be informed of domestic violence suspicions and/or allegations against staff.

If there is reasonable evidence that domestic violence is taking place, the Head of UN agency will determine the appropriate response to the situation, which may include referral to the police for investigation and possible prosecution.

In instances where the survivor of domestic violence, their dependants or others are at risk of immediate harm, referral to the police and the Ministry for Social Solidarity and Inclusion is strongly encouraged.⁸¹

⁸¹ Adapted from UN Women, Responding to Domestic Violence: A resource Guide for UN Personnel in Nepal, 2018, p. 43

SUMMARY CHAPTER III: DOMESTIC VIOLENCE

WHAT IS DOMESTIC VIOLENCE (DV)?

- DV consists of a pattern of assaultive and coercive **behaviours** including physical, sexual and psychological attacks, as well as economic coercion, by a current or former intimate partner.
- DV occurs within heterosexual or same-sex relationships and does not require sexual relations.
- Globally, 1 in 3 woman experience physical or sexual violence in their lifetime, by their intimate partners.



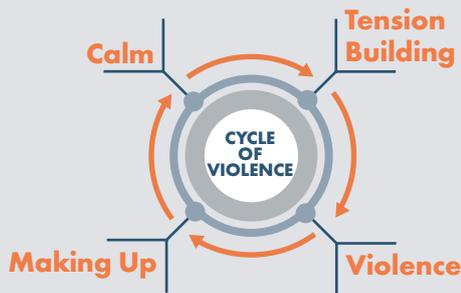
WHAT DOES DOMESTIC VIOLENCE LOOK LIKE?

DV may include but not limited to:

- Slapping
- Throwing something
- Choking
- Threatening
- Making someone feel afraid
- Forcing to have sexual intercourse
- Humiliation in private and/or public
- Shifting responsibility for abuse
- Preventing access to money
- Controlling access to money earned
- Preventing someone from getting or keeping a job
- Preventing someone from contacting the family/friends

THE CYCLE OF VIOLENCE

If someone is in an abusive relationship, it will often have a **pattern**.



**IF YOU ARE EXPERIENCING DV,
YOU ARE NOT ALONE
IT IS NOT YOUR FAULT
HELP IS AVAILABLE**



- Identify what is happening – recognize signs and the cycle of violence
- Know that you are not alone, it is not your fault, and that help is available

Adapted from Intimate Partner Violence Poster,
United Nations Myanmar

CONSEQUENCES: CRIMINAL AND CIVIL



Criminal trial



Be imprisoned



**Pay fine and/or
financial compensation**

THE UNITED NATIONS...



STOP

**Do not
condone Violence**



**Empathically
listen victims**

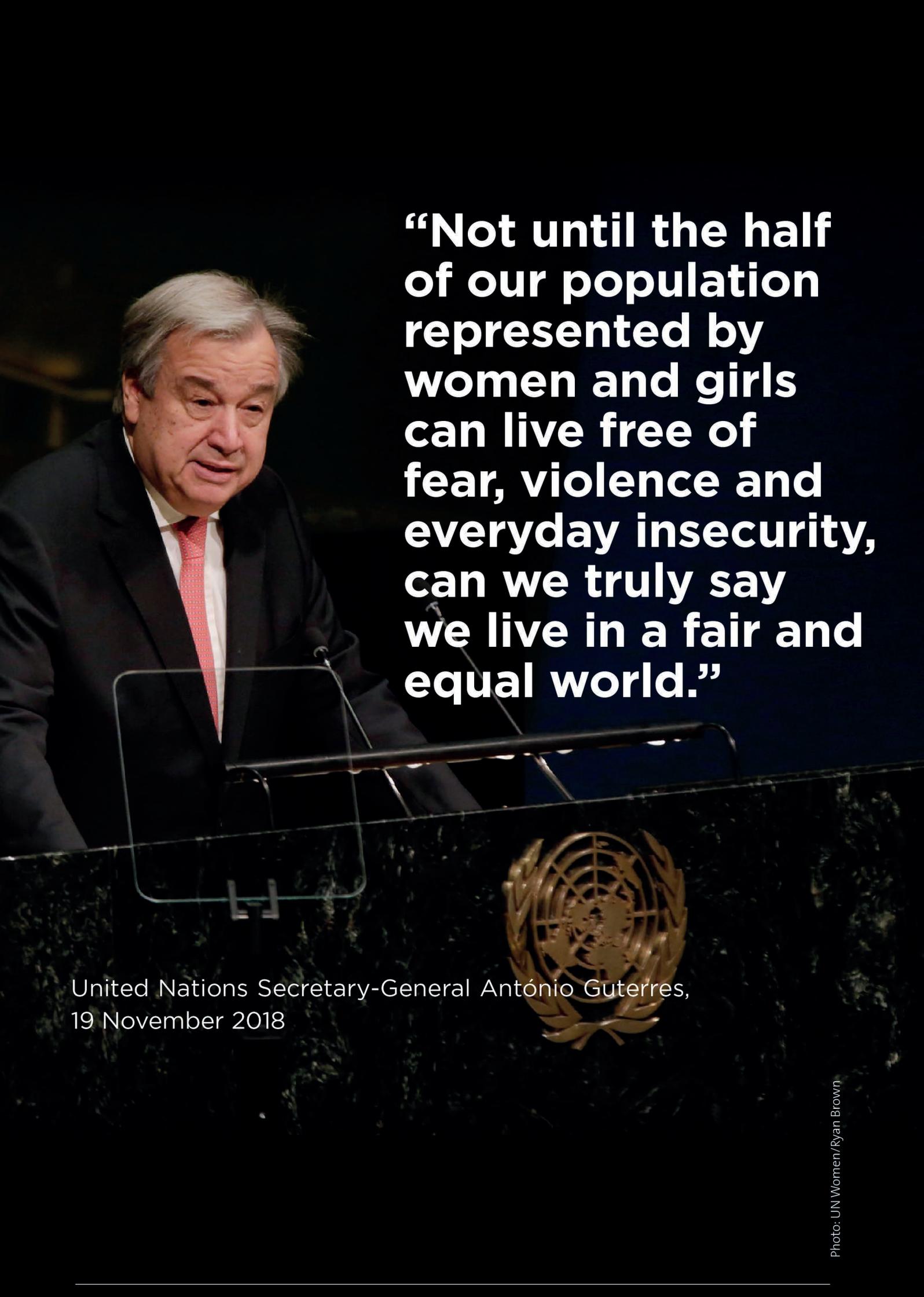


**Inform about access
to support services**

**REPORT
IT!**

**UN personnel has a duty to report to their
supervisor DV allegations against colleagues**

Non-reporting undermines the reputation of the UN

A photograph of António Guterres, the United Nations Secretary-General, speaking at a podium. He is wearing a dark suit, a white shirt, and a red tie. The podium features the United Nations logo. The background is dark and out of focus.

“Not until the half of our population represented by women and girls can live free of fear, violence and everyday insecurity, can we truly say we live in a fair and equal world.”

United Nations Secretary-General António Guterres,
19 November 2018



ANNEXES

ANNEX 1: LIST OF SERVICES FOR SURVIVORS OF GENDER-BASED VIOLENCE IN TIMOR-LESTE

Introductory Note:

Comprehensive and up-to-date information on support services can be accessed through:

UN System: Ms. Diana Lina Bernardo, Phone: 331 2481 Ext. 2090, Cell/WhatsApp: 7723 1210

External Service Providers: www.hamahon.tl (or download the application from Google Play Store)

Type of service	Name of organization	Contact details (updated in April 2020)	Comments
Immediate help (security, safety of UN personnel)	UNDSS Timor-Leste	Local Security Assistant in Timor-Leste Mr. Luis Moniz or Mr. Paulo Ximenes Mendonça UN House Caicoli Dili Timor-Leste Phone: 331 2481 Ext. 2064 or Ext. 2267 Cell: 7723 1184 Email luis.moniz@un.org or paulo.mendonca@un.org	
	UNDP Timor-Leste	UNDP Security Focal Point Ms. Diana Lina Bernardo Phone: 331 2481 Ext. 2090 Cell/Whatsapp: 7723 1210 Email: diana.bernardo@undp.org	Available to any UN Organization staff in Timor-Leste
Immediate help (provide security, report crime and referral to services)	National Police of Timor-Leste (PNTL) – Vulnerable Person’s Unit	7749 0497 (24 hours/7 days) Dili: 7734 1607 Aileu: 7595 2885 Ainaro: 7753 6903 Baucau: 7712 7186 Bobonaro: 7595 4866 Covalima: 7595 5663 Ermera: 7669 9276 Liquiça: 7595 9357 Manatuto: 7749 0516 Manufahi: 7566 7893 Oecusse: 7596 0966 Viqueque: 7736 7056	Specialized unit to provide services for women, children and other vulnerable persons victims of crimes
	National Police of Timor-Leste (PNTL)	112	General number for emergencies requiring police intervention Free of charge number
Health and medical services	Emergency Ambulance Services	115 and 331 1044	Free of charge number
	National Hospital Guido Valadares	331 1000, 331 1008 and 7307 1205 Bidau, Dili	

Type of service	Name of organization	Contact details (updated in April 2020)	Comments
Legal advice	ALFeLa Legal Support Service Provider	Dili: 7743 2117, 7743 2103, 7743 2154 and 7743 2116 Baucau: 7743 2132 and 7743 2134 Suai: 7743 2156 and 7743 2140 Oecusse: 7743 2128	Specialized NGO providing legal services for women and girls and other vulnerable persons
	Public Defender's Office	National/Dili: Dr. Cancio Xavier 7743 2154 and 7732 7510 Baucau: Dr. Jose Gregorio de Lima 7723 7915 Suai: Dr. Manuel Amaral 7733 2734 Oecusse: 7731 7014	Public institution funded by the State providing legal support to those without the economic means to pay for a lawyer
Psycho-social support services	PRADET (Psychosocial Recovery & Development in East Timor)	Phone: 7725 4597 E-mail: info@pradet.org	PRADET NGO operates a 24/7 Hotline in Tetum and English to give support to victims of gender-based violence Provides victims of domestic violence, sexual assault and child abuse with safety, emergency counselling, medical treatment and forensic examination of injuries and psycho-social consequences of violence; and with ongoing referral to appropriate agencies or services. The medical forensic examination is documented in a protocol that has legal value as it been endorsed by the Ministry of Health and is regularly used as evidence in court.
	Fokupers	Avenida Direitos Humanos, n.4 Farol – Dili Phone: 7847 2598	Provides psychosocial support for women and children, ensuring linkage to any other specialized service
Shelters	PRADET	Shelter Dili 7725 4597 and 7804 1671 Shelter Suai 7700 0907 Shelter Maliana 7808 8591 Shelter Baucau 7735 7099 and 7736 4809 Shelter Oecusse 7696 5105 and 7800 9861 Transitional Shelter Baucau 7842 8385 and 7539 4551 Transitional Shelter Oecusse 7800 9861	Short-term stay – up to 3 days (Shelter)
	Fokupers	Fokupers Transitional Shelter Dili 7847 2598 Fokupers Suai 7803 6085 Fokupers Maliana 7746 3907	Long term stay (Shelter)
	Casa Vida	Phone: 7735 2345 Bidau, Lecidere - Dili	Offers emergency care, and accommodation to unaccompanied minors and assist with their rehabilitation and integration back into the community.

	Suai – Salele Shelter	7798 1392 7537 2549	Long term stay (Shelter)
	Paz KHC – Viqueque Shelter	7735 2424	Long term stay (Shelter)
Advice on services tailored to the needs of persons with disabilities	ADTL (Timor-Leste Disability Association)	Sr. Gaspar Afonso 7733 8176 and 7755 7355	Association for Persons with Disabilities, an umbrella organization with
	RHTO (Ra'es Hadomi Timor-Oan)	Sr. Joaozito 7732 9907	NGO providing different support for persons with disabilities. Support include counselling and referral to relevant services and support accessibility of victims
Advice on services tailored to the needs of members of LGBTQI community	CODIVA	Sra. Laura 7713 9641	NGOs supporting LGBTI community members, including counselling and referral to relevant services
	Arcolris	331 0072 and 7839 8948	NGO supporting LBT members, provision of counselling and referral to relevant services

ANNEX 2: CHECKLIST/TOR FOR PSEAH+ FOCAL POINTS

Focal Point on the prevention of sexual exploitation, abuse and harassment, and other forms of gender-based violence (PSEAH+)

- Familiarize yourself with key documents and resources on UN SEAH standards (incl. SG bulletins, Fact sheets and FAQ list)
- Familiarize yourself with evidence base (prevalence, justice-seeking behaviours and obstacles) and the relevant legal framework on gender-based violence in Timor-Leste
- Review your agency's list of available support services in Timor-Leste and if needed update it. Use this opportunity to start networking with these services to enable easy access in the future.
- Speak with your Head of Agency / Country Representative to ensure joint understanding of your focal point role and agree on a workplan
- Work to establish (if not already in place and together with other PSEAH+ focal points) an in-country network of PSEAH+ Focal Points
- Identity yourself as a PSEAH+ Focal Point throughout your office/organization and towards partners
- Begin to implement the PSEAH+ Focal Point ToR, such as:
 - Provide awareness-raising sessions for personnel
 - Promote training of additional Focal Points in your organization, or at a minimum one alternate
 - Support development of internal procedures for staff to report incidents
 - Establish, in coordination with the in-country network, community-based complaints mechanisms
 - Facilitate, in coordination with the in-country network, awareness raising in local communities on SEA, their rights and how to report incidents
 - Provide briefings to implementing partners and service providers (vendors) on their obligations as contractors of the UN Nations in regards to PSEAH

ANNEX 3: CHECKLIST FOR MANAGERS

AT A GLANCE: 8 Actions Each UN Agency Should Take in Timor-Leste on the prevention of sexual exploitation, abuse and harassment (PSEAH)

Actions	Date Completed
<p>1. Senior managers raise SEAH with personnel and issue code of conduct</p> <ul style="list-style-type: none"> • The agency's senior managers express, at least annually, to their personnel the importance of complying with SEAH prohibitions and reporting incidents • A code of conduct or the two Secretary General Bulletins on SEAH are signed by all personnel and posted in prominent places 	
<p>2. Designate and support PSEAH focal point(s)</p> <ul style="list-style-type: none"> • Give them direct line to the Head of Agency concerning their focal point role • Ensure both human resources and operational sides of the agency are engaged in PSEAH • Ensure designated focal point actively engages in the inter-agency PSEAH Network • Incorporate PSEAH responsibilities into their performance appraisals • Support them to strengthen their capacities 	
<p>3. Require adherence to the standards in the PSEAH policy in all cooperative arrangements</p> <ul style="list-style-type: none"> • Ensure all contracts issued to implementing partners include clauses on SEAH (ST/SGB/2003/13 section 6) • Promote strengthened information/knowledge of partners on SEAH standards 	
<p>4. Conduct orientation session and awareness raising</p> <ul style="list-style-type: none"> • Conduct orientation on PSEAH+ as part of induction of new personnel • Provide awareness training to agency personnel • Raise awareness among beneficiaries / local populations. They need to know that they don't need to exchange sexual favours for humanitarian or development assistance as it is free, how to protect themselves, and how to complain if SEAH occurs 	
<p>5. Establish complaints mechanisms</p> <ul style="list-style-type: none"> • Establish and publicize how agency personnel can report concerns or suspicions of SEAH • Together with the PSEAH network and local populations, establish how beneficiaries / local populations can report SEAH. Important: these complaints mechanisms should be joint for all agencies, rather than have different means of reporting depending on the agency; they should allow for complaints on a variety of issues, rather than only SEAH, so as to promote use and avoid stigmatization • Establish clear procedures for how to handle and direct complaints 	
<p>6. Ensure investigation procedures and capacity in place</p> <ul style="list-style-type: none"> • Ensure there is clarity on the role of the office in investigating allegations and directing them to headquarters 	
<p>7. Ensure recruitment procedures check background of prospective employees</p> <ul style="list-style-type: none"> • Check references and files of possible new hires to ensure no background of SEAH 	
<p>8. Provide assistance to victims</p> <ul style="list-style-type: none"> • Together with the PSEAH network, develop a victim assistance mechanism 	

83 Sourced and adapted from <http://www.pseataaskforce.org/en/>

ANNEX 4 COMPARATIVE TABLE ON UN SEA AND SH STANDARDS/REGIME

COMPARATIVE OVERVIEW OF HOW SEXUAL MISCONDUCT IS ADDRESSED IN THE UN SYSTEM

ISSUE	SEXUAL EXPLOITATION AND ABUSE (SEA)	SEXUAL HARASSMENT (SH)
Normative basis – UN policy/rules	ST/SGB/2003/13	ST/SGB/2019/8 on addressing discrimination, harassment, including SH, and abuse of authority ST/SGB/2008/5 on prohibition of discrimination, harassment, including SH, and abuse of authority (superseded except for SH investigations initiated prior to 10 Sept2019) ST/SGB/2005/20 on the prevention of workplace harassment, SH & abuse of authority (mandatory learning programme)
	ST/SGB/2018/1 Staff Regulations and Rules of the UN (Regulation 1.2 (a) & (b) and Rule 1.2 (e))	ST/SGB/2018/1 Staff Regulations and Rules of the UN (Regulation 1.2 (a) & (b) and Rule 1.2 (f))
	ST/SGB/2017/2/Rev.1 protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations	
Definition	<p>[as per ST/SGB/2003/13 section 1 and UN glossary on SEA July 2017]</p> <p>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.</p> <p>The term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions</p> <p>It is noted also that [as per ST/SGB/2003/13 section 3]:</p> <p>(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;</p> <p>(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;</p>	<p>[As per ST/SGB/2019/8]</p> <p>1.5 Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work.</p> <p>1.6 While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.</p> <p>1.7 Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics. Sexual harassment may involve any conduct of a verbal, non-verbal or physical nature, including written and electronic communications. Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the affected individuals or the alleged offenders. Sexual harassment may occur outside the workplace and outside working hours, including during official travel or social functions related to work.</p> <p>Sexual harassment may be perpetrated by any colleague, including a supervisor, a peer or a subordinate. An offender’s status as a supervisor or a senior official may be treated as an aggravating circumstance. Sexual harassment is prohibited under staff rule 1.2 (f) and may also constitute sexual exploitation or abuse under staff rule 1.2 (e).</p>

<p>Scope of application</p>	<p>[as per ST/SGB/2003/13 section 2 and 6] 2.1 ...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 6.1 ... non-United Nations entities or individuals [based on] a written undertaking from those entities or individuals that they accept these standards</p>	<p>[as per ST/SGB/2019/8 section 2] 2.1 Reports of prohibited conduct in the workplace or in connection with work can be submitted by any person and against any person, irrespective of whether such persons have any contractual status with the Organization Actions and remedial measures will depend on the status of the alleged offender – section 2.4 & 2.5 * Note however that the victim may also be a non-UN staff: Code of Conduct to prevent harassment, including sexual harassment, at UN System events applies to all participants at a UN system event, <i>including all persons attending or involved in any capacity in a UN system event.</i> [Chief Executives Board (CEB) Task Force on sexual harassment, Nov 2019]</p>
<p>Duty for UN staff to intervene when by-stander (witness or 'impacted individual')</p>	<p>TBC</p>	<p>YES</p> <ul style="list-style-type: none"> ST/SGB/2019/8 section 3.5 Staff member shall <p>(f) Take action if they witness prohibited conduct, provided they feel comfortable doing so and, where possible, after consulting the affected individual (=victim), as well as supporting those impacted, as appropriate and to the best of their ability;</p>
<p>Reporting Duty for UN staff</p>	<p>YES</p> <ul style="list-style-type: none"> ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 1.2 Basic rights and obligations of staff (c) Staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties. Same rule reiterated in ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 4.1 Mandatory reporting of SEA: ST/SGB/2003/13 section 3.2 (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; 	<p>YES</p> <ul style="list-style-type: none"> ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 1.2 Basic rights and obligations of staff <p>(c) Staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.</p> <ul style="list-style-type: none"> Same rule reiterated in ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 4.1 Mandatory reporting of SH: ST/SGB/2019/8, section 3.5 Staff member shall [...] <p>(g) Report possible prohibited conduct and cooperate with investigations, audits and reviews.</p>
<p>Formal reporting</p>	<p>[ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 4.3] Information about unsatisfactory conduct may be brought to the attention of:</p> <ul style="list-style-type: none"> To 'responsible official' [=head of department or office – see section 2.1(v) - for most staff in TL this would be the resident coordinator, or head of UN agency] & copy to UN Office of Internal Oversight Services (OIOS) To OIOS directly (via online standardized incident reporting form https://reportwrongdoing.unov.org/ or email) To OIOS hotline - see https://oios.un.org/report-wrongdoing [ST/SGB/2019/8 section 6.2] <p>Also, ST/AI/2017/1 section 4.2 Information about unsatisfactory conduct may be received from staff members and any other source Also, what matter is to ensure the alleged abuse is reported. The person reporting does not have to specify which category applies (SEA or SH); they just need to report the info [UN SEA FAQ (2010 point 10)]</p>	

<p>Community-based Complaint Mechanism (CBCM)</p>	<p>Adoption of Formal and informal Community-Based Complaint Mechanism (CBCM) in all humanitarian and peace operations to facilitate receipt of SEA allegations made by non-UN (beneficiaries etc) [UN SEA fact sheet dated 20 Feb 2020, Section VI, point 11 13] https://interagencystandingcommittee.org/accountability-affectedpopulations-including-protection-sexual-exploitation-andabuse/documents-50</p> <p>TBC It is understood that TL no longer falls into this regime</p>	<p>N/A</p>
<p>Protection against retaliation (against V, W or whistleblower)</p>	<p>YES ST/SGB/2017/2/Rev.1 protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations</p>	<p>YES ST/SGB/2017/2/Rev.1 protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations</p> <p>ST/SGB/2019/8 Section 3.3 (j) reiterates head of (UN) entity has to ensure the above</p>
<p>Interim (precautionary) measures</p>	<p>ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 10.4 Administrative leave pending investigation and the disciplinary process</p> <p>ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process section 11.1 Such action is without prejudice to the rights of the staff member and does not constitute a disciplinary measure. Administrative leave with pay Section 11.3 The decision to place a staff member on administrative leave with pay may be made by the authorized official at any time following a report of suspected unsatisfactory conduct and following the authorized official's determination that at least one of the following circumstances is met: (b) Continued service by the staff member would create a risk that the staff member could destroy, conceal or otherwise tamper with potential evidence, or interfere in any way with the investigation or disciplinary process, including by retaliating against individuals protected under ST/SGB/2017/2 or intimidating a witness; (c) The continued presence of the staff member on the Organization's premises or at the duty station could constitute a security or financial risk to the Organization and/or its personnel, or could otherwise prejudice the interests or reputation of the Organization; (d) The staff member's continued presence at the office could have a negative impact on the preservation of a harmonious work environment; (e) There is a risk of repetition or continuation of the unsatisfactory conduct. Administrative leave without pay Section 11.4 A staff member may be placed on administrative leave without pay by an authorized official when at least one of the following conditions is met: (a) There are reasonable grounds to believe (probable cause) that the staff member engaged in sexual exploitation and sexual abuse, in which case the placement of the staff member on administrative leave shall be without pay;</p>	<p>ST/SGB/2018/1 Staff Regulations and Rules of the United Nations Staff Rule 10.4 Administrative leave pending investigation and the disciplinary process</p> <p>ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process, section 11 and</p> <p>ST/SGB/2019/8 section 6.10 & 6.11: separating P&V Reassigning Perpetrator or Victim, granting unplanned annual leave or special leave for Victim or Perpetrator, admin leave for Perpetrator, temporary changes in reporting lines</p>

Informal resolution possible	N/A	YES Tailored, voluntary, through intermediary – such as Office of the United Nations Ombudsman and Mediation Services [ST/SGB/2019/8 section 4.10]
Victim Accommodation for work performance	N/A : Not explicitly stated in UN SEA policy. However nothing prevents managers to consider making accommodation for work performance of alleged SEA victims working in the UN office. <i>When Victim is non-UN this is not relevant</i>	ST/SGB/2019/8 section 6.8 Accommodations can include new work plan, special leave or other flexible working arrangements. Due regard to confidentiality must be given when communicating accommodations to supervisors or colleagues, as appropriate
Victim	<ul style="list-style-type: none"> • UN Victims’ Rights Advocate (VRA) and her Office 	[ST/SGB/2019/8 section 4 & section 6] <ul style="list-style-type: none"> • Supervisor to provide ‘timely and sensitive’ support
Sources of Information and confidential advice & support	<p>VRA is developing statement on victim’s rights as overarching policy tool for UN personnel and raise awareness of what V should expect from UN and various avenues of redress for SEA [SG report Feb 2019 (A/73/744 para.25)] UN SEA fact sheet dated 20 Feb 2020 Section I point 8]</p> <p>VRA is with inter-agency WG working on harmonized procedure for handling paternity claims [same 2019 SG report para. 24, and UN SEA fact sheet dated 20 Feb 2020 section I point 3] ST/AI/2017/1 Administrative instruction on Unsatisfactory conduct, investigations and the disciplinary process Section 6.9 Interviewees in misconduct investigations other than the alleged perpetrator (subject of an investigation) are entitled to presence of a third party if the investigation determines s/he has special needs, for example the victim is a minor</p>	<ul style="list-style-type: none"> • Office of the United Nations Ombudsman and Mediation Services • Staff Counsellor – section 6.6 • the conduct and discipline focal point = contact point for both the affected individual and the alleged offender throughout the handling of formal reports of possible prohibited conduct to provide information on the process and relevant time frames [ST/SGB/2019/8 section 1.16] • “Speak up” helpline [US based – appears only accessible during US working hours] • V can nominate 1 or two staff as support person (who are not W and accept this support role in writing [ST/SGB/2019/8 section 6.4] • V can also nominate an external person (not W and cannot accompany in investigation interviews) – section 6.4 (b) and 6.5 • Neither the staff or external support person can engage in legal representation or advocacy – section 6.5
Victim Accommodation for work performance	Trust Fund established in 2016 to support victim assistance services and projects – example two projects providing access to legal services, psycho-social and medical support in CAR [SG report Feb 2019 (A/73/744 para.38). UN SEA fact sheet dated 20 Feb 2020 section I.6: Using the approximately \$2 million available, project funding has been disbursed or committed in the Central African Republic, the Democratic Republic of the Congo and Liberia; project is forthcoming for Haiti	TBC
Legal assistance	Some support for victims - through Trust Fund support	Office of Legal Affairs (potential support for UN staff and victim)
HUMAN RESOURCES Screening/ vetting of job applicants from within UN (re- or de-employment)	Clear Check: <ul style="list-style-type: none"> • Launched in June 2018 [SG report Feb 2019 (A/73/744) para.40] • highly secure online platform of a centralized database. ‘It permits to share information amongst UN entities, system-wide, on individuals (former UN staff and UN related personnel) who have established allegations related to sexual harassment (SH), sexual exploitation and sexual abuse (SEA) with the aim to prevent re-employing 	Clear Check (see definition in SEA column + added def below): <ul style="list-style-type: none"> • 1.17 Clear Check is a centralized job candidate screening application. It captures information on sexual harassment offenders and alleged offenders that is provided by the entities of the United Nations System Chief Executives Board for Coordination. [SG Bulletin on SH: ST/SGB/2019/8 section 1.17]

	<p>them within the UN system.’ [UN Briefing Note on Clear Check, November 2019;]</p> <ul style="list-style-type: none"> • tool owned by Office of Human Resources (OHR) in the Department of Management Strategy, Policy and Compliance (DMSPC) [see SOP Clear Check, July 2019 at https://www.unsceb.org/content/clear-check-screening-tool-standard-operating-procedure] <p>Also, since April 2018 self-attestation in personal history profile of all applicants for UN Secretariat posts [SG report Feb 2019 (A/73/744) para.40]</p>	
HUMAN RESOURCES Vetting of external candidates	<p>Through written reference checks with referees from outside the UN</p> <ul style="list-style-type: none"> • TBC with each agency whether template includes a specific Q on SEA allegations 	<p>Screening for SH = mandatory</p> <p>ST/SGB/2019/8 section 3.2 The Organisation shall [...]</p> <p>(b) Undertake reference checks of external candidates during recruitment processes to ensure that individuals who have a documented history of sexual harassment and other prohibited conduct are not appointed or engaged;</p> <ul style="list-style-type: none"> • TBC with each UN agency whether template for reference checks includes a specific Q on SH allegations • Note that DMSPC/OHR has also explored opportunities to expand Clear Check to include external partners. ‘Discussions are ongoing, for example with DFID/UK about similar / complementary systems and mechanisms they are working on with a variety of aid agencies and Interpol. However, there are some key legal challenges around confidentiality and unanswered questions about how agencies can appropriately share information outside their organisation that will need to be resolved.’ [UN Briefing note on Clear Check, Nov 2019 see at https://www.unsceb.org/content/briefing-note-clear-check]
Performance appraisal records compliance & breaches	<p>Through written reference checks with referees from outside the UN</p> <ul style="list-style-type: none"> • TBC with each agency whether template includes a specific Q on SEA allegations 	<p>ST/SGB/2019/8 section 3.6 Performance appraisals, including through 360-degree reviews, may record instances of non-adherence by staff members to the principles in the present bulletin, where appropriate. Additionally, the appraisals shall reflect the compliance of staff members with mandatory training requirements.</p>
Dissemination of rules	<p>ST/SGB/2003/13 section 4.1 Each staff has to be informed of contents and get copy of the bulletin</p>	<p>ST/SGB/2019/8 section 3.3 Each UN ‘head of entity’ has to (h) Communicate the terms of the present policy and applicable procedures to personnel in their entities on an annual basis through a dedicated in-person meeting;</p>
Mandatory online learning	<p>YES SEA e-learning available in English since 2017, and French since 2018 [SG report Feb 2019 (A/73/744) para.43] Name of course = Prevention of Sexual Exploitation and Abuse by UN Personnel (inspira: LMS-2398) https://hr.un.org/page/mandatory-learning</p>	<p>YES Name of course(s) = Prevention of Sexual Harassment and Abuse by United Nations Personnel – Working Harmoniously (inspira: LMS-2965) (managers only) Prevention of Sexual Exploitation and Abuse by UN Personnel: Managers and Commanders [Registration through inspira: LMS-2399]</p>

Who in the UN leads and/or coordinates this policy area/domain?

- SG - Secretary-General of the United Nations
- SC - Special Coordinator on improving UN response to sexual exploitation and abuse
- OSC - Office of the Special Coordinator on improving UN response to sexual exploitation and abuse
- HLSG-High Level Steering Group on SEA (established in 2016) composed of all heads of offices, departments, funds and programmes involved in strengthening system-wide response to SEA
- OIOS chairs UN-RIS standing task force on improving SEA investigations [SG report Feb 2019 (A/73/744) para.47]

- CEB - UN System Chief Executives Board
- CEB Secretariat
- CEB Task Force on Addressing Sexual Harassment established in November 2017 by CEB and currently chaired by Ms. Kelly T. Clements, United Nations Deputy High Commissioner for Refugees
- CEB Task Force has a sub-working group on strengthening SH investigative capacity in UN system (UN SH fact sheet p.3)



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