

United Nations

Glossary on Sexual Exploitation and Abuse

Thematic Glossary of current terminology related to Sexual
Exploitation and Abuse (SEA) in the context of the United Nations

Second Edition

Prepared by the Task Team on the SEA Glossary for the
Special Coordinator on improving the United Nations response to
sexual exploitation and abuse

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UN Glossary on Sexual Exploitation and Abuse

Introduction

Following a call for better coordination of the UN system to address sexual exploitation and abuse (SEA), in January 2016 the Secretary-General established a High-Level Steering Group under the leadership of his Chef de Cabinet, comprising heads of the offices, departments, funds and programmes involved in responding to issues of sexual abuse and gender based violence. The role of the HLSG is to ensure that the senior management team is directly involved in the strengthening and alignment of the system-wide response to sexual exploitation and abuse irrespective of whether allegations are made against United Nations or non-United Nations forces authorized under a Security Council mandate. In March 2016, the HLSG identified the need to establish a common understanding of terminology in the context of sexual exploitation and abuse for purposes of enhanced communication.

This glossary aims at compiling existing terminology and nomenclature related to SEA to provide conceptual clarity and a common understanding of key terms used by different United Nations entities in the discourse on this topic. It is the product of the collaboration of the following entities: Department of Field Support (DFS), Department of Peacekeeping Operations (DPKO), Executive Office of the Secretary-General (EOSG), International Criminal Tribunal for the former Yugoslavia (ICTY), Office for the Coordination of Humanitarian Affairs (OCHA), Office of the High Commissioner for Human Rights (OHCHR), Office of Human Resources Management (OHRM), Office of Internal Oversight Services (OIOS), Office of Legal Affairs (OLA), Office of the Special Representative for Children and Armed Conflict (OSRSG CAAC), Office of the Special Representative on Sexual Violence in Conflict (OSRSG SVC), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Environment Programme (UNEP), United Nations High Commissioner for Refugees (UNHCR), United Nations Population Fund (UNFPA), United Nations Office at Geneva (UNOG), United Nations Office on Drugs and Crime (UNODC), United Nations Office at Vienna (UNOV), United Nations Relief and Works Agency (UNRWA) and World Food Programme (WFP).

The glossary comprises a set of terms and definitions as they are normally used and understood by key UN entities in the context of SEA. Slight variations in terminology may exist between different entities as a result of distinct reporting requirements or drafting styles, but these differences do not hinder a common understanding of the meaning of the term. Where possible, one standard definition is provided. Where it was not feasible to include one standard definition of a term, more than one definition is presented with an explanation as to the relevant context. Finally it is noted that this is a living document and that for comprehensiveness, the glossary also includes terminology applicable to acts by non-UN international forces acting under a Security-Council mandate, which may not be applicable to SEA by United Nations personnel.

Disclaimer: The glossary does not have any legal effects and will serve as a reference tool in connection with the UN system wide response to SEA. All terms and definitions are to be read in the context of SEA.

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SECTION I : NORMATIVE

1.1. GENERAL TERMS – SEA AND MISCONDUCT

1. UN Standards of Conduct

Norms of conduct adopted by the United Nations for the conduct of its personnel, as defined in United Nations regulations, rules or other administrative issuances for its staff members, as well as other documents adopted by the United Nations to regulate the conduct of other categories of personnel than its staff members. The Standards of Conduct include the obligation to uphold and respect the principles set out in the Charter, and to be always guided by the following principles: fundamental human rights, social justice, the dignity and worth of the human person and respect for the equal rights of men and women and of nations great and small. The current UN Standards of Conduct were adopted by General Assembly resolution A/RES/76/257 and are contained in A/67/30.

2. Zero-tolerance policy

The United Nations policy establishing that sexual exploitation and abuse by United Nations personnel is prohibited and that every transgression will be acted upon.

3. Misconduct

For UN staff members, misconduct may arise through the failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant. Sexual exploitation and abuse constitutes serious misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures.

For UN military contingent personnel, misconduct means any act or omission that is a violation of United Nations Standards of Conduct, mission – specific rules and regulations or the obligations towards national and local laws and regulations in accordance with the status of forces agreement or status of mission agreement where the impact is outside the national contingent of military forces or UN mission. Misconduct is considered serious, when it includes criminal acts that result in or are likely to result in, serious loss, damage or injury to an individual or to a mission. Sexual exploitation and abuse constitutes serious misconduct.

For personnel other than those mentioned above, misconduct is defined as per the instruments that regulate their conduct.

4. Sexual abuse

Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Comment: All sexual activity with a child is considered as sexual abuse. "Physical intrusion" is understood to mean "sexual activity". "Sexual abuse" is a broad term, which includes a number of acts described below, including "rape", "sexual assault", "sex with a minor", and "sexual activity with a minor".

5. Sexual activity

Physical contact of a sexual nature.

6. Sexual exploitation

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.

Comment: “Sexual exploitation” is a broad term, which includes a number of acts described below, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

7. Sexual exploitation and abuse (SEA)

A breach of the provisions of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), or the same definitions, as adopted for military, police and other United Nations personnel.

1.2. TERMS USED IN THE SECRETARY-GENERAL’S REPORTS ON SPECIAL MEASURES FOR PROTECTION FROM SEA TO DESCRIBE THE NATURE OF ALLEGATIONS CONSTITUTING SEA

The following terms are used in the tables in the annexes to the report on Special Measures for protection from sexual exploitation and sexual abuse, A/70/727.

Regarding the use of child vs. minor, in the current reporting of SEA, the term minor and child are often used interchangeably when referring to a person under the age of 18. It is noted that “child” is the internationally defined term (Convention of the Rights of the Child) and therefore the preferred option.

8. Rape

Penetration – even if slightly – 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.

Comment: This term is used in the Secretary-General’s report on Special Measures for Protection from Sexual Exploitation and Sexual Abuse A/70/729 for entities other than peace operations.

9. 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 narrower conceptions of “rape”, especially because (a) it may be committed by other means than force or violence, and (b) it does not necessarily entail penetration.

10. Sex with a minor

Sexual penetration of a person younger than 18. Sexual penetration include(s) the penetration of the vagina, anus, or mouth by the penis or other body part, and also includes the penetration of the vagina or anus by an object. Sexual penetration of a child is prohibited regardless of the age of

majority or consent locally and is considered as sexual abuse. Mistaken belief in the age of a child is not a defence.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for entities other than peace operations.

11. Sexual activity with minor

Sexual activity with a person younger than 18. 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 in the age of a child is not a defence.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations.

12. Paternity

The state of being someone's biological father, often pertaining to a legal dispute in which a man is alleged to be the biological father of a child.

13. Transactional sex

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

Comment: Sex, including sexual favours, is understood to mean "sexual activity".

This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations. It will replace the term "Exchange of money, employment, goods or services for sex" used in A/70/729 and previous reports on Special Measures for protection from sexual exploitation and sexual abuse for entities other than peace operations.

14. Solicitation of transactional sex

Requesting transactional sex.

Comment: This term will replace the term "solicitation of a prostitute" which has been used in A/70/729 and previous reports on Special Measures for protection from sexual exploitation and sexual abuse for entities other than peace operations.

15. Solicitation of a prostitute

See: solicitation of transactional sex

16. 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.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations.

17. Trafficking of persons for sexual exploitation

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or

of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above (e.g. threat or the use of force or other forms of coercion etc.).

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for entities other than peace operations

1.3. RELATED TERMS – HUMAN RIGHTS AND OTHER CATEGORIES

The terms below also may be used to describe certain conduct or behaviour of sexual nature. They are usually used in different contexts and used in reports other than the special measures report by UN entities including OHCHR, OSRSG SVC, UNICEF, and UN Women.

While it is agreed that SEA must be viewed through a human rights lens, the UN is in the process of determining under what criteria SEA rises to the level of a human rights violation or to conflict-related sexual violence.

18. Human rights violation

State transgressions of the rights guaranteed by national, regional and international human rights law. They are acts and omissions attributable to the State involving the failure to implement legal obligations deriving from human rights standards.

19. Human rights

Universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. They are inherent to all human beings and are founded on respect for the dignity and worth of each person. Human rights are expressed, promoted and guaranteed by law, specifically through national laws, bilateral, regional and international treaties, norms and standards, customary international law, general principles of law and other sources of international law.

20. Conflict-related sexual violence

Incidents or patterns of sexual violence – including rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity - perpetrated against women, men, girls or boys that is directly or indirectly linked (temporally, geographically or causally) to a conflict. This link with conflict may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim (who is frequently a member of a persecuted political, ethnic or religious minority), the climate of impunity (which is generally associated with State collapse), cross-border consequences (such as displacement or trafficking in persons) and/or violations of the terms of a ceasefire agreement.

21. Sexual Violence

Acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of

violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing, etc.

22. 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. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.

23. Violence against women

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

24. Sexual harassment

Sexual harassment is not SEA. Sexual harassment refers to prohibited conduct in the work context and can be committed against UN staff and related personnel. In context of the United Nations, sexual harassment primarily describes prohibited behaviour against another UN staff or related personnel, which may also include nationals of the host state. It is defined for UN staff by ST/SGB/2008/5 and similar directives for uniformed personnel and involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

Conduct or behaviour of a sexual nature is considered SEA when this conduct or behaviour amounts to either sexual exploitation or sexual abuse as defined in ST/SGB/2003/13.

Beyond UN regulations, the definition of sexual harassment is broader and does not require a link to the work environment. It is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Comment: “Sexual harassment” has been included in the glossary to show the distinction between SEA and sexual harassment.

SECTION II: INDIVIDUALS LINKED TO SEA MATTERS

25. Source

A person (or group of persons), institution, organization or other entity that provides information on an incident or situation that could constitute SEA.

26. Complainant

Commonly understood, a person who brings an allegation of SEA to the attention of the UN in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.

In the implementation of General-Assembly mandated activities, a persons who alleges, in accordance with established procedures, that he/she has been, or is alleged to have been, sexually exploited or abused by United Nations staff or related personnel and international forces acting under a Security Council mandate, but whose claim has not yet been established through a United Nations administrative process or Member States’ processes, as appropriate.

27. Victim

Commonly understood, a person who is, or has been, sexually exploited or abused.

In the implementation of General-Assembly mandated activities, an individual, whose claims that he/she has been sexually exploited or abused by United Nations staff or related personnel have been established through a United Nations administrative process or Member States’ processes, as appropriate.

Comment: Different definitions of victim trigger different consequences; therefore it is important to use them contextually.

28. Survivor

Reference is made to the term “victim” above. ‘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.

29. Minor/Child

A person under the age of 18, regardless of the age of majority or age of consent locally.

Currently, in the reporting on SEA, the term minor and child are used interchangeably when meaning a person under the age of 18. It is noted that child is the preferred option, as it is the internationally defined term (Convention of the Rights of the Child).

30. Beneficiary of Assistance

All persons who receive services and assistance from the United Nations or its funds and programmes are considered beneficiaries of assistance.

31. Subject (of an investigation)

A person or entity who/that is the focus of an investigation.

32. Perpetrator

A person (or group of persons) who commits an act of SEA or other type of crime or offence.

Under International Human Rights Law, perpetrator can refer also to state institutions, entities or agents that failed to meet human rights obligations.

33. Whistle-blower

In general, any UN staff or related personnel who reports sexual exploitation or abuse.

In the context of the policy for protection against retaliation, in defined circumstances, a staff member, intern or United Nations volunteer who reports misconduct, including sexual exploitation or abuse, may be entitled to protection under the terms of the Secretary-General's Bulletin S/SGB/2005/21.

34. Witness

A person who observed, or has direct knowledge of, something under investigation.

35. Investigator

An individual who is authorized and responsible to conduct an investigation.

36. National Investigation Officer

One or more individuals designated by a troop contributing country (TCC) to a United Nations field mission to conduct an investigation into an allegation referred to a TCC. This definition is limited to investigations conducted under the memorandum of understanding (MOU) for TCC's and does not apply to investigations referred to member states under different processes (ie non-UN forces)

37. United Nations personnel

United Nations officials, including United Nations staff members, United Nations Volunteers, United Nations Experts on Mission, including military experts on mission (UNMEM), Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs) and police advisers, Government-

Provided Personnel, United Nations military staff officers and members of United Nations military contingents.

38. United Nations civilian personnel

United Nations officials, including United Nations staff members, United Nations Volunteers, and civilian personnel with the status of United Nations experts on mission.

39. United Nations military personnel

Military personnel deployed to United Nations peace operations, including military experts on mission (UNMEM), military staff officers and members of military contingents.

40. United Nations military contingent personnel

Personnel of a military contingent deployed to a United Nations field missions under a Memorandum of Understanding with the United Nations.

41. United Nations police personnel

Police personnel deployed to United Nations field missions, including, Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs) and police advisers.

42. Implementing partner

Entity responsible and accountable for ensuring proper use of agency-provided resources and implementation and management of the intended programme as defined in the work plan. Implementing partners may include – but are not limited to – government institutions, inter-governmental organizations, eligible civil society organizations and United Nations agencies.

43. Experts on Mission

Personnel with the status of United Nations Expert on Mission, including military experts on mission (UNMEM), Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs), police advisers and government-provided personnel.

44. United Nations officials and staff members

United Nations officials, including staff members, of the United Nations Secretariat, and the United Nations funds and programmes.

45. Affiliated personnel

Personnel engaged by the United Nations as individual consultants/contractors who do not have the status of experts on mission.

Comment: The following categories of personnel are excluded from the above definitions of United Nations personnel and Affiliated personnel: (i) Personnel of UN Specialized Agencies and related organizations; (ii) Vendor personnel; and (iii) NGO personnel

46. Personnel of UN Specialized Agencies

Staff members and personnel of specialized agencies and related organizations of the United Nations such as WHO, FAO, ILO, UNESCO etc.

47. United Nations Staff and related personnel:

United Nations staff members, consultants, individual contractors, United Nations Volunteers, experts on mission and contingent members.

SECTION III : PROCEDURAL**48. Complaint**

Information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the UN Standards of conduct but that has yet to be assessed.

49. Hotline/Helpline

A telephone number that allows persons wishing to report wrongdoing to do so. A hotline may be complemented with other technology-based reporting mechanisms, such as, online request form, or email address.

50. Community-based complaint reception mechanism

A community-based complaints reception mechanism (CBCM) is a system blending both formal and informal community structures, where individuals are able and encouraged to safely report incidents of SEA. Local communities are involved in developing the CBCM so that the structure is both culturally and gender-sensitive. The mechanism should be safe, confidential, transparent and accessible and should have multiple entry points, allowing reports to be made through various channels, through community structures or focal points, prevention of SEA (PSEA) networks, organizational focal points.

51. Report of possible misconduct

Information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the UN Standards of Conduct.

52. Malicious/False complaint

Intentionally providing false or misleading information.

53. Date of occurrence / incident

Date, including period of several dates, on which the reported breach of the UN Standards of Conduct took place.

54. Information gathering

The initial gathering of sufficient information, following the receipt of a complaint, to proceed with an assessment of this information.

In the human rights context, it means the process of gathering information to establish facts for human rights investigations or the provision of assistance and protection measures to survivors.

55. Preservation / safeguarding of evidence

Ensuring that evidence, such as blood and semen samples, that could otherwise be lost due to the passage of time, mishandling, improper collection or storage, is properly obtained, kept, recorded and preserved. This includes the making of a photographic record of locations where the incident is alleged to have taken place and the recording of identification details for potential witnesses.

56. Assessment (of an allegation)

A review of information received to determine if this information amounts to an allegation of misconduct that warrants referral for an investigation.

57. Preliminary fact-finding inquiry

For UN military contingent personnel, the collection and preservation of evidence necessary to ensure that a national or United Nations investigation can be successfully carried out at a later stage. This inquiry follows an assessment, a determination that prima facie ground exists and a referral for investigation to a TCC. While this inquiry may involve the collection of written statements, it will not normally include the interviewing of witnesses or other involved persons.

Comment: This term is used in the Memorandum of Understanding between the United Nations and individual troop-contributing countries.

58. Allegation of misconduct

Commonly understood as uncorroborated information pointing to the possible occurrence of misconduct or a crime.

In the specific context of a disciplinary process involving a UN staff member, an “allegation of misconduct” is a notification in writing, from the Administration to the staff member, setting out the facts alleged to have occurred and requesting the staff member to provide his or her comments thereon. Allegations of misconduct are normally issued following an investigation. The issuance of allegations of misconduct represents the start of the disciplinary process vis-à-vis staff members, which may result in the imposition of disciplinary measures.

Comment: In the context of reports of serious misconduct implicating military contingent personnel governed by the Memorandum of Understanding between the United Nations and individual troop-contributing countries, the term "allegation" is used, to refer to a report that has been assessed as having been sufficiently credible to warrant referral for investigation.

59. Prima facie grounds

For UN agencies, funds and programmes, prima facie evidence is the fact that there is sufficient credible evidence to open an investigation into an allegation.

In respect of the Standard Operating Procedures for the Memorandum of Understanding between the United Nations and individual troop-contributing countries, prima facie grounds refer to sufficient details to identify possible victim(s) and act(s) of alleged misconduct or serious misconduct by member(s) of a specific national contingent, to be established through investigation of the matter.

60. Investigation

A legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons or entities responsible.

61. Case

A situation requiring the attention and possible action of a person who has become aware of it.

For OIOS, a matter predicated for investigation, normally after assessment. A single case may relate to several perpetrators and/or victims.

For UNDP, a case can be under assessment or under investigation. One case usually relates to one perpetrator.

For UNICEF, each alleged perpetrator (even of the same event) is treated as a separate case for reporting on to OHRM on SEA. For UNICEF's mandate, each victim is treated as a separate case.

For UNHCR, each alleged perpetrator is treated as a separate case. Cases refer to opened investigations.

62. Informed consent

Consent signifies the approval by the participant for the information to be used as explained. Consent is often given with limitations. It must therefore be specified whether all the data and information provided can be used, including the identity of the participant, or whether the information may be used on condition that the identity of the participants is kept confidential. The participant may deem some parts of their testimony to be confidential, and others not: this should also be clarified and recorded. Informed consent is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced. Children's informed consent should take into consideration their evolving capacities. In the case of a child, informed consent should be voluntary with the informed consent of the child and a parent or guardian. Persons with disabilities may need specific support based on the nature of their impairment whether it be physical, intellectual, or mental, to give consent. Even if informed consent is granted, the information collector has an obligation to assess the potential implications of the use of that information on the safety of the person providing it, and on others involved, and to minimize any additional risk to the participants that may be incurred.

Comment: Discussions on the detailed requirements for informed consent are ongoing. Consequently, this definition might be revised in the near future.

63. Investigation report

The full account of the relevant facts, reporting the findings resulting from an investigation.

64. Evidence

Information which tends to establish or disprove a fact material to a case. It includes, but is not limited to, oral testimony of witness, including experts on technical matters, documents, electronic, audio, video records and photographs, and biological evidence, such as blood, hair and semen.

65. Interview

The questioning of a person for the purpose of gathering relevant information related to a SEA matter.

66. Investigation authority

The entity, organization, member state or agency mandating the conduct of an investigation and with the required authority to gather available evidence, including the power to compel a perpetrator to cooperate with the investigation.

67. Credible evidence

Generally, evidence which is worthy of belief. There is no single formula for determining what will constitute credible evidence in a given case. The determination as to whether credible evidence exists will be ultimately made by United Nations headquarters when the cases are reviewed collectively, based on the preliminary fact-gathering and assessment carried out by the United Nations. When making the determination, any initial information gathered by the United Nations as well as the outcome of the interview or interviews of the implicated individuals (either conducted by the National Investigation Officers of the concerned TCC/PCC, if appointed, or as part of the United Nations administrative investigation) will also be taken into account, if available. Reference in this respect is made to the Guidance to the Implementation of Security Council resolution 2272 (2016).

Comment: This formulation is based on the Operational Guidance on the Implementation of S/RES/2272. In this resolution, the Security Council calls upon Member States deploying non-United Nations forces authorized under a Security Council mandate to take appropriate steps to investigate allegations of sexual exploitation and abuse, hold perpetrators accountable and repatriate units when there is credible evidence of widespread or systemic sexual exploitation or abuse by those units

68. Substantiated

The investigation concluded that there is sufficient evidence to establish the occurrence of SEA.

69. Unsubstantiated

The available evidence was insufficient to allow for an investigation to be completed or the investigation concluded that there was insufficient evidence to establish the occurrence of SEA, for a variety of reasons and does not necessarily mean that the allegation was necessarily false.

70. Closure report

Internal, confidential document prepared for investigations that do not result in a recommendation for consideration of disciplinary, administrative or other action. A closure report is normally used in the following circumstances:

- a) Where the evidence obtained in the course of the completed investigation does not substantiate the matters under investigation;
- b) Where, due to the circumstances, further investigation is not warranted and the case will be closed.

- c) Where due to circumstances a full investigation was not possible.

71. Case closed

- a) A case was decided to be unsubstantiated or for which further investigation was not warranted and for which a closure report has been issued
- b) Alternatively, a case was concluded to be substantiated, accountability measures have been implemented and completed.
- c) Where circumstances prevented a full investigation of the case.

72. Vetting

The Department of Field Support's process of verifying if a candidate for deployment to a United Nations peacekeeping operation or special political mission has a history of reports of prior misconduct while in the service of United Nations peace operations, based on available records in the Department of Field Support's Misconduct Tracking System.

73. Human Rights screening

Under the Policy on Human Rights Screening of UN Personnel, the processes by which the UN Secretariat seeks, reviews and takes into consideration information regarding individuals' or groups of prospective personnel's prior conduct in relation to criminal offences and violations of international humanitarian and human rights law, relying on information (i) provided by Member States, (ii) from individual self-attestations, and (iii) from the UN Secretariat established procedures to seek, gather and analyse relevant information.

74. Widespread

There is no strict formula for determining when sexual exploitation and abuse has been widespread. Each instance will need to be assessed based on its specific circumstances; however some or all of the relevant factors set out in the Guidance to the Implementation of Security Council Resolution 2272 (2016) will be taken into account in any specific case.

Comment: This text is based on the Operational Guidance on the Implementation of S/RES/2272.

75. Systemic

There is no strict formula for determining when sexual exploitation and abuse has been systemic. Each instance will need to be assessed based on its specific circumstances; however some or all of the relevant factors set out in the Guidance to the Implementation of Security Council Resolution 2272 (2016) will be taken into account in any specific case.

Comment: This text is based on the Operational Guidance on the Implementation of S/RES/2272.

76. Confidentiality

The disclosure of certain information is restricted.

77. Assistance to victim / Victim Assistance

Assistance and support for medical, psychosocial, legal and other services to be provided to a complainant, a victim or a child born as a result of sexual exploitation and abuse as defined under A/RES/62/214. For the humanitarian sector, including UN Agencies, Funds and Programmes, the provision of assistance to victims of SEA does not require individuals to go through an administrative

process to be eligible for services.

78. Fraternization

Associating socially with someone from the local population in which the United Nations is deployed for purposes unrelated to the exercise of UN mandated activities.

Note: There may be a strict policy of non-fraternization in place in a mission or defined area within a mission. The following acts are, however, strictly prohibited regardless of whether any fraternization is permitted by United Nations personnel:

- a) Sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- b) Any sexual contact in exchange for money, employment, goods or services, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes any exchange of assistance that is due to beneficiaries of assistance.

79. Administrative actions

Measures taken by the United Nations against UN staff, police and military personnel, either as interim measures or final, within the authority of the United Nations (would include written or oral reprimand; recovery of monies owed to the Organization; placement on administrative leave, repatriation or financial measures).

80. Criminal accountability

The concept that prohibited behaviour can violate criminal law and consequently lead to a criminal procedure before an established court system.

81. Court Martial

A military judicial court for trying members of the armed services accused of offences against military law. In-situ court martials are understood as court martials which take place in the host country of a peacekeeping or special political mission.

82. Disciplinary measure / action

Vis-à-vis staff members, disciplinary measures are imposed following a disciplinary process. Under Staff Rule 10.2(a), they may take the following forms: written censure; loss of one or more steps in grade; deferment, for a specified period, of eligibility for salary increment; suspension without pay for a specified period; fine; demotion with deferment, for a specified period, of eligibility for consideration for promotion; separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity; and dismissal. SEA is serious misconduct and results in the most serious disciplinary measures.

83. Human rights accountability

Refers to measures taken to acknowledge, assume responsibility for, and redress human rights violations. Where SEA rises to the level of a human rights violation, accountability stems from legally binding obligations in international human rights law. In that case, accountability entails measures that duty-bearers – both the State where SEA takes place and the State of origin of the perpetrator – need to take to prevent, protect from and remedy human rights violations that are a cause or

consequence of SEA. Accountability is the responsibility of the duty-bearer, irrespective of whether the violation is perpetrated by the government, non-state actors and/or individuals.